

**REQUEST FOR QUALIFICATIONS
AND
REQUEST FOR PROPOSALS
(RFQ/RFP)**

**FOR THE
BLOCK 587, LOTS 3.01, 3.02 AND 3.03
REDEVELOPMENT AREA**

LINDEN, NEW JERSEY

DUE DATE: June 18, 2020

Issued by:

CITY OF LINDEN
301 NORTH WOOD AVENUE
LINDEN, NEW JERSEY 07036

Redevelopment Counsel
McManimon Scotland & Baumann, LLC
75 Livingston Avenue
Second Floor
Roseland, New Jersey 07068

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GLOSSARY

Capitalized terms used herein shall have the meaning assigned to such terms below:

“Agreement” means any contractual arrangement entered into between a Qualified Respondent and the City with respect to all or a portion of the Redevelopment Area.

“City” or “Linden” means the City of Linden in the County of Union, State of New Jersey.

“County” means the County of Union, New Jersey.

“Day” means a calendar day of twenty-four hours measured from midnight to the next midnight.

“Designated Contact Person” means Alex Lospinoso, Chief of Staff to the Mayor, 301 N. Wood Avenue, Linden, New Jersey 07036.

“Issuer” means the City.

“Open Public Meetings Act” means *N.J.S.A 10:4-6 et seq.*, as may be amended or supplemented from time to time.

“Open Public Records Act” means *N.J.S.A 47:1A-1 et seq.*, as may be amended or supplemented from time to time.

“Project Concept” shall be as described in Section 3.3.6 hereof.

“Project Organization Plan” shall be as described in Section 3.3.7 hereof.

“Project Team” shall be as described in Section 4.1.

“Qualified Respondent” means a Respondent which, in the sole discretion of the Issuer, meets the requirements of this RFQ/RFP.

“Redevelopment Area” means the property commonly known as Block 587, Lots 3.01, 3.02 and 3.03 on the tax map of the City of Linden, State of New Jersey.

“Redevelopment Law” means the Local Redevelopment and Housing Law, codified at *N.J.S.A. 40A:12A-1 et seq.*, as same may be amended or supplemented from time to time.

“Redevelopment Plan” means “Redevelopment Plan Block 587, Lots 3.01, 3.02 and 3.03 (LCP Site)” prepared February 7, 2020 and adopted April 21, 2020, a copy of which is attached hereto as Exhibit A.

“Respondent” means an entity or individual who submits a Response to this RFQ/RFP.

“Response” means a submission to the Issuer prepared in accordance with Section 3 hereof.

“RFQ/RFP” means this Request for Qualifications and Request for Proposals.

“State” means the State of New Jersey.

SECTION 1 INTRODUCTION AND GENERAL INFORMATION

1.1

A. Overview

The City is issuing this RFQ/RFP to assess the qualifications of developers interested in the acquisition and redevelopment of the Redevelopment Area which is comprised of approximately 25.03 acres. Currently, Block 587, Lots 3.01, 3.02 and 3.03 is the location of a disused chemical/gas manufacturing facility, with heavy industrial uses and vacant lands to the north, east, south and west of the Redevelopment Area.

As a result of the conditions within the Redevelopment Area, on September 17, 2019, the City Council adopted a resolution designating the Redevelopment Area as an “area in need of non-condemnation redevelopment” under the Redevelopment Law. The City intends to utilize the powers granted to it under the Redevelopment Law to encourage and incentivize the revitalization of the Redevelopment Area, including the undertaking of this RFQ/RFP.

B. Redevelopment Area

The Redevelopment Area was designated as a redevelopment area on September 17, 2019. On April 21, 2020, the City adopted the Redevelopment Plan which established the standards for any development within the Redevelopment Area with the goal of eliminating or reversing the conditions of blight within the area.

C. Redevelopment Plan Goals

The overall goal of the Redevelopment Plan for the Redevelopment Area is to revive an underutilized area with the creation of assembly and packaging facilities, data centers, public utilities, tank farms, manufacturing, processing, fabrication and assembly or industrial service uses and related uses to meet the needs of the surrounding market area. The City wishes to eliminate structures, which by reason of dilapidation, deterioration, age and obsolescence and related factors are unsafe or substantially impair the sound growth, planning and functioning of this portion of the City. The goal is to create an attractive and visually appealing environment. In furtherance thereof, the Issuer is seeking Qualified Respondents for consideration in selecting a “redeveloper” (as such term is defined in the Redevelopment Law) for the Redevelopment Area.

The Redevelopment Plan, as currently written, allows for development of assembly and packaging facilities, data centers, public utilities, tank farms, manufacturing, processing, fabrication and assembly or industrial service uses. The City will consider proposals that offer alternatives to the Redevelopment Plan, recognizing that such a proposal may require an amendment to the Redevelopment Plan pursuant to the process set forth in the Redevelopment Law.

D. Redevelopment Area Conditions

The Respondent to this RFQ/RFP should become familiar with the Redevelopment Area and the City, and should be prepared to provide a formal response that sets forth a comprehensive strategy for redevelopment of the Redevelopment Areas.

E. Purchase Price

Respondents must provide a competitive offer to the Issuer for the acquisition of the Redevelopment Area, understanding that the Redevelopment Area contains extensive contamination in groundwater, soil, sediments and building material, as evidenced by the Redevelopment Area's inclusion on the National Priorities List in 1998.

1.2 RFQ/RFP Documents

Each Respondent should inspect its copy of this RFQ/RFP to ensure that a complete set of the documents (including any Exhibits) is included. If a Respondent discovers that its copy of this RFQ/RFP is incomplete, it should immediately contact the Designated Contact Person. The Issuer will make appropriate and reasonable arrangements with the Respondent to provide any missing items. Each Respondent must prepare its Response using a complete RFQ/RFP, including any addenda issued by the Issuer prior to the date established for submission of all Responses. Neither the Issuer, nor its agents or employees, shall be responsible for errors, omissions, incomplete submissions or misinterpretations resulting from the Respondent's use of an incomplete RFQ/RFP in preparing or submitting its Response.

1.3 Examination of Documents, Familiarity with the Services Required to be Performed

It is the responsibility of each Respondent before submitting a Response to (a) examine this RFQ/RFP thoroughly; (b) become familiar with and consider all federal, State and local laws, regulations, ordinances, permits, approvals and orders that may affect the cost, performance or furnishing of the services; and (c) notify the Issuer of all conflicts, errors or discrepancies in this RFQ/RFP.

The submission of a Response will constitute a conclusive and binding representation by such Respondents that such Respondent has agreed to, and complied with, every requirement of this RFQ/RFP.

1.4 Pre-Submission Conference

A Pre-Submission Conference with prospective Respondents, including a discussion of the overall Redevelopment Area and this RFQ/RFP, will take place telephonically on May 26, 2020 at 11:00 a.m. Respondents should email Alex Lospinoso at ALospinoso@linden-nj.org, with copy to Rebecca Tattoli at RTattoli@linden-nj.org to advise of the names of all representatives of Respondents planning to attend the Pre-Submission Conference. To access the conference call line, please use dial 973-622-3973, followed by ID: 10 and Pin: 2590#. Attendance at the Pre-Submission Conference is strongly suggested for all Respondents, but is not required.

1.5 Evaluation Process

The Issuer intends to evaluate all Responses in accordance with Section 4.1 hereof and may select a Qualified Respondent from among such Responses, however, the Issuer retains the discretion to reject all of the Responses.

1.6 Schedule

May 26, 2020	Pre-Submission Conference Call (11:00 a.m.) 973-622-3973; ID: 10; Pin: 2590#
May 29, 2020	Last Day to submit questions or requests for clarifications
June 18, 2020	Receipt of Responses (10:00 a.m. prevailing time)

1.7 Conditions

By responding to this RFQ/RFP, the Respondent acknowledges and consents to the following conditions relative to the submission, review and consideration of its Response:

- The issuance of this RFQ/RFP is not intended and shall not be construed to commit the City to execute any agreement with any Respondent.
- The Issuer reserves the exclusive rights set forth herein, including without limitation those set forth in Section 1.8 hereof.
- Neither the Issuer nor its staff, nor any of its consultants will be liable for any claims nor damages resulting from the solicitation or collection of Responses, nor will there be any reimbursement to Respondents for the cost of preparing the Response or for participating in this RFQ/RFP process.
- All Responses will become the property of the Issuer and will not be returned.
- Information of a confidential or proprietary nature will be kept confidential during and after the procurement process to the extent permitted by law when such information is properly identified by the Respondents in accordance with Section 3.1.4 herein.
- All activities related to the provision of the services as contained herein shall be subject to compliance with all applicable federal, State and local laws, environmental regulations and/or other applicable requirements.

All documentation and information provided by the Issuer in connection with this RFQ/RFP is believed to be accurate and correct, however, the City makes no guarantees as to the accuracy of the information provided. Respondents are instructed to notify the Issuer (in writing,

directed to the Designated Contact Person) of any information provided herein that it believes is not accurate or correct.

1.8 Rights of the Issuer

The Issuer reserves, holds, and may exercise, at its sole discretion, the following rights and options with regard to this RFQ/RFP process:

- To reject, for any reason, any and all responses and components thereof and to eliminate any and all Respondents responding to this RFQ/RFP from further consideration for this procurement;
- To eliminate any Respondent who submits incomplete or inadequate responses or is not responsive this RFQ/RFP;
- To reject all Responses or any non-responsive Responses;
- To supplement, amend, or otherwise modify this RFQ/RFP;
- To waive any technical, or other, nonconformance of the Responses, whether material or otherwise;
- To change or alter the schedule for any events called for in this RFQ/RFP;
- To conduct investigations of any or all of the Respondents and their Responses as the Issuer deems necessary or convenient, to clarify the information provided as part of the Response, including discussions with contact persons or prior clients, regulatory agencies and visits to the facilities or projects referenced in its Response, and to request additional information to support the information included in any Response;
- To decline to award an Agreement for any reason;
- To abandon this RFQ/RFP process at the Issuer's convenience at any time for any reason;
- To proceed with a Qualified Respondent that, in the Issuer's sole judgment, best serves the interest of the City;
- To facilitate the negotiation and execution of an Agreement with the City under applicable law;

- To designate or consult with another agency, group, consultant, individual, or public body to act at any time during the term of this procurement process in its place or on its behalf;
- To award any Agreement subject to final adoption of all necessary authorizations; and/or
- To interview any and all Respondents.

1.9 Submission Date

Responses shall be submitted via email to wnorthgrave@msbnj.com, with copy to jpolles@msbnj.com, on or before June 18, 2020 at 10:00 a.m., as more fully set forth in Section 3.1.

{END OF SECTION 1}

SECTION 2 THE REDEVELOPMENT AREA

2.1 City of Linden

The City of Linden is located in the eastern portion of Union County within the New York/New Jersey metropolitan area. The City is an older suburban community with a diverse population of approximately 42,500 citizens. Residents enjoy an exceptional quality of life with access to public services, numerous community facilities, and local parks.

2.2 Access

The Redevelopment Area is located in the southeastern part of the City with frontage on unnamed private roadways with access easements located on Block 587 to the north and is surrounded by railway rights-of-way to the south, west and east.

2.3 Prospective Land Uses

Prospective land uses for the Redevelopment Area are reflected in the Redevelopment Plan. Respondents are encouraged to review the Redevelopment Plan and the proposed uses for the Redevelopment Area. Likewise, Respondents are encouraged to provide responses that can utilize the Redevelopment Area to its greatest potential, even if such development or uses are not consistent with the Redevelopment Plan. If a Response is not consistent with the Redevelopment Plan, the Respondent shall identify the revisions that would be required in said Redevelopment Plan that would serve to further the redevelopment of the Redevelopment Area and the City as a whole. As part of its Response, Respondent shall submit general information relative to its desired future use of all of the Redevelopment Area. If a proposal is accepted, the City will consider appropriate amendment(s) to the Redevelopment Plan.

2.4 Project Phasing

Respondent should indicate whether its proposed project will be conducted in phases or if Respondent is interested in developing one or more phases but less than the whole of the Redevelopment Area. If phasing is required, Respondent should provide a description of the phasing schedule, including specific dates for the completion of each phase.

2.5 Site Characteristics

The Redevelopment Area currently is the site of a disused chemical/gas manufacturing facility, with records indicating that the Redevelopment Area was primarily used to manufacture hydrogen, chlor-alkali and sodium hypochlorite. Heavy industrial uses predominate the north, east, south and west of the Redevelopment Area, and the Redevelopment Area contains flood hazard areas, and mapped wetland areas in the immediate vicinity.

2.6 Environmental Conditions

The Redevelopment Area contains extensive contamination in groundwater, soil, sediments and building materials. This is evidence by the Redevelopment Area's inclusion on the National Priorities List in 1998. The National Priorities List is the list of sites of national priority among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States and its territories. Sites listed on the National Priorities List are commonly referred to as Superfund Sites.

THE REDEVELOPMENT AREA IS BEING MADE AVAILABLE FOR PURCHASE AND REDEVELOPMENT "AS IS", INCLUDING WITH RESPECT TO ANY ENVIRONMENTAL CONDITIONS AT OR AFFECTING THE REDEVELOPMENT AREA, AND THE ISSUER DOES NOT MAKE ANY REPRESENTATIONS, WARRANTIES OR GUARANTEES OF ANY KIND, INCLUDING WARRANTIES OF MARKETABILITY OR FITNESS FOR PARTICULAR USE OF THE REDEVELOPMENT AREA, REGARDING THE CONDITION OF THE REDEVELOPMENT AREA. Without limiting the generality of the preceding paragraph, EACH RESPONDENT SHALL BE RESPONSIBLE FOR UNDERTAKING ITS OWN DUE DILIGENCE WITH RESPECT TO THE ENVIRONMENTAL CONDITIONS OF OR AFFECTING THE REDEVELOPMENT AREA. In no event will the Issuer pay or reimburse the costs associated with such due diligence efforts.

2.7 Redevelopment Plan, Approval Process and Zoning

The Redevelopment Area is located within a municipally-designated "area in need of redevelopment" in accordance with the provisions contained within the Redevelopment Law. This designation permits the City to undertake a review of the planning and zoning needs for the area. The Redevelopment Plan may be amended to reflect any necessary superseding zoning changes to conform to the applicable use of the Redevelopment Area. Once the City has identified and designated a redeveloper for the Redevelopment Area, the City will perform all necessary administrative oversight pursuant to an Agreement. Any amendments to the Redevelopment Plan necessitated by the proposed development of the Redevelopment Area must be considered and adopted by the governing body of the City.

The redeveloper will be solely responsible for all other approvals concerning the redevelopment of the Redevelopment Area, including those associated with utility service and appropriate environmental remediation. The City will provide reasonable cooperation to assist the redeveloper in making application and securing such approvals.

2.8 Financing and Other Public Incentives

Respondents are encouraged to describe alternative financing methods and to describe their desired approach to financing the development of the Redevelopment Area. The City may consider a public participation and/or economic incentives if the proposed project so warrants, in the City's sole discretion.

{END OF SECTION 2}

SECTION 3
INSTRUCTIONS FOR PREPARATION AND
SUBMISSION OF RESPONSES

3.1 General Provisions

In addition to the information submission requirements listed below, the Respondent may submit supplemental information that it feels may be useful in evaluating its Response.

3.1.1 Submission of Responses, Time and Place

Responses shall be submitted to the City before 10:00 a.m. on June 18, 2020. Responses shall be emailed to William W. Northgrave, Esq. at wnorthgrave@msbnj.com , with copy to James E. Polles, Esq. at jpolles@msbnj.com. To ensure receipt, Respondents are encouraged to send a follow-up email confirming same.

At a future date, Respondents should be prepared to provide the City with an original and ten (10) copies of the response, in addition to any additional documentation required by the City and its Purchasing Agent.

NO COPIES OF RESPONSES SHALL BE SENT DIRECTLY TO ANY PROJECT TEAM MEMBER.

At such later date as will be made clear by the City, one (1) copy of the Response must be clearly marked as the original and must contain the original documents and signatures. The remaining ten (10) copies may be reproductions. Respondents shall number each set of documents sequentially (numbers 1-11, with number 1 being the original) on the upper right hand corner of each cover.

All e-mailed submissions will remain unopened by the Project Team until the time and date established for the Response opening. Any Response or portions thereof that are submitted and received after the specified deadline will be marked “received late” and will be returned to the firm submitting same.

The electronic delivery of the Response on the above date and prior to the time specified herein is solely and strictly the responsibility of the Respondent. The City shall not, under any circumstances, be responsible for the loss of, delay or non-delivery of any Response sent or delivered, by electronic mail or otherwise, prior to the Response opening.

3.1.2 Questions/Clarifications Request

All communications, questions or clarifications pertaining to this RFQ/RFP should be directed, in writing, to the Designated Contact Person and received no later than May 29, 2020. No communications, questions or clarifications, whether verbal or written, shall

be presented to any member of the project team. During the period provided for the preparation of Responses, the Issuer may issue addenda to this RFQ/RFP. These addenda will be numbered consecutively and will be distributed to each of the firms who have requested in writing to receive a copy of this RFQ/RFP. These addenda will be issued by the Issuer and will constitute a part of this RFQ/RFP. Each Respondent is required to acknowledge receipt of all addenda at the time of submission of the Response by submitting an executed acknowledgment in the form set forth in Exhibit E. All responses to this RFQ/RFP shall be prepared with full consideration of the addenda issued prior to the Response submission date.

3.1.3 Cost of Presentation

Each Response and all information required to be submitted pursuant to this RFQ/RFP shall be prepared at the sole cost and expense of the Respondent. There shall be no claims whatsoever against the Issuer, its staff or consultants for reimbursement for the payment of costs or expenses incurred in the preparation of the Response or other information required by this RFQ/RFP.

3.1.4 Disclosure of Information in Responses

If the Respondent chooses to include material of a proprietary nature in the Response, the Issuer will keep such material confidential unless required to disclose such information pursuant to applicable law. The Respondent must specifically identify each page of its Response that contains such information by properly marking the applicable pages. Any sections which contain material of a proprietary nature shall be severable or removable from the Response to assist the Issuer in protecting this information. The Respondent also shall include the following notice in the introduction of the relevant Response:

The data on pages _____ identified by _____ (symbol) and labeled "Proprietary Information", contain information that is a trade secret and/or contains other information which, if disclosed, would cause substantial injury to (Respondent's) competitive position. (Respondent) requests that such data be used only for the evaluation of the Response, and understands that disclosure will be limited only to the extent that the Issuer is required to do so pursuant to applicable law. If an Agreement is awarded to (Respondent), the Issuer will have the right to use or disclose the data as provided in the Agreement executed with the Respondent.

To the extent permitted by law, the Issuer will use commercially reasonable efforts to prevent the unauthorized disclosure of this information in applying the proprietary standard to marked data. However, the Issuer assumes no liability for any loss, damage, or injury that may result from any disclosure or use of marked data or any disclosure of this or other information. Respondent understands that the Issuer is subject to the dictates of the Open Public Meetings Act, the Open Public Records Act and other applicable laws

and acknowledge that a court of competent jurisdiction could order the disclosure of all materials received as Responses hereto.

3.1.5 Response Acceptance or Rejection

The Issuer reserves the right to (a) abandon this RFQ/RFP process, (b) reject any or all Responses and (c) waive any informality or non-conformance in the Response.

3.1.6 Disposal of Responses

All Responses are the property of the Issuer and will not be returned. At the conclusion of the procurement process, the Issuer may dispose of any and all copies of Responses received in whatever manner they deem appropriate. However, prior to such disposal, the Issuer will use commercially reasonable efforts to prevent the unauthorized disclosure of proprietary information, provided same is properly identified in accordance herein. In no event will the Issuer assume liability for any loss, damage or injury that may result from any disclosure or use of marked data.

3.1.7 Withdrawal by Respondent

A Respondent may request withdrawal of its Response prior to the date and time set for the opening of the Responses provided that a written request to withdraw the Response is hand delivered to the Issuer by or on behalf of an accredited representative of the Respondent, or the request is delivered by certified U.S. Mail. The request to withdraw the Response must be received by the Issuer prior to commencement of Response opening. While the Issuer will seek to honor such withdrawal request, the Issuer shall incur no liability for failure to do so.

3.1.8 Negotiations & Termination of Negotiations

The City reserves the right to engage in negotiations with any Qualified Respondent(s) recommended by the Project Team and reserves the right to terminate negotiations at any time for any reason, including without limitation, if a redevelopment agreement has not been agreed upon within 90 days of the date Project Team making its recommendation(s).

3.2 Submission Requirements

All Responses must be submitted complete with all requested information and are to be in conformance with the instructions set forth herein and as required by subsequent addenda, if and as applicable. The Response and all related information must be bound and must be signed and acknowledged by the Respondent in accordance with the directions herein.

The Respondent is referred to the following sections hereof, which summarize the documents and information required to be submitted pursuant to this RFQ/RFP.

3.3 Form and Content of Response

3.3.1 Organization

Responses submitted in response to this RFQ/RFP shall consist of the following:

- | | |
|-------------|--|
| Section I | Executive Summary, Respondent's Statement of Public Disclosure (see <u>Exhibit B</u> hereto), Respondent's Statement of Qualifications and Financial Responsibility (see <u>Exhibit C</u> hereto), Letter of Intent (see <u>Exhibit D</u> hereto), Acknowledgment of Addenda (see <u>Exhibit E</u> hereto) (pursuant to Section 3.3.2). Checklist, (See <u>Exhibit F</u> hereto), Non-Collusion Affidavit (<u>Exhibit G</u>) and Affirmative Action Statement (<u>Exhibit H</u>) |
| Section II | General Information (pursuant to Section 3.3.3) |
| Section III | Financial Information (pursuant to Section 3.3.4) |
| Section IV | Technical Information (pursuant to Section 3.3.5) |
| Section V | Proposed Redevelopment Plan (pursuant to Section 3.3.6) |
| Section VI | Administrative Information (pursuant to Section 3.3.7) |
| Section VII | Supplemental Information (pursuant to Section 3.3.8) |

3.3.2 Executive Summary; Letter of Intent; Acknowledgment of Addenda

Section I of the Response shall contain the Respondent's Executive Summary, Respondent's Statement of Public Disclosure, Respondent's Statement of Qualifications and Financial Responsibility, Letter of Intent and Acknowledgment of Addenda (all on Respondent's official letterhead) in the form and content exactly as set forth in Exhibits B, C, D & E herein. The Executive Summary shall include a summary of the key points of the Response including the proposed purchase price for the Redevelopment Area.

3.3.3 General Information Submission Requirements

Section II of the Response shall contain the following information set forth in the following order:

1. The name, address and telephone number of the Respondent's primary business office. If the Respondent's primary business office is located outside of the State, give the address and telephone number of the New Jersey location, if any, that will be responsible for participating in this procurement and the project.

2. Identify the parent company and any subsidiary or affiliated companies of the Respondent, giving the name, address and telephone numbers of each such company.
3. Option (if known at this time) - Does the Respondent intend to joint venture, partner or subcontract with any other company or firm or other entity in the submission of a Response? If so, identify such joint venturer, partner or subcontractor and provide for each the same information as required of the Respondent in paragraphs 1 and 2. Describe in narrative form the proposed contractual relationship and responsibilities, written or otherwise, of each of the firms or companies that will be participating.
4. All principal officers of Respondent, and all persons or entities that hold a ten percent (10%) or greater interest in Respondent.
5. All persons or entities that hold a ten percent (10%) or greater interest in an entity identified in paragraphs 2, 3 and 4.
6. In connection with 1 through 5 above, provide:
 - a. A complete identification of all principals or officers of any entities, firms, arrangements, associates, joint ventures, partnerships, or involvements described above;
 - b. Provide complete identification of all principals holding ten percent (10%) or more of net equity and all officers of all firms or entities so named;
 - c. A complete list of all criminal charges, or civil environmental complaints, brought against any of those entities, firms or persons that have been involved in any way with Respondent as identified in the foregoing answers and the disposition of all such criminal charges.
7. Complete the Respondent's Statement for Public Disclosure exactly as set forth in Exhibit B herein.

3.3.4 Financial Information Submission Requirements

Respondents must provide evidence that the development entity has the financial capacity to implement the proposed development. The Respondent must provide the following information:

- a. A summary of the amount and source of investment capital (debt and equity) anticipated to be available for the successful redevelopment of the Redevelopment Area, including the purchase price of the Redevelopment Area.
- b. A list of three (3) financial references, including a banking reference, noting the names, addresses and telephone numbers.
- c. Financial statements (audited preferred) for the general partner or controlling entity of the development team for the last three (3) years.
- d. Evidence of its ability to secure builder's risk insurance and performance bonding capacity.
- e. Disclosure of any negative information that would be deemed material under generally accepted accounting practices and, in addition thereto, any history of bankruptcy, insolvency, receivership, or similar declaration or status determination with respect to individuals or entities associated with the Respondent or any entity or affiliate thereof or individuals, or entities that are principals of said Respondent.
- f. Specific information on how Respondent's firm has financed major projects. Indicate the source and amount of debt and equity funds Respondent's firm has arranged in the past.

Additionally, the City is interested in how outside lenders, investors and business prospects may view each development opportunity. Although the City is not requiring firm, binding financing and/or leasing commitments from outside financial entities (debt & equity) at this time, proposals providing evidence of same will be viewed favorably. The Respondent is also required to complete the Respondent's Statement of Qualifications and Financial Responsibility exactly as set forth in Exhibit C herein.

3.3.5 Technical and Project-Related Information Submission Requirements

Section IV of the Response shall contain Respondent's technical and related experience. Respondents to this RFQ/RFP shall demonstrate their ability to undertake the development of the Redevelopment Area by providing the technical qualifications of the Respondent, principal subcontractors, and individual team members. The Issuer reserves the right to conduct an independent investigation of the Respondent and its subcontractor's technical qualifications by contacting project references, accessing public information, or contacting independent parties. Additional information may be requested during the evaluation of technical qualifications. At a minimum, the Respondent and its subcontractors shall provide the following information to demonstrate its technical qualifications.

3.3.5.1 Summary of Related Projects

The Respondent shall include a description of its prior projects with a strong retail component including those in which any person or entity identified in response to Section 3.3.3 was involved. The portfolio may include visual and

descriptive information sufficient to judge the quality and use of the project. For each project, Respondent shall provide the following information:

3.3.5.1(a) Project Development:

- X Specify the scope, cost, time and completion, completion date and sources of funding for all projects.
- X Demonstrate the project's post-construction success in terms of design, use, construction, management, income, employment, tax assessment, and associated expansions or spin-off development.
- X Discuss any unanticipated problems that arose with any of the above issues, as well as discussion of how the firm has addressed them.

3.3.5.1(b) Project Operations:

- X Identify the current ownership and/or property management for each project.
- X Provide contact names, addresses and telephone numbers for each project.
- X List any project defaults in which any of the principals have been a general partner or had a controlling ownership of Respondent during the last ten (10) years.

3.3.5.2 Current or Pending Projects:

Briefly describe any current or pending projects being undertaken by all members of the Respondent's team. Identify the current and future workload of staff members being assigned to this project. Identify the location of any current project, and include a contact name, address, and telephone number for each current client.

3.3.5.3 Project References:

Include three (3) references from public entities for whom the Respondent has developed similar projects, indicating whether the work was that of the Respondent and/or specific staff who will be assigned to the Redevelopment Area. Identify the contact name, organization, type of work provided, and the contact's address and telephone number. The Issuer reserves the right to contact entities for whom the Respondent has developed a similar project that are not listed by the Respondent as a reference.

3.3.6 Redevelopment Plan

Project Concept

Respondents should review the Redevelopment Plan. The City encourages proposals that maximize the potential of the Redevelopment Area, even if such proposal is not strictly in accordance with the Redevelopment Plan. Respondents must provide a project description that includes, but is not limited to, the following elements (please be as specific as possible) (collectively, the “**Project Concept**”):

- a. Uses;
- b. Square feet and number of structures;
- c. Parking;
- d. Design scheme (this shall include but not limited to: scale, height, context, access, and parking. This may be presented in the form of plans and sketches);
- e. Phasing Plan, if required;
- f. Prospective tenant/occupant profiles;
- g. Targeted rent/sales price – per square foot;
- h. Market research, if applicable;
- i. Project completion timetable; and
- j. Green Building.

Include in the description how the Project Concept conforms and responds to or diverges from the Redevelopment Plan principles, goals, and design standards.

Conceptual Site Plan

Submit a preliminary conceptual site plan at a scale of no greater than 1:50. This plan should illustrate all elements proposed in the Project Concept. Please provide sufficient information suitable to understand the project layout and design.

Please indicate, at a minimum, the following information: the number of floors, approximate height, building footprint and setbacks, any landscaped areas and paved areas, sidewalks, building square footage; and the location of proposed curb cuts, vehicular and any truck parking lots, and interior roadways that service the project. Also, provide a sufficient overview to illustrate how the project will respond and relate to the surroundings. The Respondent shall also opine as to the approximate extent of footings and other ground penetration necessary to construct the proposed building(s) given that an environmental cap will likely be installed on top of the entire site.

Infrastructure

Provide an infrastructure improvement plan necessary for the project implementation which includes:

- a. Description of anticipated infrastructure improvements;
- b. Costs;
- c. Phasing;
- d. Conformance with improvements as specified in the plan;
- e. Funding plan; and
- f. Any additional improvements necessary in adjacent areas.

Financial Plan

Describe the financing plan for the proposed project:

- a. Total project budget;
- b. Sources and uses of funds;
- c. Terms of financing;
- d. Multi-year cash flow statements of project;
- e. Documentation of the basis of the financial projections;
- f. Estimated market value of the total project and phases (if appropriate);
- g. Include all on- and off-site infrastructure improvements supporting all uses to be developed; and
- h. Estimate of taxes to be paid.

3.3.7 Administrative Information Submission Requirements

Section VI of the Response shall include the following information in the following order:

1. Project Organization

X The Respondent shall submit a Project Organization Plan. The plan should describe, in narrative form and as a chart, the Respondent's proposed organizational structure for this Redevelopment Area. The chart shall display:

- the firms involved, their interrelationships and responsibilities (if known); and
- key management personnel identified by name and firm; and
- resumes of key personnel to be assigned to the Redevelopment Area, including those to be involved in project implementation, are to be provided in the Response.

2. Describe briefly any significant pending legal and administrative proceedings (other than ordinary routine litigation incidental to Respondent's business) in which the Respondent or any person or entity identified in response to Section 3.3.3 is a party or of which any of their property is the subject. Include the name of the court or agency in which the proceedings are pending, the date instituted, and the principal parties thereto, a description of the factual basis alleged to underlie the proceeding and the relief sought. Include similar information as to any such proceedings known to be contemplated by governmental authorities. Administrative or judicial proceedings arising under any federal, State, or local laws or ordinances that have been enacted or adopted for purposes of environmental protection shall not be deemed "ordinary routine litigation incidental to the business" and shall be described.
3. A complete list of all criminal charges and civil environmental complaints brought against Respondent or any person or entity identified in response to Section 3.3.3 identified in the foregoing answers and the disposition of all such criminal charges and/or civil environmental complaints, if any.
4. Describe briefly any occasion in which Respondent or any person or entity identified in response to Section 3.3.3, has ever been disqualified, removed or otherwise prevented from participating in, or completing a federal, State, or local governmental project because of a violation of law or a safety regulation.
5. Describe briefly any occasion in which Respondent or any person or entity identified in response to Section 3.3.3 has been in a position of default in a federal, State or local government project, such that payment proceedings and/or execution on a payment, performance or bid bond have been undertaken.
6. Willingness to provide a Tax Clearance Certificate from the Director of the New Jersey Division of Taxation applied for and received by all Respondents.
7. State whether the Respondent or any person or entity identified in response to Section 3.3.3 now or has been during the past three (3) years delinquent on any tax payments or obligations owed to any taxing jurisdiction.
8. State whether the Respondent, or of any affiliated corporation of the Respondent or said parent corporation, or any of the Respondent's officers or principal members, shareholders or investors, or other interested parties been adjudged bankrupt, either voluntary or involuntary, within the past ten (10) years.
9. State whether the Respondent or anyone referred to above as "principals of the Respondent" been indicted for or convicted of any felony within the past ten (10) years.

10. List all threatened and pending claims, litigation and judgments or settlements, including but not limited to government investigations and enforcement actions against Respondent or any person or entity identified in response to Section 3.3.3.
11. State whether the Respondent or any of its officers or principals refused to testify or waive immunity before any state of the federal grand jury relating to any public construction project within the last ten years. If so, provide details.
12. If multiple organizations are participating (e.g., subsidiaries, parent companies, joint ventures and/or subcontractors), the information requested in this Section 3.3.7 shall be provided regarding each of the respective organizations.

3.3.8 Supplemental Information to be Provided at Respondent's Option

The Respondent may include in Section VII any other information that it deems relevant or useful for the Issuer to consider in evaluating Respondent's Response. Respondent should also include any concerns regarding this project or any information or suggestions that the Respondent deems relevant to the Issuer. Some suggested topics for supplemental information include:

- X ownership issues;
- X potential future uses;
- X potential for additional properties to be included in Redevelopment Area; and
- X environmental concerns.

3.3.9 Form

The Respondent shall provide the appropriate information required for each Section in accordance with the following content and format requirements.

- X Each volume and all related information shall be bound as a single document (with the exception of the one (1) unbound copy), unless that is impractical, in which case an Exhibit document accompanying the volume may be submitted.
- X The Response shall be concise, clear, factual, and complete with a minimum of extraneous material.
- X The Response shall be indexed and sectioned and shall be prefaced with a table of contents.
- X Maps and drawings should be attached.

{END OF SECTION 3}

SECTION 4 EVALUATION AND SELECTION PROCESS

4.1 Evaluation Process

Generally, the Issuer will identify Qualified Respondents giving due regard to past experience, conformance to the goals and objectives articulated in this RFQ/RFP, as well as financial strength and other qualifications and experience which are deemed, at the sole discretion of the Issuer, to be relevant. Only those Respondents that are deemed qualified by the Issuer will be considered. The Issuer reserves the right to select or reject a Respondent on any basis it deems appropriate or to waive any item or requirement set forth in this RFQ/RFP.

All responses will first be evaluated to assure that they meet the requirements of this RFQ/RFP. Responses will be evaluated by a Project Team composed of the following individuals:

- Mayor Derek Armstead
- Council President Michele Yamakaitis
- Councilwoman Lisa Ormon
- Alex Lospinoso, Chief of Staff to the Mayor of the City of Linden
- Paul Ricci, City of Linden, Planner
- Nicholas Pantina, City of Linden, Engineer

Responses will be evaluated based upon the following criteria (not ranked in order of importance):

- Understanding of the goals, nature and scope of the City's redevelopment efforts in the Redevelopment Area;
- Level of creativity, innovativeness and resourcefulness of past projects;
- Respondent's experience and qualifications with similar projects (redevelopment properties, joint venture or other partnerships, public entities);
- Project references;
- Financial strength and available capital;
- Innovativeness of development concept(s);
- Competency and thoroughness evidenced in the Project Concept;
- Demonstrated experience in building development projects;
- Demonstrated ability to arrange debt and equity financing for projects;
- Ability to provide superior qualified staff and professionals;
- Viability of proposed development uses; and
- Economic benefit to the City.

Overall, a Qualified Respondent to this RFQ/RFP must evidence, either directly or as part of an existing or proposed joint venture, partnership or other organization or firms or through the use of subcontractors, the technical ability, financial strength and the willingness to provide the

required performance-related guarantees for the services contemplated in this RFQ/RFP. The Issuer reserves the right in its sole discretion to interview one or more Respondents as to their proposals as part of its evaluation process.

The Issuer may select one or more of the Respondents with whom to undertake negotiations of an Agreement that will set forth the obligations and responsibilities relating to the development of the Redevelopment Area and/or to assist the Issuer in its development of the Redevelopment Area. The issuance of this RFQ/RFP in no way obligates the Issuer to negotiate an Agreement with any of the Respondents. Such negotiations, if conducted, will proceed for a reasonable time acceptable to the Issuer and shall culminate in the execution of an Agreement, termination of such negotiations and the Issuer's selection of another Qualified Respondent for the commencement of negotiations, or the Issuer's abandonment or revision of the selection process contemplated by this RFQ/RFP.

{END OF SECTION 4}

EXHIBIT A
REDEVELOPMENT PLAN

Redevelopment Plan

**Block 587, Lots 3.01, 3.02 and 3.03
(LCP Site)**

City of Linden

Union County, New Jersey

Prepared: February 7, 2020

Adopted: April 22, 2020

Prepared by:

ricciplanning

177 Monmouth Avenue
Atlantic Highlands, NJ 07716



Paul N. Ricci, PP, AICP
New Jersey Professional Planner
License No.: LI005570

*The original of this document was signed
and sealed in accordance with New Jersey Law*

First Reading: March 17, 2020
Second Reading: April 21, 2020

ORDINANCE 64-22

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
LINDEN, COUNTY OF UNION, NEW JERSEY ADOPTING THE
REDEVELOPMENT PLAN ENTITLED “REDEVELOPMENT
PLAN – BLOCK 587, LOTS 3.01, 3.02 AND 3.03 (LCP SITE)”
PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING
LAW, *N.J.S.A. 40A:12A-1 et seq.***

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “**Redevelopment Law**”), authorizes a municipality to determine whether certain parcels of land in the municipality constitute “areas in need of rehabilitation” and/or “areas in need of redevelopment”; and

WHEREAS, on August 21, 2019, the City Council of the City (the “**City Council**”), pursuant to *N.J.S.A. 40A:12A-6*, authorized the Planning Board of the City (the “**Planning Board**”) to determine whether the property identified as Block 254, Lots 1-10 on the official tax map of the City (“**Study Area**”), met the statutory criteria for designation as an “area in need of redevelopment” pursuant to the Redevelopment Law; and

WHEREAS, on September 10, 2019, the Planning Board undertook said investigation and conducted a public hearing, all in accordance with *N.J.S.A. 40A:12A-6*, and recommended to the City Council that the Study Area satisfied certain statutory criteria and thus constituted an area in need of redevelopment in accordance with the Redevelopment Law; and

WHEREAS, on September 17, 2019, the City Council adopted a resolution which designated the Study Area as an area in need of redevelopment (the “**Redevelopment Area**”); and

WHEREAS, in order to facilitate the redevelopment of the Study Area, the City Council also authorized the preparation of a redevelopment plan for the Property pursuant to the authority granted under the Redevelopment Law, that was adopted, after review and comment by the Planning Board, by the City Council on; and

WHEREAS, Ricci Planning prepared the redevelopment plan entitled “Redevelopment Plan – Block 587, Lots 3.01, 3.02 and 3.03 (LCP Site),” (the “**Redevelopment Plan**”), providing the development standards for the Study Area, as more fully set forth and attached hereto as Exhibit A; and

WHEREAS, on February 11, 2020, pursuant to the Redevelopment Law, the City Council referred the Redevelopment Plan to the Planning Board for review and comment; and

WHEREAS, on March 10, 2020, the Planning Board reviewed and recommend the Redevelopment Plan, as more fully set forth and attached hereto as Exhibit A; and

WHEREAS, upon review of the Planning Board’s recommendation regarding the Redevelopment Plan, the City Council has determined to adopt the Redevelopment Plan, as more fully set forth and attached hereto as Exhibit A, to ensure the success of redevelopment within the Redevelopment Area in conformity with the City’s redevelopment objectives.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Linden, County of Union, New Jersey that:

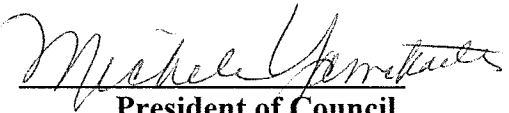
Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Redevelopment Plan, as amended and attached hereto as Exhibit A, is hereby adopted pursuant to the terms of N.J.S.A. 40A:12A-7.

Section 3. A copy of this Ordinance and the Redevelopment Plan, as amended and attached hereto as Exhibit A, shall be available for public inspection at the office of the City Clerk during regular business hours.

Section 4. This Ordinance shall take effect in accordance with all applicable laws.

PASSED: April 21, 2020


President of Council

APPROVED: April 22, 2020


Mayor

ATTEST:


City Clerk

I, JOSEPH C. BODEK, City Clerk of the City of Linden, in the County of Union and State of New Jersey, DO HEREBY CERTIFY that the foregoing is a true copy of the ordinance adopted by the City Council of the City of Linden at a meeting held on April 21, 2020 as the same is taken from and compared with the original now remaining on file and of record in my office.

IN WITNESS WHEREOF, I have set my hand and affixed the corporate seal of the City of Linden, this 22nd day of April, 2020.


JOSEPH C. BODEK, City Clerk

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Redevelopment Plan
Block 587, Lots 3.01, 3.02 and 3.03 (LCP Site)

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Appendix A: Resolution No. 2019-305

Appendix B: Unnumbered Planning Board Resolution

Appendix C: Resolution No. 2019-347

Appendix D: Tax Map

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Appendix F: Environmental Constraints Mapping

1.0 — Introduction

On August 21, 2019, the Linden City Council adopted Resolution No. 2019-305, which authorized the Linden Planning Board to undertake a preliminary investigation to determine whether or not Block 587, lots 3.01, 3.02 and 3.03 in the City of Linden may be designated as an area in need of redevelopment in accordance with applicable New Jersey Law. A copy of Resolution No. 2019-305 is provided in Appendix A.

A report dated August 22, 2019 and entitled “Redevelopment Study and Preliminary Investigation Report, Block 587, lots 3.01, 3.02 and 3.03”, was subsequently prepared by Paul N. Ricci, PP, AICP of the firm of RicciPlanning, LLC. The report concluded that the aforementioned parcels met requirements for being designated as an “area in need of redevelopment” as outlined in the criteria set forth at N.J.S.A. 40:12A-1 et seq. (Local Redevelopment and Housing Law). Specifically, the report concluded that Block 587, lots 3.01, 3.02 and 3.03 met the “a”, “b”, “d” and “h” criteria of the Local Redevelopment and Housing Law for being designated as an area in need of redevelopment. On September 10, 2019, the Linden Planning Board held a public hearing and recommended to the Mayor and City Council that the collective designation of the aforementioned parcels as an area in need of redevelopment. A copy of this finding is provided in Appendix B.

The Linden City Council subsequently adopted Resolution No. 2019-347 on September 19, 2019. This resolution designated the aforementioned parcels as an area in need of redevelopment and authorized the preparation of a redevelopment plan. A copy of Resolution No. 2019-347 is provided in Appendix C.

This redevelopment plan has been prepared to codify the goals, objectives, and specific land use and development standards for the redevelopment of Block 587, lots 3.01, 3.02 and 3.03.

2.0 — Statutory Requirements

As per the Local Redevelopment and Housing Law, a redevelopment plan shall include an outline for the planning, development, and redevelopment of a designated redevelopment area that is sufficient to indicate:

- Its relationship to definite local objectives as to appropriate land uses, density of population, and improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements;
- Proposed land uses and building requirements;
- Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area;
- An identification of any property within the redevelopment area that is proposed to be acquired in accordance with the redevelopment plan; and,
- Any significant relationship of the redevelopment plan to: the master plans of adjacent municipalities; the master plan of the county within which the municipality is located; and, the State Development and Redevelopment Plan, as adopted pursuant to the State Planning Act (P.L. 1985, c.398; C. 52:18A-196 et al.).

The Local Redevelopment and Housing Law further requires that a redevelopment plan describe its relationship to pertinent municipal development regulations.

3.0 — Redevelopment Area Description

The redevelopment area is located in the southeastern part of the city and has frontage on unnamed private roadways/access easements located on Block 587 to the north and is surrounded by railway rights-of-way to the south, west, and east. In addition, it is noted that Tremley Point Road is located to the south of the site, though the site itself does not have frontage on same roadway. The parcels are contiguous and have a combined area of 25.03 acres.

Appendix D provides a copy of Sheet 128 of the official tax map of the City of Linden. Appendix E provides aerial imagery dating from 2015.

3.1 — Existing Land Use

New Jersey's MOD-IV property tax assessment database indicates that Block 587, lots 3.01, 3.02 and 3.03 are assessed as industrial.

The observed land uses indicate that Block 587, lots 3.01, 3.02 and 3.03 are the location of a disused chemical/gas manufacturing facility (n.b., records indicate that the redevelopment area was primarily used to manufacturing hydrogen, chlor-alkali, and sodium hypochlorite).

Heavy industrial uses and vacant lands predominate to the north, east, south and west of the redevelopment area.

3.2 — Environmental Constraints

A review of the latest digital geographic data of the New Jersey Department of Environmental Protection and the Federal Emergency Management Agency indicates that the redevelopment area contains flood hazard areas. In addition, the immediate vicinity contains mapped wetland areas. Appendix F provides mapping of these constraints.

In addition to the above, it is noted that the redevelopment area contains extensive contamination in groundwater, soil, sediments and building material. This is evidenced by its inclusion on the National Priorities List in 1998. The National Priorities List is the list of sites of national priority among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States and its territories. Sites listed on the National Priorities List are commonly referred to as Superfund Sites.

4.0 — Overall Goal and Objectives

The overall goal of the redevelopment plan is to eliminate those conditions that cause the redevelopment area to be an area in need of redevelopment. To help achieve this goal, the following objectives are defined:

- Promote redevelopment in a manner that will advance the health, safety, welfare and morals of the community.
- Improve and upgrade the redevelopment area with development that responds to current market needs.
- Encourage development within the City's Qualified Opportunity Zone.
- Capitalize on the redevelopment area's proximity to existing railway lines and other key transportation routes that traverse the City of Linden.
- Enhance Linden's image with high-quality building and site aesthetics.
- Stimulate private investment that provides increased tax ratables.
- Promote economic growth and vitality.

5.0 — Redevelopment Standards

5.1 — Relationship to Municipal Land Development Regulations

The provisions of this redevelopment plan shall supersede the existing Zoning and Development Regulations of the City of Linden in accordance with New Jersey's Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-7.c).

The Official Zoning Map of the City of Linden is hereby amended to designate the redevelopment area, which consists of Block 587, lots 3.01, 3.02 and 3.03, as the "LCP Project Area". All other municipal development regulations shall remain applicable.

5.2 — Permitted Land Uses

Permitted land uses are described in the following subsections.

5.2.1 — Principal Permitted Land Uses

The principal permitted land uses include the following:

1. Assembly and packaging;
2. Data centers;
3. Small- and large-scale energy storage plants and facilities using one or more of the following technologies:
 - a. Li-Ion Battery;
 - b. Lead-Acid Battery;
 - c. Flow Battery;
 - d. Solid-State Battery;
 - e. Pumped Hydro;
 - f. Hydrogen Fuel Cells;
 - g. Thermal (incl., Molten Salt); or,
 - h. Pumped-Storage Hydropower;
4. Solar energy collection facilities;
5. Industrial service uses;
6. Manufacturing, processing, fabrication and assembly;
7. Public utilities;
8. Public utility power generating stations;
9. Self-storage facilities; and
10. Tank farms.

5.2.2 — Permitted Accessory Land Uses

The permitted accessory land uses include the following:

1. Offices;
2. Private parking lots;
3. Private garages; and,
4. Storage yards.

5.3 — Building and Site Requirements

The building and site requirements are outlined in the following subsections.

5.3.1 — Bulk Regulations

The following bulk regulations shall apply:

2. Lot Size Requirements:
 - a. Minimum Lot Size: 24 acres
 - b. Minimum Lot Width: 200 feet
 - c. Minimum Lot Depth: 200 feet
3. Setback Requirements:
 - a. Minimum Setback from Adjacent Properties/Rights-of-Way: 50 feet
4. Height Limitations:
 - a. Maximum Building Height (Buildings/Structures Containing Principal Permitted Land Uses): 85 feet, as measured at the highest point
 - b. Maximum Building Height (Buildings/Structures Containing Accessory Land Uses): 85 feet, as measured at the highest point.
 - c. Exception to Height Limitations: Specific building elements (e.g., flue-gas stacks) that are higher than 85 feet but required for large- and small-scale energy storage plants shall be permitted, provided that specific technical reasons for exceeding 85 feet are provided to the satisfaction of the Linden Planning Board and its professionals.
5. Maximum Impervious Coverage:
 - a. Capped Portions of Site: 100 percent when it is found that the level of environmental contamination found onsite, which is described in Section 3.2, causes the site to partially or entirely require capping.
 - b. Uncapped Portions of Site: 90 percent
6. Maximum Building Coverage: 60 percent

5.3.2 — Parking and Loading Requirements

Parking and loading shall be regulated by Section 31-27 of the Code of the City of Linden.

5.3.3 — Landscaping

The following standards shall apply:

1. A landscaping plan shall be submitted. The design focus of the required landscaping plan shall be safety and security, and soil retention.
2. All open areas not utilized for parking areas, driveways and access roads, buildings, or other types of development shall be provided with lawns or other suitable growing ground cover. Where growing ground cover is not desirable from a safety perspective, stone ground cover shall be permitted.
3. Brush- and scrub-covered areas shall not be permitted.

5.3.4 — Lighting

The following standards shall apply:

1. A lighting plan shall be submitted for review and approval of the Linden Planning Board.
2. Lighting plans shall include all proposed lighting. Proposed lighting shall include, at a minimum, lighting: along driveways and access roads; within parking lots; and, at building entrances and foundations. When designing the lighting plan, the focus shall be on providing enhanced safety and security.
3. All lighting shall be selected to comply with “dark sky” standards and shielded to minimize leakage onto adjacent properties.
4. The Linden Planning Board shall give approval of all aspects of the lighting plan.

5.3.5 — Signage

Signage shall be permitted in accordance with the requirements of Section 31-25 of the Code of the City of Linden.

5.3.6 — Refuse and Recycling Containers

The following standards shall apply:

1. Refuse and recycling containers shall be contained within fenced or walled areas. The number and location of said areas shall be clearly indicated on site plans. Accompanying site plan details shall also be provided.
2. The number and location of refuse and recycling containers shall be reviewed and approved by the Linden Planning Board.

5.3.7 — Above-Ground Storage Tanks

The following standards shall apply:

1. Above ground storage tanks shall meet the applicable New Jersey Department of Environmental Protection Standards.

5.4 — Maintenance Plan

The following standards shall apply:

1. A maintenance plan shall be prepared for all redevelopment projects within the redevelopment area.
2. Maintenance plans shall demonstrate conformance with all applicable codes and standards of the City and cover all parts of the redevelopment project.
3. At a minimum, the maintenance plan shall contain: specific preventative maintenance tasks and schedules; cost estimates; and the name, address, and telephone number of the person/entity or persons/entities responsible for preventative and corrective maintenance (incl., replacement).
4. The Linden Planning Board shall give approval of all aspects of the maintenance plan. This applies to the initial maintenance plan and any future revisions.
5. The Linden Planning Board shall have the right to review the efficacy of the maintenance plan at any point in the future and cause same to be modified if found to be deficient.

5.5 — Waste Management Plan

The following standards shall apply:

1. A waste management plan shall be prepared for all redevelopment projects within the redevelopment area.
2. Waste management plans shall focus on non-hazardous refuse and recycling and, to the extent relevant, hazardous waste handling and processing.
3. At a minimum, waste management plans shall include information on the: types of waste; hazards presented by waste; frequency of collection; and, when relevant, method of on-site processing and disposal. Waste management plans shall also discuss applicable state and federal requirements and demonstrate conformance therewith.
4. The Linden Planning Board shall give approval of all aspects of the waste management plan. This applies to the initial waste management plan and any future revisions.
5. The Linden Planning Board shall have the right to review the waste management plan at any point in the future and cause same to be modified if found to be deficient.

5.6 — State and Federal Approval Required

A plan for the development of energy storage plants and facilities, and solar energy collection facilities, shall be submitted to the New Jersey Department of Environmental Protection and the United States Environmental Protection Agency, where applicable.

6.0 — Property Acquisition

The non-condemnation redevelopment area does not permit the acquisition of any properties as a matter of law.

6.1 — Relocation

It is anticipated that the designated redevelopers will address any relocation needs that may arise through acquisition of parcels.

Nonetheless, it is noted that the City of Linden will provide any displaced tenants and landowners with the appropriate relocation assistance, pursuant to applicable State and Federal law, should relocation be necessary. Such assistance will be provided through an appropriately designated office.

It is further noted that the City of Linden and the surrounding area contains sufficient land and buildings that would be appropriate for relocation. However, if relocation is not directly caused by the execution of the redevelopment plan, the City assumes no responsibility.

6.2 — Redevelopment Agreement

No activity shall be undertaken within the redevelopment area unless the activity is undertaken pursuant to a redevelopment agreement that has been approved by the redevelopment authority.

6.3 — Redeveloper Obligations

The redeveloper shall be required to:

1. Submit development plans that include, but are not limited to, drawings of site and building plans and elevations in sufficient detail to show building layout, building construction, road access, etc. in accordance with the City's development regulations. These documents shall be submitted to the Linden Planning Board and the Linden City Council, acting as the redevelopment authority, for review and approval in order to determine compliance of such plans with the redevelopment plan before working drawings are prepared. It is expressly understood that the approval of any plans by either the Linden Planning Board or the redevelopment authority applies to any and all

- features shown thereon. Any and all subsequent additions, deletions or other modifications of the plans must be submitted to the Linden Planning Board for final approval before construction can begin.
2. Submit a written development schedule and commence the undertaking of the development in accordance with the development schedule.
 3. Agree that no covenant, conveyance agreement or other instrument relating to the property shall be effected or executed on the basis of race, creed, sex, religion, color, age, national origin, or ancestry in the lease, use or occupancy thereof.
 4. Maintain the structures and facilities in accordance with all codes and ordinances of the City.

6.4 — Deviation Requests

The Linden Planning Board may grant deviations from the requirements of this redevelopment plan in cases where the strict application of a particular requirement would result in peculiar practical difficulties to, or exceptional and undue hardship upon, the redeveloper.

The Linden Planning Board may also grant deviations when it finds that the overall goal and objectives of this redevelopment plan would be advanced, and that the benefits of a deviation would outweigh any detriments. No deviation may be granted under the terms of this section unless the Linden Planning Board finds that such deviation can be granted without substantial impairment of the redevelopment plan's overall goal and objectives.

Public notice of any application for deviation from the requirements of this redevelopment plan shall be required and conform with the standards for public notice of N.J.S.A. 40:55D-12(a) and 12(b).

The following types of deviations shall only be permitted by means of an amendment to the redevelopment plan by the Linden City Council, and only upon a

finding by same that such deviation would be consistent with and promote the furtherance of the overall goal and objectives of this redevelopment plan: deviation to allow a land use that is not permitted in this redevelopment plan; deviation to increase any aspect of development intensity (e.g., cover, floor area, or density, as applicable); and, deviation to allow an increase in building height that exceeds the permitted building height that is outlined in this redevelopment plan by ten feet or ten percent, whichever is less.

6.5 — Planning Board Review

Pursuant to N.J.S.A. 40A:12A-13, all development applications shall be submitted to the Linden Planning Board for review and approval.

The following provisions shall govern the Linden Planning Board's review:

1. No building permit shall be issued by the construction or zoning official for any work resulting in a change of intensity of development or change of use for any properties or building within the area governed by the redevelopment plan without prior review and approval of the work by the Linden Planning Board.
2. Regular maintenance and minor repair shall not require Linden Planning Board review and approval.
3. The Linden Planning Board shall conduct its review pursuant to N.J.S.A. 40:55d-1 et seq. and the City's Land Development Ordinances.
4. As part of the site plan approval, the Linden Planning Board may require the redeveloper to furnish performance guarantees pursuant to N.J.S.A. 40:55D-53. The performance guarantees shall be in favor of the City and the City Engineer shall determine the amount of any performance guarantees.

Redevelopment Plan***Block 587, Lots 3.01, 3.02 and 3.03 (LCP Site)***

5. Any subdivision of land within the area governed by the redevelopment plan shall be in compliance with same and reviewed by the Linden Planning Board pursuant to N.J.S.A. 40:12A-1 et seq. and N.J.S.A. 40:55D-1 et seq.
6. Once a property has been redeveloped in accordance with the redevelopment plan, it may not be converted to any use not expressly permitted in same. No nonconforming use, building, or structure may be expanded or made more nonconforming in nature after adoption of this redevelopment plan. A use or structure not conforming to the requirements of this redevelopment plan may not be reconstructed in the event of its destruction. The Linden Planning Board shall determine the issue of whether the nonconforming use, building or structure has been “destroyed”.
7. Any and all definitions contained within the redevelopment plan, be they expressed or implied, shall prevail. In the absence of a definition, the definition found within the City’s zoning and land development ordinances shall prevail. Any and all definitions that are found to be inconsistent with N.J.S.A. 40A:12-3 shall be rendered invalid.
8. A redeveloper shall be required to pay all applicable escrow fees and other required charges in accordance with applicable provisions of the City’s Land Development Ordinance and applicable New Jersey Law. Additionally, a redeveloper may be required to pay for their proportional share of the cost of any studies, plans, reports, or analysis prepared by the City or its design professionals as part of plan review. Any such payments are required to reimburse the City or the redevelopment authority.
9. All of the above provisions are subject to approval by ordinance or resolution according to law. If a court of competent jurisdiction finds any word, phrase, clause, section or provision of the redevelopment plan to be invalid, illegal, or unconstitutional, the word, phrase, clause, section, or provision shall be

deemed several and the remainder of the redevelopment plan and implementing ordinance(s) shall remain in full force and effect.

6.6 — Relationships to State, County and Local Plans

6.6.1 — New Jersey State Development and Redevelopment Plan

The entire Rehabilitation Area is located in State Planning Area 1, which is defined in the New Jersey State Development and Redevelopment Plan. As provided in the New Jersey State Development and Redevelopment Plan, State Planning Area 1 is intended to:

- Provide for much of the state’s future redevelopment.
- Revitalize cities and towns.
- Promote growth in compact forms.
- Stabilize older suburbs.
- Redesign areas of sprawl.
- Protect the character of existing stable communities.

The overall goal and objectives of this Rehabilitation Plan are consistent with the intended purpose of State Planning Area 1.

6.6.2 — Union County Master Plan

Among the generalized goals of the Union County Master Plan are to:

- Facilitate the development of Union County by directing new growth to environmentally suitable areas that can be provided with essential infrastructure and support facilities, and to revitalize urban centers and corridors within the county.
- Continue county-sponsored economic development efforts to reduce unemployment, provide year-round employment opportunities and enhance the tax base by encouraging compatible industrial, commercial, office and retail facilities to locate or expand in Union County.

Execution of this redevelopment plan will contribute to the achievement of the aforementioned generalized goals of the Union County Master Plan.

6.6.3 — Linden Master Plan

The redevelopment plan's relationship with the Linden Master Plan is described in the following subsections.

6.6.3.1 — Comprehensive Reexamination Report

The last comprehensive reexamination of the City of Linden's Master Plan was prepared in 2008. The 2008 reexamination identifies the following objectives, which are applicable to the redevelopment of Block 587, lots 3.01, 3.02 and 3.03:

- Preserve and enhance the City's industrial and commercial economic base;
- Improve the City's visual environment and image by restricting or eliminating eyesores such as, but not limited to, storage containers or trailers in retail commercial areas;
- Encourage the diversification of industry;
- Promote a desirable visual environment;
- Provide sufficient space, in appropriate locations, for commercial, residential, industrial, recreation and open space uses;
- Maintain and attract beneficial commercial and industrial uses;
- Encourage municipal actions that will guide the long-range appropriate use and management of lands within Linden in a manner that will promote the public health, safety, morals, and general welfare of present and future residents;
- Prevent the degradation of the environment through the improper use of land; and,
- Encourage development which contributes to the enhancement and improvement of the community.

Implementation of this redevelopment plan will advance the fulfillment of the foregoing objectives of the City of Linden's Master Plan.

6.6.3.2 — Land Use Element

The City adopted a new, updated Land Use Element in 2019. As provided in the 2019 Land Use Element, Block 587, lots 3.01, 3.02 and 3.03 are located in the HI (Heavy Industrial) Land Use District, which represents no change over the City's previous Land Use Element. Given the permitted uses that are prescribed herein, this redevelopment plan is consistent and compatible with the 2019 Land Use Element.

6.6.4 — Master Plans of Adjacent Municipalities

The redevelopment area is located in the southeastern portion of the City and is not proximate to adjacent municipalities. Therefore, the redevelopment plan will not impact the planning efforts of adjacent municipalities.

6.7 — Administrative and Procedural Requirements

Administrative and procedural requirements are discussed in the following subsections.

6.7.1 — Amending the Redevelopment Plan

As circumstances may warrant, the Linden City Council may amend, revise, or modify this redevelopment plan in accordance with applicable law.

6.7.2 — Duration of the Redevelopment Plan

The provisions of this redevelopment plan shall remain in effect until such time as a certificate of completion has been issued.

Appendix A: Resolution No. 2019-305

RESOLUTION: 2019-305

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDEN, COUNTY OF UNION, NEW JERSEY AUTHORIZING THE PLANNING BOARD TO INVESTIGATE WHETHER THE PROPERTY COMMONLY KNOWN ON THE CITY'S TAX MAPS AS BLOCK 587, LOTS 3.01, 3.02 AND 3.03 SHOULD BE DESIGNATED AS AN AREA IN NEED OF REDEVELOPMENT PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, *N.J.S.A. 40A:12A-1, et seq.*

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the "**Redevelopment Law**"), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

WHEREAS, to determine whether certain parcels of land constitute areas in need of redevelopment under the Redevelopment Law the city council ("**City Council**") of the City of Linden (the "**City**") must authorize the planning board of the City (the "**Planning Board**") to conduct a preliminary investigation of the area and make recommendations to the City Council; and

WHEREAS, the City Council believes it is in the best interest of the City that an investigation occur with respect to certain parcels within the City and therefore authorizes and directs the Planning Board to conduct an investigation of the property commonly known on the City tax maps as Block 587, Lots 3.01, 3.02 and 3.03 (hereinafter the "**Study Area**"), to determine whether the Study Area meets the criteria set forth in the Redevelopment Law, specifically *N.J.S.A. 40A:12A-5*, and should be designated as an area in need of redevelopment; and

WHEREAS, the redevelopment area determination requested hereunder, in connection with the Study Area, authorizes the City and City Council to use all those powers provided by the Redevelopment Law for use in a redevelopment area, except the power of eminent domain (hereinafter referred to as a "**Non-Condemnation Redevelopment Area**").

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LINDEN, NEW JERSEY AS FOLLOWS:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The Planning Board is hereby authorized and directed to conduct an investigation pursuant to *N.J.S.A. 40A:12A-6* to determine whether the Study Area satisfies the criteria set forth in *N.J.S.A. 40A:12A-5* to be designated as an area in need of redevelopment.

Section 3. As part of its investigation, the Planning Board shall prepare a map showing the boundaries of the Study Area and the location of the parcels contained therein, and appended thereto shall be a statement setting forth the basis of the investigation.

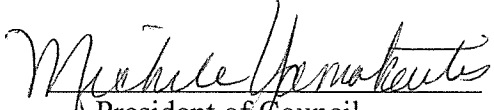
Section 4. The Planning Board shall conduct a public hearing in accordance with the Redevelopment Law, specifically *N.J.S.A. 40A:12A-6*, after giving due notice of the proposed boundaries of the Study Area and the date of the hearing to any persons who are interested in or would be affected by a determination that the Study Area is an area in need of redevelopment. The notice of the hearing shall specifically state that the redevelopment area determination shall not authorize the City or City Council to exercise the power of eminent domain to acquire any property in the delineated area, for the Study Area is being investigated as a Non-Condemnation Redevelopment Area.

Section 5. At the public hearing, the Planning Board shall hear from all persons who are interested in or would be affected by a determination that the Study Area is a redevelopment area. All objections to a determination that the Study Area is an area in need of redevelopment and evidence in support of those objections shall be received and considered by the Planning Board and made part of the public record.

Section 6. After conducting its investigation, preparing a map of the Study Area, and conducting a public hearing at which all objections to the designation are received and considered, the Planning Board shall make a recommendation to the City Council as to whether the City Council should designate all or some of the Study Area as an area in need of redevelopment (non-condemnation).

Section 7. This Resolution shall take effect immediately.

PASSED: August 21, 2019


President of Council

APPROVED: August 22, 2019


Mayor

ATTEST:


City Clerk

I, JOSEPH C. BODEK, City Clerk of the City of Linden, in the County of Union and State of New Jersey, DO HEREBY CERTIFY that the foregoing is a true copy of the resolution adopted by the City Council of the City of Linden at a meeting held on August 21, 2019 as the same is taken from and compared with the original now remaining on file and of record in my office.

IN WITNESS WHEREOF, I have set my hand and affixed the corporate seal of the City of Linden, this 21 day of August 2019.


JOSEPH C. BODEK, City Clerk

Appendix B: Unnumbered Planning Board Resolution



City of Linden

Union County, New Jersey

PLANNING BOARD

City Hall - 301 North Wood Avenue

Linden, New Jersey 07036

MARILYN COPLAN
SECRETARY

Office: (908) 474-8453

Fax: (908) 862-0729

mcoplan@linden-nj.org

September 11, 2019

Honorable Mayor

Council President

COUNCIL MEMBERS

Re: Block 587, Lots, 3.01, 3.02 and 3.03 – LCP Site

Ladies and Gentlemen:

At the September 10, 2019 meeting, the Planning Board had a presentation on the LCP Site. It was reviewed and discussed, and unanimously approved by the board.

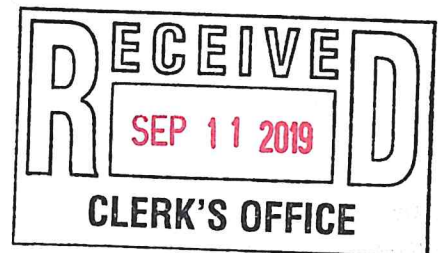
Very truly yours

Joseph J. La Placa
Joseph J. La. Placa, Chairman (mcj)

C: Joseph Bodek, City Clerk

Mayor Armstead

Law Department



An Equal Opportunity Employer

Appendix C: Resolution No. 2019-347

RESOLUTION: 2019-347

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LINDEN, COUNTY OF UNION, NEW JERSEY
DESIGNATING THE PROPERTY COMMONLY KNOWN
ON THE CITY'S TAX MAPS AS BLOCK 587, LOTS 3.01, 3.02
AND 3.03 ON THE CITY TAX MAP AS AN 'AREA IN NEED
OF REDEVELOPMENT' (WITHOUT CONDEMNATION)
PURSUANT TO THE LOCAL REDEVELOPMENT AND
HOUSING LAW, *N.J.S.A. 40A:12A-1 et seq.***

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the "**Redevelopment Law**"), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

WHEREAS, to determine whether certain parcels of land constitute areas in need of redevelopment under the Redevelopment Law the city council ("**City Council**") of the City of Linden (the "**City**") must authorize the planning board of the City (the "**Planning Board**") to conduct a preliminary investigation of the area and make recommendations to the City Council; and

WHEREAS, on August 21, 2019, the City Council adopted a resolution authorizing and directing the Planning Board to conduct an investigation of the property commonly known as Block 587, Lots 3.01, 3.02 and 3.03 on the tax maps of the City (hereinafter the "**Study Area**"), to determine whether the Study Area meets the criteria set forth in the Redevelopment Law, specifically *N.J.S.A. 40A:12A-5*, and should be designated as an area in need of redevelopment providing that a redevelopment area determination would authorize the City and City Council to use all those powers permitted by the Redevelopment Law, other than the power of eminent domain; and

WHEREAS, on September 10, 2019, the Planning Board, after providing due notice, conducted a public hearing in accordance with the Redevelopment Law and determined that the Study Area qualified as an area in need of redevelopment and recommended that the City Council designate the Study Area as an area in need of redevelopment pursuant to the criteria and requirements of the Redevelopment Law; and

WHEREAS, the City Council has determined that, based upon the recommendations of the Planning Board, the Study Area should be designated an area in need of redevelopment under the Redevelopment Law, such designation authorizing the City and City Council to use all those powers provided by the Redevelopment Law for use in a redevelopment area, other than the power of eminent domain.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LINDEN, NEW JERSEY AS FOLLOWS:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The recommendations and conclusions of the Planning Board are hereby accepted by the City Council.

Section 3. Based upon the findings and recommendations of the Planning Board, the Study Area is hereby designated an area in need of redevelopment other than the power of eminent domain pursuant to the provisions of Sections 5 and 6 of the Redevelopment Law (the "**Non-Condemnation Redevelopment Area**").

Section 4. The City Clerk is hereby directed to transmit a copy of this Resolution to the Commissioner of the New Jersey Department of Community Affairs for review pursuant to Section 6(b)(5) of the Redevelopment Law.

Section 5. The City Clerk is hereby directed to serve, within ten (10) days hereof, a copy of this Resolution upon (i) all record owners of property located within the Non-Condemnation Redevelopment Area, as reflected on the tax assessor's records, and (ii) each person

who filed a written objection prior to the hearing held by the Planning Board, service to be in the manner provided by Section 6 of the Redevelopment Law.

Section 6. This Resolution shall take effect immediately.

PASSED: September 17, 2019

Michelle Yamahiro
President of Council

APPROVED: September 18, 2019

Deuk Crompton
Mayor

ATTEST:

Joseph C. Bodek
City Clerk

I, JOSEPH C. BODEK, City Clerk of the City of Linden, in the County of Union and State of New Jersey, DO HEREBY CERTIFY that the foregoing is a true copy of the resolution adopted by the City Council of the City of Linden at a meeting held on September 17, 2019 as the same is taken from and compared with the original now remaining on file and of record in my office.

IN WITNESS WHEREOF, I have set my hand and affixed the corporate seal of the City of Linden, this 18 day of Sept., 2019.

Joseph C. Bodek
JOSEPH C. BODEK, City Clerk

Appendix D: Tax Map

Appendix E: Aerial Imagery

Aerial Imagery
City of Linden, Union County, New Jersey



-  Redevelopment Area
-  Redevelopment Area Parcel
-  Tax Parcel (Block/Lot)

Date of Aerials: 2015



0 175 350
Feet

ricciplanning

Paul Ricci, AICP, PP
177 Monmouth Avenue
Atlantic Highlands, NJ 07716






908.642.0070 (Phone)
908.350.4501 (Fax)
paul@ricciplanning.com

Appendix F: Environmental Constraints Mapping

Environmental Constraints

City of Linden, Union County, New Jersey



- | | |
|---|---|
|  Redevelopment Area |  Wetland Area |
|  Redevelopment Area Parcel |  Flood Hazard Area |
|  Tax Parcel (Block/Lot) | |

Date of Aerials: 2015



0 175 350
Feet

ricciplanning

Paul Ricci, AICP, PP
177 Monmouth Avenue
Atlantic Highlands, NJ 07716

908.642.0070 (Phone)
908.350.4501 (Fax)
paul@ricciplanning.com

EXHIBIT B

RESPONDENT'S STATEMENT FOR PUBLIC DISCLOSURE

A. RESPONDENT

1.
 - a. Name of Respondent:
 - b. Address of Respondent:
2. If the Respondent is not an individual doing business under his own name, the Respondent has the status indicated below and is organized or operating under the laws of

-
- A corporation
 - A non-profit or charitable institution or corporation
 - A partnership known as
 - A business association or joint venture known as
 - A federal, state or local government of instrumentality thereof
 - Other (explain)

1. If the Respondent is not an individual, give date of establishment of entity.
2. Names, addresses, title or position (if any), and nature and extent of the interest of the officers and principal members, shareholders and investors of the Respondent, are set forth as follows:
 - a. If the Respondent is a corporation, the officers, directors or trustees, and each stockholder owning more than 10 percent or any class of stock.
 - b. If the Respondent is a partnership, each partner, whether a general or limited partner, and either the percent of interest or a description of the character and extent of interest. *The developer should be sure to include any prospective partners it is aware of at the time of the submission.*
 - c. If the Respondent is a business association or a joint venture, each participant and either the percent of interest or a description of the character and extent of interest.
 - d. If the Respondent is some other entity, the officers, the members of the governing body, and each person having an interest of more than 10 percent.

Name, Address and Zip Code

Position Title (if any) and Percent of Interest or Description of Character and Extent of Interest

CERTIFICATION

I, (We) _____
Certify that this Respondent's Statement for Public Disclosure is true and correct to the best of my (our) knowledge and belief.

Dated: _____

Dated: _____

Signature

Signature

Signature

Title: _____

Title: _____

Address and Zip Code:

Address and Zip Code:

Notary:

If the Respondent is an individual, this statement should be signed by such individual, if a partnership, by one of the partners; if a corporation or other such entity, by one of its chief officers having knowledge of the facts required by this statement.

EXHIBIT C

RESPONDENT'S STATEMENT OF QUALIFICATIONS AND FINANCIAL RESPONSIBILITY

1. Name, Address and Zip Code of Respondent:
2. Is the Respondent a subsidiary of or affiliated with any other corporation or corporations or any other firms? Yes ____ No ____

If yes, list each such corporation or firm by name and address, specifically its relationship to the Respondent, and identify the officers and directors or trustees common to the Respondent and such other corporation or firms.

3.
 - a. The financial condition of the Respondent, as of _____, is as reflected in the attached financial statement. (Note: Attach to this statement a certified financial statement showing the assets and liabilities, including contingent liabilities, fully itemized in accordance with acceptable accounting standards and based on a proper audit. If the date of the certified financial statement precedes the date of this submission by more than six months, also attach an interim balance sheet not more than sixty (60) days old).
 - b. Name and address of auditor or public accountant who performed the audit on which said financial statement is based.
 - c. If funds for the development of the Project Concept proposed are to be obtained from sources other than the Respondent's own funds, provide a statement of the Respondent's plan for financing the acquisition and development of the land:
4. Sources and amount of cash available to Respondent to meet equity requirements of the proposed undertaking:

- a. In Banks:

<u>Name, Address and Zip Code of Bank</u>	<u>Amount</u>
	\$

- b. By sale of readily saleable assets:

<u>Description</u>	<u>Market Value</u>	<u>Mortgages or Liens</u>
	\$	

5. Names and addresses of bank references:

- 6.
- a. Has the Respondent or any person or entity identified in Section 3.3 hereto been adjudged bankrupt, either voluntary or involuntary, within the past ten (10) years?
- Yes ____ No ____
- If yes, give date, place and under what name.
- b. Has the Respondent or anyone referred to above as "principals of the Respondent" been indicted for or convicted of any felony within the past ten (10) years?
- Yes ____ No ____
- 7.
- a. Undertakings comparable to the proposed redevelopment completed by the Respondent or any of the principals of the Respondent, including identification and a brief description of each project and date of completion:
- b. If the Respondent or any of the principals of the Respondent has ever been an employee, in a supervisory capacity, for a construction contractor or builder on undertakings comparable to the proposed development work, name such employee, name and address of employer, title of position, and brief description of work:
8. If the Respondent or a parent corporation, a subsidiary, an affiliate or a principal of the Respondent is to participate in the development of the land as a construction contract builder:
- a. Name and address of such contractor or builder:
- b. Has such contractor or builder within the last ten (10) years ever failed to qualify as a responsible bidder, refused to enter into a contract after an award has been made, or failed to complete a construction or development contract. Yes ____ No ____ If yes, explain:
- c. Total amount of construction or development work performed by such contractor or builder during the last five (5) years:
- \$_____
- d. Construction contracts or developments now being performed by such contractor or builder:

<u>Identification of Contract of Development</u>	<u>Location</u>	<u>Amount</u>	<u>Date to be Completed</u>
--	-----------------	---------------	---------------------------------

e. Outstanding construction-contract bids of such contractor or builder:

<u>Awarding Body</u>	<u>Amount</u>	<u>Date Opened</u>
	\$	

9. Does any member of the governing body in the City or any other appointed official in the City, have any direct or indirect personal or financial interest in the Respondent or in the development rehabilitation of the property upon the basis of such proposal?

Yes ____ No ____ If yes, explain:

10. Statements and other evidence of the Respondent's qualifications and financial responsibility (other than the financial statement) are attached hereto and hereby made a part hereof as follows:

EXHIBIT D

LETTER OF INTENT

(Note: To be typed on Respondent's letterhead.

The Issuer shall accept no modifications to the language of the letter).

The undersigned, (Name of Respondent) has submitted the attached Response to the Request for Qualifications/Request for Proposals (the "RFQ/RFP"), issued by the City of Linden (the "Issuer"), relative to the development of the Redevelopment Area and the Block 587, Lots 3.01, 3.02 and 3.03 Redevelopment Area.

THE RESPONDENT HEREBY STATES:

- I. The attached Response contains accurate, factual and complete information.
- II. The Respondent agrees to participate in good faith in the application process as described in the RFQ/RFP and to adhere to the Issuer's schedule.
- III. The Respondent acknowledges that all costs incurred by it in connection with the preparation and submission of the Response, or any negotiations which result therefrom shall be borne exclusively by the Respondent.
- IV. The Respondent hereby declares that the only persons participating in this Response as principals are named herein and that no person other than those herein mentioned has any participation in the Response or in any contract to be entered into with respect thereto. Additional persons may subsequently be included as participating principals, but only if acceptable to the Issuer. The Respondent declares that this Response is made without connection with any other person, firm or parties who has submitted a Response, except as expressly set forth below and that it has been prepared and has been submitted in good faith and without collusion or fraud.
- V. The Respondent acknowledges and agrees that the Issuer may modify, amend, suspend and/or terminate the RFQ/RFP process (in its sole judgment) or may decide not to proceed with development of the Redevelopment Area described in the RFQ/RFP. In either case, neither the Issuer nor any of their officers, agents or representatives shall have any liability to the Respondent for any costs incurred by the Respondent with respect to the application activities described in the RFQ/RFP.
- VI. The Respondent acknowledges that any contract executed with respect to implementation/effectuation of the project described in the RFQ/RFP must comply with all applicable affirmative action and similar laws. Respondent hereby agrees to take such actions as are required in order to comply with such applicable laws.
- VII. The Respondent hereby acknowledges receipt of the RFQ/RFP.

Very truly yours,

(NAME OF RESPONDENT)

By: _____

Name: _____

Title: _____

Date: _____

EXHIBIT E

ACKNOWLEDGMENT OF ADDENDA

The Respondent hereby acknowledges receipt of _____ dated _____ and Addenda Nos. _____ through _____, inclusive.

(NAME OF RESPONDENT)*

By:

Name:

Title:

*If a joint venture, partnership or other formal organization of firms submit this Response, all such firms shall be listed and each such participant shall execute this Acknowledgment of Addenda.

EXHIBIT F

REQUEST FOR QUALIFICATIONS CHECKLIST

THIS CHECKLIST MUST BE COMPLETED AND SUBMITTED WITH YOUR PROPOSAL:

**Please initial below, indicating that your proposal includes the itemized document.
A PROPOSAL SUBMITTED WITHOUT THE FOLLOWING DOCUMENTS IS
CAUSE FOR REFUSAL.**

INITIAL BELOW

A. A complete electronic copy, with the original and six (6) signed copies of your complete proposal to be provided upon request of the City.

B. Non-Collusion Affidavit properly notarized.

C. Authorized signatures on all forms.

D. Business Registration Certificate(s).

E. Affirmative Action Statement

Note: N.J.S.A 52:32-44 provides that the City shall not enter into a contract for goods or services unless the other party to the contract provides a copy of its business registration certificate and the business registration certificate of any subcontractors at the time that it submits its proposal. The contracting party must also collect the state use tax where applicable.

**THE UNDERSIGNED HEREBY ACKNOWLEDGES
THE ABOVE LISTED REQUIREMENTS.**

NAME OF PROPOSER:

Person, Firm or Corporation

BY:

(NAME)

(TITLE)

EXHIBIT G

NON-COLLUSION AFFIDAVIT

STATE OF NEW JERSEY
COUNTY OF UNION

ss:

I AM

OF THE FIRM OF
UPON MY OATH, I DEPOSE AND SAY:

1. THAT I EXECUTED THE SAID PROPOSAL WITH FULL AUTHORITY SO TO DO;
2. THAT THIS PROPOSER HAS NOT, DIRECTLY OR INDIRECTLY ENTERED INTO ANY AGREEMENT, PARTICIPATED IN ANY COLLUSION, OR OTHERWISE TAKEN ANY ACTION IN RESTRAINT OF FAIR AND OPEN COMPETITION IN CONNECTION WITH THIS ENGAGEMENT;
3. THAT ALL STATEMENTS CONTAINED IN SAID PROPOSAL AND IN THIS AFFIDAVIT ARE TRUE AND CORRECT, AND MADE WITH FULL KNOWLEDGE THAT THE CITY OF LINDEN RELIES UPON THE TRUTH OF THE STATEMENTS CONTAINED IN SAID PROPOSAL AND IN THE STATEMENTS CONTAINED IN THIS AFFIDAVIT IN AWARDING THE CONTRACT FOR THE SAID ENGAGEMENT; AND
4. THAT NO PERSON OR SELLING AGENCY HAS BEEN EMPLOYED TO SOLICIT OR SECURE THIS ENGAGEMENT AGREEMENT OR UNDERSTANDING FOR A COMMISSION, PERCENTAGE, BROKERAGE OR CONTINGENT FEE, EXCEPT BONA FIDE EMPLOYEES OR BONA FIDE ESTABLISHED COMMERCIAL SELLING AGENCIES OF THE PROPOSER. (N.J.S.A.52: 34-25)

SUBSCRIBED AND SWORN TO

BEFORE ME THIS DAY

OF _____ 20____.

(TYPE OR PRINT NAME OF
AFFIANT UNDER SIGNATURE)

NOTARY PUBLIC OF

MY COMMISSION EXPIRES: _____, 20____

EXHIBIT H

N.J.S.A. 10:5-31 and N.J.A.C. 17:27
MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE
Goods, Professional Services and General Service Contracts
(Mandatory Affirmative Action Language)

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex. Except with respect to affectional or sexual orientation, the contractor will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting for the provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex.

The contractor or subcontractor, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to make good faith efforts to employ minority and women workers consistent with the applicable city employment goals established in accordance with N.J.A.C. 17:27-5.2 or a binding determination of the applicable city employment goals determined by the Division, pursuant to N.J.A.C. 17:27-5.2.

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

In conforming with the applicable employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

- § Letter of Federal Affirmative Action Plan Approval**
- § Certificate of Employee Information Report**
- § Employee Information Report Form AA302**

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Contract Compliance and EEO as may be requested by the Division from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of Contract Compliance & EEO for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.

**NOTICE FOR REQUEST FOR QUALIFICATIONS AND REQUEST FOR
PROPOSALS (RFQ/RFP)
CITY OF LINDEN
UNION COUNTY, NEW JERSEY**

Responses to Request for Qualifications and Request for Proposals (RFQ/RFP) will be received via email to William W. Northgrave, Esq. at wnorthgrave@msbnj.com, and awhelan@linden-nj.org, with copy to James E. Polles, Esq. at jpolles@msbnj.com, by or before June 18, 2020 at 10:00 am prevailing time for the following described proposal:

To view, download, and/or print the RFQ/RFP please go to the McManimon, Scotland & Baumann, LLC FTP Site at <http://msbnj.ftptoday.com> and sign-in using the following information: Username – CityofLinden; Password – LCP2020.

At a future date, proposers should be prepared to provide the City with an original and ten (10) copies of the response, in addition to any additional documentation required by the City and its Purchasing Agent.

All proposers shall conform to the intention and provisions of affirmative action in Public Contracts Laws of the State of New Jersey, R.S. 10:2-1 of 7/23/75, Assembly Bill No. 2227.

Proposers are required to comply with requirements of *N.J.S.A.* 10:5-31 et. seq. and *N.J.A.C.* 17:27.

The City Council reserves the right to reject any and all proposals should it be in the interest of the City to do so and to waive any informalities in the proposals.

BY: ANN MARIE E. WHELAN
PURCHASING AGENT