

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

**FOR THE**

**940 SOUTH PARK AVENUE  
BLOCK 496, LOT 3  
REDEVELOPMENT AREA**

LINDEN, NEW JERSEY

DUE DATE:  
December 29, 2020

Issued by:

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

**Redevelopment Counsel**  
Florio Kenny Raval, LLP  
125 Chubb Avenue, Suite 310-N  
Lyndhurst, NJ 07071

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**EXHIBIT B RESPONDENT’S STATEMENT FOR PUBLIC DISCLOSURE**

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**EXHIBIT D LETTER OF INTENT**

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**EXHIBIT G NON-COLLUSION AFFIDAVIT**

**EXHIBIT H MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE**

**EXHIBIT I ENVIRONMENTAL CONNECTION INC. PROJECT MONITORING REPORT**

**EXHIBIT J PHASE I ENVIRONMENTAL SITE ASSESSMENT**

## **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 Christopher K. Harriott, Esq., Florio Kenny Raval LLP, 125 Chubb Avenue, Suite 310-N, Lyndhurst, NJ 07071.

“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 496, Lot 3 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 496, Lot 3 and 4 (Park Plastics Site)” dated May 7, 2018 (adopted July 18, 2018), prepared for the Redevelopment Area, 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 0.72 acres of frontage on Bedle Place, Worth Avenue and Park Avenue. The City is also seeking proposals for the proposed redevelopment of the Redevelopment Area and a proposed for the purchase of the Redevelopment Area from the City. The City owns all of the property making up the Redevelopment Area.

As a result of the conditions within the Redevelopment Area, on March 16, 2016, the City Council adopted a resolution designating the Redevelopment Area as an “area in need of 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.

While not a part of the Redevelopment Area, Block 496, Lot 4 was designated as an area in need of redevelopment (non-condemnation), by the City Council on June 19, 2018. The City is not the owner of Block 496, Lot 4 but will consider proposals which include Block 496, Lot 4 in addition to Block 496, Lot 3.

#### **B. Redevelopment Area**

The Redevelopment Area was designated as a redevelopment area on March 16, 2016. On June 21, 2016, the City adopted the Redevelopment Plan, which has since been amended, establishing the standards for any development within the Redevelopment Area (and in addition, Block 496, Lot 4) 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 single and two-family dwellings, as well as two-family semi-detached dwellings, of sufficient size 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 single and two-family dwellings, as well as two-family semi-detached dwellings and townhouses, with permitted accessory uses of private, residential swimming pools and home occupations that are conducted on no more than 350 square feet or the equivalent of 40% of first floor area of the building, whichever is less. 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, including proposals which include Block 496, Lot 4.

#### **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**

The City is offering to sell the Redevelopment Area for a minimum price of Five Hundred Thousand Dollars (\$500,000.00). All proposals shall contain a firm purchase price and shall specify whether such price includes the purchase of Block 496, Lot 4.

#### **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 November 23, 2020 at 11:00 a.m. Respondents should email Christopher K. Harriott, Esq. ([charriott@fkrlaw.com](mailto:charriott@fkrlaw.com)) and copy Amy Kamrowski ([akamrowski@fkrlaw.com](mailto:akamrowski@fkrlaw.com)) 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 toll-free: 1-888-240-3210, Access Code: 1693623. 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**

November 23, 2020	Pre-Submission Conference Call (11:00 a.m.) 1-888-240-3210, Access Code: 1693623
December 7, 2020	Last Day to submit questions or requests for clarifications
December 29, 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;
- 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 [charriott@fkrlaw.com](mailto:charriott@fkrlaw.com), with copy to [main@fkrlaw.com](mailto:main@fkrlaw.com), [akamrowski@fkrlaw.com](mailto:akamrowski@fkrlaw.com) and [awhelan@linden-nj.org](mailto:awhelan@linden-nj.org), on or before December 29, 2020 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 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 main access roads can found through multiple driveways on the Redevelopment Area, which includes frontage on Bedle Place, Worth Avenue grants direct access to and from the site.

### **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 comments 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 is currently vacant.

### **2.6 Environmental Conditions**

Environmental Connection, Inc. performed project monitoring, air sampling and related services with regard to the former structure situated upon the Redevelopment Area, and prepared

a report on behalf of the City and attached hereto as Exhibit I. T&M Associates performed a Phase I Environmental Site Assessment for the Union County Department of Economic Development in November 2019 which is attached hereto as Exhibit J. Neither the Redevelopment Area nor the immediate vicinity thereof are listed on the current Known Contaminated Sites List of the New Jersey Department of Environmental Protection's Site Remediation Program. The New Jersey Department of Environmental Protection previously identified the Redevelopment Area as a contaminated site, but records indicate the Redevelopment Area was remediated and the New Jersey Department of Environmental Protection issues a No Further Action Determination in October 1998.

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 establishes the use and bulk requirements for the Redevelopment 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 Affordable Housing**

Respondents are expected to provide the means for producing the affordable housing required as a result of the proposed development in accordance with the Affordable Housing

Requirements, if any. The Response should include the plan to address this requirement.

## **2.9 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 December 29, 2020. Responses shall be emailed to Christopher K. Harriott, Esq. at [charriott@fkrlaw.com](mailto:charriott@fkrlaw.com), with a copy to [main@fkrlaw.com](mailto:main@fkrlaw.com), [akamrowski@fkrlaw.com](mailto:akamrowski@fkrlaw.com) and [awhelan@linden-nj.org](mailto:awhelan@linden-nj.org). 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 December 7, 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 makes 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 Exhibit C hereto), Respondent's Statement of Qualifications and Financial Responsibility (see Exhibit D hereto), Letter of Intent (see Exhibit E hereto), Acknowledgment of Addenda (see Exhibit F hereto) (pursuant to Section 3.3.2). Checklist, (See Exhibit G hereto), Non-Collusion Affidavit (Exhibit H) and Affirmative Action Statement (Exhibit I)
- 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 C 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 D 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. FAR
- d. Parking
- e. 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)
- f. Phasing Plan, if required
- g. Prospective tenant/occupant profiles
- h. Targeted rent/sales price – per square foot
- i. Market research, if applicable
- j. Project completion timetable
- k. Methods of satisfying affordable housing obligation
- l. Green Building/LEED compliance

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 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 foot print and setbacks, landscaped and paved areas, sidewalks and public plazas, building square footage; and the location of proposed curb cuts, 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.

### 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
- 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
- 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 or 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
- 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, including, but not limited to, the purchase price for the Property.

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}**