



**Request for Proposals
for Real Estate Services
September 30, 2010**



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Request for Proposals (RFP) for Real Estate Services

The Empire State Development Corporation (“the Corporation”) seeks the assistance of a real estate consulting/brokerage firm to provide a comprehensive review of the Corporation’s office location options which will include an analysis of the Manhattan commercial office market and strategic alternatives.

Any questions regarding this RFP should be sent via e-mail by October 7, addressed to:

Sheila Robinson
Deputy to the CFO
Empire State Development Corporation
633 Third Avenue
New York, New York, 10017
212-803-3519
srobinson@empire.state.ny.us

Objective

The goal of the Corporation, through this RFP, is to identify leasing financial inefficiencies and select the most cost-effective approach to accommodate our staff. The Corporation’s objectives include:

- Quantifying all potential occupancy strategies.
- Minimizing lease expenses at the present or a new location, now and in the future, without reducing the existing standards of the space.

Scope of Work

The Corporation currently leases approximately 101,050 square feet within five floors in Midtown Manhattan. We will require a marketplace analysis of current comparable rental rates for the Grand Central Midtown Market and a comprehensive review of all potential occupancy strategies including the cost of obtaining new space throughout Manhattan. Respondents will be required to create several possible scenarios for accommodating approximately 250 employees, identify near-term strategies, and provide an analysis of the financial and operational consequences of each strategy.

The selected consultant will be required to provide marketplace analyses for Manhattan locations to support proposed scenarios and to develop pro-forma cash flow and present value savings analyses of any of the alternative options presented.

The selected consultant would also assist the Corporation in the development and implementation of a selected strategy, represent the Corporation in negotiation of terms and conditions of the current lease or proposed solution, and other duties as may be required to ensure savings.

General Proposal Organization and Requirements

The proposal must include information to substantiate statements about the respondent's ability to provide the required services, including real estate advisory project experience as well as the necessary level of staffing.

Respondents should submit a proposal outlining its understanding of the project and the approach(s) to be employed in effectuating its completion. The proposal should include a description of each of the following:

- Project Methodology – The proposal should comprehensively address the firm's methodology, including the scope of services and timetable. Respondents should include examples of similar completed transactions by the firm within the past three years.
- Project Team – The project team should be described, clearly detailing relevant managerial and technical qualifications for each team member. This description should include similar projects completed by the team member for governmental, quasi-governmental or non-profit sector entities within the last three years that demonstrate the team's capability to perform under the contract. Please indicate the roles of each team member (e.g., team leader, day-to-day contact).
- Proposed fee- Please include your hourly rate(s) inclusive of expenses (i.e., travel, computer charges, copying, postage) and provide a cap on the fees. Also provide a commission based fee and include any other fees and potential costs.
- Firm and/or Team Information – As an appendix to the proposal please provide a description of the firm's history (or each firm if a joint venture), management structure, number of employees, number of offices, track record, market-share of similar transactions and list of major clients.
- References - Three references for similar transactions.

Required Submittals

Proposers shall submit six (6) hard copies and one (1) copy on disc of their proposal by 3:00 on October 26, 2010 in a sealed envelope to:

Sheila Robinson
Deputy to the CFO
Empire State Development Corporation
633 Third Avenue
New York, New York, 10017
212-803-3519
srobinson@empire.state.ny.us

Late proposals will not be accepted. The Corporation reserves the right to accept or reject all bids.

Proposal Evaluation Process

The Corporation will use the following criteria to evaluate the responses:

- Fee
- Creativity and special insight in addressing the project.
- Knowledge of Manhattan commercial real estate.
- Ability to commit resources necessary to complete the assignment in a timely fashion.
- Experience with governmental, quasi-governmental or non-profit sector clients.
- Experience of the Proposer in projects of a similar size, scope and nature.
- Experience of key personnel assigned to the project.
- Proposer's organization and project methodology

Proposal Timetable

RFP Publication in Contract Reporter & website www.esd.ny.gov : September 30, 2010

Questions due from firms: October 7, 2010

Answers to Questions posted to the website: ESDC will make best efforts to post on October 14, 2010

RFP due date and time: October 26, 2010 at 3:00 PM

Firm Interviews, if required: November 9 & 10, 2010

General Information Relating to RFP and Contracting Process

The Corporation will only contract with firms that do not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability, marital status, and sexual orientation or citizenship status. ESDC is committed to diversity and equal employment opportunities among its contractors. ESDC encourages all firms, including firms that are MWBE certified, to submit proposals in response to this RFP.

Questions – all questions should be addressed to the individual named above via email and will be collectively responded to on our website www.esd.ny.gov. During the RFP process (preparation through selection) there should be no contact with Corporation staff regarding the project unless it is submitted in writing to Sheila Robinson at srobinson@empire.state.ny.us.

Proposal Package – Respondent's proposal package should include a cover letter which is signed by an individual authorized to propose, negotiate and commit resources on behalf of the firm/team. The person signing the letter should be the authorized point of contact for the firm.

The package should also include a certification that the firm and its partners are in good standing with the State of New York and affiliated entities, that there are no adverse determinations against the firm or its partners, employees or persons acting on its behalf, with respect to actions, proceedings, claims or complaints concerning violations of Federal, State or Local law, nor are there any convictions of crime arising from the conduct of business of the firm.

Evaluation Committee – The proposals shall be evaluated by a team of corporation staff drawn from a variety of disciplines. Qualifying Proposals shall be evaluated and ranked by each team member based upon the evaluation criteria listed above. Oral interviews may be required to make a final selection.

RFP Postponement/Cancellation - The Corporation reserve the right to accept or reject all bids and to postpone, cancel, withdraw or redo the RFP process.

Contract Award – the Corporation reserves the right to award the project (and subsequent contract) to a firm other than the “lowest bidder”. Nothing contained herein shall obligate the Corporation to award a contract on the basis of this solicitation.

State Tax Law Section 5-a

The Tax Law was amended to require contractors with state agencies to certify to the Department of Taxation and Finance (DTF) that they, their affiliates, their subcontractors and the affiliates of the subcontractors have a valid certificate of authority to collect New York State and local sales and compensating use taxes. Tax Law Section 5-a applies to all contracts in excess of \$100,000 for the purchase by a covered agency of commodities or services, awarded pursuant to Article XI of the State Finance Law

Any contract resulting from this solicitation is also subject to the requirements of State Tax Law Section 5-a (“STL 5-a”). STL 5-a prohibits ESDC from approving any such contract with any entity if that entity or any of its affiliates, subcontractors or affiliates of any subcontractor makes sales within New York State of tangible personal property or taxable services having a value over \$300,000 and is not registered for sales and compensating use tax purposes. To comply with STL 5-a, all respondents to this solicitation must include in their responses a properly completed Form ST-220, a copy of which is accessible at the Required Forms for Vendors link at the ESDC web site:

<http://esd.ny.gov/CorporateInformation/RFPs.html>. If a respondent is not required to register with the Department of Taxation and Finance, an affidavit so stating must be included in the response. A form affidavit can be found at

http://esd.ny.gov/CorporateInformation/Data/RFPs/RequiredForms/STL_5A_Affidavit.pdf.

Also in accordance with the requirements of STL 5-a, any contract resulting from this solicitation will require periodic updating of the certifications contained in Form ST-220. Only the prime consultant completes *Form ST 220*, but Schedule A to *Form ST 220* requires detailed information from the subconsultants, such as tax ID number, etc., if applicable. Moreover, if applicable, certificates of authority must be attached by the prime consultant and all the subconsultants.

If a contractor has any questions regarding either forms, ST-220-CA or ST-220-TD, the New York State Comptroller G Bulletin will provide background information and necessity of both forms at <http://www.osc.state.ny.us/agencies/gbull/g222a.htm>. Contractors can refer to the Department of Taxation and Finance website, or the NYS Tax Law, Section 5-a, Contractor Affiliate, Subcontractor, and Subcontractor Affiliate Sales and Compensating Use Tax Registration for additional information and guidance.

New York State Finance Law

State Finance Law Sections 139-j and 139-k (collectively, the “Procurement Requirements”) apply to this RFP. These Procurement Requirements (1) govern permissible communications between potential respondents and ESDC or other involved governmental entities with respect to this RFP; (2) provide for increased disclosure in the public procurement process through identification of persons or organizations whose function is to influence procurement contracts, public works agreements and real property transactions; and (3) establish sanctions for knowing and willful violations of the provisions of the Procurement Requirements, including disqualification from eligibility for an award of any contract pursuant to this RFP. Compliance with the Procurement Requirements requires that all communications regarding this RFP, from the time of its issuance through final award and execution of any resulting contract (the “Restricted Period”), be conducted only with the designated contact persons listed below; the completion by respondents of the Offerer Disclosure of Prior Non-Responsibility Determinations, and the Offerer’s Affirmation of Understanding of and Agreement pursuant to State Finance Law (each form is accessible at the Required Forms for Vendors link at the ESD web site <http://esd.ny.gov/CorporateInformation/RFPs.html>); and periodic updating of such forms during the term of any contract resulting from this RFP. Respondents must submit the Offerer Disclosure of Prior Non-Responsibility Determinations, and the Offerer’s Affirmation of Understanding of and Agreement pursuant to State Finance Law as part of their proposal.

The Procurement Requirements also require ESDC staff to obtain and report certain information when contacted by prospective bidders during the restricted period, make a determination of the responsibility of bidders and make all such information publicly available in accordance with applicable law. If a prospective bidder is found to have knowingly and willfully violated the State Finance Law provisions, that prospective bidder and its subsidiaries, related or successor entities will be determined to be a non-responsible bidder and will not be awarded any contract issued pursuant to this solicitation. In addition, two such findings of non-responsibility within a four-year period can result in debarment from obtaining any New York State governmental procurement contract.

For the purpose of compliance with State Finance Law Sections 139-j, written contact via e-mail at srobinson@empire.state.ny.us with Sheila Robinson, Deputy to the CFO, is considered permissible.

This is not a complete presentation of the provisions of the Procurement Requirements. A copy of State Finance Law Sections 139-j and 139-k can be found at:

<http://www.ogs.state.ny.us/aboutogs/regulations/advisoryCouncil/StatutoryReferences.html>

All potential Respondents are solely responsible for full compliance with the Procurement Requirements.

Non-Discrimination and Affirmative Action:

It is the policy of the State of New York and ESDC, to comply with all federal, State and local laws, policies, orders, rules and regulations which prohibit unlawful discrimination because of race, creed, color, national origin, sex, sexual orientation, age, disability or marital status, and to take affirmative action in working with contracting parties to ensure that Minority and Women-owned Business Enterprises (MWBE’s), Minority Group Members and women share in the economic opportunities generated by ESDC’s participation in projects or initiatives, and/or the use of ESDC funds.

ESDC's non-discrimination and affirmative action policy will apply to this initiative. The selected consultant shall be required to use best efforts to achieve a Minority Business Enterprise participation goal of 10% and Women Business Enterprise participation goal of 5% of the total dollar value of the contract.

A copy of each proposer's Equal Employment Opportunity Policy Statement, Staffing Plan of the anticipated workforce to be utilized for services and Schedule of Minority and Women Business Participation shall be included as part of the response to this RFP. The latter two forms can be found on the Required Forms for Vendors link at the ESDC website <http://esd.ny.gov/CorporateInformation/RFPs.html> under "Required Forms for Vendors". The ESDC Affirmative Action Office ("AAO") is available to assist you in identifying New York State certified M/WBEs that can provide services in connection with this initiative. If you require M/WBE listings, please call the AAO at (212) 803-3226. MWBE's are encouraged to respond.

Insurance Requirements for **Selected** Vendor:

Selected vendor will be required to provide evidence of the following insurance:

Commercial General Liability of \$1 million per occurrence and \$2 million in the aggregate;
Commercial Automobile insurance on not less than \$1 million;
Professional Liability insurance of \$1 million; and
Evidence of Workers Compensation/Employers' liability insurance.

ESDC will require that it be named as additional insured on the Commercial General Liability insurance policy.