

REQUEST FOR QUALIFICATIONS  
AND  
SOLICITATION OF INTEREST  
  
FOR THE  
BROADWAY CORRIDOR REDEVELOPMENT AREA  
BAYONNE, NEW JERSEY

ISSUE DATE: September 4, 2007  
DUE DATE: November 15, 2007

Issued by:

BAYONNE ECONOMIC DEVELOPMENT CORPORATION  
BAYONNE TOWN CENTER MANAGEMENT CORPORATION  
MUNICIPAL BUILDING  
630 AVENUE C  
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## GLOSSARY

The following terms that are 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 Project.

“Authorized Representative” means the individual(s) specified in writing by a Respondent to be the representative(s) of the Respondent for all purposes of the RFQ/SOI.

“Bayonne Housing Authority” means the City’s Housing Authority.

“Broadway Corridor” shall be as described in Section 1.1 hereof.

“BEDC” means Bayonne Economic Development Corporation.

“City” or “Bayonne” means the City of Bayonne in the County of Hudson, State of New Jersey.

“COAH” means the State Council on Affordable Housing.

“County” means Hudson County, New Jersey.

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

“Designated Contact Person” means Michael F. O’Connor, Executive Director, BEDC, 630 Avenue C, Bayonne, New Jersey 07002.

“Issuers” mean, collectively, the BEDC and TCMC.

“Light Rail” means the New Jersey Transit Hudson Bergen Light Rail Line.

“Qualifications Criteria” means the qualifications criteria described in Section 4 hereof.

“Project” shall be as described in Section 1.1 hereof.

“Project Team” means the Issuers’ officials, consultants and others responsible for the issuance and evaluation of this RFQ/SOI and the Responses.

“Proposed Development Plan” shall be as described in Section 3.3.6 hereof.

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

“Redevelopment Area” means the approximately 6.72 acre site located in the City and known as the “Broadway Corridor Redevelopment Area” as more fully described on **Exhibit A** attached hereto.

“Redevelopment Law” means the Local Redevelopment and Housing Law, codified at N.J.S.A. 40A:12A-1 et seq.

“Respondent” means an entity or individual who submits a Response.

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

“RFQ/SOI” means this Request for Qualifications and Solicitation of Interest.

“State” means the State of New Jersey.

“TCMC” means the Bayonne Town Center Management Corporation.

“UEZ” shall be as described in Section 2.10.

## SECTION 1 INTRODUCTION AND GENERAL INFORMATION

### 1.1 Introduction

The City is located in southern Hudson County within the Northern New Jersey/New York City Metropolitan Region. The City is a peninsula with a total land area of 5.62 square miles or 3,597 acres. It is bordered to the north by the City of Jersey City; to the south by the Kill Van Kull; to the east by Upper New York Bay; and to the west by Newark Bay.

The City is a fully developed urban community with a population of approximately 61,842. The City's development pattern has been influenced by its proximity to the major population and employment centers of Jersey City, Newark and New York City. The City has diverse land uses that include a broad range of residential, commercial, industrial and public/semi-public development. The City is traversed by major transportation routes including the New Jersey Turnpike, Route 440, John F. Kennedy Boulevard, Broadway and the Light Rail Line. Of these, Broadway is unique because of its dual function as a major travel corridor and primary business district with a substantial concentration of commercial activity, housing, entertainment and public facilities. The Broadway corridor is one of the largest and most diverse central business districts in the State with a length of almost three miles, spanning more than fifty City blocks (the "**Broadway Corridor**").

The dominant land use along the Broadway Corridor is mixed-use in character with substantial commercial development, multi-family residential uses on upper floors, as well as a number of public uses and a nine-story apartment complex built by the Bayonne Housing Authority. During the past several decades Broadway has been in physical and economic decline due to increased regional competition, economic shifts in the local economy and changing demographics. A one block segment of the Broadway Corridor has been identified by the City as an "an area in need of redevelopment" under the Redevelopment Law and is the subject of this RFQ/SOI. The City is the designated "redevelopment entity", as such term is defined in the Redevelopment Law; however, the City has designated the BEDC and the TCMC to issue this RFQ/SOI on its behalf. The Issuers have the ability to assist the City and any developer hired by the City in the development of the Broadway Corridor. The Bayonne Housing Authority will also work in conjunction with the City and the Issuers.

The Issuers are issuing this RFQ/SOI in furtherance of those powers afforded to the City under the Redevelopment Law with the ultimate goal of fostering the redevelopment of underutilized properties in the Redevelopment Area by maximizing beneficial development uses while providing additional tax ratables to the community, generating new employment opportunities to the region and improving parking throughout the Broadway Corridor. The development of the Redevelopment Area shall be mixed-use in accordance with the proposed land uses noted in Section 2.4 herein and shall preserve the character of the surrounding area (the "**Project**"). In furtherance thereof, the Issuers are seeking Qualified Respondents for the City's consideration in selecting a "redeveloper" (as such term is defined in the Redevelopment Law) for all or a portion of the Redevelopment Area.

## 1.2 RFQ/SOI Documents

Each Respondent should inspect its copy of the RFQ/SOI to ensure that a complete set of the documents (including any Exhibits) are included. If a Respondent discovers that its copy of the RFQ/SOI is incomplete, it should immediately contact the Designated Contact Person. The Issuers will make appropriate and reasonable arrangements with the Respondent to provide any missing items. A Respondent must prepare its Response using a complete RFQ/SOI, including any addenda issued by the Issuers and the City prior to the date established for submission of all Responses. Neither the Issuers, the City nor their agents or employees, shall be responsible for errors, omissions, incomplete submissions or misinterpretations resulting from the Respondent's use of an incomplete RFQ/SOI 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 the RFQ/SOI thoroughly; (b) become familiar with and consider all federal, State and local laws, regulations, ordinances, permits, approvals and orders that may effect the cost, performance or furnishing of the services; and (c) notify the Issuers of all conflicts, errors or discrepancies in the RFQ/SOI.

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/SOI.

## 1.4 Pre-Submission Conference, Site Visit

A Pre-Submission Conference with prospective Respondents, including a presentation of the overall Project, Redevelopment Area and the RFQ/SOI, will take place on October 2, 2007, at 10:00 a.m. at the office of the BEDC. A detailed announcement will be sent to all persons who purchase an RFQ/SOI package or otherwise express an interest in attending the conference. Respondents wishing to attend the Pre-Submission Conference must confirm their attendance via email by no later than September 24, 2007 at 12:00 p.m.

Entities that have purchased an RFQ/SOI package may schedule a site visit of the Redevelopment Area. Respondents are asked to email a proposed and alternate date and time for the site visit. Please note that no additional information regarding this RFQ/SOI will be provided to Respondents during such site visits.

Attendance at either the Pre-Submission Conference or a site visit is mandatory for all Respondents.

## 1.5 Evaluation Process

The Issuers intends to evaluate all Responses in accordance with Section 4.1 hereof and may select Qualified Respondents from among such Responses, however, the City and the Issuers have the discretion to reject all of the Responses.

## 1.6 Anticipated Project Schedule

The anticipated time line is as follows:

September 4, 2007	Issuance of RFQ/SOI
October 2, 2007	Pre-Submission Conference
November 15, 2007	Receipt of Responses (4:00 p.m. prevailing time)
December 31, 2007	Notification of Qualified Respondents

## 1.7 Conditions

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

- The issuance of the RFQ/SOI is not intended and shall not be construed to commit the City to execute any Agreement with any Qualified Respondents.
- The Issuers reserve the exclusive rights set forth in Section 1.8 hereof.
- Neither the Issuers nor their staff, nor any of their consultants will be liable for any claims or 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 the RFQ/SOI process.
- All Responses will become the property of the Issuers and will not be returned.
- Information of a confidential or proprietary nature will be kept confidential during and after the procurement process as 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 Issuers and the City in connection with the RFQ/SOI is believed to be accurate and correct, however, neither the Issuers nor the City make any guarantees as to the accuracy of the information provided. Respondents are instructed to notify the Issuers (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 Issuers

The Issuers reserve, hold, and may exercise, at their sole discretion, the following rights and options with regard to the RFQ/SOI process:

- To reject, for any reason, any and all responses and components thereof and to eliminate any and all Respondents responding to the RFQ/SOI from further consideration for this procurement;
- To eliminate any Respondent who submits incomplete or inadequate responses or is not responsive this RFQ/SOI;
- To reject all Responses or any non-responsive Responses;
- To supplement, amend, or otherwise modify the RFQ/SOI;
- 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 the RFQ/SOI;
- To conduct investigations of any or all of the Respondents and their Responses as the Issuers deem 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 any Agreement for any purpose;
- To abandon this RFQ/SOI process at the Issuers' convenience at any time for any reason;
- To proceed with the Qualified Respondent that, in the Issuers' sole judgment, best serves the interest of the City;
- To facilitate the negotiation and execution of an Agreement with a public body 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;
- To interview any and all Respondents.

#### 1.9 Submission and Designation Fees

Each Respondent submitting a Response will be required to remit (together with such Response) a non-refundable Proposal Fee of \$150 in the form of a certified check made payable to Bayonne Economic Development Corporation. Submissions will only be accepted from entities that have purchased this RFQ/SOI.

**{END OF SECTION 1}**

## SECTION 2 THE PROJECT

### 2.1 City of Bayonne

The City of Bayonne is a 5.62 square mile peninsula occupying the southern portion of Hudson County within the New York/New Jersey metropolitan area. The City is a close-knit urban community with a diverse population of 61,842 according to the 2000 U.S. Census. The City has a stable population and is a community where neighbors know each other by name and participate in community events. Residents enjoy an exceptional quality of life with access to public services, numerous community facilities, and about 250 acres of local parkland. The population of the City is older than the Hudson County average – the median age in the City is 38.1 years old versus 33.6 years old in Hudson County.

### 2.2 Redevelopment Area

The Redevelopment Area is 6.72 acres, contains forty-one (41) properties in the downtown area of the City and includes an entire City block. The section of the Broadway Corridor and Bayonne Town Center Special Improvement District is bordered by East 21<sup>st</sup> Street to the north, East 19<sup>th</sup> Street to the south, Avenue E to the east and Broadway to the west and is commonly known as Block 221. The Redevelopment Area also includes three (3) additional tracts of land adjacent to Block 221 and commonly known as Block 211, Lots 16, 17, 18 and 19; Block 226, Lots 30, 31, 32, 33, 34, and 35; and Block 458, Lots 12 and 13. The Redevelopment Area includes a nine-story apartment complex built by the Bayonne Housing Authority. The building is encompassed within Block 221 and includes Lots 2, 3, 5, 6, 7 and 14 must be incorporated into any redevelopment project. A map of the entire Redevelopment Area is attached hereto as **Exhibit D**.

The Redevelopment Area is located in the heart of the downtown area and is characterized by a mix of commercial, residential, and public uses. The area currently includes vacant lots, Bayonne Parking Authority surface lots, a Bayonne Housing Authority senior citizen complex and a fuel oil company/truck storage yard.

The properties within the Redevelopment Area are owned by various private and public entities. As part of the Project, the redeveloper of the site would be required to assemble the properties under private ownership with the assistance of the Issuers.

### 2.3 Access

The Redevelopment Area is serviced by the major roadways shown on **Exhibit D**. These include the New Jersey Turnpike, Route 440, John F. Kennedy Boulevard, and Broadway. Additionally, the Redevelopment Area is within walking distance of the Light Rail.

## 2.4 Prospective Land Uses

The Redevelopment Area is located within the Broadway Corridor of the Town Center District of the City. The intent of the Redevelopment Area is to promote the redevelopment of the Town Center District and the City by maximizing the most beneficial uses to the region and utilizing the City's assets, such as the Light Rail. The City would like to develop the Broadway Corridor and strengthen it economically so it can continue to be the "heart" of the City and any plan should consider the need for Housing, Entertainment, Arts and Retail uses while highlighting the availability of various methods of Transportation. As part of its Response, Respondent shall submit general information relative to its desired future use of all or a portion of the Redevelopment Area. Development must provide for a mixed-use development and must preserve the character of the surrounding area and may provide for multiple buildings in the development. Respondents should include all or some of the following suggested usages:

- Storefronts facing out onto Broadway with sufficient space to attract a bolus of quality retail operations that will provide an active streetscape and strengthen the Broadway Corridor's competitive position within the region;
- A residential complex with sufficient units to ensure a new stream of pedestrian and customer traffic within the district;
- A parking structure with sufficient spaces dedicated to the Bayonne Parking Authority, that will provide a net addition to the district's parking capacity, while visually being integrated with the other parts of the redevelopment project as well as nearby portions of the district;
- An outdoor public space where community events can be held;
- Ground floor components facing Broadway shall be reserved for retail, restaurant or entertainment uses; and
- Parking should be adequate to support the proposed development while maintaining the existing public parking supply in the Broadway Corridor. Shared parking is strongly encouraged; however, Respondent should plan for a minimum of 1 parking space per dwelling unit and one parking space per 100 sq. ft. of commercial space.

## 2.5 Project Phasing

Respondent should indicate whether its proposed Project must be conducted in phases. If phasing is required, Respondent should provide a description of the phasing schedule. Priority should be given to development along Broadway as an initial phase.

## 2.6 Site Characteristics

The Redevelopment Area is serviced by sewer and water infrastructure. Any necessary upgrades will be the responsibility of the redeveloper.

## 2.7 Environmental Conditions

Any and all properties are subject to applicable environmental clean-up regulations. The redeveloper will be responsible for environmental assessment and any required remediation. Within the Redevelopment Area, Block 458, Lots 11 and 12 are the only known brownfield site. The current property owner is in the process of remediating the site pursuant to a consent order with the Department of Environmental Protection.

## 2.8 Redevelopment Area Plan, Approval Process and Zoning

The entire 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 adopt a redevelopment plan for the area. This plan will establish the use and bulk requirements for the Redevelopment Area and provide overlay zoning to conform with the intended use. The City intends to adopt a redevelopment plan following receipt and review of the Responses to this RFQ/SOI

Respondents should note that the Redevelopment Area currently lies within the Central Business District, Transit Development District, R-2 Detached/Attached Residential District and the Transit Development Overlay under the City’s zoning regulations. Due to the complexity of the multiple zoning districts and since the City has not yet adopted the redevelopment plan, the Issuers will consider any changes in the zoning regulations for the Redevelopment Area that are required to satisfy the needs of Respondent’s proposed development. Any suggested changes must be compatible with the existing development in the Broadway Corridor.

Once a plan has been approved for the Redevelopment Area, the City will have the authority to designate the redeveloper for any redevelopment project as well as perform all necessary administrative oversight pursuant to an Agreement.

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

## 2.9 Affordable Housing

Respondents are expected to provide the means for producing the affordable housing required as a direct result of the proposed development in accordance with the COAH requirements under *N.J.A.C. 5:94*, the City’s Housing Element and the City’s Housing

Affordability Controls (Ord. No. O-06-04 §1 and 2), as same may be adopted or amended. All affordable housing must be addressed on-site.

#### 2.10 Financing and Other Public Incentives

Respondents are encouraged to describe alternative financing methods and to describe their desired approach to financing the Project. The City may consider a public participation/partnership with a developer in connection with the costs, ownership, management and operation of infrastructure improvements, such as a parking garage.

Should the undertaking of the proposed Project cause a financial hardship on the Respondent, the City may consider financing proposals or incentives required to facilitate a successful Project.

#### 2.11 Urban Enterprise Zone Program

In 2002 the City was designated as an Urban Enterprise Zone (the “UEZ”). In addition to other financial incentives, businesses located within the UEZ (i) may be eligible for an entitlement to collect sales tax at half rate on most taxable sales of tangible personal property, (ii) may be eligible for tax credits against the Corporate Business Tax for investment within the UEZ and (iii) pay no sales tax on building materials, services and most tangible personal property. Respondents are advised to consult the Bayonne Urban Enterprise Zone Program for further details and information relating to application and eligibility.

**{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 Issuers on or before 4:00 p.m. prevailing time on November 15, 2007.

Responses shall be enclosed in an opaque, sealed envelope, marked with the name and address of the Respondent and directed the Designated Contact Person.

One original and ten (10) copies of the Response shall be submitted and received BY HAND DELIVERY, CERTIFIED MAIL/RETURN RECEIPT REQUESTED OR OVERNIGHT MAIL on or prior to the above-referenced time. One of the copies shall be unbound.

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

One copy of the Response must be clearly marked as the original and must contain the original documents. 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.

3.1.2 Questions/Clarifications Request

All communications, questions or clarifications pertaining to the RFQ/SOI should be directed, in writing, to the Designated Contact Person. During the period provided for the preparation of Responses, the Issuers may issue addenda or amendments to the RFQ/SOI. 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 the RFQ/SOI. These addenda will be issued by the Issuers and will constitute a part of the RFQ/SOI. Each Respondent is required to acknowledge receipt of all addenda at the time of submission of the Response by submitting an executed acknowledgment. As responses to the RFQ/SOI 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 the RFQ/SOI shall be prepared at the sole cost and expense of the Respondent. There shall be no claims whatsoever against the Issuers, the City, their staff, or their consultants for reimbursement for the payment of costs or expenses incurred in the preparation of the Response or other information required by the RFQ/SOI.

### 3.1.4 Disclosure of Information in Responses

If the Respondent chooses to include material of a proprietary nature in the Response, the Issuers will attempt to keep such material confidential to the extent permitted by applicable law. The Respondent must specifically identify each page of its Response that contains such information by properly marking the applicable pages. Preferably, any sections which contain material of a proprietary nature shall be severable or removable from the Response to assist the Issuers 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 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 Issuers determine it proper or to the extent that the Issuers deem disclosure necessary according to law. If an Agreement is awarded to (Respondent), the Issuers 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 Issuers will use best efforts to prevent the unauthorized disclosure of this information in applying the proprietary standard to marked data. However, neither the Issuers nor the City assume any 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.

### 3.1.5 Response Acceptance or Rejecting

The Issuers reserve the right to (a) abandon this application 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 Issuers and the City and will not be returned. At the conclusion of the procurement process, the Issuers may dispose of any and all copies of Responses received in whatever manner they deem appropriate. However, prior to such disposal the Issuers will use their best efforts to prevent the unauthorized disclosure of proprietary information, provided same is properly identified in accordance herein. In no event will the Issuers or the City assume liability for any loss, damage or injury that may result from any disclosure or use of marked data.

### 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/SOI.

### 3.3 Form and Content of Response

#### 3.3.1 Organization

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

Section I	Executive Summary, Letter of Intent, Acknowledgment of Addenda (pursuant to Section 3.3.2)
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 Development 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, Letter of Intent and Acknowledgment of Addenda (on the Respondent's official letterhead). The Letter of Intent and the Acknowledgment of Addenda shall be in the form and content exactly as set forth in **Exhibits B** and **C** herein. The Executive Summary shall include a summary of the key points of the Response.

### 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. In connection with 1, 2 and 3 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.

### 3.3.4 Financial Information Submission Requirements

Section III of the Response shall contain the Respondent's financial information. Respondents shall provide a summary of the amount and source of investment capital anticipated to be available for the successful development of the Redevelopment Area. The Response shall also include a list of three (3) financial references, including a

banking reference, noting the name, address and telephone number. In addition, Respondents shall provide audited financial statements for the general partner or controlling entity of the development team for the last three (3) years. In addition, Respondents shall provide evidence of its ability to secure builder's risk insurance and performance bonding capacity.

### 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 the RFQ/SOI shall demonstrate their ability to undertake the Project by providing the technical qualifications of the Respondent, principal subcontractors, and individual team members. The Issuers reserve the right to conduct an independent investigation of the Respondent and its subcontractor 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 particular emphasis on mixed-use projects with a strong retail component and projects in downtown business districts similar to that of the Redevelopment Area. This includes redevelopment and/or other development projects that include retail components. 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 of these.
- 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 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 for clients for whom the Respondent has provided similar projects, indicating whether the work was that of the Respondent and/or specific staff who will be assigned to the Project. Identify the client contact name, organization, type of work provided, and the contact's address and telephone number. Respondent shall indicate whether any of these clients were public entities. The Issuers reserve the right to contact clients for whom the Respondent has provided similar project that are not listed by the Respondent as a reference.

#### 3.3.6 Proposed Development Plan

Section V of the Response shall contain Respondents Proposed Development Plan for the Redevelopment Area. The Proposed Development Plan shall include a conceptual development plan including details for proposed development uses, building locations and footprints, roadways, sidewalks, parking, points of access, landscaping, open space and other infrastructure. The Proposed Development Plan may include multiple or alternative conceptual plans for any proposed use. Where appropriate, the Proposed Development Plan may also include schematic architectural drawings identifying elevations, building entrances and proportions between discrete buildings.

In conjunction with the preparation of the Proposed Development Plan, Respondent shall prepare a written summary of the proposed development program including proposed uses, building size, estimated cost to develop, general information on any potential end users (if known), and any other information deemed appropriate by the prospective Respondent.

### 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 for this Project. The plan should describe, in narrative form and as a chart, the Respondent's proposed organizational structure for this Project. The chart shall display:
    - X the firms involved, their interrelationships and responsibilities (if known); and
    - X key management personnel identified by name and firm.
    - X Resumes of key personnel to be assigned to the Project, 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, its officers, directors, employees or principals or any of its subsidiaries or parent(s), their officers, directors, employees or principals 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. Describe briefly any occasion in which Respondent, any officer or principal of Respondent with a proprietary interest therein, has ever been disqualified, removed or otherwise prevented from bidding on, participating in, or completing a federal, State, or local governmental project because of a violation of law or a safety regulation.
4. Describe briefly any occasion in which Respondent 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.

5. List all threatened and pending claims, litigation and judgments or settlements, government enforcement actions.
6. Has the Respondent or any of its officers 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.
7. If multiple organizations are participating (e.g., subsidiaries, parent companies, joint ventures and/or subcontractors), the information requested in this Section 3.3.7 should 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 Issuers 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 Issuers. 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 The Response documents shall be typed or printed (1-1/2 spacing) on 8-1/2" x 11" paper.
- X Maps and drawings should be attached.

**{END OF SECTION 3}**

## **SECTION 4 EVALUATION AND SELECTION PROCESS**

### 4.1 Evaluation Criteria

All Responses will first be evaluated to assure that they meet the requirements of the RFQ/SOI. The Response must include all submission requirements and must address all items in this request.

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

- Understanding of the Project's goals, nature and scope;
- Novelty of past projects;
- Firm and staff experience and qualifications;
- Firm and staff experience with similar projects;
- Project references;
- Firm financial strength and available capital;
- Innovativeness of the development concept(s) and plan(s);
- Competency and thoroughness evidenced in the development concept(s) and plan(s).

**{END OF SECTION 4}**

**EXHIBIT A**  
**REDEVELOPMENT AREA**

## EXHIBIT B

### LETTER OF INTENT

(Note: To be typed on Respondent's letterhead. The Issuers 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/Solicitation of Interest (RFQ/SOI), issued by the Bayonne Economic Development Corporation and the Bayonne Town Center Management Corporation, dated September 4, 2007, in connection with the implementation of a proposed contractual relationship for the Project as identified in the RFQ/SOI.

#### 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/SOI and to adhere to the Issuers' procurement schedule.
- III. The Respondent acknowledges that all costs incurred by it in connection with the preparation and submission of the Response and any Response prepared, 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 Issuers. 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 Issuers may modify, amend, suspend and/or terminate the application process (in its sole judgment) or may decide not to proceed with implementation of the Project described in the RFQ/SOI. In either case, neither the Issuers 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/SOI.

VI. The Respondent acknowledges that any contract executed with respect to implementation/effectuation of the Project described in the RFQ/SOI 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/SOI.

Very truly yours,

(NAME OF RESPONDENT)

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**EXHIBIT C**

**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 D

## MAP OF REDEVELOPMENT AREA

