CITY OF HACKENSACK
COUNTY OF BERGEN
NEW JERSEY

REQUEST FOR PROPOSALS FOR REDEVELOPER

OF THE

LOT C REDEVELOPMENT AREA
(BLOCK 308.01, LOT 3)

OPTIONAL INFORMATIONAL MEETING:
THURSDAY, SEPTEMBER 29, 2016 AT 10:00 A.M.

SUBMISSION DEADLINE:
FRIDAY, NOVEMBER 18, 2016 AT 10:00 A.M.

ADDRESS ALL PROPOSALS IN THE FORM REQUIRED IN THE SPECIFICATIONS

OFFICE OF THE CITY MANAGER
CITY OF HACKENSACK
65 CENTRAL AVENUE
HACKENSACK, NEW JERSEY 07601

1. OVERVIEW

The City of Hackensack, New Jersey (the "City") is issuing this Request for Proposals ("RFP") in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., for the purpose of seeking qualified redevelopers to redevelop an underutilized City-owned municipal surface parking lot generally known as Lot C into a vibrant mixed use residential community with the continued provision of public parking on site ("the Project") pursuant to the Lot C Redevelopment Plan and the standards and conditions set forth herein.

There will be an informational meeting on **Thursday, September 29th, 2016 at 10:00 am at 65 Central Avenue, Third Floor Council Chambers, Hackensack, New Jersey.** Attendance at the informational meeting is not mandatory. A site visit will immediately follow the meeting. Prospective Respondents may also inspect the site on their own at any time as it is open public property.

To be placed on the list of eligible Respondents, the attached Respondent Information Sheet shall be filed along with a five thousand dollar ($5,000.00) refundable deposit made payable to the "City of Hackensack" which will be refunded if the eligible Respondent decides not to make a submission. For Respondents making a submission, which requires an additional escrow fee deposit of fifty thousand dollars ($50,000.00), all deposits will be retained until a designated Redeveloper is selected. Upon completion of the final selection of a designated Redeveloper by the City's governing body with the entry of a Redevelopment Agreement, the deposits of unsuccessful respondents will be refunded within sixty (60) days. No cash deposits will be accepted.

All proposals must be submitted with one (1) original signed copy, one (1) electronic copy, and ten (10) paper copies, no later than FRIDAY, NOVEMBER 18, 2016 AT 10:00 A.M. to:

Office of the City Manager
City of Hackensack
65 Central Avenue
Hackensack, New Jersey 07601

The envelope of any proposal submitted shall state: "Lot C Redevelopment Proposal."

Any proposals received after the deadline, or without the submission of required deposits will be rejected. Postmarked proposals dated on the reception date but received after the reception date will be deemed late and rejected. The City shall not be responsible for the loss, non-delivery, or physical condition of proposals sent by mail of courier service. E-mailed or faxed submissions will not be accepted.

All questions or inquires shall only be directed to:

Office of the City Manager
City of Hackensack
65 Central Avenue
Hackensack, New Jersey 07601
citymanager@hackensack.org

2. PURPOSE & INTENT OF RFP

The City is seeking a qualified Redeveloper to design, build, manage, operate and maintain a multi-family residential development with ancillary uses along with the development, operation and maintenance of a public-private parking facility with a minimum of 200 available public parking spaces.

The Project will provide mixed use development in a manner that will improve land use, pedestrian and vehicular circulation and community character and generally enhance an underutilized and vacant area in an important recreational and entertainment area of the City, which includes Foschini Park, an enclosed privately owned ice arena and bowling facility.

Through this RFP, the City intends to identify the most highly qualified Redeveloper for the Project who also offers the highest probability of success and the best potential long term economic return to the City. The City wishes to partner with an experienced and financially capable Redeveloper which shares its long-term vision for the revitalization of the downtown area, and would be willing to work cooperatively with the City through the predevelopment, approval and construction of this Project.

The City's primary goals in issuing this RFP (not listed in order of importance) are to:

(1) Promote the development of the Property;
(2) Produce new real estate tax ratables to support the on-going downtown revitalization efforts;
(3) Create construction and new permanent jobs; and
(4) Generate sales and associated revenue to support additional redevelopment activity.

3. BACKGROUND INFORMATION

The City of Hackensack is a municipality of approximately 4.3 square miles, with a population of approximately 43,010 residents. It serves as the seat of Bergen County and is almost fully developed. It is convenient to the New Jersey Turnpike and Garden State Parkway as well as Routes 80, 17 and 46. Hackensack offers bus and commuter rail service to Newark and New York on the New Jersey Transit Pascack Valley line. The Hackensack train station is approximately ½ of a mile from the proposed development area and the regional bus terminal is less than 1/8th of a mile away from Lot C and is located on the perimeter of the downtown business district

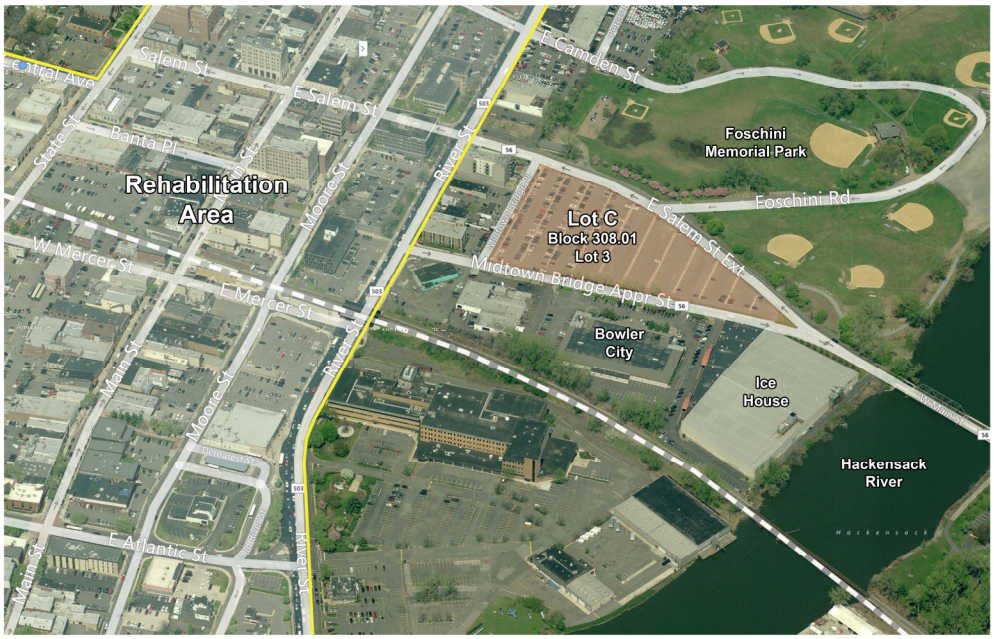
The heart of Hackensack is the downtown business area which consists of approximately twenty city blocks along the pedestrian friendly Main Street which is a heavily traveled one way street with two lanes of traffic and parallel parking on both sides. The City is in the process of converting Main Street, State Street and multiple perpendicular streets in the downtown back to a two way system. Several times a year, Main Street is closed to vehicular traffic and used for civic events such as street fairs, parades and car shows. On

Friday nights and weekends the street is busy with regional patrons visiting several moderately priced restaurants, shops and small retail stores.

In 2016, the City received a transit village designation through the New Jersey Department of Transportation, which includes Lot C. The development of Lot C is consistent with the current policy of the State of New Jersey regarding Transit Villages and smart growth policies. In addition, the City was awarded the 2014 Smart Growth Award by NJ Future for its ongoing downtown redevelopment efforts.

4. PROJECT SITE DESCRIPTION

a) Property Description: The Property is approximately +/- 4.15 acres located on Block 308.01, Lot 3 (the "Property" or "Lot C"). The Property and is strategically located near the downtown business district across from Foschini Park between East Salem Street, Midtown Bridge Road and River Street.



b) Utilities**:** Public water, sanitary sewer, storm water drainage, natural gas, electricity and voice and data transmission facilities are available adjacent to the development area. It is anticipated that there is sufficient utility capacity to serve the proposed development. Each prospective Redeveloper is responsible to independently confirm utility availability as the City makes no representations regarding the same.

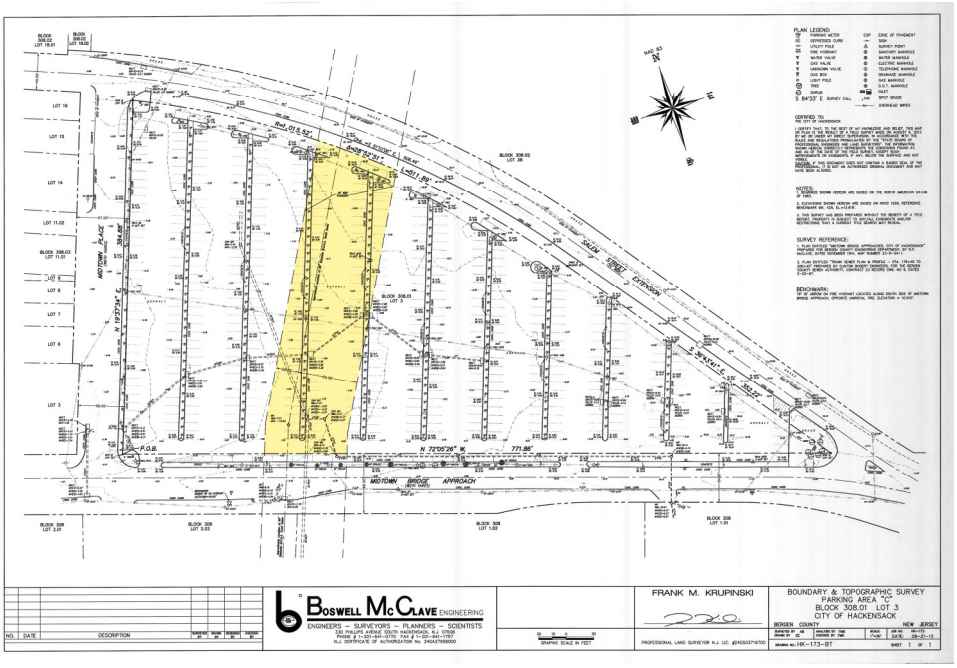
c) Service Providers**:**
   i. Electricity is provided by PSE&G;
   ii. Gas is provided by PSE&G;
   iii. Sanitary sewer collection lines are owned by the City of Hackensack and flow to the Bergen County Utilities Authority ("BCUA") for treatment;
   iv. Water is provided by United Water; and
   v. Voice and data are provided by Verizon and Cablevision.

d) <u>Environmental and Geotechnical Conditions</u>**:** As a part of the City's due diligence process, the City conducted preliminary geotechnical and environmental investigation on the Property. This information is provided within the RFP package. The Redeveloper will be responsible for all storm water management, design and permitting issues for the project at its sole cost and expense. The Redeveloper will be responsible for storm water drainage construction and applicable DEP permits at its sole cost and expense.

e) <u>Traffic Impact Study</u>**:** The Redeveloper will be expected to prepare a traffic impact study and implement the recommendations of the study to improve traffic flow in the area of the project at its sole cost and expense.

f) <u>Tidelands Claim</u>: There is currently a Tidelands Claim on the Property, which the City is in the process of clearing. On February 3, 2016, the Tidelands Resource Council authorized a riparian grant for the Property, which the City has already authorized payment for in the amount of $1,626,792. The instrument clearing this claim is currently being circulated for final execution. It should be assumed for the purpose of any proposal being made that this claim will cleared by the time the designated Redeveloper is selected.

g) <u>BCUA Easement</u>**:** Currently there is a 90 foot BCUA easement running from north to south across the property which is located on the property survey. The City has included a letter from the BCUA, which indicates they would allow the easement to be reduced from 90 feet to 50 feet (25 feet on each side of the authority sewer), which will be the responsibility of the Redeveloper to obtain should the Redeveloper wish to do so at its sole cost and discretion.



5. PROJECT COMPONENTS

In March 2014, the City of Hackensack adopted the Lot C Redevelopment Plan which is included herewith ("Redevelopment Plan"). The Redevelopment Plan includes conceptual site plans illustrating possible site design and configuration based upon a collaborative effort involving the City Planner, zoning and planning boards, elected officials, residents and the City. The depiction represents only one way of addressing the goals and objectives for the City, but is in no way the only potential plan for the development of the Property. As such, respondents are encouraged to submit proposals in general conformance with the Lot C Redevelopment Plan which are creative, innovative, attractive and which enhance the area in a way that is not necessarily identical to the conceptual site plan. Anticipated Project components include, but are not necessarily limited to the following.

a. Mixed Use Development Component:

The City is seeking a qualified Redeveloper to purchase, develop and maintain the Lot C Redevelopment Area into a mixed use predominantly residential or hotel use with a public parking component that improves and enhances the vibrant atmosphere in the downtown business district. The following considerations should be taken into account:

i. A variety of apartments, residential dwelling units, or hotel above parking and/or ground floor retail;
ii. Potential ground floor retail and a public plaza/civic space at the intersection of East Salem and Midtown Bridge Approach;
iii. New housing that has sufficient density to provide a market for existing and future retail development in the downtown business district;
iv. The design of the development that promotes pedestrian friendly human scale along the public streets; and
v. Architecture that complements the historic character of Hackensack and is based on the best principles of urban development.

b. Parking Structure Component:

The City is requiring that the designated Redeveloper provide a minimum of 200 public parking spaces, which is a requirement of the Redevelopment Plan and must be part of any proposal submitted. The proposed provision of additional public parking spaces will be viewed favorably by the City. It is anticipated that the Redeveloper will design, build, operate and maintain this parking facility on the site through a form of a public-private partnership with the City whereby the City will receive a negotiated share of the net revenue from the operation of the parking facility.

The City will require the selected Redeveloper provide an interim plan for replacement of the existing surface parking spaces during construction of the Project, which may include the provision of temporary parking on or off site in the vicinity of the Project.

It is anticipated that the Redeveloper will have to post performance guarantees sufficient to ensure that the construction of the public parking spaces is completed to the City's satisfaction.

6. PROJECT PHASING

Due to the size of the development and the presence of the BCUA easement, phasing may not be necessary, but will be permitted under the following conditions:

i. Phase 1 should include the design and construction of the public parking component, or the provision of an acceptable minimum number of public parking spaces through an interim plan during construction; and
ii. Phase 2 may include the design and construction of high quality mixed use development on the property.

7. PROJECT MEETING AND SITE INSPECTIONS

The City encourages interested developers to meet with City staff and consultants to discuss this development opportunity. All interested developers are urged to attend an informational briefing session on **Thursday, September 29th, 2016 at 10:00 am at 65 Central Avenue, Third Floor Council Chambers, Hackensack, New Jersey.** At this meeting developers will be encouraged to ask questions about the scope of the Project and the qualifications required for the Redeveloper.

8. AVAILABLE BACKGROUND INFORMATION INCLUDED

Information for this RFP can be downloaded from the City of Hackensack website www.hackensack.org and includes the following:

a. Site Survey
b. Area in Need of Redevelopment Investigation Study
c. Area in Need of Redevelopment Plan
d. Environmental and Geotechnical Executive Summary and Report
e. Deed
f. BCUA Easement Letter
g. Tidelands Grant Approval Letter

9. REDEVELOPMENT PLAN AND DESIGN CRITERIA

Respondents must submit a proposal in conformance with the Redevelopment Plan and design guidelines. The City reserves the right to reject proposal in its sole discretion that are not in conformance with the Redevelopment Plan and design criteria. The City is willing to entertain future amendments of its Redevelopment Plan if determined to be in the best interests of the City and the Redeveloper to improve upon the proposed project. Any anticipated necessary amendments, waivers or reservations should be noted in the Respondent's submission.

10. REQUIRED CONTENT AND FORM OF PROPOSAL

Although the City encourages creativity in this RFP process, please limit the format of your response to standard letter sized documents, which should be bound and tabbed for easy review by the evaluation team. Other visual materials should be approximately 11" x 17" for presentation to our review committee. Respondents are solely responsible for all costs of preparation of the response to the RFP. All proposals must be submitted with one (1) original signed copy, one (1) electronic copy, and ten (10) paper copies. The City will not return any materials submitted. Each RFP submission should endeavor to satisfy the information requested in the categories described below.

a. Qualifications and Experience:

On the entity's letterhead, the Respondent should synthesize the information contained in the overall proposal with particular emphasis on the Respondent's financial condition and its experience with similar projects. An executive summary should be drafted so that it may be easily understood by persons not necessarily having a property development, legal or financial background.

The City is seeking a Redeveloper with significant experience in transit oriented development, mixed use residential, hotel, commercial development with vertical public parking components. The City will ultimately enter into negotiations with the qualified Redeveloper based upon their proposals. The qualified Redeveloper must have adequate financial resources that can be clearly demonstrated.

The Respondent shall provide the full corporate name, contact person, mailing address and e-mail address, state of incorporation, and authorization to do business in New Jersey. If the Respondent is a partnership or joint venture, provide all information for each individual company making up the partnership or joint venture, including disclosures of parties who own 10% or greater interest in such entities. The form and structure of any proposed partnership or joint venture must be clearly defined.

Only responses from principals will be considered. Individuals in representative, agency, or consultant status may submit responses to this RFP on behalf of principals if principals are identified and solely responsible for the content and cost of the response. The proposed project architect, engineer, attorney, marketing team and other relevant professionals should be identified if determined together with a brief description regarding the qualifications of each. If designated, Respondents will need to document that they are an entity legally authorized to conduct business in the State of New Jersey.

In response to this RFP, the Respondent should include at a minimum the following information (if joint venture, information on all entities must be included):

1. A detailed description of the entity and the members of its development team. Include resumes of principals and key project managers.
2. The entity's real estate development history, and that of any other firm with significant project responsibility.

3. A listing of a minimum of three (3) relevant development projects with detailed information as to the nature, size, scope, cost, date of the project, and amount of debt issued and equity raised. Please include photographs of each project.
4. Statement of experience in public/private mixed use real estate development projects.
5. Statement of experience in managing, designing and building on schedule and within budget parking facilities of at least 500 spaces.
6. Five references including telephone numbers (include at least two financial institutions and one parking related reference).
7. Submit reasonably comprehensive financial statements or information certified by the entity's chief financial officer or auditor.
8. Describe how each project component will be financed, including assumptions for the amount of equity committed and debt required, source of project funds and financing, source and strength of payment and performance guarantees, the anticipated preferred return, and payments to the City. Respondents may determine that it is in their best interest to utilize various types of public and/or public or private financial options, including tax-exempt financing and direct grants, as well as other programs including but not limited to federal, state, county or local grants. If the Respondent does intend to use such financing, it should be identified and described as part of the entity's submission.

b. Project Narrative:

1. Project narrative: In a narrative fashion, described the proposed project including the:
   - Respondents approach to development
   - Overall project description
   - Conceptual site plan for the Project
   - Description of proposed facilities, types and sizes of buildings, building materials and architectural treatments, ancillary facilities and amenities
   - Anticipated construction type, gross and net square footage
   - Unit type breakdown (studio/1/2 bedroom) and/or number of hotel rooms
   - Retail/commercial square footage, if applicable
   - Number of stories and building height for each building (if applicable)
   - Number of phases, if any
   - Number of parking spaces provided (public and supporting the development). All proposals shall provide for the provision of at least 200 public parking spaces.
   - Public amenities and open space
   - Why this development will be a unique, interesting place which will achieve success.
2. Visual depiction of project: Please supplement the Project narrative by providing illustrations such as aerial photos, maps, site plans, elevations, drawings and artist renderings that clearly explain the location and appearance of the proposed improvements.

c. Financial Terms and Offer:

Respondents should make a financial offer with the following components:

1. A base purchase or lease price due at closing with a deposit schedule.

2. The Redeveloper's obligation to construct the public infrastructure (i.e., public parking) forms part of the consideration and must be secured to the reasonable satisfaction of the City. The Respondent must describe how its proposal offers the highest probability of success and greatest economic return to the City.

3. In preparing financial offers, Respondents should assume that property taxes, whether by a PILOT Agreement, or as a direct tax payment to the City, will be subject to the same assessment rules and be equal in amount otherwise payable by property owners elsewhere in the City.

    a. Proposals seeking a tax abatement under the Long Term Tax Exemption Law should include a preliminary fiscal impact analysis which will provide a projected assessment of the anticipated economic, demographic and financial implications related to the development. The Respondent should address the economic benefits that the City will receive in the form of property taxes or payments in lieu of taxes if the Respondent is requesting consideration of same, versus the costs of the Project to the City as far as the provision of municipal services and school children are concerned.

4. Any contingencies, restrictions, conditions, terms or requirements of sale, other than as set forth in this RFP, while not encouraged, must be clearly noted as part of the financial offer. The proposed financial offer does not constitute a bid for sale; however, if selected as a conditional Redeveloper, this offer will serve as a basis for negotiation of the Redevelopment Agreement.

d. Project Schedule:

Proposals should include a schedule of key pre-development and construction milestones prepared on a quarterly basis with the anticipated start date, the design and construction of public infrastructure, securing public approvals, and commencement and completion of improvements for the project. Respondents must state that they intend to enter into a Redevelopment Agreement within ninety (90) days of a conditional Redeveloper Designation, which shall include due diligence.

f. Escrow Fee Deposit:

Each Respondent's submission shall be accompanied by an escrow deposit in the sum of fifty thousand dollars ($50,000.00), which shall be held by the City until such time as the successful Respondent is designated as the Redeveloper of Lot C. Upon designation, the escrow shall be applied to defray the City's professional fees associated with the Project. The escrow deposit of the unsuccessful Respondents shall be returned within sixty (60) days of the City's final designation of the successful Redeveloper. Escrow fees of a Respondent

which chooses to withdraw from consideration may be refunded prior to the designation of the selected Redeveloper.

11. THE PROCUREMENT PROCESS

All communications concerning this RFP, or the process in general shall be directed to:

Office of the City Manager
City of Hackensack
65 Central Avenue
Hackensack, New Jersey 07601
citymanager@hackensack.org

The proposal process commences upon the issuance of this RFP. Other than as indicated above, entities interested in submitting a proposal in response to the RFP should not directly contact any City official or employee. Failure of a firm or organization to adhere to the foregoing may result in its disqualification from further participation in the process.

There will be an optional informational meeting on **Thursday, September 29th, 2016 at 10:00 am at 65 Central Avenue, Third Floor Council Chambers, Hackensack, New Jersey.** Attendance at the informational meeting is not mandatory. A site visit will immediately follow the meeting. Prospective respondents may also inspect the site on their own at any time as it is open public property.

To be placed on the list of eligible Respondents, the attached Respondent Information Sheet shall be filed along with a five thousand dollar ($5,000.00) refundable deposit made payable to the "City of Hackensack" which will be refunded if the eligible Respondent decides not to make a submission. For Respondents making a submission, which requires an additional escrow fee deposit of fifty thousand dollars ($50,000.00), all deposits will be retained until a designated Redeveloper is selected. Upon completion of the final selection of a designated Redeveloper by the City's governing body with the entry of a Redevelopment Agreement, the deposits of unsuccessful respondents will be refunded within sixty (60) days. No cash deposits will be accepted.

All proposals must be submitted with one (1) original signed copy, one (1) electronic copy, and ten (10) paper copies, no later than FRIDAY, NOVEMBER 18, 2016 AT 10:00 A.M. to:

Office of the City Manager
City of Hackensack
65 Central Avenue
Hackensack, New Jersey 07601

The sealed envelope of any proposal submitted shall state: "Lot C Redevelopment Proposal."

Any proposals received after the deadline, or without the submission of required deposits will be rejected. Postmarked proposals dated on the reception date but received after the reception date will be deemed late and rejected. The City shall not be responsible for the

loss, non-delivery, or physical condition of proposals sent by mail of courier service. E-mailed or faxed submissions will not be accepted. No copies shall be sent to any other person.

The information contained in the proposals will be held in confidence to the extent permitted by law. Any agreement(s) entered into between the City and the successful Redeveloper will become a public record upon execution.

The City reserves the right to among other things, amend, modify or alter the schedule set forth herein upon notice to all proposers. The City may modify, supplement or amend the provisions of this RFP by issuing addenda to all entities that received the RFP. No addenda will be issued after ten (10) business days prior to the submission deadline, except for notice of cancellation of the RFP, or extension of the submission deadline.

12. EVALUATION AND SELECTION PROCESS

The City anticipates evaluating all proposals within sixty (60) days of the submission deadline and short-listing prospective Redevelopers for interviews. Upon completion of the interviews, the City will conditionally designate the Redeveloper by resolution of the governing body for a period of ninety (90) days. During this time, the City will enter into exclusive negotiations with the conditional Redeveloper, which will be expected to enter into Redevelopment Agreement with the City setting forth specific development rights and obligations, and will serve additionally as a contract of sale setting forth the required financial terms, conditions and deposits to be made. All proposals received, whether or not short-listed, will be considered active until a Redevelopment Agreement is executed unless such proposal is withdrawn by the submitting entity or in the event that this RFP is cancelled.

13. SELECTION CRITERIA

The City will initially evaluate each submission for completeness and clarity. The City may seek additional clarification to submitted information or request missing information before undertaking its evaluation. Respondents will have a limited time period in which to provide such clarifications or missing information. Proposals which are incomplete at initial submission will not be rejected, but all respondents are urged to prepare and present proposals which are as complete as possible under the time constraint imposed by the RFP schedule.

As it conducts its evaluation, the City will apply criteria that measures how each proposal fulfills the goals and objectives set forth in this RFP. The City will weigh proposals based on the following criteria (not in order of importance) as follows:

(1) Qualifications and Development Experience:	30%
(2) Conceptual Development Plan:	30%
(3) Terms of the Financial Offer:	30%
(4) Project Schedule and Phasing:	10%

The City is also firmly committed to providing full and equal business opportunities to all persons regardless of race, color, religion, gender, national origin, age or not job related disability. In that regard, the City will affirmatively assure that minority and female owned businesses are afforded equal opportunities for consideration for all purchases and contracts issued in connection with this Project.

Based on the Selection Criteria, the City will short-list Respondents according to their overall ranking and interview the selected Respondents and their development teams.

14. PAYMENT AND PERFORMANCE GUARANTEE

Respondents should specify the nature of payment and performance guarantees to the City. While the selected Redeveloper may be a newly formed single purpose or urban renewal entity, the performance of all obligations under the Redevelopment Agreement must be guaranteed by one or more financially capable party or parties. Such guarantee may, in the reasonable judgment of the City, require the posting of security, which may be in the form of an unconditional irrevocable letter of credit or other form acceptable to the City. The requirement to post security shall depend upon the financial strength of the guarantor, the nature of the completion guarantee provided to the construction lender and third party rights, if any, afforded the City under such construction loan guarantee, and other assurances as may be negotiated between the City, the selected developer and the guarantor. The guarantor and named Redeveloper may be related parties.

15. ADDITIONAL DUE DILIGENCE

A conditionally designated Respondent shall be granted access to the Property for the purpose of completing any additional due diligence review of the Property's physical condition, including, but without limitation, geotechnical, environmental and site surveying. Access and the right to test will be granted under one or more licenses to be issued by the City. Such licenses will contain terms and provisions, including, without limitation, insurance coverage and indemnification of the City. Should any of this due diligence require significant disruption to the site, bonds may need to be posted to ensure full restoration of the site.

16. REDEVELOPMENT AGREEMENT

A conditionally designated Redeveloper will be expected to enter into a Redevelopment Agreement with the City. The Redevelopment Agreement will set forth specific development rights and obligations, and will serve additionally as a contract of sale. The term of the Redevelopment Agreement will extend beyond land sale closing to the completion of the Project for which the Redeveloper is finally designated.

The City, in its sole discretion, will have the option to terminate negotiations with a conditionally designated Redeveloper at any time without cause other than on the basis that the City is not satisfied with the progress of the negotiations of the Redevelopment Agreement. The Redeveloper shall have no cause of action or right to damages arising from the City's termination of negotiations with the conditionally designated Redeveloper prior to the execution of the Redevelopment Agreement by the parties.

The City reserves the right to modify, omit and/or amend the terms prior to the entry of the Redevelopment Agreement with the conditionally designated Redeveloper. Respondents, however, should assume that all of the above terms will be requirements of the Redevelopment Agreement for purposes of responding to this RFP.

17. COMMUNICATIONS PROTOCOL

All inquiries concerning this RFP should be made in writing, and transmitted by e-mail, to City Manager's office as provided above. Additional information, and responses to questions applicable to more than the party making the inquiry, will be sent to the designated e-mail representative of each entity that registers for this RFP. It is therefore important that potential Respondents make certain that registered email addresses are correct and remain current.

Unless specifically designated, no employee or agent of the City is authorized to provide an interpretation of any part of this RFP, or to give information in addition to that which is contained in this RFP. Interpretations, responses to inquiries and additional information will only be communicated in the manner set forth above. Telephone inquiries will not be accepted.

18. COST OF PREPARATION

Each RFP submission and all information required to be submitted pursuant to this RFP shall be prepared at the sole cost and expense of the Respondent. There shall be no claims whatsoever against the City, its staff, or its professional consultants, including, but not limited to, engineers, attorneys, planners, architects, and surveyors, for reimbursement for the payment of costs or expenses incurred in the preparation of the RFP submission or other information related in any way to this RFP.

If the Respondent chooses to include material of a proprietary nature in the RFP response, the City will keep such material confidential to the extent permitted by law. The Respondent must specifically identify each page of its submission 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 City in protecting this information. The Respondent also shall include the following notice in the introduction to the relevant response:

["The data on pages ___, identified by ___ (symbol) are labeled 'Proprietary Information' contain information that, 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 the City determines it proper or to the extent that the City deems disclosure necessary according to law."]

The City will use its best efforts to prevent the unauthorized disclosure of this information and apply the above proprietary standard to marked data. However, the City, its staff, agents, and professional consultants assume 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. Further, the respondent acknowledges that all such information shall be disclosed to and shared with those consultants and professionals whom the City has engaged to assist it with this Project.

19. DISPOSAL OF RFP SUBMISSION

Once opened, all RFP submissions are the property of the City and will not be returned. At the conclusion of the RFP process, the City may dispose of any and all copies of the submissions received in whatever manner it deems appropriate in accordance with law. However, prior to such disposal, the City will make efforts to prevent the unauthorized disclosure of proprietary information. In no event will the City assume liability for any loss, damage or injury that may result from any disclosure of any information contained in the RFP submission.

20. SOLE DISCRETION, NO LIABILITY

The City shall be the sole judge of each Respondent's conformance with the requirements of this RFP and the merits of the response. The City reserves the right: to amend, modify or withdraw this RFP; to waive any requirements of this RFP; to require supplemental statements and information from any respondent to this RFP; to award a Redevelopment Agreement to entities which have not responded to this RFP; to accept or reject any or all responses; to negotiate or hold discussions with one or more of the respondents which may result in a designation; to issue a subsequent RFP to a shortlist of RFP respondents or a list based on a new competitive basis; to correct deficient responses that do not completely conform with this RFP; to reject any or all responses and to cancel this RFP, in whole or in part, for any reason or no reason in the City's sole discretion. The City may exercise any such rights in its sole discretion at any time, without notice or liability to any Respondent or other parties for their costs, expenses or other obligations incurred in the preparation of a response or otherwise; and to waive any condition or modify any provision of this RFP with respect to one or more respondents.

To the extent stated, the information set forth in this RFP concerning the Property, its condition, financial and legal status, and other matters is believed to be accurate, but is not so warranted, and there should be no meaning attributed to any of the terms hereunder that are not explicitly set forth. The City assumes no responsibility for errors or omissions. Respondents are advised to verify independently the accuracy of all information and to make their own judgments of the risks involved in development of the Property as contemplated in this RFP.

The City shall not be obligated to pay any fee, cost or expense for brokerage commissions or finder's fees, other than to its broker as identified herein, with respect to the execution of any agreement which results from this RFP. It shall be a condition of designation, if granted, that the respondent agree to pay the commission or other compensation due any broker or finder in connection with the transaction, and to indemnify and hold harmless the City from any obligation, liability, cost or expense incurred by it as a result of any claim for commission or compensation brought by any broker or finder by reason of the transaction. The City has made no representations to any prospective Respondents and shall have no liability

whatsoever in connection with this RFP. This RFP is provided by the City, and its content, use and representations are solely the responsibility of the City.

21. GENERAL CONDITIONS

Respondents to this RFP bear the responsibility of informing themselves of the requirements of the City and bear the responsibility of adhering to the requirements of this RFP. By responding to this RFP the Respondent acknowledges and consents to the following conditions relative to the submission, review and consideration of its proposal.

a. The issuance of this RFP. is not intended, and shall not be construed, to commit the City to execute any agreement.
b. The issuance of this RFP is not intended, nor shall be construed to form any joint venture between the City and any Respondent to this RFP.
c. Neither the City nor the City nor any of their officials, servants, employees, agents or consultants will be liable for any claims or damages resulting from the City's solicitation or collection of proposals, nor will any Respondent receive reimbursement from those parties for the cost of preparing the proposal or for participating in the process.
d. All proposals become the property of the City and will not be returned.
e. A recipient's failure to submit a proposal that completely addresses the requirements of this RFP (including submittal of all documents required to be submitted under the terms of this RFP) at the times and in the manner specified may result in the City rejecting the proposal in its sole discretion.
f. All activities related to the preparation of this RFP and to the performance of the selected Proposer's obligations as a result of selection are subject to compliance with all applicable federal, state and local laws, environmental regulations and requirements, including the provisions of the New Jersey Law Against Discrimination.
g. The City may return, unopened, any and all proposals that the City has not received prior to the deadline for submission and need not consider such proposals.
h. This RFP is issued for the benefit of the City as a means to identify a qualified developer. The RFP process is not intended for the benefit of the Respondent and no rights are intended to be granted to Respondent by virtue of this solicitation or by virtue of any submission by any Respondent.
i. The City reserves the right to amend or cancel this RFP at any time prior to execution of the agreements described herein. The City will not be responsible for the risks and costs that Respondents incur as a result of such an amendment or cancellation.
j. The City reserves the right to waive any irregularities in the completion of the forms and papers enclosed in the proposals, to accept or reject any or all proposals and to re-advertise for proposals.
k. If the Respondent chooses to include material of a proprietary nature in the proposal, the City will keep such material confidential to the extent permitted by law. The Respondent must identify each section of its proposal that contains proprietary information by clearly marking the applicable pages. The City will use its best efforts to prevent the unauthorized disclosure of this information. The City will assume no liability for any loss, damage, or injury which may result from any disclosure or use of such material.

l. A Respondent may withdraw a proposal prior to the date and time set for the opening of proposals with a written request hand-delivered or delivered by certified U.S. Mail to the City Manager's Office as indicated above.