

## REQUEST FOR PROPOSALS

New York City Economic Development Corporation



Commercial Kitchen Operator at La Marqueta

Release Date: Monday, August 3, 2009

Submission Date: Wednesday, September 2, 2009

## INTRODUCTION/OBJECTIVE

New York City Economic Development Corporation (“NYCEDC”), on behalf of the City of New York (the “City”), is seeking proposals from qualified individuals, companies or organizations to lease, operate and maintain a shared commercial kitchen (the “Kitchen”) in up to approximately 4,000 square feet of space (the “Premises”) in the market building (as described below) at La Marqueta, a City-owned retail market property located underneath the Metropolitan Transportation Authority Metro-North rail line on Park Avenue from East 111<sup>th</sup> Street to East 119<sup>th</sup> Streets in East Harlem.

Through this Request for Proposals (“RFP”) NYCEDC seeks financially sustainable and innovative proposals from organizations to enter into a lease agreement with the City, as landlord, and an operator (the “Operator”), as tenant, to lease the Premises for the operation and management of the Kitchen, and of a business and workforce development program. Program goals for the Kitchen include, but are not limited to:

- Providing well-managed, fully equipped and clean kitchen space that the Operator will rent to others on a flexible full-time or part-time basis
- Creating new, self-sustaining, and profitable food businesses
- Enhancing revenue and profitability of existing food businesses
- Generating more demand for local food products or services
- Increasing employment in the City’s food industry
- Offering below-market-rate prices to food businesses

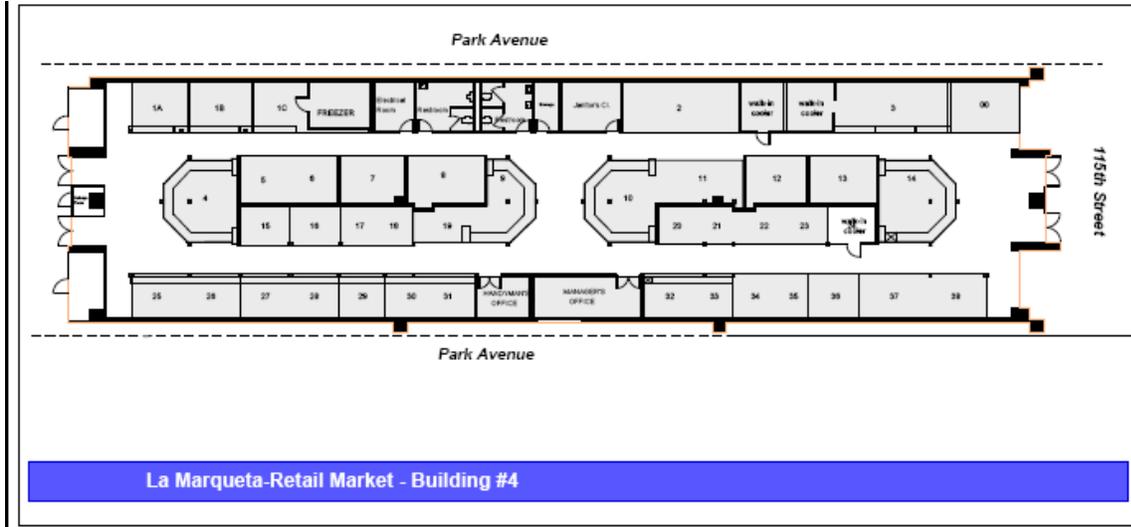
Incorporation by the Operator of market rate uses and/or anchor tenants will be considered to ensure the on-going financial viability of the Kitchen and the businesses it serves.

In her annual State of the City address, Council Speaker Christine C. Quinn proposed strengthening and growing the food manufacturing sector by supporting emerging food manufacturing entrepreneurs. The food manufacturing sector is a \$5 billion a year industry supporting more than 30,000 jobs in New York City, most in small, locally owned businesses. However, there are significant barriers to entry including prohibitive startup capital costs, regulations and operating costs. **To help small businesses and entrepreneurs overcome these challenges, it is anticipated that the City will provide up to \$1 million in capital funding for equipment, fit-out and improvement costs to create a shared commercial kitchen space.** It is anticipated that the City will lead the construction project with input from the selected operator.

## SITE DESCRIPTION

La Marqueta is an underutilized City-owned retail market property located underneath the Metropolitan Transportation Authority Metro-North rail line on Park Avenue from East 111<sup>th</sup> Street to East 119<sup>th</sup> Streets in East Harlem. The approximately 80,000 square foot site is made up of six parcels divided by intersecting streets and includes vacant land, a market building, a warehouse building and an open plaza. **The Kitchen will be one of several uses within the market building.**

The market building is constructed of structural steel with painted concrete floors, corrugated metal framing and glass storefront. It was renovated in 1996 and is operated and managed by NYCEDC.



Building 4 – Front Exterior Photo (E 115<sup>th</sup> St)



Building 4 – Interior Photo



Building 4 – South loading area

## **PROPOSAL REQUIREMENTS**

Respondents to this RFP (“Respondent(s)”) should submit a business plan for the Kitchen. It is expected that the business plan will provide the information necessary to address the Proposal Requirements set forth below.

### **A. *Project Description***

The project description should be a detailed narrative describing relevant aspects of the proposal. Respondents must describe their general programming concept, including type of production, management plan, workforce and/or business development plan, hours of operation and how it will achieve the City’s program goals for the Kitchen. Respondents must include staffing plans, services offered, estimated rates, estimated operating hours for below-market-rate uses, number of clients served, plan for marketing to clients, and strategy for helping business start-up clients graduate.

### **B. *Space Plan***

Respondents must provide a description of the space including size, layout, and equipment required for the proposed programming. Proposals may program up to approximately 4,000 square feet of space.

### **C. *Proposed Lease Terms***

Respondents must propose lease terms including length of term, renewal options, and amount and timing of rent payments.

### **D. *Financial Information***

- **Construction Budget** - Respondents must provide a construction budget for the Kitchen.
- **Construction Sources and Uses of Funds** – Construction sources and uses of funds, including details of equity and financing sources, and break out of all soft and hard costs and development and financing fees to be paid on the “uses” side. Respondents should include contingencies and escalation rates to account for any increases in construction costs. All assumptions on which calculations are based should be noted. The construction budget should demonstrate that Respondent has the financial wherewithal to complete the project
- **Permanent Sources and Uses of Funds** – Respondents should include details of equity and financing sources and all development fees and financing fees to be paid.
- **Proforma Cash Flow** - Respondents should provide a proforma cash flow for a 10-year operating period of the kitchen, incorporating all operating assumptions into income and expense projections for each year of operation, and including a section outlining all assumptions on which all calculations were based. The cash flow should include all necessary capital improvements as well as reserves and debt service payments associated with any financing. If applicable, Respondents may include any assumed discretionary real estate tax, other tax, energy, or other

governmental benefits.

**E. Respondent Description**

Each entity submitting a proposal must demonstrate sufficient financial resources and professional ability to develop the Kitchen in a manner consistent with its proposal. Each entity must complete and submit **both** a NYCEDC Background Investigation Form (attached as Appendix 4) and a Local Law 34 form (attached as Appendix 5). In addition, each proposal must include:

- Name, address, telephone number and qualifications of the individual or each member of the Respondent team.
- Background information on all members of the Respondent team including the relevant experience of all principal members involved in the development and operation of the Kitchen.
- Any additional documentation or information evidencing the strength of the Respondent and its ability to manage the program. This may include past experience in food manufacturing, business development, workforce development and any partnerships with community, educational, or other organizations that would support the long-term viability of the program.
- Contact information of the Respondent's main point of contact.

**F. Statement of Agreement**

Respondent must provide a statement signed by an authorized principal or officer stating that the Respondent has read this RFP and the Appendices fully and agrees to the terms and conditions set forth herein and therein. See Appendix 3 for an example Statement of Agreement.

**REVIEW / SELECTION CRITERIA**

NYCEDC will use the following criteria, in no order of importance, as a guideline to review submissions and, if appropriate, select a proposal:

- **Economic Impact** – Programming should be economically viable and provide sufficient revenues that that will support the proposed programming. NYCEDC will also estimate the economic impact on the City by evaluating: projected expenditures, including Lease payments, fit-out construction costs, annual operating costs, total project costs, annual operating costs; temporary (construction) and permanent on-site employment and payroll; and any applicable sales and personal income taxes, reduced by any as-of right and discretionary incentives and benefits assumed.
- **Programming Concept** – NYCEDC and the City will evaluate each proposal to determine how closely it meets the City's programming goals for the Kitchen.

- **Respondent Team Qualifications** – Respondents should demonstrate the experience and resources necessary to operate the proposed program successfully. Previous experience in managing and operating similar facilities in a financially sustainable manner, and in compliance with all applicable laws, is also highly recommended.

### **ECONOMIC DEVELOPMENT BENEFITS**

La Marqueta is located within the East Harlem Empire Zone and the Upper Manhattan Empowerment Zone and is therefore eligible for certain as of right and discretionary benefits. Information regarding these programs can be found at the following web link: [http://www.nyc.gov/html/sbs/nycbiz/html/incentives/equipment\\_new.shtml](http://www.nyc.gov/html/sbs/nycbiz/html/incentives/equipment_new.shtml)

### **INFORMATIONAL MEETING/SITE VISIT**

There will be an information session held at La Marqueta on **August 12, 2009 at 10:00am**. Interested parties are strongly encouraged to attend this session. For those who are not able to attend, the questions asked and answered at the session will be posted on the website. Additionally, the Market is open to the public Monday- Saturday.

### **CONDITIONS, TERMS & LIMITATIONS**

This RFP and any transactions resulting therefrom are subject to the conditions, terms and limitations set forth in Appendix 2.

### **SUBMISSIONS**

Five (5) copies of the proposal identified by “La Marqueta Commercial Kitchen” on the envelope must be submitted to and received by NYCEDC by **September 2, 2009 at 4:00pm**. Such proposals must be delivered to the following address:

New York City Economic Development Corporation  
110 William Street, 6<sup>th</sup> Floor  
New York, NY 10038  
Attn: Maryann Catalano, Senior Vice President, Contracts

### **ADDITIONAL INFORMATION**

Please send questions regarding this RFP to [lamarquetakitchenrfp@nycedc.com](mailto:lamarquetakitchenrfp@nycedc.com). All questions will be answered, posted and updated regularly to [www.nycedc.com/RFP](http://www.nycedc.com/RFP).

For further information regarding this RFP, please contact:

Carolee Fink  
Senior Project Manager  
New York City Economic Development Corporation  
110 William Street  
New York, NY 10038  
212-312-3721  
[cfink@nycedc.com](mailto:cfink@nycedc.com)



# LA MARQUETA

## East Harlem



Source: NYCEDC

## APPENDIX 2: CONDITIONS, TERMS AND LIMITATIONS

NYCEDC, acting on behalf of the City of New York, is issuing this Request for Proposals (“RFP”). In addition to those stated elsewhere, this RFP and any transaction resulting from this RFP are subject to the conditions, terms and limitations stated below:

- A. The Premises are to be disposed of in “as is” condition, including the condition of the entire La Marqueta site, and are to be leased subject to all applicable title matters.
- B. The City and NYCEDC, and their respective officers, employees, and agents, make no representation or warranty and assume no responsibility for the accuracy of the information set forth in this RFP, the physical condition of the Premises or the La Marqueta site, the status of title thereto, its suitability for any specific use, the absence of hazardous waste, or any other matter. The City and NYCEDC, their officials, officers, agents and employees assume no responsibility for errors or omissions. All due diligence is the responsibility of Respondents and Respondents are urged to satisfy themselves with respect to the physical condition of the Premises and the surrounding La Marqueta site, the information contained herein, and all limitations or other arrangements affecting the Premises. Neither NYCEDC nor the City will be responsible for any injury or damage arising out of or occurring during any visit to La Marqueta.
- C. The proposed development shall conform to, and be subject to, the provisions of the New York City Zoning Resolution, all other applicable laws, regulations, and ordinances of all Federal, State and City authorities having jurisdiction, and any applicable Urban Renewal Plan, design guidelines or similar development limitations, as all of the foregoing may be amended from time to time. Without limiting the foregoing, closing on a proposed transaction shall be subject to completion of the City Environmental Quality Review (“CEQR”) and approval by NYCEDC’s Board of Directors. CEQR compliance shall be solely at the expense of the Operator. NYCEDC will cooperate with the Operator team in obtaining necessary approvals.
- D. A Respondent submitting a proposal in response to this RFP may be rejected if it or, if the Respondent is a business entity, any of its principal shareholders, principals, partners or members is determined, in NYCEDC’s sole discretion, to be within a category of persons or entities with whom or which the City or NYCEDC will not generally do business or otherwise to be a “prohibited person” as defined by the City. Respondent and all officers and principals thereof must complete a background questionnaire and shall be subject to investigation by NYCEDC and the City’s Department of Investigation. Any pre-qualification or designation may be revoked in NYCEDC’s sole discretion in the event any derogatory information is revealed by such investigation.
- E. Neither NYCEDC nor the City is obligated to pay and shall not pay any costs in connection with assisting Respondent(s) or the project, or incurred by any Respondent at any time unless NYCEDC or the City has expressly agreed to do so in writing.
- F. NYCEDC invites the participation of real estate brokers acting on behalf of and with the

authorization of identified principals, provided that the broker arranges for the payment of its commission or other compensations exclusively by the Operator. It shall be a condition to the designation of an Operator that it agrees to pay any commission or other compensation due to any broker in connection with the lease of the Premises, and to indemnify and hold harmless NYCEDC and the City from any obligation, commission or compensation brought by any broker by reason of the project or the lease of the Premises. NYCEDC warrants and represents that it has not retained any broker in connection with the proposed lease of the Premises.

- G. Only proposals from principals will be considered responsive. Individuals in representative, agency or consultant status may submit proposals only under the direction of identified principals, where the principals are solely responsible for paying for such services.
- H. This is a Request for Proposals **not** a Request for Bids. NYCEDC shall be the sole judge of each response's conformance with the requirements of this RFP and of the merits of the individual qualifications and proposals. NYCEDC reserves the right to waive any conditions or modify any provision of this RFP with respect to one or more applicants, to negotiate with one or more of the applicants with respect to all or any portion of the Premises, to require supplemental statements and information from any respondents, to establish additional terms and conditions, to encourage applicants to work together, or to reject any or all responses, if in its judgment it is in the best interest of NYCEDC and the City to do so. If all responses are rejected, this RFP may be withdrawn and the Premises may be retained, and re-offered under the same or different terms and conditions, or disposed of by another method, such as auction or negotiated disposition. In all cases, NYCEDC shall be the sole judge of the acceptability of the responses. NYCEDC will enforce the submission deadline stated in the RFP. The timing of the conditional selection may differ depending upon the degree to which further information on individual proposals must be obtained or due to other factors that NYCEDC may consider pertinent. All responses become the property of NYCEDC.
- I. All terms in this RFP related to the permitted use of the Premises shall be as defined in the New York City Zoning Resolution and any applicable Urban Renewal Plan, design guidelines, or similar development limitations and controls. Where any conflict arises in such terms, the most restrictive shall prevail.
- J. Except as specifically provided herein, the Operator will pay all applicable taxes payable with respect to the project, including transfer and mortgage recording taxes. The Operator will be required to pay the New York City Real Property Transfer Tax and New York State Real Estate Transfer Tax, notwithstanding any exemption from sale on account of the City's or NYCEDC's involvement in the transaction.
- K. This transaction will be structured as a "net" deal to the City and NYCEDC, with the Operator being responsible for all fees relating to the project and all costs incurred by the City and/or NYCEDC including, but not limited to, costs for outside legal counsel, if any, studies, and outside consultants.

- L. All proposals and other materials submitted to NYCEDC in response to this RFP may be disclosed in accordance with the standards specified in the Freedom of Information Law, Article 6 of the Public Officers Law (“FOIL”). The entity submitting a proposal may provide in writing, at the time of submission a detailed description of the specific information contained in its submission, which it has determined is a trade secret and which, if disclosed, would substantially harm such entity’s competitive position. This characterization shall not be determinative, but will be considered by NYCEDC when evaluating the applicability of any exemptions in response to a FOIL request.
  
- M. In furtherance of NYCEDC’s mission of economic development, the disposition of the Premises will be subject to NYCEDC’s standard provisions for similar transactions. The lease for the Premises shall contain redevelopment obligations as well as restrictions on use and transfer of the Premises.
  
- N. The Operator will be required to deliver evidence to NYCEDC of the creation of employment opportunities at the Premises for the first eight (8) years after the commencement of the lease. The Operator must also agree in good faith to consider any proposals made by the City or City-related entities with regard to jobs the Operator is seeking to fill and to provide the City with the opportunity to make job referrals and create a training program for City residents. The Operator will be required to cause subtenants, if any, to agree to these provisions at the time it enters into subleases with such subtenants.

## **APPENDIX 3: STATEMENT OF AGREEMENT**

### **SAMPLE**

(On company letterhead)

Date:

New York City Economic Development Corporation  
110 William Street, 4<sup>th</sup> Floor  
New York, NY 10038  
Attn: Maryann Catalano, Senior Vice President

Dear Ms. Catalano:

This letter hereby certifies that [Respondent] has read this RFP and the Appendices fully and agrees to the terms and conditions set forth in this RFP and Appendices.

Sincerely,

Respondent

Respondent Title *[must be authorized principal or officer of the respondent]*

## APPENDIX 4: INTERNAL INVESTIGATION FORM



# Internal Background Investigation Questionnaire

THIS FORM IS FOR:

Contracts under \$100,000,  
Land Sales, Leases, Licenses, Permits,  
NYCIDA Projects and any Discretionary Reviews

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New York City Economic Development Corporation • New York City Industrial Development Agency • Apple Industrial Development Corp.  
110 William Street, New York, NY 10038

**INSTRUCTIONS FOR COMPLETING NYCEDC INTERNAL BACKGROUND INVESTIGATION QUESTIONNAIRE**

1. Please submit, with this Questionnaire, the organizational documents for the submitting business entity.

2. For purposes of completing this Questionnaire, the following defined terms shall have the meanings given to them below (unless provided otherwise with respect to specific questions in the Questionnaire):

“Affiliate” – A Person is “affiliated with” or an “affiliate” of another Person if the Person controls, is controlled by or is under common control with that other Person.

“Applicant” – The submitting business entity.

“Control” – A Person controls another Person if the Person (i) owns ten percent (10%) or more of the voting interest or has a ten percent (10%) or greater ownership interest in that other Person or (ii) directs or has the right to direct the management or operations of that other Person or (iii) is a member of that other Person’s Board of Directors\*.

“Executive Officer” – Any individual who serves as chief executive officer, chief financial officer, or chief operating officer of the Applicant, by whatever titles known, and all other executive officers of Applicant.

“Family Member” – With respect to a particular Person, includes spouse, children, grandchildren, parents, parents-in-law, brothers, sisters, brothers-in-law, sisters-in-law, and all family members living in the same household as such Person (except if such individuals are minors).

“Person” – Any individual, corporation, partnership, joint venture, sole proprietorship, limited liability company, trust or other entity.

“Principal” – each of the following Persons is a Principal of the Applicant and must be identified in Section B, Part 1 on page 2 of the Questionnaire.

- Executive Officers
- Persons that “Control” the Applicant
- For Limited Liability Companies, ALL members
- For Partnerships, ALL general partners and ALL partners performing on the contract or able to bind the Partnership

\*For a not-for-profit corporation, ONLY the Chairperson of the Board of Directors and any director who is also an employee of Applicant needs to be considered for purposes of determining “Control” under this clause (iii).

**SECTION A**

The following questionnaire is to be completed by Persons desiring to do business with the New York City Economic Development Corporation or the New York City Industrial Development Agency or Apple Industrial Development Corp.

This form may be duplicated for additional space. **PLEASE COMPLETE THIS QUESTIONNAIRE CAREFULLY AND COMPLETELY.**

Refer to attached instruction sheet for specific instructions and definitions of terms required to complete this Questionnaire.

BUSINESS NAME: \_\_\_\_\_ EIN/SSN: \_\_\_\_\_

BUSINESS ADDRESS: \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

BUSINESS TELEPHONE: \_\_\_\_\_ TYPE OF ENTITY: \_\_\_\_\_

BUSINESS FAX: \_\_\_\_\_ BUSINESS E-MAIL: \_\_\_\_\_

**SECTION B**

**I. PRINCIPALS OF APPLICANT**

	PRINCIPAL NAME	TITLE	HOME ADDRESS	PERCENTAGE OF VOTING INTEREST	PERCENTAGE OF OWNERSHIP	DATE OF BIRTH	SOCIAL SECURITY NUMBER/EMPLOYER IDENTIFICATION NUMBER
(1)				%	%		
(2)				%	%		
(3)				%	%		
(4)				%	%		
(5)				%	%		

**II. FAMILY MEMBERS OF EACH INDIVIDUAL PRINCIPAL**

**Note: Only the following Family Members need to be identified in this Section B, Part II:**

- Spouse
- Family Members who are employed by, are officers of or have a less than 10% voting or ownership interest in the Applicant
- Family Members who are directly or indirectly providing services and/or supplies with respect to the subject project (e.g. consultants, subcontractors, suppliers or an employee thereof)

PRINCIPAL NAME	IMMEDIATE FAMILY MEMBER	RELATIONSHIP TO PRINCIPAL	HOME ADDRESS
(1)			
(2)			
(3)			
(4)			
(5)			

**SECTION B (Continued)**

**PROVIDE A DETAILED RESPONSE TO ALL QUESTIONS CHECKED "YES" ON THE FOLLOWING PAGE**

NO YES

- |                          |                          |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Does the Applicant or any Principal have any Affiliates? If yes, please identify the Affiliates, with SSN/EIN and respective addresses, and describe the nature of the affiliation, on the following page.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. In the past 7 years, has the Applicant, any Principal, or any entity affiliated with the Applicant (each of the foregoing individually, a "Subject Person" and collectively, the "Subject Persons") been adjudicated bankrupt or placed in receivership, filed bankruptcy, or is any Subject Person currently the subject of any bankruptcy or similar proceedings? If yes, please explain on the following page.   |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. In the past 5 years, has any Subject Person been a plaintiff or defendant in any civil proceeding (including any court and federal, state and local regulatory agency proceedings) other than a domestic relations proceeding (e.g., divorce, separation, support, alimony, maintenance, adoption, custody)? If yes, please identify all adjudicated, settled and pending lawsuits on the following page.   |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. In the past 5 years, has any Subject Person or any Family Member identified in Section B, Part II (a "Subject Family Member"): <ul style="list-style-type: none"><li><input type="checkbox"/> • been disqualified as a bidder, or defaulted or terminated, on a permit, license, concession, franchise, lease, or other agreement with the City of New York or any governmental agency? If yes, please explain on the following page.</li><li><input type="checkbox"/> • failed to file any required tax returns or to pay any applicable federal, state, or New York City taxes or other assessed New York City charges or fines, including but not limited to water and sewer charges and administrative fees? If yes, please explain on the following page.</li></ul>  |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. In the past 10 years, has any Subject Person or any Subject Family Member used an EIN, SSN, name, trade name, or abbreviation other than the name or number provided in response to Section A or Section B, Part I or II of this Questionnaire or provided in response to question 1 above, as the case may be? If yes, please specify on the following page.   |
| <input type="checkbox"/> | <input type="checkbox"/> | 6. In the past 5 years, has any Subject Person, any Subject Family Member, any Affiliate of any Subject Family Member or any managerial employee of Applicant: <ul style="list-style-type: none"><li><input type="checkbox"/> • been the subject of any criminal investigation and/or civil anti-trust investigation (by any federal, state or local prosecuting or investigative agency) and/or investigation by any governmental agency (including, but not limited to federal, state and local regulatory agencies)? If yes, please explain on the following page.</li><li><input type="checkbox"/> • had any judgment, injunction or sanction obtained against it in any judicial or administrative action or proceeding other than a domestic relations proceeding or motor vehicle proceeding? If yes, please explain on the following page.</li></ul> |
| <input type="checkbox"/> | <input type="checkbox"/> | 7. In the past 10 years, has any Subject Person, any Subject Family Member, any Affiliate of any Subject Family Member or any managerial employee of Applicant been convicted, after trial or by plea, of any criminal offense and/or are there any felony or misdemeanor charges pending against any of them? If yes, please explain on the following page.   |



**Section C – IDENTIFICATION OF PROPERTY INTERESTS**

1. Identify Project Property:

Block & Lot(s): \_\_\_\_\_

Street Address: \_\_\_\_\_

Borough of \_\_\_\_\_

2. The following, together with attachment(s) hereto, if any, is a complete list of properties in which any of the Subject Persons or any of the Subject Family Members have an ownership interest and which are located in the City of New York, together with a statement as to each such property of any current arrears in real estate taxes, sewer rents, sewer surcharges, water charges or assessments due and owing to the City of New York.

**PROPERTY OWNED IN THE CITY OF NEW YORK**

PROPERTY OWNER	BOROUGH	BLOCK/LOT	STREET ADDRESS	DATE OF PURCHASE	AMOUNT OF ARREARS	TYPE OF ARREARS

SECTION C (Continued)

PROVIDE A DETAILED RESPONSE TO ALL QUESTIONS CHECKED "YES" ON THE FOLLOWING PAGE

- | NO                       | YES                      |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | 3. In the past 5 years, has any Subject Person or any Subject Family Member, been a former owner of the Project Property?  |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Is any Subject Person or any Subject Family Member a tenant of the City of New York? If yes, please list below: Agency, Borough, Block, Lot, Account Number, Monthly Rent, and Current Balance.                                     |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. Has any Subject Person or any Subject Family Member previously purchased property from the City of New York? If yes, please list below: Agency, Borough, Block, Lot, Sale Date, Parcel Number, and Closing Date.                    |
| <input type="checkbox"/> | <input type="checkbox"/> | 6. Does any Subject Person or any Subject Family Member have a mortgage with the City of New York? If yes, please list below: Agency, Borough, Block, Lot, Account Number, Principal Amount, Monthly Installment, and Current Balance. |



**CERTIFICATION**

A FALSE STATEMENT WILLFULLY OR FRAUDULENTLY MADE OR ANY FALSE INFORMATION WILLFULLY OR FRAUDULENTLY SUBMITTED IN CONNECTION WITH THIS QUESTIONNAIRE MAY RESULT IN RENDERING THE APPLICANT NOT RESPONSIBLE WITH RESPECT TO THE PRESENT PROJECT OR FUTURE PROJECTS INVOLVING THE NEW YORK CITY ECONOMIC DEVELOPMENT CORPORATION, THE NEW YORK CITY INDUSTRIAL DEVELOPMENT AGENCY, APPLE INDUSTRIAL DEVELOPMENT CORP. AND THE CITY OF NEW YORK AND, IN ADDITION, MAY SUBJECT THE PERSON MAKING THE FALSE STATEMENT TO CRIMINAL CHARGES.

I, \_\_\_\_\_, being duly sworn, state that I have read and understand the items contained in the foregoing 8 pages of this questionnaire and \_\_\_\_\_ pages of attachments, if any, and that, having made due inquiry, I supplied full, complete, and truthful answers to each item therein to the best of my knowledge, information and belief; that I will notify the New York City Economic Development Corporation, the New York City Industrial Development Agency, or Apple Industrial Development Corp., as the case may be, in writing of any change in circumstance occurring after the submission of this Questionnaire and before (i) the execution of any contract or agreement with any of them and/or the City of New York and (ii) in the case of an agreement to purchase or enter into a ground lease for real property and/or a financing through or straight lease or retention transaction with the New York City Industrial Development Agency, the closing of the transaction; and that all information supplied by me is true to the best of my knowledge, information and belief. I understand that the New York City Economic Development Corporation, the New York City Industrial Development Agency, or Apple Industrial Development Corp., as the case may be, will rely on the information supplied by me in this Questionnaire as an inducement to enter into a contract or agreement and to close a transaction with the Applicant.

Sworn to me

This \_\_\_\_\_ Day of \_\_\_\_\_ 200 \_\_\_\_\_

\_\_\_\_\_  
Name of Applicant

\_\_\_\_\_  
Notary Public

By: \_\_\_\_\_  
Signature of Authorized Person

\_\_\_\_\_  
Print Name and Title of Authorized Person

\_\_\_\_\_  
Date

# APPENDIX 5: LOCAL LAW 34 FORMS



## Doing Business Data Form: Real Property Transactions

To be completed prior to distribution	
Agency: _____	Submission Date: _____
Transaction ID: _____	
Check One: <input type="checkbox"/> Competitive Solicitation (P)	<input type="checkbox"/> Application or Award (A)
Check One: <input type="checkbox"/> Acquisition	<input type="checkbox"/> Disposition
<input type="checkbox"/> Leasing to City	<input type="checkbox"/> Leasing from City

Any entity participating in a transaction for the acquisition or disposition of real property with the City of New York must complete a Doing Business Data Form (see Q&A sheet for more information). Please either type responses directly into this fillable form or print answers by hand in black ink, and be sure to fill out the certification box on the last page. **Submission of a complete and accurate form is required for any entity to enter into a real property transaction.**

This Data Form requires information to be provided on principal officers, owners and senior managers. The name, employer and title of each person identified on the Data Form will be included in a public database of people who do business with the City of New York; no other information reported on this form will be disclosed to the public. **This Data Form is not related to the City's VENDEX requirements.**

**Please return the completed Data Form to the City office that supplied it.** Please contact the Doing Business Accountability Project at [DoingBusiness@cityhall.nyc.gov](mailto:DoingBusiness@cityhall.nyc.gov) or 212-788-8104 with any questions regarding this Data Form. Thank you for your cooperation.

### Section 1: Entity Information

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

Entity EIN/TIN: \_\_\_\_\_

#### **Entity Filing Status (select one):**

- Entity has never completed a Doing Business Data Form. *Fill out the entire form.*
- Change from previous Data Form dated \_\_\_\_\_. *Fill out only those sections that have changed, and indicate the name of the persons who no longer hold positions with the entity.*
- No Change from previous Data Form dated \_\_\_\_\_. *Skip to the bottom of the last page.*

Entity is a Non-Profit:  Yes  No

Entity Type:  Corporation (any type)  Joint Venture  LLC  Partnership (any type)  
 Sole Proprietor  Other (specify): \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone : \_\_\_\_\_ Fax : \_\_\_\_\_

E-mail: \_\_\_\_\_

Provide your e-mail address and/or fax number in order to receive notices regarding this form by e-mail or fax.

**Section 2: Principal Officers**

Please fill in the required identification information for each officer listed below. If the entity has no such officer or its equivalent, please check "This position does not exist." If the entity is filing a Change Form and the person listed is replacing someone who was previously disclosed, please check "This person replaced..." and fill in the name of the person being replaced so his/her name can be removed from the *Doing Business Database*, and indicate the date that the change became effective.

**Chief Executive Officer (CEO) or equivalent officer** This position does not exist

The highest ranking officer or manager, such as the President, Executive Director, Sole Proprietor or Chairperson of the Board.

First Name: \_\_\_\_\_ MI: \_\_\_\_\_ Last: \_\_\_\_\_

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

Employer (if not employed by entity): \_\_\_\_\_

Birth Date (mm/dd/yy): \_\_\_\_\_ Home Phone #: \_\_\_\_\_

Home Address: \_\_\_\_\_

This person replaced former CEO: \_\_\_\_\_ on date: \_\_\_\_\_

**Chief Financial Officer (CFO) or equivalent officer** This position does not exist

The highest ranking financial officer, such as the Treasurer, Comptroller, Financial Director or VP for Finance.

First Name: \_\_\_\_\_ MI: \_\_\_\_\_ Last: \_\_\_\_\_

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

Employer (if not employed by entity): \_\_\_\_\_

Birth Date (mm/dd/yy): \_\_\_\_\_ Home Phone #: \_\_\_\_\_

Home Address: \_\_\_\_\_

This person replaced former CFO: \_\_\_\_\_ on date: \_\_\_\_\_

**Chief Operating Officer (COO) or equivalent officer** This position does not exist

The highest ranking operational officer, such as the Chief Planning Officer, Director of Operations or VP for Operations.

First Name: \_\_\_\_\_ MI: \_\_\_\_\_ Last: \_\_\_\_\_

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

Employer (if not employed by entity): \_\_\_\_\_

Birth Date (mm/dd/yy): \_\_\_\_\_ Home Phone #: \_\_\_\_\_

Home Address: \_\_\_\_\_

This person replaced former COO: \_\_\_\_\_ on date: \_\_\_\_\_

**Section 3: Principal Owners**

Please fill in the required identification information for all individuals who, through stock shares, partnership agreements or other means, **own or control 10% or more of the entity**. If no individual owners exist, please check the appropriate box to indicate why and skip to the next page. If the entity is owned by other companies, those companies do **not** need to be listed. If an owner was identified on the previous page, fill in his/her name and write "See above." If the entity is filing a Change Form, list any individuals who are no longer owners at the bottom of this page. If more space is needed, attach additional pages labeled "Additional Owners."

**There are no owners listed because (select one):**

- The entity is not-for-profit
- There are no individual owners
- No individual owner holds 10% or more shares in the entity
- Other (explain): \_\_\_\_\_

**Principal Owners (who own or control 10% or more of the entity):**

First Name: \_\_\_\_\_ MI: \_\_\_\_\_ Last: \_\_\_\_\_

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

Employer (if not employed by entity): \_\_\_\_\_

Birth Date (mm/dd/yy): \_\_\_\_\_ Home Phone #: \_\_\_\_\_

Home Address: \_\_\_\_\_

First Name: \_\_\_\_\_ MI: \_\_\_\_\_ Last: \_\_\_\_\_

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

Employer (if not employed by entity): \_\_\_\_\_

Birth Date (mm/dd/yy): \_\_\_\_\_ Home Phone #: \_\_\_\_\_

Home Address: \_\_\_\_\_

First Name: \_\_\_\_\_ MI: \_\_\_\_\_ Last: \_\_\_\_\_

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

Employer (if not employed by entity): \_\_\_\_\_

Birth Date (mm/dd/yy): \_\_\_\_\_ Home Phone #: \_\_\_\_\_

Home Address: \_\_\_\_\_

**Remove the following previously-reported Principal Owners:**

Name: \_\_\_\_\_ Removal Date: \_\_\_\_\_

Name: \_\_\_\_\_ Removal Date: \_\_\_\_\_

Name: \_\_\_\_\_ Removal Date: \_\_\_\_\_

**Section 4: Senior Managers**

Please fill in the required identification information for all senior managers who oversee any of the entity's real property transactions with the City. Senior managers include anyone who, either by title or duties, has substantial discretion and high-level oversight regarding the solicitation, letting or administration of any real property transaction with the City. **At least one senior manager must be listed, or the Data Form will be considered incomplete.** If a senior manager has been identified on a previous page, fill in his/her name and write "See above." If the entity is filing a Change Form, list individuals who are no longer senior managers at the bottom of this section. If more space is needed, attach additional pages labeled "Additional Senior Managers."

**Senior Managers:**

First Name: \_\_\_\_\_ MI: \_\_\_\_\_ Last: \_\_\_\_\_

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

Employer (if not employed by entity): \_\_\_\_\_

Birth Date (mm/dd/yy): \_\_\_\_\_ Home Phone #: \_\_\_\_\_

Home Address: \_\_\_\_\_

First Name: \_\_\_\_\_ MI: \_\_\_\_\_ Last: \_\_\_\_\_

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

Employer (if not employed by entity): \_\_\_\_\_

Birth Date (mm/dd/yy): \_\_\_\_\_ Home Phone #: \_\_\_\_\_

Home Address: \_\_\_\_\_

First Name: \_\_\_\_\_ MI: \_\_\_\_\_ Last: \_\_\_\_\_

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

Employer (if not employed by entity): \_\_\_\_\_

Birth Date (mm/dd/yy): \_\_\_\_\_ Home Phone #: \_\_\_\_\_

Home Address: \_\_\_\_\_

**Remove the following previously-reported Senior Managers:**

Name: \_\_\_\_\_ Removal Date: \_\_\_\_\_

Name: \_\_\_\_\_ Removal Date: \_\_\_\_\_

**Certification**

**I certify that the information submitted on these four pages and \_\_\_\_\_ additional pages is accurate and complete. I understand that willful or fraudulent submission of a materially false statement may result in the entity being found non-responsible and therefore denied future City awards.**

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

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

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

Title: \_\_\_\_\_ Work Phone #: \_\_\_\_\_

Return the completed Data Form to the agency that supplied it.

For information or assistance, call the Doing Business Accountability Project at 212-788-8104.

