Subject: Addendum No. 2 – Request for Expressions of Interest (RFEI) for Development of Brooklyn College School of Business.

Date: August 9, 2018

To: Prospective Respondents

This Addendum No. 2 is issued for the purpose of responding to questions submitted in response to the RFEI.

Respondents must acknowledge receipt of this Addendum by having an authorized representative sign in the space below and returning it to the undersigned at lisa.damico@cuny.edu

Please be reminded that all contacts must be to the designated Procurement contact below.

Sincerely,

Lisa D'Amico
Procurement Officer

Acknowledged:

By

Name

Company/Firm

Date
REQUEST FOR EXPRESSIONS OF INTEREST (RFEI)
FOR THE DEVELOPMENT OF BROOKLYN COLLEGE SCHOOL OF BUSINESS
Addendum No. 2
Responses to RFEI Questions
August 9, 2018

Real estate/zoning/site conditions

1. With respect to the 15,000 square foot de-mapped piece of land, please confirm that the lot will have road access (not land-locked).

The de-mapped piece of land is a continuation of Avenue H. Once the de-mapped portion of the street is purchased from the City of New York, the current development plan includes the creation of a new roadway that will connect the existing College Internal parking lot to Nostrand Avenue. The new roadway is shown below on the Proposed Circulation Map in red.

![Proposed Circulation Map](image)

2. With respect to the 15,000 square foot de-mapped piece of land, please confirm that the lot will be legally subdivided and will have a separate tax parcel.

Once purchased from The City of New York, the de-mapped parcel will be given a tax map lot designation. The ULURP also granted approval for the transfer of Block 757 Lot 8900 an approximately 496-square-foot, triangular-shaped lot that consists primarily of sidewalk at the southwest corner of the intersection of Nostrand Avenue and Avenue H. Both will be acquired simultaneously from the City.

3. With respect to the 15,000 square foot de-mapped piece of land, please provide a copy of a professional survey with metes and bounds.

Please see the attached Alteration Map X-2732 FINAL.
With respect to the 15,000 square foot de-mapped piece of land, please provide details of any adverse easements and or deed restrictions

With respect to the de-mapped piece of land, the New York City Department of Environmental Protection required a 60’ wide corridor centered above an existing 13’-0” x 9’-0” double barrel sewer within the street area to be demapped for purposes of maintaining and protecting the sewer. A 12” dia. water main in the de-mapped street is connected to a 20” water main in Campus Road for maintaining water pressure and fire protection for the area. The 12” water main must remain in service and may need to be relocated dependent on the development’s footprint.

The New York City Department of Transportation required a performance bond or escrow of $150,000 for the physical improvement of the street area and reconstruction of the sidewalk on the south side of Avenue H.

The Consolidated Edison Company of New York, Inc. (ConEd) has a perpetual easement, right and authority to install, construct, reconstruct, relocate, operate, repair, alter, replace, upgrade, maintain, inspect and remove electric transmission and distributing lines, telecommunications lines, gas mains, service connections, transformers, and facilities and appurtenances thereto, including but not limited to poles, pipes, fixtures, conduits, manholes, vaults and duct lines, together with wires, cables, terminal boxes, switch gear, pad mountings and transfer switches, and other miscellaneous equipment or facilities and to keep free from and remove all obstructions in the easement area, which is part of the demapped area with permitted use of areas within 10’ of the Easement Area as working areas. ConEd also has a perpetual easement for drainage of ConEd facilities through the Campus stormwater drainage system. CUNY and DASNY agreed to maintain the Easement Area and Work Areas up to an elevation of 20 feet above the Easement Area’s maximum finished pavement elevation as determined by a licensed surveyor, as unimproved land, free of buildings, structures, pavers and landscaping. DASNY and CUNY may not grant any sublease, easement, license or other interest in the Easement Area without the prior consent of ConEd. In no event may any modifications be made to curbing or grading within the Easement Area or the Work Areas, or any portions of Campus Road, Avenue H and Nostrand Avenue adjacent thereto that would prevent vehicular access by trucks. CUNY and DASNY must provide ConEd with prior notice with regard to any excavation or blasting within 100 feet of the Easement Area and any proposed change to curbing or grading of the Easement Area or Working Areas, or any portions of Campus Road, avenue H and Nostrand Avenue adjacent thereto. In the event ConEd facilities need support work as a result of CUNY or DASNY action, ConEd shall perform the support work at CUNY and DASNY’s sole expense. DASNY and CUNY shall provide alternate locations for the support work along with an amendment to the easement in a form acceptable to ConEd in its sole discretion.

As stated in the RFEI, prior to submitting a Response, Respondents should also conduct their own independent research and investigation for all matters relating to the Site and their Response, including, without limitation, reviewing any and all publicly-available sources of information relating to the Site. The Interested Parties make no representation or warranty as to the completeness or accuracy of the information above, or as to any other matter relating to the Site. Respondents must rely solely on their own research, investigation, and conclusions relating to the Site and shall not rely on any information obtained from the Interested Parties.
5. What are the vertical restrictions (if any) for this project? Is the proposed 140 feet the limit?

The 140 feet is the current limit per the approved ULURP. However, the Interested Parties are willing to consider proposals that deviate from the approved ULURP.

6. Please provide any survey of the existing site conditions, as well as any available Geotech report (please clarify subsurface conditions)

Limited geotechnical analysis was performed only on the site of the former Meat Market Building. Please refer to the attached Gallis Survey and accompanying Meat Market Phase II Report.

7. Will the meat market and produce market in Lot 53 / Parcel B be demolished by Brooklyn College before construction commences or will the demolition scope be part of the developer’s responsibilities?

The Meat Market building will be demolished by the Interested Parties. The Interested Parties will not be completing any sub-surface demolition for the Meat Market building.

8. Have the Interested Parties had any dialogue with the City about acquiring the de-mapped portion of Avenue H?

Yes, the Interested Parties continue to have a dialogue with the City about the demapped portion of Avenue H.

9. Does the University require the de-mapped Campus Road to maintain connection from the parking garage to Avenue H including small off-street parking areas?

The de-mapped portion of Campus Road will be closed. The current development plan includes the creation of a new roadway that will connect the existing College Internal parking lot to Nostrand Avenue.

Finance/Legalities

1. There are many ways to finance this project. One option is to fund the project through tax-exempt bonds. Will Brooklyn College consider financial structures that incorporate tax-exempt bonds? In this case, the tax-exempt bonds would be issued through a third party 501c3 instead of the university. The developer would then contract directly with the 501c3 organization to develop the project.

This option will be considered.

2. The residential and retail portions of the project will generate the revenue to support its development and ongoing costs. Would Brooklyn College consider entirely or partially master leasing the School of Business /academic component of the project to assist with feasibility?

CUNY and DASNY will consider all structures that maximize feasibility.

3. The RFEI states the following: “The Interested Parties are open to all ideas for the development of the Site that create approximately 160,000 GSF of classroom and academic
The RFEI states the following “The Interested Parties anticipate delivering the parcels currently owned by DASNY as unimproved land.” To whom will the parcels be delivered, the selected developer? At what cost?

The parcels will be delivered to the selected developer. The price will depend upon the proposed financing structure.

5. Do the Interested Parties desire to retain ownership of some or all of the new improvements? If desire to retain only some, which components?

It is the desire of the Interested Parties to maintain fee ownership of the Business School, which could be achieved via condominium ownership.

6. Are the Interested Parties willing to pay rent for the new improvements (dorm, academic spaces, etc.)? Will they pay their own operating expenses (utilities, etc.)?

The Interested Parties desire proposals that would deliver the Business School at no or minimum cost to the Interested Parties. The question about operating expenses needs to be answered.

7. Are the Interested Parties open to financially contributing to the cost to build the new facilities?

Not at this time.

8. Can you tell me what form of property interest is likely to be given to the awardee? Meaning, will this be a land sale, or will it be a long term ground lease, or some other structure?”

It is the desire of the Interested Parties to maintain fee ownership of the Business School, which could be achieved via condominium ownership—and at this time the Interested Parties are open to entertaining various land ownership possibilities for the balance of the property.

Concept/Plans

1. Given the ULURP approved 72,511sf for the dormitory, would Brooklyn College consider a program of more than the proposed 242 beds? Would the school’s growing enrollment support a number higher than 242 beds?

   Brooklyn College currently supports 280 beds per year. A demand study would need to be performed in order to determine if Brooklyn College can support more than 280 beds per year.

2. Who do the Interested Parties expect will populate the dormitories? Where do students live right now? Is there any desire for dorm space in excess of 250 beds?

   The dorms are intended to be populated by Brooklyn College Students. Currently Brooklyn College has a referral agreement with a nearby dorm that provides 280 beds.
3. Please clarify whether or not subsurface parking is required to replace the 57 existing parking space currently provided at Lot 53.

   Per the approved ULURP, subsurface parking is required to replace the 57 existing parking spots currently provided in Lot 53. However, the Interested Parties are willing to consider proposals that deviate from the approved ULURP.

4. Have any student surveys been completed as it relates to preferred housing arrangements (room types), residential amenities, retail amenities and rental rates?

   No.

5. Does Brooklyn College have a proposed start date for construction and/or finish date for this new building?

   No.

6. Do the Interested Parties have a preference in responses that utilize the existing ULURP application vs. one that will require a new ULURP?

   The Interested Parties do not have a preference.

7. Are the Interested Parties open to receiving submissions that substantially deviate from the existing approvals?

   Yes.

8. What is the Interested Parties desired timeline to have the new facilities?

   The responses to this RFEI will assist the interested parties in developing the timeline.

9. Who do the Interested Parties imagine will manage the dormitories?

   A dormitory operator.

10. Are there any limitations on architectural style? Do the new facilities need to match the rest of the campus’s red brick?

   The new facilities should be within the architectural context of Brooklyn College and the surrounding neighborhood.

11. The current ULURP includes both indoor and outdoor parking in the program for the site. Would the Interested Parties be willing to forgo parking on the site?

   Per the approved ULURP, subsurface parking is required to replace the 57 existing parking spots currently provided in Lot 53. However, the Interested Parties are willing to consider proposals that deviate from the approved ULURP.

12. Are the Interested Parties presently contemplating any other dormitory development to serve Brooklyn College?

   The Interested Parties are not in active negotiations for any other new dormitory facilities for Brooklyn College.

13. Would the Interested Parties be open to considering additional programmatic uses beyond those outlined in the RFEI?
Yes; however, any proposal that deviates from the program in the approved ULURP should also include a strategy to address amending the ULURP.

14. Will campus infrastructure be implemented in this building?

It is not contemplated that this development will integrate with the existing Brooklyn College Campus Infrastructure.

15. Would the dorm space have any caps in the amount of rent charged to students?

The Interested Parties desire that all dormitory deals be delivered to CUNY students below market rates.

16. Could you share any plans created previously for the concept created in 2013?

Not at this time.

17. Is the location ok for hotel/extended-stay/banquet facilities that could be used for the College and Community – ie – visiting professors and outside organizations?

The approved ULURP outlines the approved program for the site. Any proposal that deviates from the program in the approved ULURP should also include a strategy to address amending the ULURP.

**Procedural/Process**

1. Per City Planning Commission report on August 21\(^{st}\), 2013; Brooklyn College was planning on executing the construction for this project in 2 phases. Would Brooklyn College approve of one “phase” to complete this building?

   Yes

2. If Brooklyn College, CUNY and DASNY decide to move forward will the procurement follow a 2-step path RFQ/RFP or will the project go directly to RFP?

   The form of Procurement has not yet been determined.

3. Would the Interested Parties be open to considering different approaches to the space areas that have been outlined in the RFEI through alternate planning, programming and operational strategies?

   Yes; however, any proposal that deviates from the program in the approved ULURP should also include a strategy to address amending the ULURP.

**Miscellaneous**

“I Consult, Design and Outfit Fitness Facilities in your area. Let me know if I can assist with any of your fitness room equipment needs for this project. Please contact me or let me know the best way to contact you so we can set up an appointment.”

All components of this development should be included in responses. The lead developer for each response is responsible for assembling a complete project team.
SECTION 23 OF THE KINGS COUNTY LAND MAP

I, ____________________________, SECRETARY OF THE CITY PLANNING COMMISSION, DO HEREBY CERTIFY THAT THIS MAP IS ONE OF _______ SIMILAR MAPS APPROVED BY THE CITY PLANNING COMMISSION ON THE _______ DAY OF _______ (CAL. NO.____), AND SUBSEQUENTLY APPROVED BY THE CITY COUNCIL ON _______ (RES. NO.____), WHICH ACTION COMPRIZES FINAL APPROVAL, AND THAT THIS MAP WAS FILED ON THE DATE OF THIS CERTIFICATION AND WILL TAKE EFFECT ON THE FOLLOWING DAY.

DATE: NEW YORK

SECRETARY, CITY PLANNING COMMISSION

CITY OF NEW YORK
BOROUGH OF BROOKLYN
OFFICE OF THE PRESIDENT
TOPOGRAPHICAL BUREAU

MAP NO. N-2733
SHOWING
THE DISCONTINUANCE AND CLOSING OF
CAMPUS ROAD
SOUTH OF AVENUE H

AND

A PORTION OF AVENUE H
BETWEEN CAMPUS ROAD AND NOSTRAND AVENUE

AND

AMERSFORT PLACE
BETWEEN AVENUE H AND NOSTRAND AVENUE

DATED: May 7, 2013

CHECKED BY: _______________ PREPARED BY: PHILIP HABIB & ASSOCIATES 102 MADISON AVE, 11TH FL NEW YORK, NY 10016

REVIEWS BY: _______________ PRESIDENT - BOROUGH OF BROOKLYN

CHIEF ENGINEER

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N-2733
Mr. Andrew Sillen  
Executive Director  
Brooklyn College Foundation, Inc.  
2900 Bedford Avenue  
Brooklyn, NY 11210

Re: Limited Sub-Surface Investigation on the property located at:  
2210 Nostrand Avenue, Brooklyn, NY

Dear Mr. Sillen:

Pursuant to our agreement, on December 19, 2010, Cosmos Environmental services, Inc. (CES) started a Limited Sub-Surface Investigation at the above referenced property.

In the course of the project CES attempted to install five (5) borings in the Fruit Store located in the SE portion of the property. All five borings were ended with a refusal due to encountered pipe lines and/or up to 2 feet of concrete in the predetermined accessible locations. Furthermore, CES’ ability to move the drilling rig within the shop was severely curtailed by low ceiling; and a framework of lighting fixtures, electrical conduits and gas lines beneath it.

Subsequently, and as per agreement with the Client, CES amended locations of the borings and on December 30th, 2010, installed a total of eight (8) soil test borings as depicted on the Property Plan below. Photographs taken in the course of the project are presented in Appendix I.

This phase of the project consisted of the following activities:

- Four (4) borings (B-1, B-2, B-3 & B-4) were located in close proximity to a suspected Gasoline Tank Farm (located beneath Fruit Store) and containing estimated 8 Underground Storage Tanks (USTs).
- Three (3) borings were installed along the parking lot located in the rear of the subject site.
• One (1) boring (B-6) was located in the area of suspected Gasoline Tank Farm (Butcher Store) containing 1 Underground Storage Tank (UST).

• Two (2) additional borings (B-5 & B-7) were located in the driveway in the middle of the rear parking lot.

• In addition, one (1) boring (B-8) was conducted in the furthest Western portion of the subject site and was extended to the groundwater table.

• Utilizing an advantage of a continues sampling method, soil samples were collected in a 5-foot interval from each boring as follows:
  - first from a 1 to 5 feet interval;
  - second from the interval of 5-10 feet;
  - third from the interval of 10-15 feet; and
  - fourth from the interval of 15-20 feet.
  - In B-8 the groundwater was encountered at the depth of 33.5 – 34.0 feet and a composite soil sample was collected from the interface portion of the sampling tube.

• All samples were examined with a Photo-ionization Detector for the presence/absence of Volatile Organics.

• Upon completion of each boring, soil samples from the following intervals were collected for analysis:
  - All of 1’-5’ referred in the Chain Of Custody as B-.1;
  - Some of 5’-10’ referred in the Chain Of Custody as B-.2;
  - Some of 15’-20’ referred in the Chain Of Custody as B-.3; and
  - One sample from B-8 (33’-35’ interval).

• All collected soil samples were stored on ice in a de-contaminated cooler immediately upon collection and subsequently couriered to a New York State Department of Health (DOH) Environmental Laboratory Analysis Program (ELAP) certified laboratory for analysis. The soil samples were analyzed for the targeted compound list (TCL) specifically:
  - Volatile organic compounds (VOC’s) EPA Method 8260 – B-1-B-8 (15 Samples);
  - Semi-volatile organic compounds (SVOC’s) EPA Method 8270 – B-1-B-8 (15 Samples);
  - TAL Metals EPA Method 6010/6020/7471 – B-1-B-8 (15 Samples);
  - TCLP RCRA 8 Metals – B-1.1/B-2.1/B-3.1; B-4.1/B-5.1 and B-6.1/B-7.1 (3 Composite Samples);
  - Pesticides, Herbicides and PCBs EPA Method 8081/8082 - B-1.1/B-2.1/B-3.1; B-4.1/B-5.1 and B-6.1/B-7.1 (3 Composite Samples);
  - Reactivity, Ignitability & Corrosivity (RIC) B-1.1/B-2.1/B-3.1; B-4.1/B-5.1 and B-6.1/B-7.1 (3 Composite Samples).
- Obtained analytical data is compared to the New York State Department of Environmental Conservation’s (DEC) Technical and Administrative Guidance Memorandum (TAGM) 4046 Guidance Values, not Subpart 375 Soil Cleanup Objectives (see TABLE below). Laboratory’s Analytical Report containing Chain Of Custody and analytical data is presented in Appendix II.

Based on the laboratory analysis results, CES offers the following conclusions:

a. With exception of 9.1 PPB of Toluene in sample B-2.1 (1'-5'), no Volatile Organics were detected above the Method Detection Limit (MDL) in any other soil samples (see TABLE I). Furthermore, in this sample Toluene is presented in concentration below the NYSDEC TAGM #4046 Recommended Soil Cleanup Objectives.

b. Several Semi-Volatile Organics are present in the upper strata samples from B-3.1, B-4.1 & B-6.1 (see TABLE II). Three of the contaminants detected in B-4.1 are in concentrations above the limit established in the NYSDEC TAGM #4046 Recommended Soil Cleanup Objectives. None are detected in concentrations above the MDL in deeper strata of the subject site.

c. Several Metals which were detected in the soil samples throughout the property are in elevated concentrations (see TABLE III).

These detected metal concentrations could be divided in two groups:

- Metals found in are in concentrations above the NYSDEC TAGM #4046 Recommended Soil Cleanup Objectives but within the established NYSDEC Background Levels - marked in the summary table “bold black”; and
- Metals found in are in concentrations above the NYSDEC TAGM #4046 Recommended Soil Cleanup Objectives and above the established NYSDEC Background Levels - marked in the summary table “bold red”;

d. The soil sample collected from the Groundwater interface interval (B-8.1) did not reveal any contaminants in concentrations above the MDL (for VOC & SVOC), as well as above the NYSDEC TAGM #4046 Recommended Soil Cleanup Objectives and/ or established NYSDEC Background Levels.

e. As a part of this Limited Subsurface Investigation, CES requested TCLP RCRA 8 Metals analysis in order to determine if any of the soil samples will fall into “Hazardous Waste” category for future disposal. None of the analyzed samples produced results above the MDL (see TABLE IV).
No **Pesticides / Herbicides** and/or **PCB’s** were detected in the composite samples.

f. Analysis of the collected soil samples indicates that contamination with **TAL Metals** found throughout the subject site is mostly located within the upper interval of 1-5 feet.

g. Elevated concentrations of several metals found below this 1-5-foot interval could be considered as natural site’s background associated with **Upper Glacial Deposits** common throughout the Kings County area and which usually associated with somewhat elevated metal concentrations. However, for this particular site the final determination of the acceptable “natural” concentrations of such metals shall be made by the NYS DEC.

h. Furthermore, the fact that no significant **VOC & SVOC** contamination was found below the 5-foot depth indicates that the historical use of the subject site did not transport the contaminants associated with automotive repairs and fueling to deeper stratum.

i. We would like to state that the absence of elevated concentrations of organic contaminants associated with motor fuel, and specifically in the Groundwater interface sample, at least indicates that no significant releases of Gasoline and Diesel fuel occurred during the Service Station operation. However, this data does not guaranty a total absence of contamination within the UST Farms’ immediate areas and in concrete encasements surrounding the tanks.

All the above conclusions are based on this **Limited Subsurface Investigation**. Only actual excavation of the subject site and tank farms with a subsequent “end-point” sampling and analysis program would determine the extent of additional adverse environmental conditions, if any.

We trust this information is satisfactory for your needs. Should you have any questions regarding this project or any other matter, please do not hesitate to contact us at (516) 374-7890.

Yours very truly,

Cosmos Environmental Services, Inc.

[Signature]

Alexander I. Avracen
Field Operations Manager