



Department of General Services

James P Burpoe

Commissioner of General Services

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Steven M. Neuhaus
County Executive

November 24, 2014

Re: RFP Sale/Lease of Orange County Government Center

Amendment A

Dear Vendor:

The purpose of this amendment is to address questions received concerning the RFP:

1. Will the County accept a bid which is contingent upon zoning approval?

ANSWER: The County will accept all sealed bids that come in and then evaluate them. Bidders are encouraged to contact the Village of Goshen for land use related possibilities. The County reserves the right not to pick the bidder deemed in the best interests of the County under the applicable law (which has not been signed and the original version of which was recalled by the Legislature and has therefore not even been passed yet) under the terms of whatever local law ultimately becomes law (if any), permitting the sale or lease of the property, and under applicable Legislative Resolution(s).

2. Can you please provide:

- **Professional Service contracts with amendments and payment to date related to the reusing of the Government Center;**
- **Latest plans, programs & construction estimate related to same;**
- **SEQRA materials and SHPO correspondences related to same;**
- **Survey, geotechnical and HazMat investigations related to same;**
- **Any special constraints or requirements not discernible from the above;**
- **Any as-built drawings, know building modifications and other documented work to date**

ANSWER: Bidders are required to come to their own conclusions with respect to the above and may not rely on any documents developed by Orange County government or their contractors in relation to the above. Some documents relating to the above can be made available by meeting with the Orange County Department of General Services. You should contact the Commissioner of General Services, James Burpoe, to arrange to view those

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documents. The documents to be provided may or may not be exhaustive or accurate on each or any of the above topics. Mr. Burpoe will make documents available to the extent it is feasible for County staff to assemble them. Mr. Burpoe cannot answer questions with respect to the documents and bidders are encouraged and directed to come to their own conclusions with respect to all of the above. Potential Buyers or Lessees are fully responsible for ascertaining the condition of the property without any representations by the County.

3. If a bidder submits his \$ 1 million dollar bid security and his bid is rejected will the bid security be returned in full?

ANSWER: Yes.

4. What are the terms and conditions of the \$ 1 million deposit, and under exactly what circumstances is the \$ 1 million forfeited? How long will the deposit be held, what interest if any will be earned and who will be the recipient of the interest

ANSWER: The Legislative Resolution expresses the terms of the bid. Bidders are expected to put forth a proposed, executed contract and various proposed, executed easements, declarations and all information required by the RFP. If the County chose to accept a bid as proposed, and execute and record any necessary documents and the bidder did not complete the sale/lease as proposed by the bidder, the deposit would be forfeited. If the County cannot accept the terms as proposed by the bidder, the County would negotiate with the bidder any unacceptable terms and at that time, upon agreement on the same, the deposit would become non-refundable.

Bidders should also be aware that the initial local law authorizing the sale/lease of the government center has been recalled by the Legislature and a new local law is being considered on this matter. A copy of the proposed new local law can be obtained from the County Legislature.

No determinations have been made with respect to interest accruing. The bidder can propose that as a term of the proposed contract. In terms of the timing of a decision, the initial proposed local law did not have a firm timeline in it for the Legislature to make a decision. A revised version of the local law presently has a contemplated decision time period for the Legislature. However, that is only a proposed timeline. Copies of the most recent version of the proposed local law relating to the sale or lease of the government center should be obtained from the County Legislature.

5. Is a Letter of Credit considered Certified Funds for purposes of the \$1 million down payment?

ANSWER: The Orange County Finance Department has advised that they view a Letter of Credit as "Certified Funds". The Letter of Credit must permit the County, by passage of a resolution by the County Legislature and approved by the County Executive to call upon the Letter of Credit if it is determined that after acceptance of offer by the County, that the bidder cannot perform.

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6. Should Proposed Exhibits F, G, H, I, J, K, L, and M (relating to proposed covenants, rights of refusal, proposed contracts, non-collusion, Iran Divestment, Non-Responsibility Disclosure) be signed by the bidder? What happens if they are not agreeable in form to the County?

ANSWER: Yes, they should be signed. If the County does not agree with them then the County will have to negotiate with the successful bidder over the language. The County wants to be able to, if it chooses, accept an offer that the bidder is prepared to perform. If the County cannot accept any offer, then the County reserves the right to reject and or all offers (and reserves that right under all circumstances anyway) and either select another bidder, select no bidder, or select a bidder and commence negotiations with that bidder to develop acceptable documents and terms.

Regards,

James P Burpoe
Commissioner

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