



ORANGE COUNTY, NEW YORK

Department of General Services
PO Box 218, 255-275 Main Street
Goshen, New York 10924

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RFP: Sale of Central Orange Development Area (formerly Camp LaGuardia)

RFP-RPT02-20

Sale of Central Orange Development Area (formerly Camp LaGuardia)

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- IV. **SECTION IV APPENDICES (available at www.orangecountygov.com/RFP-RPT02-20)**

DISCLAIMER FOR SECTION IV APPENDICES

The application materials, images, surveys, maps, drawings and ALL other materials provided in this RFP are strictly “as is” and strictly for informational purposes only. The County does not guarantee currency, accuracy, scale or any other aspect of these materials and shall have absolutely no duty or liability to Offerors or Purchaser relating to these materials.

The Offerors and ultimately the Purchaser are NOT authorized to rely on the materials provided and it is incumbent upon the Offerors and the Purchaser to perform all necessary due diligence (including, but not

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limited to: legal research, permitting, imaging, surveys, mapping, title research, environmental studies and any and all other necessary tasks) for the satisfaction of each Offeror's and the Purchasers purposes.

Also, any general references to legal resources are strictly for informational purposes only and are not guaranteed to be accurate, applicable, complete or current. Nothing in this RFP or the Appendices constitutes legal advice and may not be relied upon in any manner by Offerors or Purchaser. **OFFERORS AND PURCHASER ARE ADVISED TO CONSULT WITH THEIR LEGAL COUNSEL TO DETERMINE ALL APPLICABLE LAW AND ITS INTERPRETATION, AND WITH ALL OTHER CONSULTANTS AS MAY BE NECESSARY, FOR DUE DILIGENCE SATISFACTORY FOR THEIR PURPOSES.**

A. Local Laws Authorizing Sale

1. Local Law No. 2 of 2019
2. Local Law No. 10 of 2008

B. Towns' Zoning

1. Town of Blooming Grove Zoning and Code – July 1, 2018
2. Town of Chester Zoning and Code – December 1, 2017
3. Appellate Division Decision – In the Matter of Kiryas Joel, et. al. v. County of Orange, et. al. – March 11, 2020

C. Survey Drawings

1. Municipal Boundaries – 2007
2. Boundary Survey 1"=200' – 2009
3. Boundary Survey 1"=100' – 2009
4. Existing Conditions – 2007
5. Topography – 2007
6. Topography – 2009
7. Topography – 2020
8. Steep Slopes – 2007
9. Soils – 2007

D. Title Reports and Appraisal

1. Camp LaGuardia Title Report – 2008
2. Erie Properties Title Report – 2012
3. Pennsylvania Lines Title Report – 2012
4. Camp LaGuardia Appraisal – 2007

E. Site Investigations

1. Site Investigation Report – 2009

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2. Former Landfill Report – 2009
3. Tank Closure Report – 2014
4. DRAFT Asbestos Report – 2019
5. CODA Buildings Map Update – 2020

F. SEQR and DEIS

1. Lead Agency Correspondence – 2009-2010
2. DEC Preliminary Site Concerns – 2009
3. DEC Response to Preliminary Application – 2009
4. DEC Ecological Assessment Comments – 2009
5. DEC Environmental Justice Comments – 2010

G. Habitat Assessments

1. Ecological Habitat Assessment – 2009
2. Preliminary Flora and Fauna Results – 2010
3. Tree Location Survey – 2010

H. Historic and Cultural Assessments

1. SHPO Preliminary Cultural Resource Comments – 2009
2. Cultural Resource Assessment Submittal – 2009
3. SHPO Cultural Resource Assessment Review – 2009
4. Shovel Testing Areas Plan – 2010
5. Shovel Testing Update – 2011
6. Town of Chester Historian Letter April 2016

I. Traffic Analysis

1. Preliminary Traffic Analysis – 2012

J. Visual Assessment

1. Viewshed Maps and Viewpoints – 2010
2. Line of Sight Profiles – 2010

K. Water and Hydrogeology

1. Preliminary Hydrogeological Evaluation – 2009
2. Preliminary Subsurface Investigation Report – 2009
3. Aquifer Test
 - a. Aquifer Test Plan – 2010
 - b. Aquifer Test Report – 2012

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- c. OCDOH Review of Aquifer Test Report - 2012
- 4. Test Wells
 - a. DEC Joint Application for Test Wells – 2009
 - b. Bog Turtle Habitat Assessment for Test Wells – 2009
 - c. DEC Test Wells Permit – 2009
 - d. Test Wells Water Quality Summary – 2009
- L. Wetlands**
 - 1. Wetlands Delineation Report – 2009
 - 2. Wetlands Certification Plan 1"=200' – 2009
 - 3. Wetlands Certification Plan 1"=100' – 2009
 - 4. US Army Corps of Engineers Correspondence – 2009-2010
 - 5. Wetlands and Floodplains - 2020
- M. Electric and Gas**
 - 1. Orange and Rockland Intent to Service Letter – 2012
- N. 2007 RFP**
 - 1. Central Orange Development Area RFP – 2007

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NOTICE TO OFFERORS

Proposals for the County of Orange **RFP-RPT02-20 Sale of Central Orange Development Area (formerly Camp LaGuardia)** will be received by the undersigned Commissioner of the Department of General Services, in his office at 255-275 Main Street, Goshen NY 10924, **up to and including August 7, 2020 at 4:00 P.M.**, prevailing time.

Copies of the Request for Proposals may be obtained from **www.orangecountygov.com/generalservices** under "Current Bids and Proposals" beginning June 22, 2020.

June 22, 2020

James P. Burpoe, Commissioner
 Department of General Services

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INSTRUCTIONS TO OFFERORS

This Request for Proposal (RFP) is issued by the Department of General Services BidNet which can be accessed through www.orangecountygov.com/general-services under "Current Bids and Proposals". If you have obtained this RFP from a different source, you may not receive addenda or important information regarding this RFP if you are not registered with BidNet as having obtained a copy of this RFP.

IMPORTANT AND IN ADDITION: The Appendices for this RFP are available on the following website:

www.orangecountygov.com/RFP-RPT02-20

OBTAINING APPENDICES FROM THIS WEBSITE WITHOUT OBTAINING THE MAIN RFP FROM BIDNET WILL NOT ALLOW YOU TO RECEIVE ADDENDA TO THE RFP. PLEASE ALSO OBTAIN THE MAIN RFP FROM:

www.orangecountygov.com/general-services under "Current Bids and Proposals".

By submitting a Proposal, you are asking the County to accept your offer for the sale of goods and/or services. It is important that you READ and UNDERSTAND all terms and conditions in this RFP, as well as understand the laws that govern Public Contracts in New York State. **If you do not agree with the terms and conditions contained in this RFP, you should not submit a Proposal.**

Your Proposal will be considered by the County if the following conditions are met:

1. Pursuant to State Finance Law §139-j and §139-k, this solicitation includes and imposes certain restrictions on communications between the County and an Offeror during the procurement process. An Offeror is restricted from contacting other than designated staff from the earliest notice of intent to solicit offers through final award and approval of the Procurement Contract by the County Executive ("Restricted Period") unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law §139-j(3)(a). County employees are required to obtain certain information when contacted during the Restricted Period. The designated staff contact is the Commissioner of General Services or his representative, telephone (845) 291-2792. Offerors responding to this RFP must familiarize themselves with these State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the Proposal Form.

2. Applicable Not Applicable

Site visits may be arranged by sending a request to GeneralServices@orangecountygov.com all requests must be submitted by July 13, 2020 by 5:00 P.M. to be scheduled no later than July 17, 2020. The County shall not be liable for, nor shall it review proposed change orders, contract amendments, etc. for inadequate pricing, labor, materials, time or similar issues in Vendor/Consultant's contract with the County resulting from Vendor/Consultant's failure to attend and obtain information provided at the pre-proposal conference, site visit and/or any addenda issued afterward. **All respondents who wish to attend the site visit will be required to sign the "Indemnity, Release of Liability and Waiver" form (attached in the Appendices as #IV) prior to being allowed to enter any of the offered properties.**

3. Offerors are responsible for reporting in writing any errors, omissions or ambiguities found in this RFP. All such reports, requests for information, questions, etc. shall be emailed to GeneralServices@orangecountygov.com with questions typed in the body of the email, and the subject line "RFP Questions". **No questions will be entertained by any other means. All questions must be submitted by July 20, 2020 at 5:00 P.M., prevailing time. Questions received after this time may not be addressed. Please be patient, questions will be answered**

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in an Addendum/Addenda to be shared with all interested Offerors. Questions will not be responded to individually.

4. Unless otherwise specified herein, all Proposals shall be made upon forms furnished in this RFP, if any, and as may be modified by addenda, contained in sealed envelopes clearly marked on the outside packaging with **RFP-RPT02-20 Sale of Central Orange Development Area (formerly Camp LaGuardia)** addressed to James Burpoe, Commissioner, Department of General Services, PO Box 218, 255-275 Main Street, Goshen, NY 10924 and received up to and including **Thursday, August 7, 2020 at 4:00 P.M., prevailing time**. If NOT sending your Proposal via U.S. Mail, (i.e., using FedEx, UPS, hand delivery, etc.) please use the following address: Orange County Department of General Services, 255-275 Main Street, Goshen NY 10924. **It is the Offeror's responsibility to clearly mark the outside of their mailing package with the RFP title and number. Faxed / E-mailed Proposals are not permitted.**

5. **Two (2)** sets of all Proposals shall be submitted, **ONE SET OF WHICH MUST CONTAIN ORIGINAL SIGNATURES** including completed copies of any forms or certifications required in this RFP. Forms, if any, included in this RFP shall be completely filled in, in ink or by typing, on the original form. Failure to respond to this RFP on any official form(s) included in this RFP, may result in disqualification of a Proposal as non-responsive. No Proposal Form will be accepted which contains any modification to the template, additional information not specifically requested, omissions or erasures. Each Proposal Form shall be signed by a duly authorized individual on behalf of the Offeror. Illegible and unsigned Proposals will be rejected as non-responsive.

6. Permission will not be given to modify or explain any Proposal after it has been opened, unless clearly specified in this document (e.g. interviews). Permission to withdraw a Proposal prior to opening will be at the discretion of the County and no replacement Proposal may be submitted without authorization from the Commissioner of General Services. Opened Proposals which required a deposit for plans and specifications may not be withdrawn until forty-five (45) days after opening.

7. **Basis of Award provisions vary with each RFP, please read that section carefully.** Some RFPs may be awarded to more than one entity. The County reserves the right to waive any informality, reject any and all Proposals, or, if noted in the Basis of Award section of this RFP, accept any Proposal in whole or in part, if deemed to be in the best interest of the County.

8. Any award shall be subject to the execution of a contract (and, if applicable, license or other agreements) between the Offeror and the County. The County's contract obligation is contingent upon execution of the contract between the County and selected Vendor/Consultant, provision of required Pay-to-Play forms, insurance certificates and bonds, as applicable, by the Vendor/Consultant, and the availability of appropriated funds for the contract. No legal liability on the part of the County for payment of any money shall arise unless and until a contract is executed by both parties, funds are appropriated and made available in each year of the term of the contract, and all performance requirements for each payment are met. The County shall have no responsibility or liability for any of Offeror's costs related to preparation of Proposals, attendance at interviews, etc.; all such costs are solely at Offeror's risk and expense.

9. Offeror(s) awarded a contract agree to execute the contract in the same form as the template enclosed in this RFP in the timeframe, if any, indicated in this RFP. If no template is included with the RFP the Offeror and the County will negotiate a contract based on the Proposal received, however, any supplemental agreement(s) (e.g. licensing or maintenance agreements) or specific contract language for the proposed contract requested by an

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Offeror **must** be included in the Proposal and are subject to the discretionary approval of the County Attorney and the County Executive. For any software required in the scope of services, include any proposed license or maintenance agreement(s) with your Proposal. **Failure to reach agreement on contract terms and conditions may result in rejection of a Proposal, rescission of an award and/or retention of Bid Security by the County.**

10. The County maintains a unilateral right to cancel or extend the contract in accordance with the terms of any contract resulting from this RFP. If a Vendor/Consultant fails to perform or otherwise breaches the contract, in addition to any other rights and remedies the County may have, the Vendor/Consultant may be listed as non-responsible and may be ineligible for future contract awards.

11. If Bid Security is required by this RFP; it must be included in the Proposal. If Performance and/or Payment Bonds are required by this RFP, Proposals must include a letter from the Offeror's bank or surety stating that the required letter of credit or bond(s) will be provided in the event of a contract. The letter of credit or bond(s) shall be provided for each year or relevant portion of the contract, as may be applicable.

12. Offerors should be properly registered to do business in the State of New York and furnish applicable certificates of authority/incorporation/partnership/dba, etc. with their Proposal.

13. The County encourages submission of Proposals by certified Minority- and/or Women-Owned Business Enterprises (MWBE) and/or Disadvantaged Business Enterprises (DBE).

14. A Non-Collusion Certification, Disclosure of Non-Responsibility Determination and Iran Divestment Act Certification are included in this RFP. Bidders must complete and submit a signed original of each and the applicable number of copies of each with each Bid.

15. Supplier Forms are provided with this RFP. Offerors that have not received a purchase order in the last twelve (12) months from the County must submit completed and signed Supplier Forms prior to execution of a contract by the County.

16. Please be advised that this solicitation is subject to Orange County Local Law No. 13 of 2013, as amended, known as the "Pay-to-Play Law". Pay-to-Play Forms will be made available with this RFP. All Pay-to-Play Forms should be submitted with your Proposal and will be required if you are awarded a contract. The Pay-to-Play Forms are required from the Vendor/Consultant (unless exempted by the law) prior to execution of a contract by the County.

17. Pursuant to New York's Freedom of Information Law ("FOIL") (Public Officers Law, Article 6, Sections 84-90) all government records are presumptively open for public inspection unless specifically exempted from disclosure under FOIL. Offerors who have a good faith belief that information contained in their Proposal is exempt from disclosure under FOIL must, at the time of their submission, request the exemption in writing, setting forth the basis for the claimed exemption. In addition, the Offeror must mark each page of its submission claimed to be exempt from disclosure under FOIL with the following legend: **"THE OFFEROR BELIEVES THAT THIS INFORMATION IS PROTECTED FROM DISCLOSURE UNDER THE NEW YORK STATE FREEDOM OF INFORMATION LAW."** Neither the Offeror's classification of materials as exempt under FOIL, nor the County's acceptance of Offeror's Proposal with the claimed exemption(s), should be considered a final determination as to whether the designated materials are exempt from disclosure under FOIL. Any and all determinations as to the propriety of claimed exemptions will be made by the County and/or a court of law in accordance with applicable law.

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INSURANCE REQUIREMENTS

If applicable, during the term of the contract, or longer if required, Vendor/Consultant shall maintain, at its expense, Worker's Compensation, Disability and liability insurance policies of the types and minimum coverages specified in the enclosed contract template (e.g., Agreement for Vendor Services), as applicable. Certificates of insurance evidencing Vendor's/Consultant's compliance with these requirements shall be required prior to execution of the contract by the County. Award is conditional upon submission of insurance documents within the time specified in the Notice of Award. Failure to do so may result in disqualification of the Offeror as non-responsive and/or the County's retention of any Bid Security.

BONDING REQUIREMENTS

There are no Bonds required for this contract.



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PROSPECTUS

I. BASIC PROPERTY INFORMATION

A. The Central Orange Development Area property (formerly Camp LaGuardia) is located within three municipalities and includes four parcels for a total of 258.3 acres±. Further description is provided in Part III of the Prospectus section of this RFP.

| | |
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| Town of Chester 3-1-1 | 153.5 acres |
| Town of Chester 3-1-2 | 40.8 acres |
| Town of Blooming Grove 52-1-2 | 59.6 acres |
| Village of Chester 106-2-2 | <u>4.4 acres</u> |
| Total | 258.3 acres± |

B. The deed is recorded in Liber 12375, Page 804, recorded February 27, 2007 and appears in the Title Report which is included in Section IV.D(1) of the Appendices, subject to the Disclaimer for Section IV and restated below.

C. Zoning information for the Town of Chester and Town of Blooming Grove is included in Section IV.B. of the Appendices, subject to the Disclaimer for Section IV and restated below.

D. **NO REPRESENTATIONS, WARRANTIES OR GUARANTEES:** This property is being **SOLD “AS IS”**. The County makes **NO** representations, warranties or guarantees for water, sewer, other utilities, zoning or anything other than title, as may be stated in the deed with the selected Offeror.

E. **NO GUARANTEE OR WAIVER:** Acceptance of an Offer and sale of the property by the County is in no manner:

1. an express or implied guarantee that the project will be developable; nor
2. a waiver on behalf of any local, state or federal government or other Authority having jurisdiction of the applicability of any requirement (legal or otherwise)

for the project as may be proposed or modified in the future.

F. DISCLAIMER FOR APPENDICES

1. The application materials, images, surveys, maps, drawings and ALL other materials provided in this RFP are strictly “as is” and strictly for informational purposes only. The County does not guarantee currency, accuracy, scale or any other aspect of these materials and shall have absolutely no duty or liability to Offerors or Purchaser relating to these materials.

2. The Offerors and ultimately the Purchaser are NOT authorized to rely on the materials provided and it is incumbent upon the Offerors and the Purchaser to perform all necessary due diligence (including, but not limited to: legal research, permitting, imaging,

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surveys, mapping, title research, environmental studies and any and all other necessary tasks) for the satisfaction of each Offeror's and the Purchasers purposes.

3. Also, any general references to legal resources are strictly for informational purposes only and are not guaranteed to be accurate, applicable, complete or current. Nothing in this RFP or the Appendices constitutes legal advice and may not be relied upon in any manner by Offerors or Purchaser.
4. **OFFERORS AND PURCHASER ARE ADVISED TO CONSULT WITH THEIR LEGAL COUNSEL TO DETERMINE ALL APPLICABLE LAW AND ITS INTERPRETATION, AND WITH ALL OTHER CONSULTANTS AS MAY BE NECESSARY, FOR DUE DILIGENCE SATISFACTORY FOR THEIR PURPOSES.**

II. OVERVIEW OF ORANGE COUNTY

- A. Orange County stretches over 811.7 square miles of southeastern New York, approximately halfway between New York City and the State capital of Albany. With three major interstate highways, the County can claim one of the most effective transportation systems in the country and is located just 60 miles from the financial center of the world. Some 72 million consumers reside within a 200-mile radius of Orange County. As the epicenter of the Hudson Valley and the second-fastest growing county in the State, Orange County is perfectly positioned for new business and innovative development.
- B. Increasing residential development, population growth and commercial development has brought our current population to nearly 385,000 citizens including a workforce of more than 167,000 residents. An additional 59,000 workers commute into the County every day from the surrounding labor shed.
- C. There has been a steady increase in the number of national developers and builders investing in Orange County. A number of assets including attractive landscapes, easy access to New York City and the Tri-state region, and quality safe communities, have made the County a leader in growth for decades; Orange County has been the second-fastest-growing County in New York State since 1990. Job growth and real estate values are strong. Several large regional projects – highway and commuter rail improvements, medical facilities, distribution centers and large recreational facilities– all symbolize opportunity and prosperity.

III. OVERVIEW OF THE TOWNS OF CHESTER AND BLOOMING GROVE

- A. The subject property is located within the Towns of Chester and Blooming Grove with a very small portion in the Village of Chester.
- B. The Town of Chester is located southeast of the center of Orange County and is bordered on the west side by the Towns of Goshen and Chester, on the north by the Towns of Goshen and Blooming Grove, on the east by the Towns of Blooming Grove and Monroe, and on the south by the Towns of Warwick and Monroe. The town encompasses the Village of Chester as well as part of the Goose Pond Mountain State Park and large tracts of agricultural black dirt. According to

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population estimates for 2019 prepared by the Census Bureau, the population of the Town of Chester is 12,185.

- C. The Town of Blooming Grove is bordered on the west by the Towns of Chester, Goshen and Hamptonburgh, on the north by the Town of New Windsor, on the east by the Towns of Cornwall and Woodbury, and on the south by the Town of Monroe. It covers 33 square miles and includes the Village of Washingtonville in the northern section. According to population estimates for 2019 prepared by the Census Bureau, the population of Blooming Grove is 17,643.
- D. The major means of transportation in the area is the automobile. The main roads leading through Chester are Kings Highway/County Route 13, which runs in a north/south direction; Route 17, a major four to six lane divided highway; and State Highway Route 17M which runs in an east/west direction. The Chester interchange on Route 17 has been upgraded, alleviating traffic and allowing easier access to this main highway from the village along the northerly side of the highway and the industrial park along the southerly side. There is passenger train and commuter bus service in the nearby Town of Monroe, which provides regular service to New York City.
- E. The commercial activity in the Town of Chester is primarily limited to an area around the Village of Chester and in the Hamlet of Sugar Loaf along Kings Highway. The Village of Chester has an old downtown area plus a main strip with fast food restaurants, retail strip malls, and gasoline stations. The Chester Industrial Park is in the southeast corner of the village, just off Route 17. Tenants include Amscan Inc., Pep Boys, Community Products, Iron Mountain, Steris Isomedix and C&S Wholesale Grocers.
- F. The commercial activity in the Town of Blooming Grove is primarily limited to the villages or along the main local roads. As the residential development expanded throughout the town, the need for services has followed. The Village of Washingtonville business district has seen numerous renovations of the older historic buildings along the main streets and is an active commercial center. A large retail strip mall was erected near the Brotherhood Winery in the eastern section of the village. In the town outside of the villages there is limited commercial activity due to zoning regulations. This will not change in the immediate future, making the existing space increasingly more valuable.

IV. OVERVIEW OF THE CENTRAL ORANGE DEVELOPMENT AREA

- A. The site consisting of 258+ acres is primarily located in the Town of Chester and the Town of Blooming Grove, with a small portion of the site within the Village of Chester. This property is a prime area for development in Orange County. There is major interstate highway access with a direct exit and rail services very close to the site. It is in the heart of the Hudson Valley, just over 50 miles northwest of New York City and approximately 10 miles west of the Port Authority's newest airport, New York Stewart International Airport.
- B. Opportunities are numerous for this property, with support from all levels of government including County, State and Towns, for various forms of commercial development. It is adjacent to a corridor which is heavily traveled. The development of the valuable site will establish a cornerstone opportunity for three municipalities and provide a strong base for economic and community growth.



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- C. The subject property is located along Greycourt Road with access to both Routes 17 and 17M. As such Greycourt provides adequate access to both the local community and the surrounding areas via major state highways.
- D. The surrounding properties are a mixture of scattered improvements and vacant lands, as the subject property is in an area somewhat rural in nature immediately outside of the Village of Chester. The improvements include both secondary highway commercial uses and single-family residences. There is still a fair amount of vacant land in this area which will likely see similar development in the future.
- E. An aerial photo of the property with identification of structures is provided in subsection E.5. of Section IV of the Appendices to this RFP, as the "CODA Buildings Map Update – 2020". Also, descriptions of some of the structures are included in the "Central Orange Development Area RFP – 2007" in subsection N of Section IV of the Appendices, however, the names of the structures do not necessarily match those in the CODA Buildings Map Update – 2020, not all structures may still exist, and the County in no way guarantees the accuracy or currency of those descriptions.

SUBMISSION OF PROPOSALS

I. GENERAL REQUIREMENTS

- A. **ALL SUBMISSIONS MUST BE CLEARLY MARKED ON THE OUTSIDE PACKAGING WITH THE RFP TITLE AND NUMBER.**
- B. Submission materials will not be returned. The County shall have no responsibility or liability for any of Offeror's costs related to preparation of Proposals, attendance at interviews, etc.; all such costs are solely at Offeror's risk and expense.

II. FORMATTING AND RESPONSIVE REQUIREMENTS

Proposals should be organized into the following sections and submitted in a binder or clipped (nothing permanently bound) to allow for copying by the County as may be necessary for review. Failure to provide information or materials for every section may result in disqualification of the proposal as non-responsive without further review.

A. COVER LETTER

Provide a brief letter of introduction which summarizes the development proposal and development team qualifications.

B. PROPOSAL FORM

Complete the Proposal Form provided in this RFP.

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- a. Primary contact name, address, phone number, fax number, e-mail address, Federal ID number (if applicable), and Business ID number (if applicable) of the person or entity submitting the proposal and who/which intends to purchase the property. If the Offeror is not a natural person (i.e., partnership, corporation, L.L.C., etc.), then the Offeror must disclose the name and address of each partner, officer, and/or member of the team submitting an application for this project.
- b. Identify the proposed structure of the development team for this particular project and provide information on each proposed member of the team and any identified sub-contractors or professionals, including, for each, a summary of individual/entity information, his/her/its role in the development of this project, and prior experience.
- c. Descriptive information of the prior working relationship, if any, of the proposed development team. If this project is the first effort of this team to undertake a development, indicate the history and experiences leading to the establishment of this team.

2. Project Description

- a. Description of the Proposed Project: Offerors must include a detailed description of the proposed project which includes:
 - b.
 - i. Size of the project (square-footage, number of units....)
 - ii. Describe proposed use(s) in detail and any zoning issues which need to be addressed, including proposed re-zoning or variances, if applicable
 - iii. Proposed occupancy and ownership scenario
 - iv. Timeframe for commencing construction/rehabilitation and the anticipated length of the construction period
 - v. Proposed purchase price for property
 - c. Provide a narrative describing the benefits, which will accrue to the County of Orange, the involved Towns and Villages and their residents as a result of the project (for example: jobs to be created, physical improvements to the area, etc.).

3. Budget

Include a budget detailing the cost to implement the project, and the resources to be utilized to undertake the project. If funds for the development are to be obtained from sources other than

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the Offeror's own funds, a statement of the Offeror's plan for financing must be included, providing the sources and amount of funding available and letters of commitment.

4. Marketing Plan

Provide a marketing plan that demonstrates how the development will be marketed for prospective occupants.

D. QUALIFICATIONS**1. Resumes**

Please identify and include resumes of the Principals who are or will be responsible for:

- a. Implementation/pre-development
- b. Construction and/or rehabilitation efforts
- c. On-going property management

2. Representative Project Experience

Please identify relevant project experience for each member of the development team. Qualifications should include a description of project experience that demonstrates the following:

- a. Familiarity with New York State regulations related to the proposed development
- b. Experience with similar projects
- c. Knowledge of Orange County and Lower Hudson River Valley markets

3. Financial Responsibility

- a. This information must be provided for the actual person or entity that will be purchasing the property. The Offeror must provide proof of its financial capability to develop the proposed project. This proof should include the following (please submit in a separate sealed envelope) for legal review.
- b. Identify if the Offeror is a subsidiary of or affiliated with any other corporation(s) or firm(s).
- c. Include a financial statement, showing the assets and liabilities, including contingent liabilities, fully itemized in accordance with accepted accounting procedures and based on a proper audit.
- d. Within the previous 10 years, has the Offeror, involved individuals or entities noted in the proposal, or any of their related or subsidiary firms, affiliates, any

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predecessor company, or any entity, owner, director, officer, shareholder, principal, partner or proprietor been:

- i. the subject of any criminal investigation or felony indictment that did not result in a termination of such criminal proceeding in favor of such company, subsidiary, or individuals?
- ii. convicted of any felony?
- iii. the subject of any judgment, conviction or grant of immunity for any business-related conduct constituting a crime under federal, state or local governmental law?
- iv. the subject of any final governmental determination of a violation of any public works law, or regulation, or labor law or regulation, or any OSHA violation deemed "serious or willful"?
- v. the subject of a consent order with the NYS Department of Environmental Conservation, or a governmental enforcement determination involving a construction or real estate development-related violation of federal, state or local environmental law?
- ii. adjudged bankrupt, either voluntary or involuntary?

4. References

Provide references including contact name, title, email, address and phone number of the organization/individual listed for the following.

- a. A full description of the most complex project that the development team has completed with references for this specific project.
- b. For each member of the development team: Three (3) references should be provided from financial institutions, lenders and project sponsors demonstrating ability to complete projects in timely manner and within established budgets.

E. REQUIRED FORMS AND MATERIALS

Please complete and submit with your proposal, the following forms (enclosed in this RFP as indicated):

1. Non-Collusion Certification (enclosed in RFP).
2. Iran Divestment Act Certification (enclosed in RFP).
3. Disclosure of Non-Responsibility Determination (enclosed in RFP, copy of instruction page not required).

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4. Pay-to-Play Forms (provided as an Appendix to this RFP). All Pay-to-Play forms should be submitted with your Proposal and will be required if you are awarded a contract.
5. A copy of the Certificate of Authority/Incorporation/Partnership/dba, etc., as applicable to your business entity.
6. Bid Security as per the requirements of the Bonding section of this RFP.
7. Supplier Forms (provided as an Appendix to this RFP).

ADDITIONAL INFORMATION, INTERVIEWS & SITE VISITS

The County may require any or all Offerors to present additional evidence of experience, ability and financial standing as well as a statement as to the materials, equipment or personnel which the Offeror will have available for the performance of this contract. The County reserves the right to interview, any or all Offerors and/or visit any or all Offeror's sites during the evaluation of Proposals. If applicable, the County shall contact Offerors to arrange an interview (which County may require to be held at the Department of General Services) and/or a site visit of Offeror's facilities at any time during the evaluation process. Offerors are reminded to include their best technical and price terms in their initial offer and not to automatically assume that they will have an opportunity to participate in interviews, site visits or be asked to submit a best and final offer. The County may award the contract without interviews and/or site visits for any or all Offerors, if deemed to be within the best interests of the County.

BASIS OF AWARD

- A. As per County Local Laws No. 2 of 2019 and No. 10 of 2008, the property may be sold at fair market value to the party making the offer deemed in the best interests of the County Legislature. Sale to the party making the highest bid is not required. This sale is subject to approval of Orange County Legislature.
- B. The County Legislature may base its decision on the following criteria:
 1. Offering price for property
 2. Potential tax revenues and jobs generated by project
 3. Feasibility and potential timeline of development given zoning or other development challenges to the proposed project
 4. Offeror's experience in successfully developing similar projects
 5. Offeror's ability to complete this project in a timely manner
 6. Offeror's financial capability
 7. Ancillary community benefits which may be generated as a result of this project

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8. Such other criteria the County Legislature may deem relevant.
- C. Offerors or selected finalists may be interviewed as part of the evaluation process.
- D. This RFP does not in any way commit the County Orange to reimburse any Offeror for any costs associated with preparation and submission of a proposal.

ANTICIPATED RFP TIMELINE

All dates are approximate and subject to change. Any change in the Proposals Due date will be made by an Addendum to the RFP issued by the County.

| | |
|------------------------|-----------|
| Publication of RFP | 6/22/2020 |
| Site Visit complete by | 7/17/2020 |
| Questions Due | 7/20/2020 |
| Proposals Due | 8/7/2020 |

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PROPOSAL FORM

BUSINESS NAME: _____

BUSINESS ADDRESS: _____

NAME, TITLE, TELEPHONE, FAX AND EMAIL OF CONTACT PERSON: _____

Does this business have a minority, women's, disadvantaged, or small business certification? Yes No

If yes, please list the designation(s) and the certifying entity(ties) _____

The undersigned proposes to furnish and deliver the services described in **RFP-RPT02-20 Sale of Central Orange Development Area (formerly Camp LaGuardia)** and its responding Proposal to the County of Orange, at the prices stated in the Proposal submitted. The individual submitting this Proposal on behalf of the business entity noted above, certifies by his or her signature below that:

- he or she understands and has complied with the requirements of State Finance Law Sections 139-j and 139-k and will continue to do so throughout the Restricted Period;
- he or she has read and understood the full Request for Proposal cited above; and
- he or she is duly authorized to submit this Proposal on behalf of the business entity noted above.

Additionally, by submission of this RFP, the person signing on behalf of the business entity noted above certifies, and in the case of a joint quote each party thereto certifies as to its own organization, under penalty of perjury, that the business entity submitting this quote has and has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all of its employees. Such policy shall, at a minimum, meet the requirements of Section 201-g of the New York State Labor Law.

By: _____

Date: _____

Name

Federal Tax ID Number

Title

DUNS Number, if applicable

ADDENDA CONFIRMATION (Offerors should only complete this section if any addenda were issued for this RFP.)

Addendum # ___ - Received _____, 20___ Initialed by person signing above _____

Addendum # ___ - Received _____, 20___ Initialed by person signing above _____

Addendum # ___ - Received _____, 20___ Initialed by person signing above _____



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QUESTIONS

ALL QUESTIONS REGARDING THIS RFP MUST BE emailed to GeneralServices@orangecountygov.com with questions typed in the body of the email, and with the subject line "RFP Questions", by the time and date specified in the Instructions to Offerors. **Questions will be answered in an Addendum/Addenda to be shared with all interested Offerors. Questions will not be responded to individually.**

Business Name _____

Business Email: _____

Telephone _____ Fax _____ Date _____



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NON-COLLUSION CERTIFICATION

- (a) "By submission of this Bid, each Bidder and each person signing on behalf of any Bidder certifies, and in the case of a joint Bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief:
 - (1) The prices in this Bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other Bidder or with any competitor.
 - (2) Unless otherwise required by law, the prices which have been quoted in this Bid have not been knowingly disclosed by the Bidder and will not knowingly be disclosed by the Bidder prior to opening, directly or indirectly, to any other Bidder or to any competitor; and
 - (3) No attempt has been made or will be made by the Bidder to induce any other person, partnership or corporation to submit or not to submit a Bid for the purpose of restricting competition."
- (b) A Bid shall not be considered for award nor shall any award be made where the provisions of (a)(1)(2) and (3) above have not been complied with; provided however, that if in any case the Bidder cannot make the foregoing certification, the Bidder shall so state and shall furnish with the Bid a signed statement which sets forth in detail the reasons therefore. Where (a)(1)(2) and (3) above have not been complied with, the Bid shall not be considered for award nor shall any award be made unless the head of the purchasing unit of the political subdivision, public department, agency or official thereof to which the Bid is made, or his designee, determines that such disclosure was not made for the purpose of restricting competition.

The fact that a Bidder (a) has published price lists, rates, or tariffs covering items being procured, (b) has informed prospective customers of proposed or pending publication of new or revised price lists for such items, or (c) has sold the same items to other customers at the same prices being proposed, does not constitute, without more, a disclosure within the meaning of subparagraph (a)(1) of this certification.

Any Bid hereafter made to any political subdivision of the state or any public department, agency or official thereof by an Bidder for work or services performed or to be performed or goods sold or to be sold, where competitive bidding is required by statute, rule, regulation, or local law, and where such Bid contains the certification referred to in subparagraph (a)(1) of this certification, shall be deemed to have been authorized by the board of directors of the Bidder, and such authorization shall be deemed to include the signing and submission of the Bid and the this Non-Collusion Certification as the act and deed of the corporation or other business entity submitting the Bid.

DATE

SIGNATURE

NAME

TITLE

BUSINESS NAME

| | | |
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IRAN DIVESTMENT ACT CERTIFICATION

The Iran Divestment Act of 2012 (“Act”), Chapter 1 of the 2012 Laws of New York, added State Finance Law (SFL), §165-a and General Municipal Law §103-g, effective April 12, 2012. Under the Act, the Commissioner of the New York State Office of General Services (“OGS”) developed a list (“Prohibited Entities List”) of “persons” who are engaged in “investment activities in Iran” (both are defined terms in the law). In accordance with SFL § 165-a(3), the Prohibited Entities List may be found on the OGS website at <http://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf> .

Pursuant to General Municipal Law §103-g, by signing below, Bidder certifies as true under the penalties of perjury that: By submission of this proposal each Bidder and each person signing on behalf of any Bidder certifies, and in the case of a joint proposal each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each Bidder is not on the list created pursuant to paragraph (b) of subdivision 3 of section 165-a of the State Finance Law.

A proposal shall not be considered for award nor shall any award be made where the certification has not been made, provided, however, that if in any case the Bidder cannot make the certification, the Bidder shall so state and shall furnish with the proposal a signed statement which sets forth in detail the reasons therefor. The County may award a contract to a Bidder who cannot make the required certification on a case-by-case basis if:

1. The investment activities in Iran were made before April 12, 2012, the investment activities in Iran have not been expanded or renewed after April 12, 2012, and the person has adopted, publicized, and is implementing a formal plan to cease the investment activities in Iran and to refrain from engaging in any new investments in Iran; or
2. The County makes a determination that the goods and services are necessary for the County to perform its functions and that, absent such an exemption, the political subdivision would be unable to obtain the goods or services for which the contract is offered. Such determination shall be made in writing and shall be a public document.

During the term of the Contract, should the County receive information that a person is in violation of the above-referenced certifications, the County will offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment which is in violation of the Act within 90 days after the determination of such violation, then the County shall take such action as may be appropriate including, but not limited to, imposing sanctions, seeking compliance, recovering damages, or declaring the contractor in default.

The County reserves the right to reject any Bid, Proposal, contract or request for assignment for an entity that appears on the Prohibited Entities List prior to the award or execution of a contract or any renewal thereof, as applicable, and to pursue a responsibility review with respect to any entity that is awarded a contract and appears on the Prohibited Entities List after contract award.

DATE

SIGNATURE

BUSINESS NAME

NAME

TITLE

| | |
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INSTRUCTIONS FOR COMPLETING THE DISCLOSURE OF PRIOR NON-RESPONSIBILITY DETERMINATIONS

Background:

New York State Finance Law §139-k(2) obligates a Governmental Entity to obtain specific information regarding prior non-responsibility determinations with respect to State Finance Law §139-j. In accordance with State Finance Law §139-k, an Offeror must be asked to disclose whether there has been a finding of non-responsibility made within the previous four (4) years by any Governmental Entity due to: (a) a violation of State Finance Law §139-j or (b) the intentional provision of false or incomplete information to a Governmental Entity. The terms “Offerer” and “Governmental Entity” are defined in State Finance Law § 139-k(1). State Finance Law §139-j sets forth detailed requirements about the restrictions on Contacts during the procurement process. A violation of State Finance Law §139-j includes, but is not limited to, an impermissible Contact during the restricted period (for example, contacting a person or entity other than the designated contact person, when such contact does not fall within one of the exemptions).

As part of its responsibility determination, State Finance Law §139-k(3) mandates consideration of whether an Offeror fails to timely disclose accurate or complete information regarding the above non-responsibility determination. In accordance with law, no Procurement Contract shall be awarded to any Offeror that fails to timely disclose accurate or complete information under this section, unless a finding is made that the award of the Procurement Contract to the Offeror is necessary to protect public property or public health safety, and that the Offeror is the only source capable of supplying the required Article of Procurement within the necessary timeframe. *See State Finance Law §§139-j (10)(b) and 139-k(3).*

Instructions:

The County of Orange includes the following disclosure request regarding prior non-responsibility determinations in accordance with State Finance Law §139-k in its solicitation of Proposals or Bid documents or specifications or contract documents, as applicable, for Procurement Contracts. The attached form is to be completed and submitted by the individual or entity seeking to enter into a Procurement Contract, Supplement or Change Order. It shall be submitted to with your Bid or Proposal to the County agency conducting the Governmental Procurement.

The following disclosure form must accompany each Bid Form, Letter of Interest, or Proposal submitted by all Offerors.

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DISCLOSURE OF PRIOR NON-RESPONSIBILITY DETERMINATIONS

Name of Individual or Entity Seeking to Enter into the Procurement Contract:

Address:

Name and Title of Person Submitting this Form:

1. Has any Governmental Entity made a finding of non-responsibility regarding the individual or entity seeking to enter into the Procurement Contract in the previous four years? (Please circle): No Yes

If Yes, please answer the next questions:

2. Was the basis for the finding of non-responsibility due to a violation of State Finance Law §139-j (Please circle):
 No Yes

3. Was the basis for the finding of non-responsibility due to the intentional provision of false or incomplete information to a Governmental Entity? (Please circle): No Yes

4. If you answered yes to any of the above questions, please provide details regarding the finding of non-responsibility below and attach additional pages as necessary.

Governmental Entity:

Date of Finding of Non-Responsibility:

Basis of Finding of Non-Responsibility:

5. Has any Governmental Entity or other governmental agency terminated or withheld a Procurement Contract with the above-named individual or entity due to the intentional provision of false or incomplete information? (Please circle): No Yes

6. If yes, please provide details below and attach additional pages as necessary.

Governmental Entity:

Date of Termination or Withholding of Contract:

Basis of Termination or Withholding:

Offerer certifies that all information provided to the Governmental Entity with respect to State Finance Law §139-k is complete, true and accurate.

By: _____

Signature

Date: _____



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INFORMATION SHEET

The questions asked on this Information Sheet are voluntary. It is not necessary to complete this Information Sheet. Filling out this sheet does not change your chances of a contract award in any respect. By completing this form, you will be helping the County track trends that we believe to be of importance. The information collected will NOT be used to compile mailing lists and will not be used to contact you. It will also not be sold. The information collected may be used to generate reports showing historical data with regard to the County's purchasing process.

Business Name: _____

Address: _____

In what county are the primary operations of this business conducted? _____

Business type (Sole Proprietorship, Corporation, LLC, etc.) _____

Does this business have a minority, women's, disadvantaged, or small business status? Yes No

If yes, please list the designation(s) and the certifying entity(ties) _____

How many individuals does this business employ? _____

Have you conducted business with the County before? Yes No

How did you discover this Proposal opportunity? _____

Do you use the Empire State Municipal Purchasing Group Website (BidNet)? Yes No

If Yes, do you find it useful (explain) or if No, why? _____

Please list any other comments or suggestions pertaining to doing business with Orange County. _____



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NON-OFFEROR'S RESPONSE

BUSINESS NAME: _____

For the purpose of facilitating your firm's response to our Request for Proposals, the County of Orange is interested in ascertaining reasons for prospective Offerors' failure to respond to Requests for Proposals. If your firm is not responding to this Proposal, please indicate the reason(s) by checking any appropriate item(s) below and faxing it to the Department of General Services at (845) 378-2365 or mailing it to the above address.

We are **not** responding to this RFP for the following reason(s):

- We do not offer this product or service.
- We are unable to meet specifications or conditions of the prospectus.
- Specifications or prospectus not clearly understood or applicable (please note in "Other reason(s)" below if too vague, too rigid, etc.).
- We are unable to meet your bond requirements.
- Insufficient time allowed for preparation of Proposal.
- Incorrect address used or our branch/division does not handle this type of Proposal. Correct name and mailing address are:

Other reason(s): _____

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APPENDICES

- I. **SUPPLIER FORMS (provided as a separate attachment to this RFP on BidNet)**
- II. **PAY-TO-PLAY FORMS (provided as a separate attachment to this RFP on BidNet)**
- III. **INDEMNITY, RELEASE OF LIABILITY AND WAIVER FORM (provided as a separate attachment to this RFP on BidNet)**
- IV. **SECTION III APPENDICES (available at www.orangecountygov.com/RFP-RPT02-20)**

DISCLAIMER FOR SECTION IV APPENDICES

The application materials, images, surveys, maps, drawings and ALL other materials provided in this RFP are strictly “as is” and strictly for informational purposes only. The County does not guarantee currency, accuracy, scale or any other aspect of these materials and shall have absolutely no duty or liability to Offerors or Purchaser relating to these materials.

The Offerors and ultimately the Purchaser are NOT authorized to rely on the materials provided and it is incumbent upon the Offerors and the Purchaser to perform all necessary due diligence (including, but not limited to: legal research, permitting, imaging, surveys, mapping, title research, environmental studies and any and all other necessary tasks) for the satisfaction of each Offeror’s and the Purchasers purposes.

Also, any general references to legal resources are strictly for informational purposes only and is not guaranteed to be accurate, applicable, complete or current. Nothing in this RFP or the Appendices constitutes legal advice and may not be relied upon in any manner by Offerors or Purchaser. **OFFERORS AND PURCHASER ARE ADVISED TO CONSULT WITH THEIR LEGAL COUNSEL TO DETERMINE ALL APPLICABLE LAW AND ITS INTERPRETATION AND WITH ALL OTHER CONSULTANTS AS MAY BE NECESSARY FOR DUE DILIGENCE SATISFACTORY FOR THEIR PURPOSES.**

A. Local Laws Authorizing Sale

- 1. Local Law No. 2 of 2019
- 2. Local Law No. 10 of 2008

B. Towns’ Zoning

- 1. Town of Blooming Grove Zoning and Code – July 1, 2018
- 2. Town of Chester Zoning and Code – December 1, 2017
- 3. Appellate Division Decision – In the Matter of Kiryas Joel, et. al. v. County of Orange, et. al. – March 11, 2020

C. Survey Drawings

- 1. Municipal Boundaries – 2007
- 2. Boundary Survey 1”=200’ – 2009
- 3. Boundary Survey 1”=100’ – 2009
- 4. Existing Conditions – 2007

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5. Topography – 2007
6. Topography – 2009
7. Topography – 2020
8. Steep Slopes – 2007
9. Soils – 2007

D. Title Reports and Appraisal

1. Camp LaGuardia Title Report – 2008
2. Erie Properties Title Report – 2012
3. Pennsylvania Lines Title Report – 2012
4. Camp LaGuardia Appraisal – 2007

E. Site Investigations

1. Site Investigation Report – 2009
2. Former Landfill Report – 2009
3. Tank Closure Report – 2014
4. DRAFT Asbestos Report – 2019
5. CODA Buildings Map Update – 2020

F. SEQR and DEIS

1. Lead Agency Correspondence – 2009-2010
2. DEC Preliminary Site Concerns – 2009
3. DEC Response to Preliminary Application – 2009
4. DEC Ecological Assessment Comments – 2009
5. DEC Environmental Justice Comments – 2010

G. Habitat Assessments

1. Ecological Habitat Assessment – 2009
2. Preliminary Flora and Fauna Results – 2010
3. Tree Location Survey – 2010

H. Historic and Cultural Assessments

1. SHPO Preliminary Cultural Resource Comments – 2009
2. Cultural Resource Assessment Submittal – 2009
3. SHPO Cultural Resource Assessment Review – 2009
4. Shovel Testing Areas Plan – 2010
5. Shovel Testing Update – 2011



6. Town of Chester Historian Letter April 2016

I. Traffic Analysis

1. Preliminary Traffic Analysis – 2012

J. Visual Assessment

1. Viewshed Maps and Viewpoints – 2010

2. Line of Sight Profiles – 2010

K. Water and Hydrogeology

1. Preliminary Hydrogeological Evaluation – 2009

2. Preliminary Subsurface Investigation Report – 2009

3. Aquifer Test

i. Aquifer Test Plan – 2010

ii. Aquifer Test Report – 2012

iii. OCDOH Review of Aquifer Test Report - 2012

4. Test Wells

i. DEC Joint Application for Test Wells – 2009

ii. Bog Turtle Habitat Assessment for Test Wells – 2009

iii. DEC Test Wells Permit – 2009

iv. Test Wells Water Quality Summary – 2009

L. Wetlands

1. Wetlands Delineation Report – 2009

2. Wetlands Certification Plan 1"=200' – 2009

3. Wetlands Certification Plan 1"=100' – 2009

4. US Army Corps of Engineers Correspondence – 2009-2010

5. Wetlands and Floodplains – 2020

M. Electric and Gas

1. Orange and Rockland Intent to Service Letter – 2012

N. 2007 RFP

1. Central Orange Development Area RFP – 2007