

*Village of Port Chester
Industrial Development Agency
222 Grace Church Street, Suite 202
Port Chester, New York 10573*

*Tel (914) 481-8036
Fax (914) 939-2733*

Frank Ferrara
Chairman

VILLAGE OF PORT CHESTER INDUSTRIAL DEVELOPMENT AGENCY
Village of Port Chester, Westchester County, New York

REQUEST FOR PROPOSALS

PROFESSIONAL POLICY MONITORING SERVICES

RFP# 2023-03

ISSUE DATE: May 24, 2023

SECTION 1: GENERAL INFORMATION

Intent

The Village of Port Chester Industrial Development Agency (PCIDA) is seeking proposals from qualified consultants for Policy monitoring services for a two-year period subject to annual approval by the Agency's Board of Directors. Every project seeking Agency assistance must comply with applicable Agency policies and the terms of various transaction documents. Copies of the Agency's policies and form of Project Agreement can be viewed at <https://www.portchesternyida.org>.

Overview

Over the past five years, the Village of Port Chester has devoted significant resources to revamping its zoning regulations to spur economic development and investment in the community. This effort, entitled "Plan the Port", involved community engagement, visioning, drafting of a form-based code, preparing a build-out analysis, and evaluation of impacts and proposed mitigation measures through the New York State Environmental Quality Review Act (SEQRA) process. On May 20, 2020, the Village Board of Trustees adopted the new Village-Wide Form-Based Code. Further information is available on the Village website:

<https://www.portchesterny.gov/208/Form-Based-CodeGEIS>

Due in part to the rezoning effort, the PCIDA is actively evaluating proposals from several real estate developers for projects on the Village's waterfront, within its central business district and near its transit nodes. The projects are generally of mixed use (residential and retail), and of significant scale. As projects are approved and benefits authorized the roster of active Agency projects has grown and as such requires more active monitoring for policy compliance. Information about recently approved and proposed investments is available on the PCIDA website:

<https://www.portchesternyida.org/projects>

Scope of Services

PCIDA is seeking to engage a project monitor to assist with the monitoring and review of active Agency projects to verify project performance measures and the obligations of recipients of Agency assistance. Results of all monitoring efforts must be entered into the Agency's Accela system no later than 30 days after information is gathered. User IDs will be issued to successful bidder upon bid award. An annual cost of \$5,000 should be included in any bid response for the purchase of an Accela license used to update monitoring efforts in the system.

PCIDA strongly encourages all recipients of IDA assistance to purchase goods and services from Port Chester businesses and to provide employment opportunities for Port Chester residents. PCIDA reserves the right to modify or recapture the financial assistance provided to projects if the applicant or its contractors fail to achieve material job or investment commitments, violate state laws, including those related to environmental quality, worker safety, employment fraud, and wage theft.

- PCIDA will advocate for local hiring.

Applicants for financial assistance from PCIDA must submit detailed information regarding the expected number of jobs to be retained or created, the estimated salaries and fringe benefits for employees, and the estimated number of residents in the Mid- Hudson Economic Development Region that will be employed.

Agency Project Agreements with project owners contain material commitments for jobs and investments that must be reported, monitored and verified.

- PCIDA will support worker training programs.

Identifying participating contractors/developers is necessary.

- Successful applicants for IDA assistance are required by state law to list new employment opportunities with the New York State Department of Labor and to first consider employing individuals referred by federal job training partnership act or workforce investment act programs.

Monitoring and verification of these requirements is necessary.

- PCIDA will ensure worker protections are in place.

Monitoring and verification of these protections is required.

- PCIDA requires all applicants to provide certificates of authorization to do business in the State of New York and copies of current certificates of NYS Workers' Compensation Insurance, NYS Disability Insurance, General Liability Insurance and proof of current OSHA training certification for all contractors and their employees performing work on the site.

Monitoring and verification of these requirements is required.

- PCIDA reserves the right to modify or recapture the financial assistance provided to projects if the applicant or its contractors fail to achieve material job or investment commitments, violate state laws, including those related to environmental quality, worker safety, employment fraud, and wage theft.

Monitoring and verification of these requirements is required.

- PCIDA will actively monitor IDA-assisted projects to identify and address any deficiencies.

Monitoring and verification of these requirements is required.

- PCIDA is required to file an annual report with the New York State Comptroller and Authority Budget Office via the PARIS System that provides information on its activities and benefits conferred, along with employment data for projects that have received financial assistance. PCIDA has the right to suspend, discontinue and/or recapture any financial assistance granted to a project and it can modify or terminate payment in lieu of tax (PILOT) agreements when there are significant uncured defaults or violations of material terms of its agreements with the project sponsors.

Assessment of any defaults is required.

- Under its Project Recapture and Termination Policy, PCIDA may also pursue recapture of financial assistance when the project sponsor fails to achieve the goals identified as material factors by PCIDA at the time that the financial assistance was approved. “Material Factors” generally include, but are not limited to, the number of net new permanent jobs or the dollar value of net new investment. Agreements can also be negotiated that reduce the real property tax abatement if the number of public-school students generated by a project exceeds the amount forecast or there is a significant change in the use of the property.

Monitoring and assessment of these factors is required.

Qualifications

Consultants submitting qualifications will have experience in providing policy monitoring services for industrial development agencies in New York State with in depth familiarity with Section Article 18-A of the General Municipal Law (“GML”).

Submittal Requirements

Respondents shall submit the following:

1. A brief description of the entity submitting the proposal, including the full business name and type of organization (e.g., corporation, partnership, sole proprietorship), number of years in

business, services provided, and the name, telephone number and e-mail address of the person the PCIDA should contact if there are questions about the proposal or changes to the RFP.

2. Resumes for the primary individuals that will be committed to work with the PCIDA, including their anticipated roles, relevant expertise, and any professional licenses or certifications.
3. Demonstration of firm's experiences including detailed descriptions of three (3) prior or current engagements that are similar in scope to the services requested in this RFP. Please provide a reference for each client, including a name, telephone number and e-mail address.
4. A proposed work plan and schedule / timeline for the services to be provided.
5. A list of the firm's current clients and projects in Westchester County. Please comment on the possibility of a conflict of interest or appearance of impropriety being created if your firm is selected to work with the PCIDA.
6. A description of any material litigation over the past three (3) years that involved the firm or any of its affiliates, a parent company, or any officer or principal.
7. Representations of professional liability insurance in the amount identified below in Section 2 General Requirements.
8. A proposed fee, inclusive of all labor and expenses. It is not expected that travel or other incidentals will be incurred by the consultant and such expenses will be contained within its proposed retainer estimate. All assumptions must be stated clearly and describe the proposed invoicing process. Proposers are encouraged to include alternate compensation structures that take into account project-based compensation and/or transaction-based compensation that would offset fees.

PCIDA will not be liable for any costs incurred by any respondent in the preparation, submittal, presentation or revision of its submission; PCIDA will not be obligated to pay and will not pay any costs in connection with the preparation of such submissions. All submissions shall become the property of PCIDA and will not be returned.

Proposal Due Date

Please submit an electronic copy BY E-MAIL to Rosalind Cimino at CSteers-IDA@portchesternyida.org no later than **3:00 pm Eastern on Friday June 23, 2023**. Please put "Professional Monitoring Services RFP" in the e-mail subject line.

Proposals received after the deadline will not be accepted. It is the sole responsibility of the firm to assure that its proposal is received at the location specified by the due date and time.

Evaluation Criteria

The primary criteria to be considered in evaluating the proposals will be:

- The completeness, clarity, and accuracy of the information requested.
- The expertise of the staff committed to work with PCIDA and the Village.
- The depth of the firm’s relevant experience with market and economic development analyses.
- The competitiveness and cost efficacy of the proposal.

PCIDA reserves the right to interview some, none or all of the respondents, as it deems appropriate.

Questions

Please do not telephone PCIDA board members or staff or visit the Village offices to discuss the RFP. Any questions regarding the RFP should be submitted to Christopher Steers, the Administrative Director of the PCIDA by e-mail: CSteers-IDA@portchesternyida.org by no later than June 7, 2023. Please put “Professional Monitoring Services RFP” in the e-mail subject line.

SECTION 2: GENERAL REQUIREMENTS

Labor Laws

The awarded firm will be required to comply with all applicable laws, including but not limited to labor laws, prevailing wage rates and workers compensation.

Liability Requirements

The selected consultant shall supply and maintain insurance which indemnifies and holds harmless the Village of Port Chester and the PCIDA, its officers, employees and agents from and against any and all liability, damages, claims, demands, costs, judgments, fees, attorney’s fees or loss to the extent caused by negligent acts, errors or omissions by the consultant or by a third party under the direction or control of the consultant or third party under the direction or control of the consultant in an amount not less than \$1,000,000.

Certificates of insurance must be submitted to the Village Attorney and/or the Attorney for the PCIDA for approval prior to the signing of the professional services agreement.

Other required insurances that must be furnished prior to commencement of work:

Workers Compensation	Statutory Requirements
New York State Disability Coverage	Statutory Requirements
General Liability/Property Damage	\$2,000,000 combined single limit
Automobile Liability	\$2,000,000 per occurrence

Insurance certificates shall name the PCIDA and the Village as Additional Insured Party and shall be primary over any insurance held by the PCIDA and/or the Village.

New York Law and Venue

This contract shall be construed under the laws of the State of New York. All claims, actions, proceedings, and lawsuits brought in connection with, arising out of, related to, or seeking enforcement of this contract shall be brought in the Supreme Court of the State of New York, Westchester County. In addition, PCIDA contractors which are not incorporated in the State of New York shall produce a Certificate to Do Business in the State of New York from the New York Secretary of State prior to executing their contract with the IDA.

Proprietary Information

The New York State Freedom of Information Law, Public Officers Law, Article 6, provides for public access to information. Public Officers Law, Section 87(d)(2) provides for exceptions to disclosure for records or portions thereof that are ‘trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise’. Information that the proposer wishes to have treated as proprietary and confidential trade information should be identified and labeled “Confidential” or “Proprietary” on each page at the time of submittal. This information should include a written request to except it from disclosure, including a written statement of the reasons why the information should be excepted.

Right to Reject Proposals

This RFP does not commit the PCIDA to award a contract, pay any cost incurred in the preparation of a proposal in response to this RFP or to procure or contract for services. The PCIDA intends to award a contract on the basis of the best interest and advantage to the PCIDA, and reserves the right to accept or reject any or all proposals received as a result of this request, to negotiate with all qualified proposers or to cancel this RFP in part or in its entirety, if it is in the best interest of the PCIDA to do so.

This RFP and any contract or agreements resulting herein are subject to all applicable Federal, State and local laws, rules, regulations and executive orders.

Cancellation Clauses

Any violation of the terms, conditions, requirements and/or non-performance of the agreement resulting from this RFP shall result in immediate cancellation. The agreement may be cancelled by the PCIDA for any other reason(s) upon 30 days written notice.