



Long Island Rail Road Westbury Station Transit Oriented Development Opportunity

Request for Proposals



Release Date

Thursday, September 10, 2020

Site Visit and Information Session

Friday, October 2, 2020

Submission Deadline

Friday, November 20, 2020

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I. Executive Summary

The Metropolitan Transportation Authority (the “MTA”), on behalf of its subsidiary, the Long Island Rail Road (the “LIRR”), is pleased to offer the commuter parking lot at the Westbury Station (the “Westbury Station Site”) for the development of a mixed use transit oriented development.

The Westbury Station Site is an approximately 1.6 acre surface parking lot located on the south side of the Westbury LIRR station. This property presents a unique opportunity to develop a mixed-use project (the “Project”) in one of the most diverse, vibrant and well-located communities on Long Island.¹ Westbury’s thriving downtown, prime Long Island location, walkability, access to transit, and arts and cultural scene provide a strong basis for the Village’s continued growth and vibrancy. Among other attractions Westbury has the only downtown performing arts theater in central Nassau County, The Space at Westbury, and is home to the 930-acre Eisenhower Park, the Nassau Coliseum, and several educational institutions including Adelphi University and Nassau Community College.



Covert Avenue Grade Crossing Elimination 8/24/19

In recent years the MTA has invested over \$13.7 billion in new service and infrastructure to better serve Long Island commuters. Among these investments are the East Side Access project and the LIRR Expansion Project. East Side Access will provide approximately 162,000 LIRR commuters with a faster and easier commute from Long Island to the east side of Manhattan in a new 8-track terminal and concourse below Grand Central Terminal.

For more information about the LIRR Expansion Project please visit <https://www.amodernli.com/project/east-side-access/>. And as part of the LIRR Expansion Project a new third track will be constructed between Floral Park and Hicksville stations (including Westbury), which will improve transit reliability and allow for additional reverse peak service, reduce traffic congestion, and enhance quality-of-life for communities along the LIRR Main Line.



Westbury Village Hall

In 2016, New York State awarded the Village of Westbury a \$10 million grant as part of New York’s Downtown Revitalization Initiative (“DRI”). The Long Island Regional Economic Development Council noted that this award reflects the Village’s “commitment to housing production and willingness to allow increased density in the downtown core.” The Village has been using this award to advance its vision of a vibrant downtown that, according to its DRI plan, is a “people-friendly place that feels safe and secure,

where people can walk, shop, recreate, dine, interact, and spend time, with a strong sense of community”, and to “transform the area around the train station into a new and vibrant part of the community, through rezoning that employs transit oriented development principles.” Based on the work of the DRI, the Village amended its zoning resolution in 2019 to provide for a new TOD district that encourages residential development in the area around the Westbury train station.

MTA is seeking a developer with the ambition and vision to build a transit oriented development on the Westbury Station Site that will be a key feature of Westbury’s revitalized downtown.

Each party submitting a proposal in response to this RFP (“Proposal”) is referred to herein as a “Respondent”. The Respondent that is ultimately selected for the Project through this RFP process is referred to herein as the “Designated Developer”.

The form of property interest MTA intends to grant to the Designated Developer pursuant to this RFP is a 99-year ground lease.

Sole Points of Contact: Please be aware that there are rules regarding permissible contact (oral, written, and electronic communications) with the MTA during a public procurement process. Effective January 1, 2006, New York State Lobbying Law requires that all contact with the MTA relating to this RFP must be made through the following persons/designated Points of Contact. Contact with anyone else at the MTA regarding this RFP may result in ineligibility to participate in the RFP.

The designated Point of Contact for this RFP is:



John Coyne
Telephone: (212)-878-7158
Email: jcoyne@mtahq.org

A competitive response to this RFP will describe a plan to accomplish the following goals (“Project Goals”):

- A development program that optimizes the opportunity of the site’s proximity to transit, enhances the surrounding neighborhood, and supports the Village’s existing downtown
- Additional vehicular parking to accommodate LIRR commuters who arrive outside the traditional peak period via a mix of shared and dedicated parking spaces
- Design elements that improve pedestrian circulation, encourage use of transit, improve circulation and parking, and have creative architecture
- Financial returns to the MTA

The key dates for this RFP are:

- Site Visit & Information Session: Friday, October 2, 2020
- Proposal Due Date: Friday, November 20, 2020

To RSVP for the site visit, please email John Coyne at jcoyne@mtahq.org no later than Monday, September 28, 2020.

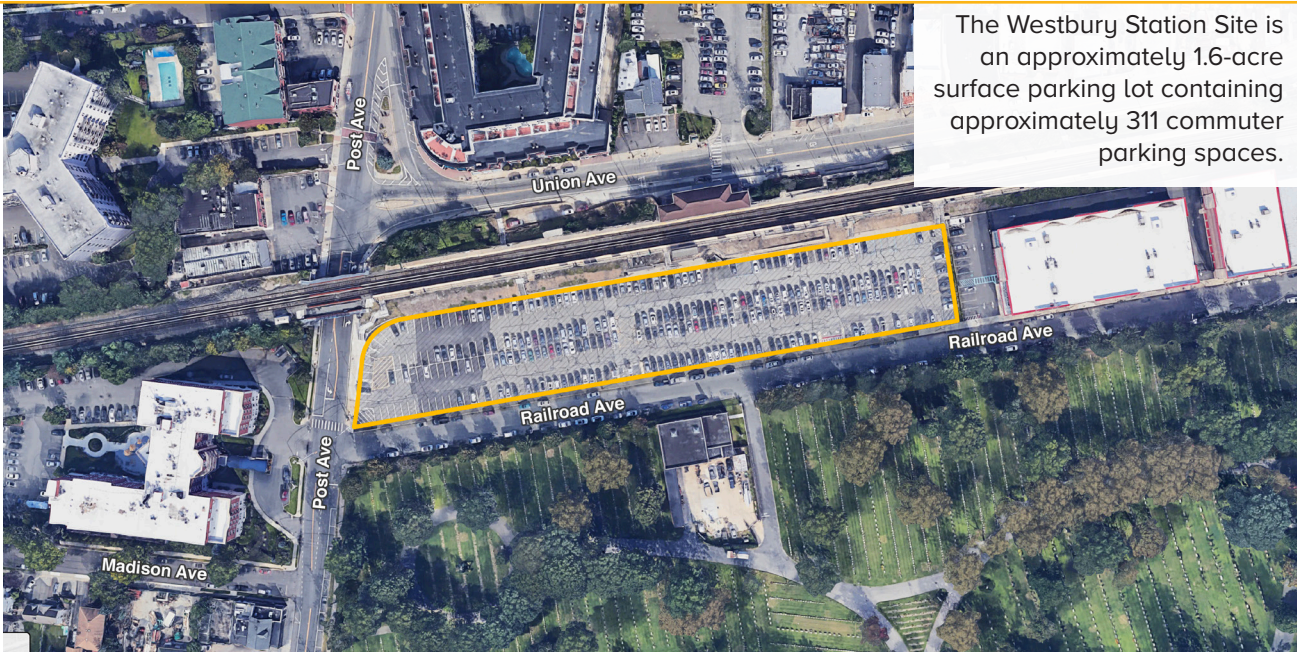
The specific submission requirements are described in Section IV - Proposal Requirements (p.15).



II. Development Site & Context

A. Development Site Description

Figure 1



The Westbury Station Site is an approximately 1.6-acre surface parking lot containing approximately 311 commuter parking spaces.

Figure 2



The northern side of the Westbury Station Site contains an embankment that abuts the LIRR Westbury Station and tracks.

The Westbury Station Site is shown in more detail in **Appendix A - Site Plan** (p.23).



The existing parking will for LIRR commuters will be relocated to a new parking garage currently under construction and expected to open in the Spring of 2021 in conjunction with the LIRR third track improvement project.



Construction of Westbury's North parking structure
2/25/2020

B. Neighborhood and Vicinity



Post Rd, Downtown Westbury

The Westbury Station Site is located at the southern edge of the downtown Westbury business district, which runs along Post Avenue for more than half a mile north of the Westbury Station Site. The downtown area features a walkable, compact, eclectic retail environment made up of predominantly local-owned retailers and restaurants. The Space at Westbury, a 25,000 square foot, 817-seat performing-arts center which is the only such venue in Nassau County, anchors

the downtown corridor to the north. Larger national retailers are concentrated along Old Country Road and at Roosevelt Mall to the south of the Westbury Station Site.

The Westbury Station Site is located within the Westbury Union Free School District, where current enrollment totals 4,834 across six schools ranging from primary, middle, and high school grades.

C. Zoning and Land Use

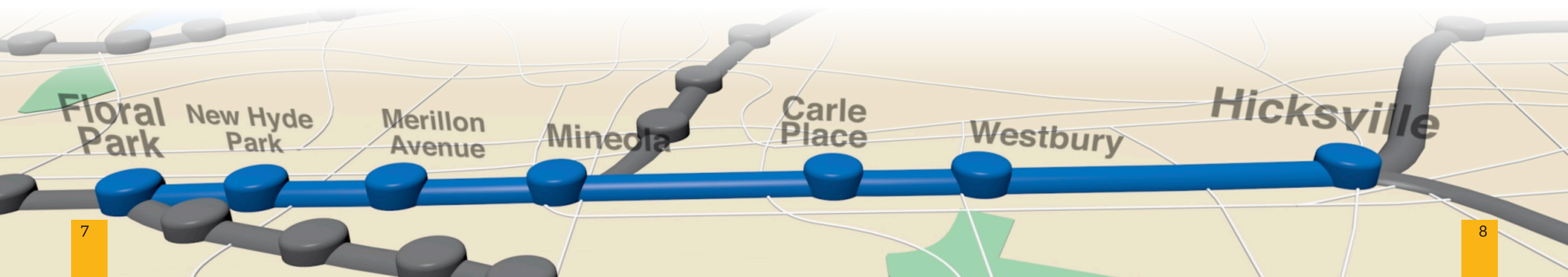
The Westbury Station Site is located in the Maple Union TOD District and is designated as MU-R6 zoning district. This designation allows mixed use and multifamily residential dwellings with a maximum as-of-right height of 3 stories and a height limit of 40 feet. This can be increased via zoning bonuses to five stories and 65 feet.

For specific information on the permitted uses and other regulations and restrictions associated with this zoning please access the Village of Westbury's zoning text [here](#) and the Schedule of Regulations [here](#).

As part of the Maple Union TOD District, the Village has provided for discretionary zoning bonuses for projects that provide certain specified public benefits designed to improve the working, shopping and living environment of the Maple Union TOD District.

The specific public benefits enumerated in the zoning text are:

- Providing, encouraging the retention and development of attractive and useful open space
- Improving pedestrian circulation
- Encouraging a mix of land uses and housing types
- Encouraging use of nearby mass transportation facilities
- Improving traffic circulation and parking
- Arranging and designing buildings to provide light and air to streets and other properties and to enhancing aesthetic views
- Encouraging the development of attractive, pedestrian-oriented retail areas
- Encouraging the provision and use of both passive and active recreation areas
- Preserving and/or increasing the quantity and quality of landscaping
- Encouraging creative and superior architectural design
- Improving the Village infrastructure



D. Utilities

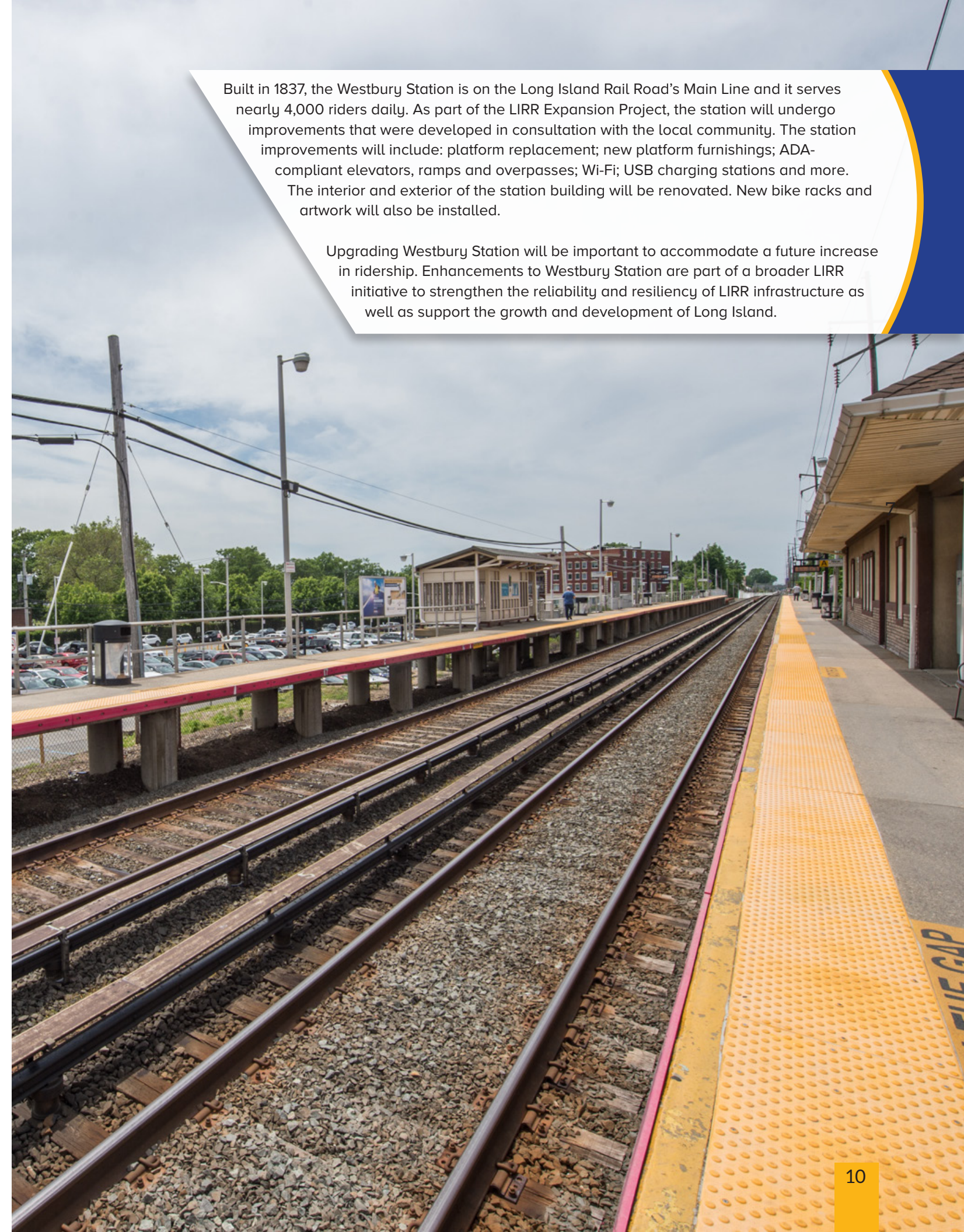
There are currently no utilities that directly serve the Development Site. The Designated Developer will need to provide for all necessary utilities, such as electricity, gas, water, sewer, and telecommunications to be brought to the site.

Combined storm and sanitary sewers are present within the adjacent street rights-of-way. The Designated Developer will be responsible for designing and incorporating an appropriate storm water system that will not impact LIRR operations.

E. Transportation & Access

Westbury is located along the Long Island Rail Road Main Line. There are 11 westbound AM peak trains per day with an average time to Penn Station of 42 minutes, and comparable PM peak service.

Upon the completion of the MTA's East Side Access project in 2021 LIRR trains will go direct into Grand Central Terminal with an average commute time of 32 minutes.



Built in 1837, the Westbury Station is on the Long Island Rail Road's Main Line and it serves nearly 4,000 riders daily. As part of the LIRR Expansion Project, the station will undergo improvements that were developed in consultation with the local community. The station improvements will include: platform replacement; new platform furnishings; ADA-compliant elevators, ramps and overpasses; Wi-Fi; USB charging stations and more. The interior and exterior of the station building will be renovated. New bike racks and artwork will also be installed.

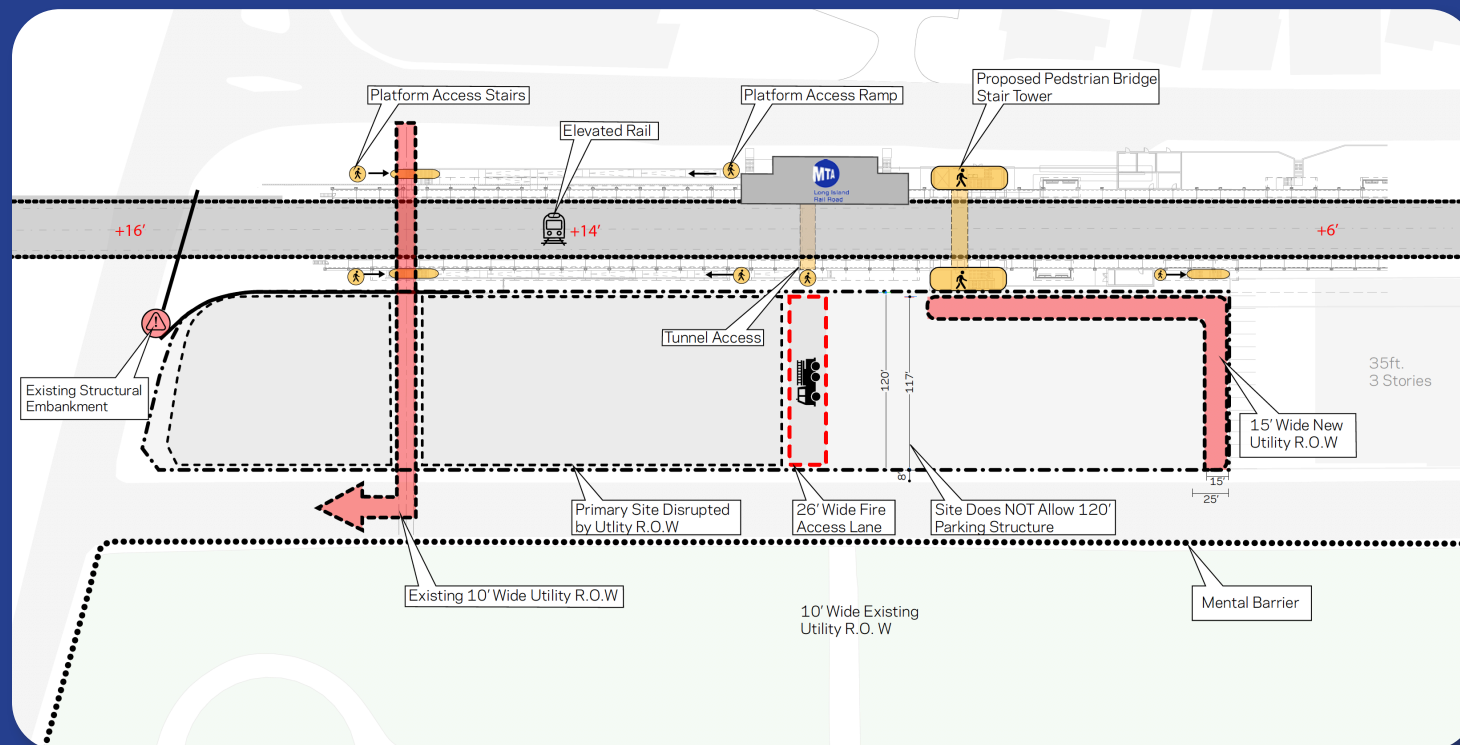
Upgrading Westbury Station will be important to accommodate a future increase in ridership. Enhancements to Westbury Station are part of a broader LIRR initiative to strengthen the reliability and resiliency of LIRR infrastructure as well as support the growth and development of Long Island.

III. Development Constraints & Strategies

A. Utility Rights of Way

There is a sewer line running north/south through the site approximately 65 feet in from Post Avenue along Railroad Avenue (see Figure 3, below). The line requires a 10 foot right-of-way that remains free and clear and cannot be built on. The Designated Developer may opt to relocate this sewer line into Post Avenue, the cost for which has been estimated by MTA to be approximately \$550,000.

Figure 3 - Sewer Easement Drawing



In addition, LIRR requires a 15 foot wide general purpose utility right-of-way running along the far eastern end of the site from Railroad Avenue north to the LIRR platform and then west (see Figure 3).

B. Fire Access Lane

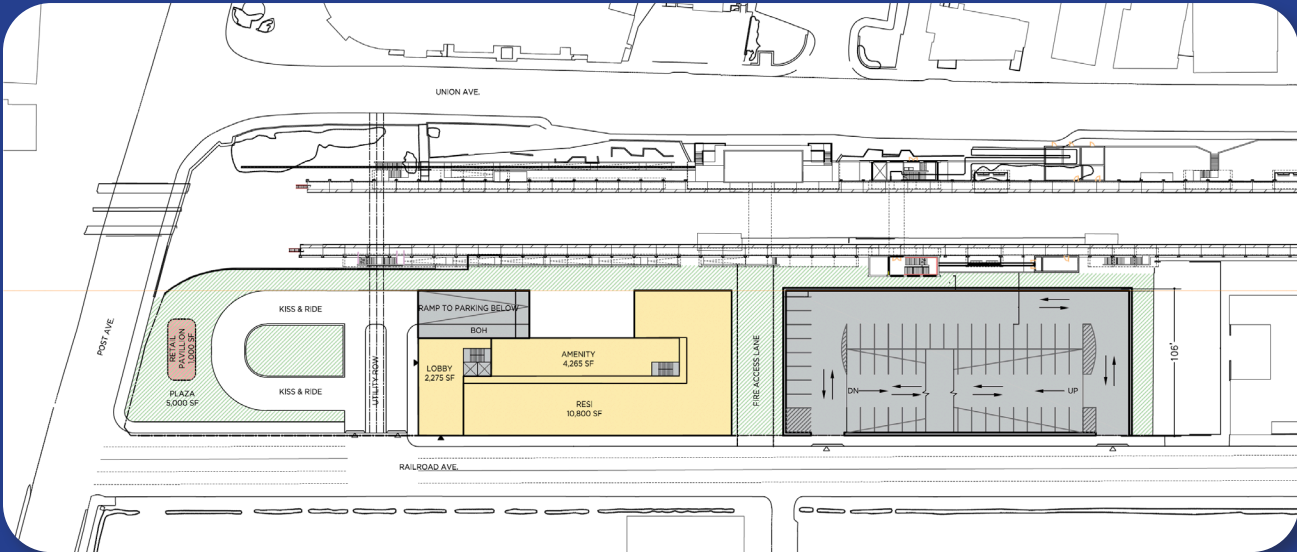
The Westbury Village Fire Department requires a 26 foot wide access lane to the southern station platform. The location of this access lane can be located anywhere on the site so long as it provides access to the southern LIRR platform.



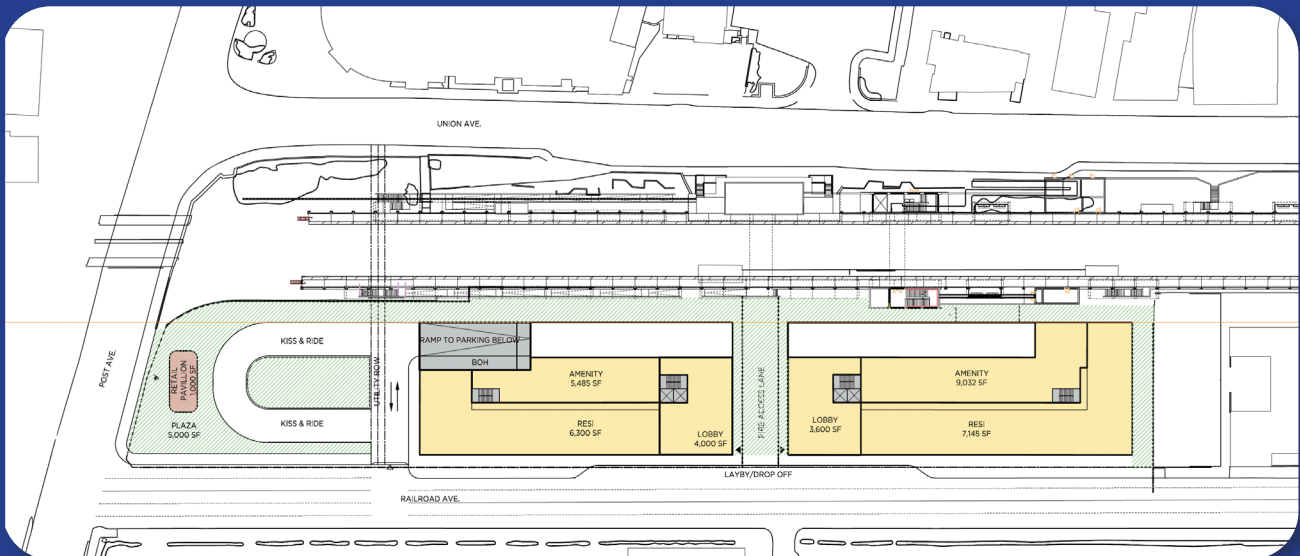
C. Development Strategies

Given the site constraints described above, the following site planning strategies were developed to provide Respondents with a range of possibilities for their development programs. Respondents should feel free to incorporate any of the below strategies into their development plans or develop an alternative development plan.

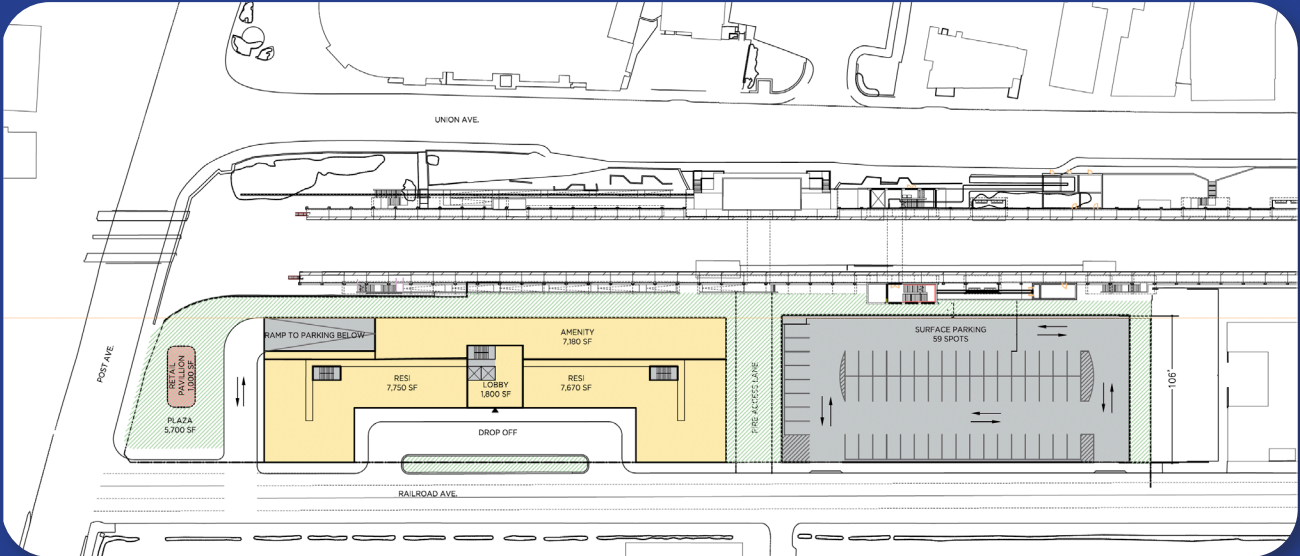
Strategy 1: Above Grade Parking Garage, One Multifamily Building, and Kiss & Ride Plaza



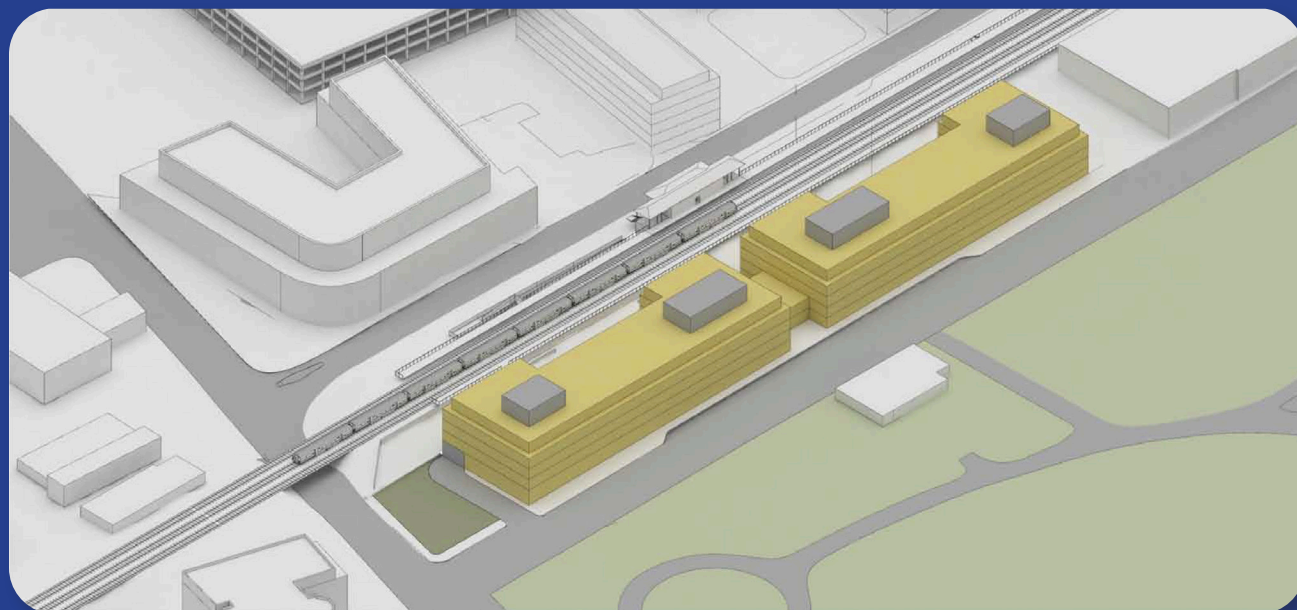
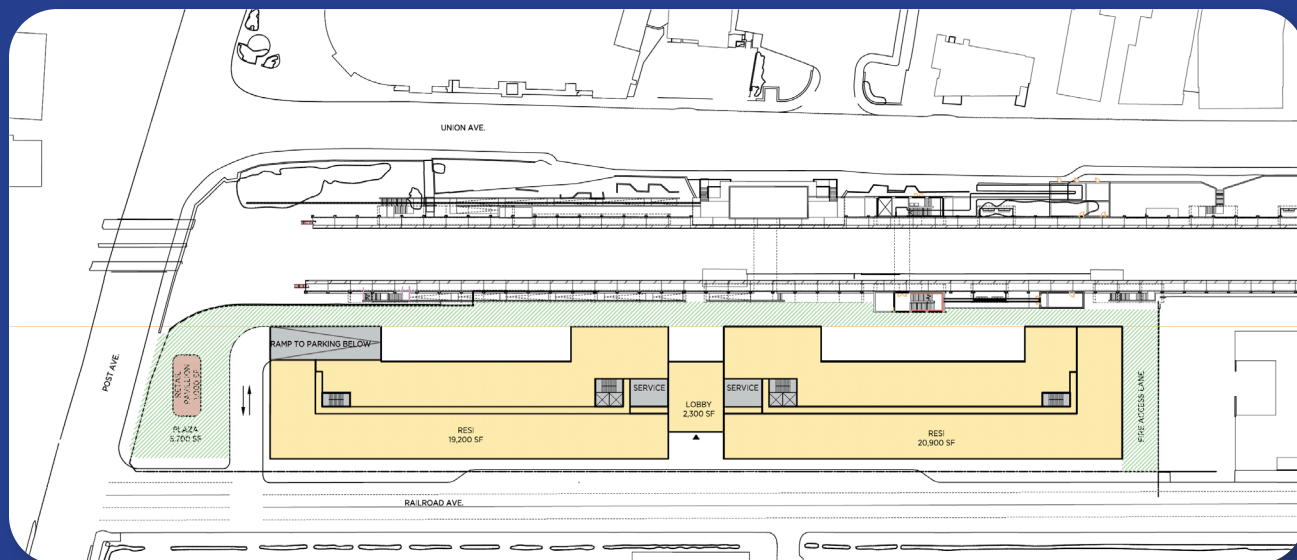
Strategy 2: Below Grade Parking, Two Multifamily Buildings, and Kiss & Ride Plaza



Strategy 3: Above-grade Parking Garage and One Multifamily Bldg (w/Relocated Sewer Line)



Strategy 4: Below-grade Parking Garage and Two Multifamily Bldg (w/Relocated Sewer Line)



IV. Proposal Requirements

Respondents to this RFP must submit Proposals that include the following sections:

- Section A – Project Description
- Section B – Site Plan and Architectural Designs
- Section C – Schedule
- Section D – Respondent Description
- Section E – Financial Terms
- Section F – Proposal Deposit
- Section G – Required Forms

An electronic version of the Proposal should be emailed to jcoyne@mtahq.org no later than 5:00 pm on Friday, November 20, 2020. The Proposal should be in searchable PDF format, and any supplemental financial documents should be submitted in Microsoft Excel or .csv formats.

Late submissions will not be accepted.

Proposals that are incomplete or not in conformance with the requirements of this RFP may be eliminated from further consideration. Respondents should note carefully the Proposal content requirements in this RFP.

A. Project Description

The Project Description must include a detailed narrative of the proposed Project, including:

- A breakdown of all proposed uses, such as, but not limited to:
 - Residential - total square feet, number of units, type (rentals, sales), and income levels (affordability levels and percentages)
 - Commercial – total square feet, type (retail, office), and locations
 - Parking – total square feet, number of spaces, and locations, including the Parking Facility
 - Other Uses – total square feet and other descriptors
- A zoning analysis of the project, including a description of any zoning bonuses being claimed.
- Detailed description of how the Project, including its construction and future operations, will integrate into the LIRR station area and downtown Westbury.

B. Site Plan and Architectural Designs

Respondents must provide a site plan, massings and renderings, and a narrative describing the Respondent's design approach and rationale. Proposals should conform to local building codes and other applicable laws and regulations.

This section should include:

- Building height and massing diagram/plan
- Stacking plan showing proposed uses by floor
- Site plan/street level floor plan showing all components of the Project, means of egress, access points to the LIRR station, and any other uses
- Renderings

C. Project Schedule

Respondents must provide a development schedule for the entire proposed Project, keeping in mind current operations along the LIRR Main Line and anticipated construction associated with the LIRR Main Line Expansion Project. Schedules should include, at a minimum, the following tasks/milestones:

- Commencement of design, design review and approvals
- Commencement of SEQRA analysis
- Local zoning review and approvals
- Business term approvals
- Completion of design
- Permitting
- Site preparation
- Construction commencement
- Marketing period, occupancy and stabilization

Respondents should discuss how they will be held accountable for such dates and contingencies, if any, to the schedule.

D. Respondent Description

Respondents must demonstrate that they have sufficient financial resources, expertise and experience to complete the Project while achieving the Project Goals.

Each Proposal should include:

- A description of each member of the Respondent's team, specifically describing the member's relationship to the Proposal
- Respondent's organizational structure, including a clear explanation and an organizational chart/diagram for any proposed partnership or joint venture, showing structure and percentages of ownership and investment
- If a partnership or joint venture is proposed between entities, the entities must submit details of the arrangement by attaching a draft partnership or joint venture agreement or a similar document to the Proposal
- Names and resumes of the key persons who will be responsible for completing the Project
- Description of the lead Respondent's history, organizational structure, financial strength and lines of business and participation in any conflicting or competing projects
- Description of the Respondent's experience working on development projects of comparable scale
- Evidence of Respondent's ability to provide appropriate security for its obligations during and after construction
- Name, address, telephone number, fax number and email address of the individual who will be authorized to act on behalf of the Respondent as the primary contact and who is available to answer questions or requests for additional information
- Any additional documentation that will support the Proposal

E. Financial Terms

Respondents are required to provide the following information regarding their financial terms.

1. Ground Lease Payments. Respondents should submit a leasing schedule that includes the following:

- Monthly fixed base rent payments, to commence no later than a specified date (to be determined) and be subject to scheduled increases of at least 10% every five years; and possibly (but not necessarily) an upfront payment or payments in advance of the commencement of such regular payments
- Base rent adjustments every 25 years that will allow the MTA to capture the increasing value over the long term of the land underlying the Project.

2. Financial Model. Respondents must submit a financial model that includes, at a minimum, pro forma cash flows for the proposed Project for at least 10 years, including both construction and operation periods. Respondents should outline all assumptions on which the pro forma document is based, including minimum returns sought. The pro forma should include all necessary capital improvements over time, expenses associated with the maintenance reserves, reserves and debt service payments associated with construction and permanent financing. The financial model should also include the calculations used to derive the Base Land Value for the Development Site.

3. Project Financing. In order to demonstrate a viable financing structure for their proposed Projects, Respondents should submit the following:

- Letter(s) of interest from a private lender(s) or lenders must be included. Letters must be dated no earlier than two (2) months from the date of submission of the Proposal. The letter(s) must indicate a willingness to provide construction and/or permanent financing in amounts and with terms consistent with the Proposal.
- Respondents are encouraged to submit signed letters of interest from potential tenants of commercial and community facility spaces. The letters of interest should indicate key business terms including rent, commencement and term.

F. Proposal Deposit

A Proposal Deposit is required in the form of a check payable to the Metropolitan Transportation Authority in an amount of **\$50,000**. The check will be deposited in an MTA account and will be returned to unsuccessful Respondents within 120 days after the Deadline if a Respondent selection has been made. The Proposal Deposit of the successful Respondent will be credited against the security deposit of the ground lease.

If the Respondent selected for an award fails to execute a purchase and sale agreement on the basis of the terms submitted in the proposal, the amount of the Proposal Deposit made by such Respondent, may be retained by MTA as liquidated damages.

G. Required Forms

Respondents must complete and submit the following forms along with their proposal:

- **New York State Finance Law Disclosure Statement**
(see Appendix B, p.26)
- **Iran Divestment Act Certification** (see Appendix C, p.29)
- **IRS W-9 form** (see Appendix D, p.30)



The construction of a third track from Floral Park to Hicksville will reduce train congestion and delays and enable true bi-directional service during peak hours with a more reliable rail network. This transformative work includes several related projects, including the construction of parking garages, retaining walls, improvements to rail bridges and the removal of eight street-level grade crossings.

Construction is being managed to minimize the impact on daily routines, with extensive mitigation and public outreach efforts in local communities.

V. Selection Criteria and Approvals Process

A. MTA Selection Criteria

MTA will evaluate each Proposal and any supplemental information made available to MTA according to the selection criteria outlined below. MTA reserves the right to consider other criteria not included herein and to assign weights to the following and other such criteria.

Financial Returns to MTA and Financial Feasibility

- Respondent's financial proposal, including the overall lease terms under a 99-year ground lease
- Respondent's demonstrated financial condition to complete the Project, including ability and capacity to secure financing, and the feasibility and availability of financing sources
- Respondent's ability to support the financial assumptions contained within the Proposal, including development costs, rents/sales prices, operating expenses, capital costs and debt service
- Sufficient completion guaranty and other financial instruments or guarantees to fund reserves for the Project

Completeness and Quality of Overall Proposal

- Overall compliance with this RFP.
- Respondent's demonstrated understanding of the scope and complexity of the Project and MTA's goals and objectives.
- Readiness and structure of Respondent and Respondent's team.

Respondent Qualifications and Experience

- Respondent's capacity for undertaking the proposed development within the timeframe proposed. The Respondent's current workload and other pending obligations will be assessed.
- The extent of experience in project managing comparable development projects, including obtaining necessary governmental and community approvals and permits.

B. Approvals Process

1. Initial Review and Shortlisting

MTA will thoroughly review all proposals submitted in response to this RFP, and may request one or more clarifications, revisions, or enhancements during the initial review period.

MTA may choose to shortlist and negotiate term sheets with multiple Respondents. MTA reserves the right to (a) terminate negotiations with or without cause, and (b) consider alternate transaction structures than the ones outlined in this RFP.

2. Conditional Designation

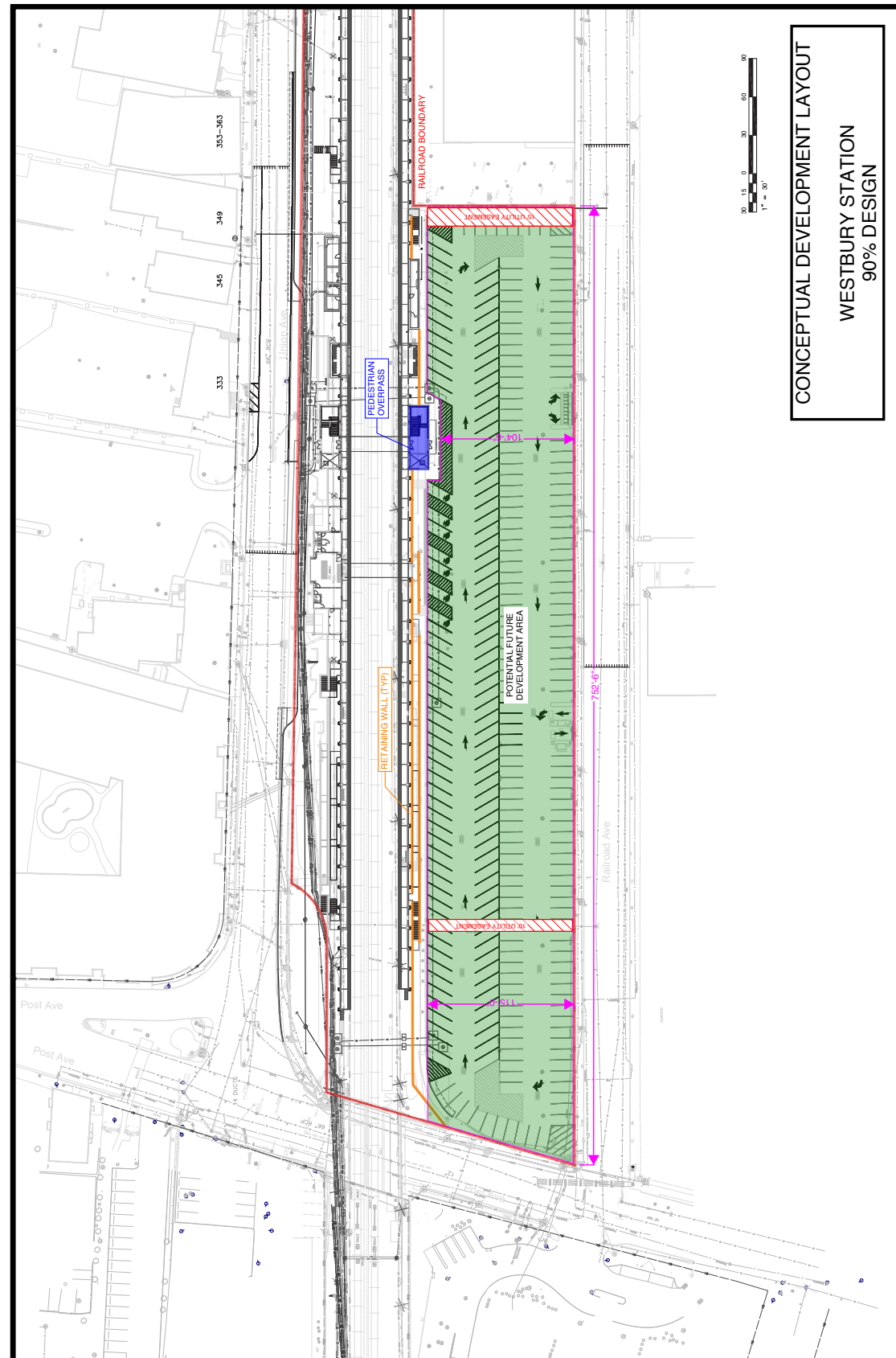
Following the initial review period and any Respondent shortlisting and term sheet negotiations, MTA will conditionally designate one proposer with whom to negotiate a 99-year ground lease agreement for the Westbury Station Site (the "Net Lease Agreement"). As part of conditional designation, the Designated Developer will be required to assume, including:

- Enter into an ***Expense Reimbursement Agreement*** with MTA, which will obligate the Designated Developer to fund or reimburse MTA and LIRR for all expenses associated with the transaction, including out of pocket expenses and costs incurred by MTA and LIRR associated with this transaction, including but not limited to outside counsel fees, third party design/construction consultants, and LIRR force account work to cover any personnel that LIRR assigns to assist and/or monitor the design, construction, maintenance activities in accordance with LIRR force account guidelines then in effect
- Prepare an environmental review of the Project in compliance with the ***State Environmental Quality Act ("SEQRA")***. As a State public authority owned property, the Project will require environmental review under The Designated Developer will be responsible for conducting environmental due diligence and preparing any necessary documents.

3. MTA Board Approval

The disposition of any of MTA's or LIRR's property interests in the Site to the Designated Developer in the form of a binding ground lease will be subject to MTA Board approval and adoption of SEQRA findings.

Notwithstanding any other provisions herein that may be to the contrary, MTA will be under no obligation to dispose of all or any portion of the Westbury Station Site to the Designated Developer unless and until the Net Lease Agreement and/or other disposition documents are executed between the MTA and such Designated Developer, the Project has received all requisite public approvals, and all conditions pursuant to the contract of sale agreement or other disposition agreements have been met.



General Information

All procurements (which are defined to include essentially all real estate transactions) by the MTA in excess of \$15,000 annually, are subject to New York State's State Finance Law Sections 139-j and 139-k, effective January 1, 2006 ("Lobbying Law").

Pursuant to the Lobbying Law, all "contacts" (defined as oral, written or electronic communications with the MTA intended to influence a procurement) during a procurement must be made with one or more designated Point(s) of Contact only. Exceptions to this rule include written questions during the bid/proposal process, communications with regard to protests, contract negotiations and RFP conference participation. Nothing in the Lobbying Law inhibits any rights to make an appeal, protest or complaint under existing administrative or judicial procedures.

Violations of the policy regarding permissible contacts must be reported to the appropriate MTA officer and investigated accordingly. The first violation may result in a determination of non-responsibility and ineligibility for award to the violator and its subsidiaries, affiliates and related entities. The penalty for a second violation within four (4) years is ineligibility for bidding/proposing on a procurement and/or ineligibility from being awarded any contract for a period of four (4) years. The MTA will notify the New York State Office of General Services ("OGS") of any determinations of non-responsibility or debarments due to violations of the Lobbying Law. Violations found to be "knowing and willful" must be reported to the MTA Executive Director and OGS.

Moreover, the statutes require the MTA to obtain certain affirmations and certifications from bidders and Respondents. This Disclosure Statement contains the forms with which to comply, together with additional information and instructions.

Instructions

New York State Finance Law §139-k(2) obligates the MTA to obtain specific information regarding prior non-responsibility determinations. This information must be collected in addition to the information that is separately obtained pursuant to New York State Finance Law §163(9). In accordance with New York State Finance Law §139-k, an offerer 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 New York State Finance Law §139-j or (b) the intentional provision of false or incomplete information to a governmental entity.

As part of its responsibility determination, New York State Finance Law §139-k(3) mandates consideration of whether an offerer 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 offerer that fails to timely disclose accurate or complete information under this section, unless the factual elements of the limited waiver provision can be satisfied on the written record.

Disclosure of Prior Non-responsibility Determinations

Name of Bidder/Respondent: _____

Address:

Name and Title of Person Submitting this Form:

1. Has any governmental entity² made a finding of non-responsibility regarding the Bidder/Respondent in the previous four years?

Yes No

2. If yes: Was the basis for the finding of the Bidder’s/Respondent’s non-responsibility due to a violation of State Finance Law §139-j?

Yes No

3. Was the basis for the finding of Bidder’s/Respondent’s non-responsibility due to the intentional provision of false or incomplete information to a governmental entity?

Yes No

4. If yes, please provide details regarding the finding of non-responsibility below:

Governmental Entity: _____

Year of Finding of Non-responsibility: _____

Basis of Finding of Non-Responsibility: _____

5. Has any governmental entity terminated a procurement contract with the Bidder/Respondent due to the intentional provision of false or incomplete information?

Yes No

Bidder’s/Respondent’s Affirmation and Certification

By signing below, the Bidder/Respondent:

1. Affirms that the Bidder/Respondent understands and agrees to comply with the policy regarding permissible contacts in accordance with New York State Finance Law Sections 139-j and 139-k.
2. Certifies that all information provided to the MTA with respect to New York State Finance Law §139-j and §139-k is complete, true and accurate.

By: _____ Date: _____

(Signature of Person Certifying)

Name: _____ Title: _____
(Print)

Bidder/Respondent or Contractor/Consultant (Full Legal Name):

Address of Bidder/Respondent or Contractor/Consultant:

Business Telephone Number: _____

MTA’s Right to Terminate: The MTA reserves the right to terminate a Contract (including any lease, license, entry permit, or sale documents) in the event it is found that the certification fi led by the Bidder/Respondent, in accordance with New York State Finance Law §139-k, was intentionally false or intentionally incomplete. Upon such finding, the MTA may exercise its termination right by providing written notification to the Bidder/Respondent in accordance with the written notification terms of the Contract.

Pursuant to New York State Finance Law §165-a, Iranian Divestment Act of 2012, the Office of General Services is required to post on its website http://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf a list of persons who have been determined to engage in investment activities in Iran (“The List”), as defined in that Act. Under Public Authorities Law §2879-c, Iranian Energy Sector Divestment, the Authority, may not enter into or award a Contract unless it obtains a certification from a Bidder, who shall check the box and make the certification in Subparagraph a, below, that they are not on the List. If that certification cannot be made, the Authority may consider entering into a Contract, on a case by case basis if the Bidder checks the box and makes the certification in Subparagraph b, below, that their Iran investment is ceasing.

For purposes of this provision, a person engages in investment activities in Iran if: (A) the person provides goods or services of twenty million dollars or more in the energy sector of Iran, including a person that provides oil or liquefied natural gas tankers, or products used to construct or maintain pipelines used to transport oil or liquefied natural gas, for the energy sector of Iran; or (B) the person is a financial institution that extends twenty million dollars or more in credit to another person, for forty-five days or more, if that person will use the credit to provide goods or services in the energy sector in Iran.

The Certification is as follows:

- a. Certification that the Bidder is not on the List: Each person, where person means natural person, corporation, company, limited liability company, business association, partnership, society, trust, or any other nongovernmental entity, organization, or group, and each person signing on behalf of any other party, certifies, and in the case of a joint bid or proposal or partnership each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each person is not on the list created pursuant to paragraph (b) of subdivision 3 of section §165-a of the State Finance Law, or,
- b. Certification that the Bidder’s investment in Iran is ceasing: The person cannot make the certification in Subparagraph a, above, but asks the Authority to consider them for award of the Contract by certifying, under the penalty of perjury, that the person’s investment activities in Iran were made before April 12,2012; the person’s 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 its investment activities in Iran and a to refrain from engaging in any new investments in Iran.

Name and Position: _____
(Print)

Signature and Date: _____

Visit https://www.irs.gov/pub/irs-pdf/fw9.pdf to view, fill, download and/or print an official W-9 and instructions.

Form W-9 (Rev. October 2018) Department of the Treasury Internal Revenue Service
Request for Taxpayer Identification Number and Certification
Go to www.irs.gov/FormW9 for instructions and the latest information.
Give Form to the requester. Do not send to the IRS.
1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.
2 Business name/disregarded entity name, if different from above
3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.
4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):
5 Address (number, street, and apt. or suite no.) See instructions.
6 City, state, and ZIP code
7 List account number(s) here (optional)
Part I Taxpayer Identification Number (TIN)
Part II Certification
Sign Here
Cat. No. 10231X Form W-9 (Rev. 10-2018)

RFP Terms & Conditions:	<p>This RFP is being offered subject to the following conditions:</p> <ol style="list-style-type: none">As-is: no representations are made as to the condition of the Property Rights. Except as the RFP may expressly otherwise provide, the Purchaser shall be required to accept the Property Rights as-is.Utilities: except as the RFP may expressly otherwise provide, the Purchaser shall be responsible for providing its own utilities at the Purchaser's sole cost and expense. This includes any work, permits, etc., that are required to bring any service or utility to the Property Rights.Rules and Regulations: additional rules, regulations, and restrictions may apply to the properties. These are described in the RFP.
Proposal Submissions:	<p>The submission requirements for this RFP are described in Section VI of this document ("Proposal Requirements"). No property rights shall be conveyed or shall be deemed granted and no rights whatsoever shall accrue to the Respondent or any other person against the MTA or any affiliate or subsidiary thereof unless and until a fully executed purchase and sale agreement is delivered to the Respondent. The execution of an agreement by the MTA or an affiliate or subsidiary is subject to the approval of the MTA Board.</p> <p>The MTA reserves the right, without liability, to:</p> <ol style="list-style-type: none">Postpone the submission deadlineReject any and all proposalsNegotiate all terms and conditions, including compensation, location, and site improvements, with any RespondentModify or withdraw this RFP or any property specified in it at any time and without explanationWaive any requirement. <p>The information provided in this RFP is summary in nature and has been prepared without audit or verification. No representations or warranties of any kind, either expressed or implied, are made with respect to such information by the MTA, its affiliates or subsidiaries, or by any officer, employee, or agent thereof. Applicants must recognize that the properties are being offered on an "as-is" basis and that applicants' proposals must rely solely on their own independent study. A detailed independent investigation by the applicant should be made before submitting a proposal.</p>
Withdrawal of Proposals:	<p>After the Deadline, proposals shall be considered an offer and may not be withdrawn until at least 180 days after the Deadline. Any withdrawal before that date shall result in forfeiture of the Proposal Deposit.</p>

Selection Criteria:	<p>The selection criteria for this RFP are described in Section VII ("Selection Criteria") of this RFP. In addition to the criteria described in Section VII, MTA reserves the right to add additional criteria or remove specified criteria.</p>
Proposal Forms:	<p>The Purchase Price Proposal Form (see "Submission Requirements") contains spaces for the Respondent to indicate proposed purchase price. The purchase price offered in each proposal shall be firm and guaranteed, and cannot be based on variable factors such as gross receipts, cost-of-living adjustments, items permitted to be sold, etc.</p>
No Brokerage Commission:	<p>Except as the RFP may expressly otherwise provide, no commissions whatsoever for brokerage or any other fee or compensation shall be due or payable by the MTA or any affiliate or subsidiary.</p>
Non-Discrimination:	<p>The MTA will not discriminate against any person on the basis of race, creed, color, national origin, sex, age, sexual orientation, handicap, or marital status in accepting, reviewing, and evaluating proposals.</p>
Eligibility:	<p>MTA employees, or employees of any affiliate or subsidiary, are not eligible to propose. A proposal submitted by any such employee shall be disqualified.</p>
Protests:	<p>All complaints or protests relating to this RFP, including all complaints or protests that are exceptions to the limitation on contacts during a Restricted Period as set forth in the Procurement Lobbying Law (New York State Finance Law § 139-j and 139-k), must be addressed to the MTA General Counsel, 2 Broadway, New York, New York 10004, and should be made in advance of an RFP award where the basis for the complaint or protest is known to the Respondent in advance of an RFP award. Complaints and protests will only be accepted from Respondents or prospective Respondents whose direct economic interest would be affected by an award to a tenant, licensee, or purchaser or by failure to make such an award. Complaints and protests regarding an RFP award must be received within 14 days of the RFP award authorization by the MTA Board; any complaint or protest received later than 14 days following the MTA Board action approving an award to a tenant or licensee shall be deemed untimely.</p> <p>Any complaint or protest shall include:</p> <ol style="list-style-type: none">(1) the name and address of the complainant or protester;(2) identification of this RFP and the space or spaces or property relevant to the complaint or protest; and(3) a detailed statement of the factual and legal grounds of the complaint or protest, including a description of the applicable law or other requirement that is alleged to have been violated, together with all relevant documents.

The MTA General Counsel shall transmit the complaint or protest to the MTA Director of Real Estate for consideration. A complaint or protest found by the MTA Director of Real Estate to be patently without merit or untimely may be rejected without further consideration. Otherwise, the MTA Director of Real Estate may, at his or her sole discretion, conduct interviews, meet with the complainant or protester to review the issues raised in the complaint or protest, request additional written or oral submissions or take any other actions he or she deems necessary to determining the merits of the complaint or protest. After review of a complaint or protest submitted under these provisions, the MTA Director of Real Estate will issue a written decision on the basis of the information provided by the complainant or protester, the result of any meetings with the complainant or protester, and the MTA Director of Real Estate's own investigation. If the MTA Director of Real Estate finds that the complaint or protest has merit, MTA will take appropriate action to correct the disposition process to protect the rights of the complainant or protester. Notwithstanding the pendency of a complaint or protest, MTA reserves the right, in the sole discretion of the MTA Director of Real Estate based upon the circumstances, to proceed with the disposition process, including without limitation, to seek action by the MTA Board, to negotiate, execute and deliver a lease, license, or purchase and sale agreement and to commence action to remove a holdover tenant or licensee. No complaint or protest, whether pending or decided, shall toll or otherwise extend a complainant's or protester's time to pursue other remedies, including without limitation, commencing an Article 78 petition.



Metropolitan Transportation Authority