

# **THE PORT AUTHORITY OF NY & NJ**

## **REQUEST FOR PROPOSALS (RFP)**

**ISSUE DATE:** February 28, 2014

**TITLE:** SALE OF LAND AND DEVELOPMENT RIGHTS ON DYER AVENUE AND 33<sup>RD</sup> STREET

**RFP NO.:** 36900

**QUESTIONS DUE BY:** APRIL 4, 2014      **TIME:** 2:00 P.M.

**PROPOSALS DUE BY:** MAY 1, 2014      **TIME:** 2:00 P.M.

**SOLICITATION MANAGER:**

**NAME:** Tracy Tiernan, CPPB  
Principal Contract Specialist

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**AGREEMENT ON TERMS OF DISCUSSION – RFP #36900**

The Port Authority’s receipt or discussion of any information (including information contained in any proposal, vendor qualification, ideas, models, drawings, or other material communicated or exhibited by us or on our behalf) shall not impose any obligations whatsoever on the Port Authority or entitle us to any compensation therefor (except to the extent specifically provided in such written agreement, if any, as may be entered into between the Port Authority and us). Any such information given to the Port Authority before, with or after this Agreement on Terms of Discussion (“Agreement”), either orally or in writing, is not given in confidence. Such information may be used, or disclosed to others, for any purpose at any time without obligation or compensation and without liability of any kind whatsoever. Any statement which is inconsistent with this Agreement, whether made as part of or in connection with this Agreement, shall be void and of no effect. This Agreement is not intended, however, to grant to the Port Authority rights to any matter, which is the subject of valid existing or potential letters patent. The foregoing applies to any information, whether or not given at the invitation of the Authority.

Notwithstanding the above, and without assuming any legal obligation, the Port Authority will employ reasonable efforts, subject to the provisions of the Port Authority Freedom of Information Code and Procedure (FOI Code) adopted by the Port Authority’s Board of Commissioners on March 29, 2012, which may be found on the Port Authority website at: <http://www.panynj.gov/corporate-information/pdf/foi-code.pdf>, not to disclose to any competitor of the undersigned, information submitted which are trade secrets which, if disclosed, would cause injury to the competitive position of the enterprise, and which information is identified by the Proposer as proprietary, as more fully set forth in the FOI Code, which may be disclosed by the undersigned to the Port Authority as part of or in connection with the submission of a proposal.

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(Company)

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(Signature)

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(Title)

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(Date)

## EXECUTIVE SUMMARY

The Port Authority of New York and New Jersey (the “Port Authority” or “Authority”) is an agency of the States of New York and New Jersey, created and existing by virtue of the Compact of April 30, 1921, made by and between the two States, and thereafter consented to by the Congress of the United States. It is charged with providing transportation, terminal and other facilities of trade and commerce within the Port District. The Port District comprises an area of about 1,500 square miles in both States, centering about New York Harbor. The Port District includes the Cities of New York and Yonkers in New York State, and the cities of Newark, Jersey City, Bayonne, Hoboken and Elizabeth in the State of New Jersey, and over 200 other municipalities, including all or part of seventeen counties, in the two States. The Authority manages and/or operates all of the region’s major commercial airports (Newark Liberty International, John F. Kennedy International, Teterboro, LaGuardia and Stewart International Airports, marine terminals in both New Jersey and New York (Port Newark and Elizabeth, Howland Hook and Brooklyn Piers); and its interstate tunnels and bridges (the Lincoln and Holland Tunnels; the George Washington, Bayonne, and Goethals Bridges; and the Outerbridge Crossing), which are vital “Gateways to the Nation.”

The Authority is seeking Proposals from qualified parties (either individual entities or joint ventures, “Proposers”) for the purchase of land and development rights associated with two tax lots, described below, that are either adjacent to or extend over the Lincoln Tunnel Expressway (commonly referred to as “Dyer Avenue”) between 33<sup>rd</sup> and 34<sup>th</sup> Streets (collectively, the “Development Rights”) in New York, New York.

- Lot 22, on Block 731, is a parcel of land on the north side of 33<sup>rd</sup> Street. It is currently used on an interim basis as a bus parking lot (“Lot 22”). Lot 22 is offered for sale.
- Lot 72, on Block 731, is occupied by Dyer Avenue, which is largely below the level of the City street grid at this location (“Lot 72”). Lot 72 includes land at grade immediately to the east and west of the Dyer Avenue. Lot 72 development rights and air space above Dyer Avenue are offered for sale (the Authority will retain ownership of Dyer Avenue and its right of way).

Further information is provided in the “Property Description” section below.

Proposers may have the flexibility to use the Development Rights on Lots 22 and 72 or to transfer them to other parcels on Block 731 in accordance with the New York City Zoning Resolution (“NYCZR”).

The Development Rights are located in the heart of the new West Side development district. Pennsylvania Station, the James A. Farley Building (the future Moynihan Station), the Hudson Yards development, Manhattan West and the High Line are all in the immediate area.

The Authority owns and operates Dyer Avenue, which stretches from the mouth of the Lincoln Tunnel to 30<sup>th</sup> Street between 9<sup>th</sup> and 10<sup>th</sup> Avenues. The roadway is a major traffic artery that must remain in operation during any construction and development resulting from this RFP. Between 33<sup>rd</sup> and 34<sup>th</sup> Streets, Dyer Avenue is depressed below the street grid (except for one lane that provides access from 33<sup>rd</sup> Street), and there is an opportunity to construct a platform to support development over the roadway. Any development over Dyer Avenue will be subject to

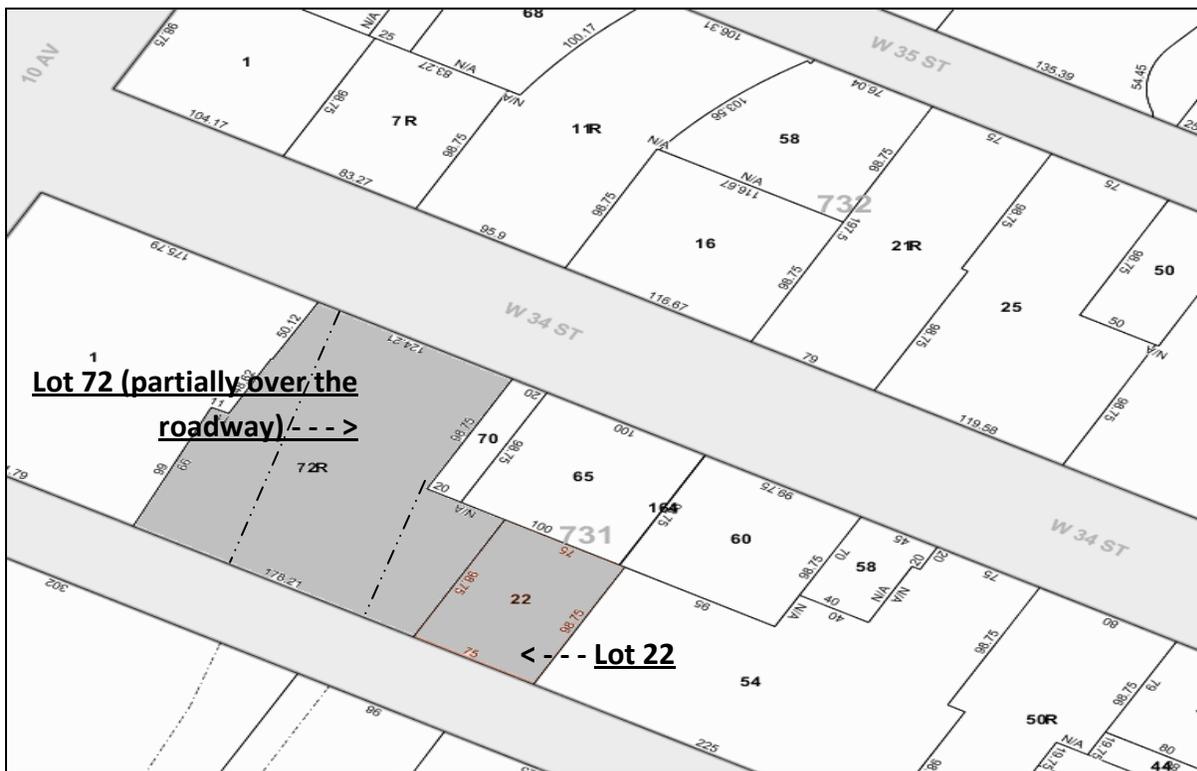
review and approval by the Authority Engineering Department, as described in this RFP. Lots 22 and 72 include approximately 11,266 SF of vacant contiguous land at grade on 33<sup>rd</sup> Street immediately to the east of Dyer Avenue. To the extent that development of Lots 22 and 72 can be limited to the land adjacent to the Dyer Avenue cut, Authority involvement in design review and approval will be reduced.

Any proposed development must comply with the New York City Building Code and the NYCZR. It is anticipated that any private development resulting from this RFP will be subject to real property taxes or payments in lieu of tax pursuant to the Hudson Yards Support and Development Agreement, dated December 1, 2006. Additional information can be found on the Hudson Yards Development Corporation website: <http://www.hydc.org/>.

The Authority's primary objective in issuing this RFP is to maximize revenue and provide an additional source of funding for the advancement of projects that move people and goods safely and efficiently through the Port District.

## MAP AND PICTURES OF THE PREMISES

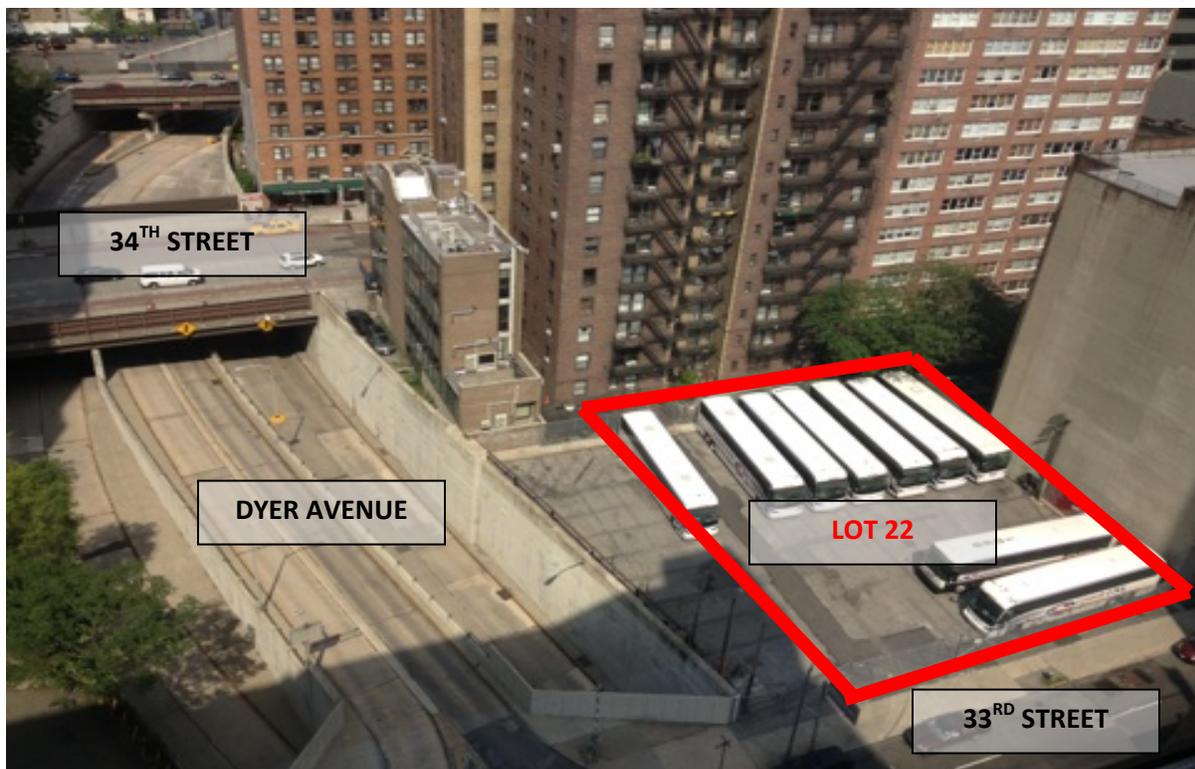
**Figure 1: Tax Map**



*Figure 2: Aerial*



*Figure 3: View Looking to the North*



**Figure 4: Second View Looking to the North**



**PROPERTY DESCRIPTION**

Both Lots 22 and 72 are being offered unencumbered per the details below.

LOT 22	
Block	731
Lot	22
Address	431 West 33rd Street
Description	Vacant Land
Location	North side of 33 <sup>rd</sup> Street, between 9 <sup>th</sup> and 10 <sup>th</sup> Avenues, immediately to the east of Dyer Avenue
Lot Size (SF)	7,406
Dimensions	75' x 98.75' (75' fronts 33 <sup>rd</sup> Street)
In-Place Zoning	C6-4 / Hudson Yards Special Zoning District Subdistrict C

LOT 72	
Block	731
Lot	72
Address	448 West 34th Street
Description	Occupied by a largely below grade section of Dyer Avenue and small strips of land directly to the east and west
Location	Directly north of 33rd Street over Dyer Avenue, between 9th and 10th Avenues
Lot Size (SF)	30,289
Dimensions	Irregular site; 178' frontage on 33rd Street, 124' frontage on 34th Street, 197.5' on west of Dyer Avenue, 197.5' east of Dyer Avenue
In-Place Zoning	C6-4 / Hudson Yards Special Zoning District Subdistrict C

Lot 22 is an undeveloped parcel on the north side of 33<sup>rd</sup> Street, immediately east of Dyer Avenue, between 9<sup>th</sup> and 10<sup>th</sup> Avenues located at 431 West 33<sup>rd</sup> Street. Lot 22 is currently used for bus parking. The Authority's intent is to continue that use (or any other use it deems appropriate in its sole discretion) until the selected Proposer, if any, is prepared to start construction.

Lot 72 extends from 33<sup>rd</sup> Street to 34<sup>th</sup> Street along Dyer Avenue (largely below city street grade except for part of one lane providing access from 33<sup>rd</sup> Street) and includes two strips of vacant land on either side of Dyer Avenue:

- (i) 6,235 SF of vacant land running north to south along the west side of Dyer Avenue. The southern section is currently used as a vehicle loading area for 460 West 34<sup>th</sup> Street and the northern section contains a small community garden. Per the "Public Space" section below, proposals should include plans for a north-south through block public space as part of any development; and
- (ii) 3,860 SF of vacant land (that is contiguous with Lot 22) to the east of Dyer Avenue that is currently used for bus parking as described above.

Lot 22 and the development rights associated with Lot 72 will be delivered free and clear of any encumbrances. Together Lots 22 and 72 include approximately 11,266 contiguous SF of vacant land on 33<sup>rd</sup> Street directly to the east of the Dyer Avenue cut.

## ZONING

The Development Rights are located in a C6-4 zoning district in the Hudson Yards Special Zoning District, Sub-District C. The C6-4 district permits a wide range of high-bulk commercial and residential uses. Lots 22 and 72 are entitled to the following floor area ratios ("FAR") and floor areas under the zoning if the development includes the purchase of additional floor area from the Hudson Yards District Improvement Fund ("DIF") and complies with the inclusionary housing guidelines:

	LOT 22	LOT 72	TOTAL
LOT SIZE	7,406	30,289	37,695
BASE FAR	6.50x	6.50x	6.50x
MAX FAR <sup>1 2</sup>	13.00x	13.00x	13.00x
MAX BUILDABLE SF	96,281	393,756	490,037

<sup>1</sup> Requires purchasing additional FAR from the Hudson Yards DIF / compliance with inclusionary housing guidelines.

<sup>2</sup> Under New York State Law and the zoning for this location, the maximum residential is 12x FAR. The FAR can be increased to 13x for commercial development.

The zoning contains some requirements that may complicate development. Depending on what is proposed, developers may want to seek relief from requirements relating to the street wall, retail continuity on 34<sup>th</sup> Street, minimum tower coverage, and other zoning requirements. Any proposed modifications to the zoning must be approved in accordance with the NYCZR. If payment of the purchase price to the Authority is conditioned upon obtaining zoning approvals, Proposals must include a clear and detailed plan and timetable for securing all approvals and modifications required for a proposed development.

## DEVELOPMENT OPTIONS

There are a number of options for incorporating the Development Rights into a new development on Lots 22 and 72 or other sites on Block 731. For any development on Lots 22 and 72, a threshold issue is whether to platform over Dyer Avenue, to avoid construction of a platform by locating all development on the vacant land directly east of Dyer Avenue, or to limit construction over Dyer Avenue to a cantilever over a portion of the roadway.

Introducing a platform over some or all of Dyer Avenue will trigger Authority engineering and safety requirements and associated Authority reviews that will not be required for developments that do not involve construction over Dyer Avenue. Proposers are encouraged to give serious consideration to designing their developments to exclude or keep to a minimum any structure above Dyer Avenue.

Criteria employed to evaluate proposals that include a structure over Dyer Avenue shall include:

- Life Safety, including Ventilation
- Maintenance of Traffic
- Security
- Engineering
- Construction Staging
- Future Maintenance and Operation

The Authority's Design and Construction Requirements are described in Exhibit C, included herewith and made part hereof.

In connection with the "Manhattan West" development, Brookfield Properties is constructing a platform over the portion of Dyer Avenue that stretches along the east side of the office building known as 450 West 33rd Street, between 31<sup>st</sup> and 33<sup>rd</sup> Streets. To the extent that any Proposal includes a platform over Dyer Avenue, the Proposer must take the Brookfield development into

consideration and plan for any ventilation issues created by the combined effect of the Brookfield platform and the Proposer's platform.

## **SECURITY**

The level of security assessment required will depend on which development option the Proposer elects to pursue. The following requirements will only apply to the selected Proposer, or in the event of a second round of submissions, the participating Proposers:

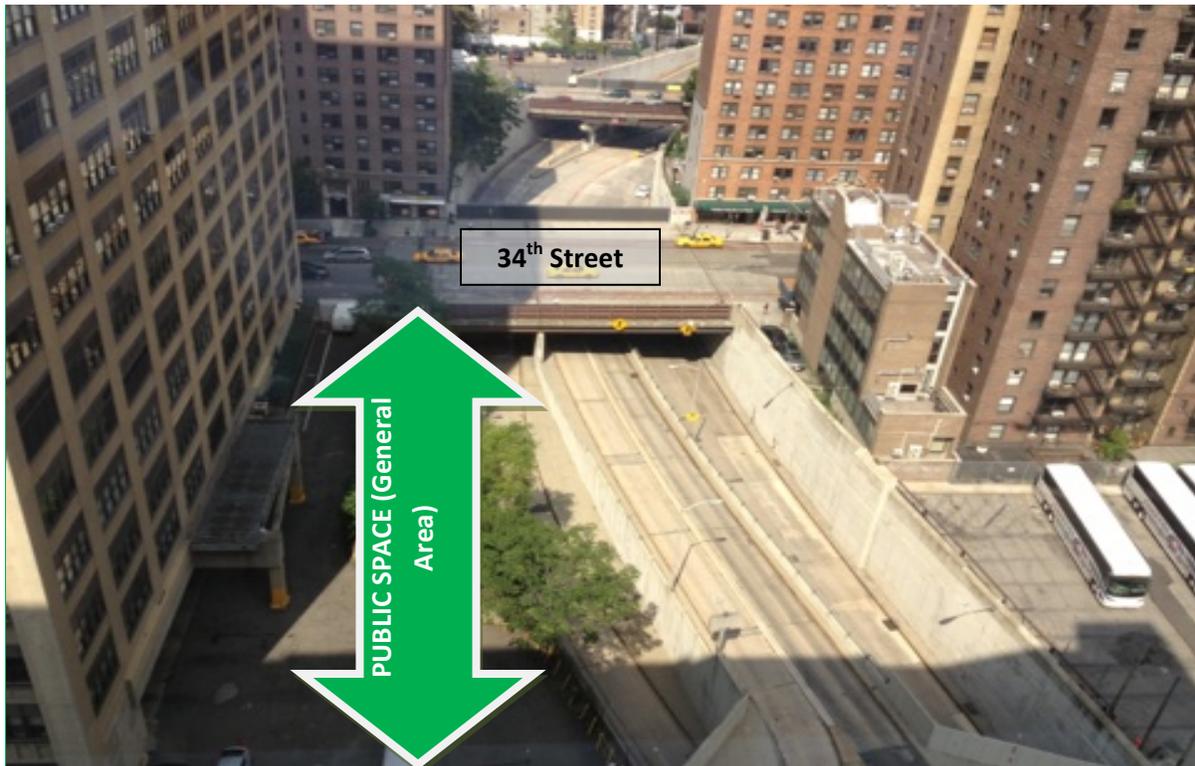
- If the entire development occurs on Lot 22 and the eastern land portion of Lot 72 with no structure over the roadway, the Proposers must complete a Risk and Threat Assessment ("RTA"). The RTA must be included in the final submission per the "Submission Guidelines" below.
- If the development proposes a cantilever over the easternmost lane of Dyer Avenue on Lot 72 without covering a substantial portion of the roadway, an RTA will be required and the Authority will review the engineering plans to determine if a Design Based Threat Analysis ("DBT") is also required and to what extent. The DBT guidelines are included herewith as Exhibit D. The height of the cantilever and the distance it stretches from the eastern portion of the land on Lot 72 will be factored into the decision on whether to conduct a DBT, which will be at the Proposer's sole cost.
- If a development proposes a platform over all or a substantial amount of the roadway, a full DBT analysis will be required. See the DBT analysis guidelines in Exhibit D.

The RTA and DBT will be subject to the review and approval of the Authority. All security analysis will be at the sole cost of the Proposer.

## **PUBLIC SPACE**

All proposals are required to include a landscaped north-south through-block pedestrian passageway connecting 33<sup>rd</sup> and 34<sup>th</sup> Streets on the strip of land on Lot 72 that runs along the western edge of the Dyer Avenue cut (the "Public Space"). The Public Space must be accessible to the public during daylight hours. It will be the responsibility of the Proposer to build, maintain and operate the Public Space. See below:

**Figure 5: Public Space Looking North**



Leaders of the local community have made the development of new parks and public spaces a priority. The Authority’s expectation is that the selected Proposer will consult local elected representatives and with representatives of the local community board early in the design process to discuss plans for the required Public Space. The existing community garden will remain in place and in operation (unless the Authority directs otherwise) until the proposed development is ready to proceed with construction.

## **EVALUATION CRITERIA**

All Proposals will be reviewed by the Authority, as required, to determine that they are responsive to this RFP and contain all required submissions.

For Proposals meeting such requirements, the following criteria will be used in the evaluation. Each category will be considered according to a percentage assigned internally by the Authority, but listed in order of importance from A – C below:

<b>EVALUATION CRITERIA - RANKED BY IMPORTANCE</b>			
	<b>A</b>	<b>B</b>	<b>C</b>
<b>CRITERIA</b>	Net Total Land Price <sup>1</sup>	Ease of Deal Closure <sup>2</sup>	Financial Capability and Overall Experience of Proposer

<sup>1</sup> Gross Price less any Proposer deductions per Exhibit B

<sup>2</sup> Projects that minimize or eliminate construction over Dyer Avenue and discretionary City zoning approvals will score higher in this category

The Authority reserves the right to modify the bidding process, to request additional information, to waive Proposal defects, to negotiate with one or more Proposers, to revise the Proposal requirements at any time, including during negotiations with an individual Proposer, and to reject any and all Proposals as it may determine in its sole and absolute discretion. The Authority may, in its sole discretion, solicit a second round of Proposals from among the strongest Proposers who respond to this RFP.

Any Purchase Offer (as defined herein) will be subject to Authority Board approval and the Authority reserves the right to cancel any tentative contract award at any time prior to its execution and delivery following such approval. In no event will the Authority have any liability whatsoever for any such cancellation. Proposers will be deemed to have assumed the sole risk and responsibility for any costs or expenses they may incur prior to contract execution and delivery.

## **ADDITIONAL PROPOSER INFORMATION**

Prospective Proposers are advised that additional information, including, but not limited to forms, documents and other information, including M/WBE Participation Plan Submission Forms and protest procedures, may be found on the Authority website at: <http://www.panynj.gov/business-opportunities/become-vendor.html>

## **INSTRUCTIONS FOR SUBMISSION OF PROPOSALS**

### **Proposal Format Requirements**

1. To be acceptable, Proposers shall use 12 point or greater font size. The Proposal pages shall be numbered and bound, with “Your Firm Name,” and RFP Number 36900 clearly indicated on the cover.
2. Each section of the Proposal shall be separated with a tab divider that is labeled in accordance with the number of the submission requirements specified below.
3. All proposals must be delivered in sealed envelopes and/or packages. Address Proposal to: The Port Authority of New York and New Jersey, 2 Montgomery Street, Jersey City,

NJ 07302, Attention: RFP Custodian. You are requested to submit one (1) reproducible original and six (6) copies, along with seven (7) compact disc copies, of your Proposal for review. Notwithstanding retention of the compact disc, in case of conflict, the reproducible original of the proposals, shall take precedence over material on the compact disc.

4. In each submission to the Authority, including any return address label, information on the compact disc and information on the reproducible original and copies of the proposal, the Proposer shall use its FULL LEGAL NAME WITHOUT ABBREVIATIONS.
5. Your Proposal must be delivered in sufficient time so that the Authority receives it no later than 2:00 p.m. on May 1, 2014, or as otherwise stated in an Addendum, if any. The outermost cover of your submittal must include the RFP Number and the RFP title as indicated in "Title" above. The Authority assumes no responsibility for delays caused by any delivery services.
6. If your Proposal is to be hand-delivered, please note that only individuals with proper identification (e.g., photo identification) will be permitted access to the Authority's offices. Individuals without proper identification will be turned away and their packages not accepted.

### **Submission Requirements**

The Authority is seeking Proposals based on the terms set forth in the "Terms and Conditions" on page 15. Proposals shall include all of the following:

1. In the front of your Proposal, a copy of Agreement on Terms of Discussion signed by an officer of your company.
2. A completed copy of the Company Profile
3. A completed "Purchase Offer" using the template attached in Exhibit B.
4. A written project description and basic conceptual drawings that identify any building and improvements proposed to be built, including the Public Space.
5. Conceptual plans for any structure that will impact traffic operations or visibility on Dyer Avenue. In the event of any proposed overbuild, the plans shall include an explanation with preliminary engineering plans for how ventilation issues will be addressed.
6. A description of any zoning approvals required to implement the Proposal and a preliminary schedule for obtaining any such approvals.
7. A demonstration that the Proposer possesses the expertise, experience, and resources (financial and otherwise) required to develop the premises in a timely and successful manner. More specifically, each Proposal should include:
  - a. a description of the Proposer's history, organizational structure, financial strength, lines of business and participation in any conflicting or competing projects;
  - b. the names and resumes of the key professionals who will be responsible for the redevelopment of the premises;

- c. a description of comparable development projects the Proposer has completed, with particular emphasis on projects in New York City;
  - d. a description of the Proposer's experience with New York City's Uniform Land Use Review Process ("ULURP"); and
  - e. evidence of the Proposer's ability to provide appropriate security for its obligations detailed in the "Terms and Conditions" on page 15.
8. Any exceptions the Proposer takes with respect to the "Terms and Conditions" on page 15 and/or the Purchase Offer form in Exhibit B.
9. A list of any and all conditions and contingencies to which the Proposer's offer is subject, including any required due diligence, zoning changes, financing, or other approvals.

## EXHIBIT A: TERMS AND CONDITIONS

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<b>Seller:</b>	Port Authority of New York and New Jersey (the “Authority”)
<b>Purchaser:</b>	To be determined
<b>Lot 22:</b>	Block 731, Lot 22
<b>Lot 72:</b>	Block 731, Lot 72 (together with Lot 22, the “Development Rights”).
<b>Overview:</b>	Parties responding to this RFP (“Proposers”) shall submit Proposals for the purchase of Lots 22 and 72 (“Proposals”) that maximize proceeds to the Authority. Proposers shall be required to detail their development plans subject to the requirements of this RFP. While the Authority will entertain all reasonable development Proposals from qualified respondents, the emphasis will be on net proceeds, ease of deal closure and the financial capability and expertise of the Proposer.
<b>Purchase Price:</b>	To be listed in accordance with the Purchase Offer in Exhibit B.
<b>Planning Land Use Approvals:</b>	<p>If the proposed development or any aspect thereof is not permitted as-of-right under the NYCZR, it shall be subject to review and approval pursuant to the NYCZR. Receipt of all NYC land use approvals shall be the responsibility of the Purchaser.</p> <p>If payments or other performance obligations are contingent upon such approvals, the respondent should specify the basis for its assumptions including but not limited to a clear description of the NYC approval process.</p>
<b>Public Space:</b>	<p>As a condition to purchasing the Development Rights, the Purchaser must create north-south through block public open space between 33<sup>rd</sup> and 34<sup>th</sup> Streets (“Public Space”). The area currently contains a community garden.</p> <p>The Purchaser shall be responsible for designing, building and operating the Public Space. The Authority’s expectation is that the Purchaser will consult with local elected representatives and with representatives of the local community board early in the design process for the required Public Space. The existing community garden will remain in place and in operation (unless the Authority directs otherwise) until the proposed development is ready to proceed with construction.</p> <p>The Purchaser shall be solely responsible for securing any approval from the Department of City Planning (“DCP”) required for the design of the Public Space. Any costs associated with the Public Space design will be the sole responsibility of the Purchaser.</p>

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<b>Authority Use Rights:</b>	Lot 22 and the eastern portion of Lot 72 are currently used for temporary bus parking. The Purchaser will allow that use (or any other use in the Authority’s sole discretion) to continue throughout the process of executing definitive purchase documentation, completion of design work and successful completion of any zoning approvals (if applicable).
<b>Equipment Easement:</b>	<p>The Purchaser must grant the Authority an easement (at no cost) to install and maintain security and radio equipment including but not limited to cameras on any development adjacent to or above Dyer Avenue to ensure public safety and monitor traffic operations on the roadway below.</p> <p>The easement shall allow for security and other equipment to be installed on the roof of any development (with a small dedicated closet, approximately 12’ by 12’ on the roof or top floor for needed infrastructure) or on the side of a development, as determined by the Authority and the Purchaser on a reasonable basis.</p>
<b>Environmental:</b>	Any costs and liability associated with an environmental investigation or remediation shall be the sole responsibility of the Purchaser and the Purchaser shall indemnify the Authority for such potential liabilities.
<b>Security</b>	<p>Proposed developments will undergo a Risk and Threat Assessment (“RTA”) and/or a Design-Based Threat analysis (“DBT”) depending on the nature of the development. The analysis shall be completed at the Purchaser’s expense.</p> <p>If the proposed development:</p> <ul style="list-style-type: none"> <li>• Does not include any structure over the roadway, an RTA is required.</li> <li>• Includes a cantilever over a small portion of the roadway, an RTA is required and the Authority will determine, based on engineering plans, whether or not a DBT will also be required. The Authority will consider the height and width of the cantilever in making this decision.</li> <li>• Includes a platform over all or a substantial portion of the roadway, a DBT will be required.</li> </ul> <p>The RTA and DBT will be subject to the review and approval of the Authority. Any development shall be consistent with the recommendations and requirements in the RTA and DBT.</p>
<b>Deposit:</b>	Upon the formal acceptance of a winning Proposal and the execution of a Letter of Intent (“LOI”), the Purchaser shall be required to make a deposit equal to 10% of the Net Total Land Price as defined herein (the “Deposit”).

The Deposit shall be non-refundable except in specific instances which shall be listed by the Proposer in their Proposal and formalized in the LOI. Upon final closing, the Deposit shall be applied to the Net Total Land Price.

If definitive documents are not executed by both the Authority and the Purchaser within 6 months of formal acceptance of the winning Proposal, the Authority will have the sole right to rescind acceptance of the Proposal and reengage with other Proposers by giving written notice and returning the Deposit, less reasonable Authority expenses incurred in the review and negotiation process.

**Termination:**

As part of the contract to be signed by the Authority and the Purchaser (the “Purchase and Sale Agreement”), specific calendar dates will be tied to the Deposit such that if a deadline is missed, the Authority shall have discretion to unilaterally terminate the Purchase and Sale Agreement (and retain the Deposit) or require additional collateral.

In any event, the Authority will have the right to unilaterally terminate the Purchase and Sale Agreement and retain the Deposit with no restriction on engaging with other Proposers by the earlier of the date that is 36 months after the signing of the Purchase and Sale Agreement or when the Purchaser informs the Authority that they no longer intend to proceed with the transaction (“Termination Date”).

In the event that the Authority agrees not to terminate the Purchase and Sale Agreement on the Termination Date (as is its right) and the successful Proposer wishes to retain their status as Purchaser, an annual fee equal to 5% of the Net Total Land Price shall be paid by the Purchaser to the Authority on a quarterly basis until such time as a formal closing occurs (“Option Payment”).

A missed payment shall result in an immediate termination of the Purchase and Sale Agreement and allow the Authority to proceed expeditiously with another Proposer in their sole discretion.

**Taxes:**

The Purchaser shall pay all real estate, transfer, mortgage recording and other taxes applicable to privately owned properties in the City of New York.

**Guarantees:**

The entity that provides the guarantees for the terms above must be deemed credit-worthy in the Authority’s sole discretion after a review of appropriate financial statements to be provided as part of a prequalification process of potential Proposers.

**Anticipated Documentation:**

This transaction will be documented in various agreements after a Purchaser is selected, including but not limited to:

1. Letter of Intent (“LOI”)
2. Purchase and Sale Agreement;
3. Construction Agreement;
4. Reciprocal Maintenance and Operating Agreements; and
5. Reciprocal Easement Agreement

**Platform Summary:** In order to make a development project viable, portions of Dyer Avenue between 33rd and 34th Street may need to be partially covered with a platform or other structure (the “Platform”). Some or all of the building structure may be located immediately above Dyer Avenue subject to the additional Terms and Conditions below and conformance with the Authority Design and Construction Criteria as detailed in Exhibit C.

**Purchaser Work:** The Purchaser shall be responsible for all costs associated with the construction of the Platform. The Authority will review and approve design drawings. The Purchaser shall comply with all applicable NYC and Authority codes, standards and requirements. In the case of a conflict, the more stringent requirement shall apply.

The Purchaser shall be responsible for the construction of the Platform in accordance with Authority Design and Construction Criteria as described in Exhibit C and for providing appropriate construction cost and completion guarantees, as approved by the Authority.

As described below, the Authority will have review and approval authority over the Platform’s design, construction, and ongoing maintenance. In no event shall the Authority assume any liability connected to the actual construction or maintenance of the Platform.

**Pre-Funding of Platform Costs:** Upon the start of construction, the Purchaser shall fund the entire amount required to complete construction of the Platform. The Authority will review and approve the release of such funds in accordance with the progress of construction. Purchaser shall be responsible for replenishing such funds to cover any cost overruns immediately upon recognition during the course of construction in conjunction with agreed-upon payment and completion guarantees.

**Authority Criteria:** In order to ensure the integrity of Dyer Avenue, Exhibit C to this RFP details the Authority’s Design and Construction Criteria which all Proposals must adhere to in order to have an opportunity to be selected. Those requirements address Authority concerns including but not limited to:

1. Life Safety, including Ventilation
2. Maintenance of Traffic
3. Security

4. Engineering
5. Construction
6. Future Maintenance and Operation

In no event shall any Platform impede traffic operations, reduce vehicle throughput capacity, limit vehicle types, or affect Authority mandated clearance requirements. All construction plans and final designs for the Platform will be subject to pre-approval from the Authority.

While not a requirement, the Authority strongly prefers and will give special consideration to any Proposal that avoids triggering the life safety and mechanical ventilation requirements of Section 502 of the National Fire Protection Association code (“NFPA”).

**Ongoing  
Operations:**

The Purchaser shall be required to fund a reserve account for future repairs, maintenance, replacement, and, if applicable, operation of the Platform at the completion of construction and shall remain liable for those costs going forward. This shall not apply if no Platform is constructed.

The Authority will maintain control of and shall operate Dyer Avenue infrastructure and safety systems in accordance with its own operation standards. The Authority will have the right to monitor maintenance of the Platform to ensure compliance with Authority standards as long as any structure exists over the roadway.

If the Authority is not satisfied with the overall maintenance or condition of the Platform, operation thereof will be taken over by the Authority at the Purchaser’s sole cost.

**EXHIBIT B: FINANCIAL TERMS - PURCHASE OFFER**

I, \_\_\_\_\_, an authorized representative of \_\_\_\_\_, hereby submit the following purchase offer for one or both of the parcels identified in this RFP:

**Lot 22:**

- A. Zoning SF: \_\_\_\_\_
- B. Price Per Zoning SF: \_\_\_\_\_
- C. Total Price (A x B): \_\_\_\_\_
- D. Less Purchaser-Proposed Reductions (itemized with supporting detail): \_\_\_\_\_
- E. Less Platform Cost (if applicable): \_\_\_\_\_
- F. Net Land Price to Authority (C) – (D + E): \_\_\_\_\_
- G. Deposit: \_\_\_\_\_
- H. Amount Due at Closing (F – G): \_\_\_\_\_

**Lot 72:**

- A. Zoning SF: \_\_\_\_\_
- B. Price Per Zoning SF: \_\_\_\_\_
- C. Total Price (A x B): \_\_\_\_\_
- D. Less Purchaser-Proposed Reductions (itemized with supporting detail): \_\_\_\_\_
- E. Less Platform Cost (if applicable): \_\_\_\_\_
- F. Net Land Price to Authority (C) – (D + E): \_\_\_\_\_
- G. Deposit: \_\_\_\_\_
- H. Amount Due at Closing (F – G): \_\_\_\_\_

**Combined Development Rights:**

- A. Zoning SF: \_\_\_\_\_
- B. Price Per Zoning SF: \_\_\_\_\_
- C. Total Land Price: \_\_\_\_\_
- D. Less Purchaser-Proposed Reductions (itemized with supporting detail): \_\_\_\_\_
- E. Less Platform Cost (if applicable): \_\_\_\_\_
- F. Net Land Price to Authority (C) – (D + E): \_\_\_\_\_
- G. Deposit: \_\_\_\_\_
- H. Amount Due at Closing: (F - G): \_\_\_\_\_

**Proposed Development:**

- A. Development Type: \_\_\_\_\_
- B. Location: \_\_\_\_\_
- C. Requires a Platform (Y/N): \_\_\_\_\_
- D. Requires discretionary zoning approvals (Y/N): \_\_\_\_\_
- E. Projected Closing Date: \_\_\_\_\_

**My offer is contingent upon the following items:**

**This Proposal includes a structure over the Dyer Expressway (Platform): (Y/N). If “Y”, attached are conceptual plans signed and sealed by a licensed engineer and cost estimates prepared by construction manager with experience building structures over active right-of-ways.**

**Purchaser Contact:**

**Name:** \_\_\_\_\_

**Firm:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Email:** \_\_\_\_\_

**Phone:** \_\_\_\_\_

## **EXHIBIT C: AUTHORITY DESIGN AND CONSTRUCTION CRITERIA**

### **Applicable Codes and Standards**

All proposed development plans shall be in accordance with all applicable codes, standards and ordinances, including but not limited to New York, AASHTO, Federal Highway Administration (FHWA), accessibility, and other related requirements. In addition, any platform over Dyer Avenue shall be subject to the following Authority standards and guidelines:

#### **A. Port Authority of New York and New Jersey Requirements:**

- 1) Sustainable Building Guidelines, The Port Authority of NY & NJ Engineering Department, August 2007 (see Section V.B)
- 2) Sustainable Infrastructure Guidelines, The Port Authority of NY & NJ Engineering Department, March 23, 2011 (see Section V.B)
- 3) The Port Authority of NY & NJ Tenant Construction and Alteration Process Manual, July 2013
- 4) The Port Authority of NY & NJ Engineering Department Tenant Construction Review Manual, December 2008
- 5) Authority Codes, Standard Details, Specifications, and Authority Engineering Department Engineering/Architecture Division Civil Engineering Design Guidelines (CEDG). Standard Details and Specifications are for reference only. Any updates of the Details and Specifications shall be undertaken and shall comply with the latest Codes and Standards.
- 6) New and proposed private utilities shall be in accordance with Authority standards and requirements or those of applicable Utility Company's/Owner's standards and requirements. Private Utility Companies affected include, but are not limited to, Consolidated Edison, Verizon, and Keyspan.
- 7) Standards and Guidelines for Port Authority Technology by TSD, Version 7.4
- 8) Port Authority of New York and New Jersey Agency CCTV Standards Instruction Document V. 5.1

#### **B. Other Requirements:**

- 1) American National Standards Institute (ANSI)
- 2) American Society for Testing and Materials (ASTM)
- 3) FHWA Manual on Uniform Traffic Control Devices (MUTCD), 2009 Edition
- 4) Highway Capacity Manual (HCM) 2010, Transportation Research Board (TRB)
- 5) American Society of Civil Engineers (ASCE) Blast Protection of Buildings (ASCE/SEI 59-11)

- 6) Best Practices for Reducing the Potential for Progressive Collapse in Buildings (NISTIR 7396)
- 7) Best Practice Guidelines for Structural Fire Resistance Design of Concrete and Steel Buildings (NIST Technical Note 1681)
- 8) American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE)
- 9) National Ambient Air Quality Standards (NAAQS)
- 10) Environmental Protection Agency (EPA) regulations
- 11) NFPA 502 entitled “Standard For Road Tunnels, Bridges, and Other Limited Access Highways,” edition adopted by AHJ
- 12) ASHRAE Handbook - HVAC Applications, Chapter 15 entitled “Enclosed Vehicular Facilities”
- 13) Institute of Electrical and Electronic Engineers (IEEE)
- 14) Insulated Power Cable Engineers Association (IPCEA)
- 15) Instrument Society of America (ISA)
- 16) National Electrical Manufacturer Association (NEMA)
- 17) Standards for Enclosures for Electrical Equipment (Publication No. 250)
- 18) Standards for Wiring Devices -Dimensional Requirements (Publication No. WD6)
- 19) National Transportation Communications Intelligent Transportation System Protocol (NTCIP)
- 20) Underwriters Laboratory, Inc. (UL)
- 21) Electrical Testing Laboratories, Inc. (ETL)
- 22) Electronic Institute of America (EIA)
- 23) TIA/EIA-526-7 Optical Power Loss Measurement of Installed Single-Mode Fiber Cable Plant
- 24) Standards and Guidelines for Port Authority Technology by TSD, Version 7.4
- 25) Port Authority of New York and New Jersey Agency CCTV Standards Instruction Document V. 5.1
- 26) IESNA Recommended practice for lighting design
- 27) Federal Communications Commission (FCC) Rules and Regulations – Code of Federal Regulations (CFR) Title 47
- 28) American Association of State Highway and Transportation Officials (AASHTO) Roadside Design Guide
- 29) Authority Roadside & Median Barrier Design Guide

## **Additional Engineering Requirements**

### **Architectural**

#### **A. Dyer Avenue - corridor vertical wall surfaces**

If development necessitates either wall rehabilitation or design of a new corridor and/or tunnel environment:

##### **1) Rehabilitation**

The developer shall implement a program of masonry repair for existing walls to remain, if any, within the project site. The restoration shall correct spalls, cracks and other deficiencies with a compatible masonry repair system, matching the existing material in color and texture and utilizing an analysis of the existing masonry material and sample mockups for the approval of an appropriate repair methodology. In addition, the developer shall clean all exposed existing masonry on the Dyer Avenue corridor walls within the project site to remove carbon, soot and other stains.

##### **2) New**

If new walls within the project site are required, materials shall match and be consistent with existing concrete Dyer Avenue walls including concrete mix, color, texture, reveals, and other visual and technical details. The wall surface shall be smooth, durable, easily cleaned and maintained, vandal/graffiti resistant, impervious to bus and vehicle exhaust, and serve facility maintenance protocols.

#### **B. Dyer Avenue - platform soffit**

If development involves construction of a platform over Dyer Avenue, soffit materials within the project site shall be smooth, durable, easily cleaned and maintained, vandal/graffiti resistant, impervious to bus and vehicle exhaust, and serve facility maintenance protocols.

### **Structural**

All vehicular structure design shall be in accordance with NYC/NYS DOT and AASHTO.

### **Sustainable Design**

Construction over Dyer Avenue shall adhere to the Authority Sustainable Design Guidelines, specifically the Sustainable Building Guidelines (2007) and the Sustainable Infrastructure Guidelines (March 2011).

### **Traffic**

#### **A. Vertical Clearance over Dyer Avenue**

Authority criteria -17'-0" desired clearance to the bottom of structures over the roadway for future overhead sign installation and to maintain sight lines to the existing signs.

## B. Columns

A roadside environment free of fixed objects, such as columns, enhances the opportunity for reducing crash severity for errant vehicles that leave the roadway. The design of columns within the right of way should be avoided or minimized. If a column must be placed within the right of way, it must be encapsulated by concrete barrier and proper end treatments (i.e. impact attenuators, etc.) utilized based on guidelines in the AASHTO Roadside Design Guide.

## **Mechanical**

Developments that do not involve construction over Dyer will not trigger these “Mechanical” requirements. If a development cantilevers over Dyer but does not involve placement of columns, the Authority will assess whether these “Mechanical” requirements apply.

- A. All engineering analyses to address requirements of applicable codes and standards for the roadway under any proposed overbuild development plan shall be undertaken and shall demonstrate compliance with the requirements specified herein. Engineering analyses shall include but not be limited to computational fluid dynamic (CFD) analyses of potential fire scenarios and shall consider the roadway configuration and geometry; vehicular traffic characteristics such as bi-directional traffic, types of vehicle including passenger cars, buses, and heavy goods trucks traveling in the roadway (Northbound and Southbound); any existing overbuild structures, buildings and roadways that are contiguous to the proposed development; and surrounding projects.
- B. The ventilation system serving the roadway as determined by the engineering analyses shall be capable of performing an independent, standalone operation. Air quality parameters in the roadway level, including carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), obscuration (PM), shall be continuously monitored. The ventilation system, if required, shall be designed and automatically controlled to minimize ambient air quality impacts and maintain pollutant below EPA thresholds under free flowing traffic or congested traffic conditions.
- C. Fans and all associated equipment shall be designed for a 30-year service life of continuous operation.
- D. Air quality sensors strategically located in the roadway shall alert the operator when pollutant concentration levels exceed the thresholds stated above. The ventilation system control shall respond automatically to elevated pollution levels and shall be integrated and interfaced with the existing supervisory control and data acquisition (SCADA) system for remote monitoring and/or control of the ventilation system at the Operation Control Center (OCC) in the LT Administration Building.
- E. Ventilation system control shall be defined in a mode table system operation for normal, maintenance and emergency operations. The mode tables shall list methods of detection and associated equipment, and fans and dampers required to operate.

## Electronics

### A. General Requirements

1. The Developer (DV) shall be responsible for all new electronic systems and equipment required as a result of development over Dyer Avenue between 33<sup>rd</sup> Street and 34<sup>th</sup> Street per specific system requirements below with work divided between DV and Authority. Developments that do not involve construction over Dyer will not trigger these “Electronics” requirements. If a development cantilevers over Dyer but does not involve placement of columns, the Authority will assess whether these “Electronics” requirements apply.
2. The DV shall be responsible to provide a demarcation point near Dyer Avenue and 34<sup>th</sup> Street to support communication requirements for new electronic systems and equipment for continuity under Port Authority efforts.

The DV shall provide equipment pad at Dyer Avenue & 33<sup>rd</sup> Street and Dyer Avenue & 34<sup>th</sup> Street for Authority equipment. At Dyer Avenue & 34<sup>th</sup> Street, the DV shall provide an equipment pad to accommodate three full racks. At Dyer Avenue & 33<sup>rd</sup> Street, the DV shall provide an equipment pad to accommodate one full rack.

3. The DV shall provide 30A power source for each equipment rack at the equipment pad.
4. Authority shall provide communication infrastructure from Dyer Avenue & 34<sup>th</sup> Street to existing communication node located at Dyer Ave Emergency Garage (at the tunnel Portal), and system equipment at the equipment pads per specific system requirements below.
5. Authority shall provide final termination and programming for all new electronic systems required for the development effort.
6. All Developer work shall be performed in accordance to applicable Local and National codes and standards.

### B. Specific System Requirements

#### 1. Closed Circuit Television (CCTV) System

Dyer Avenue is currently monitored by the CCTV system at LT Administration Bldg. in NJ for traffic and incidents. The DV shall provide CCTV coverage for Dyer Avenue covered roadway between 33<sup>rd</sup> Street and 34<sup>th</sup> Street.

The Developer shall install new IP PTZ and IP fixed cameras, associated cables and conduits as required. The cameras shall be vandal resistant. Place cameras in an overlapping pattern with the capability to view each other to confirm each camera’s integrity, consistent with existing LT Tunnel CCTV system. Provide a testing phase to demonstrate that cables and cameras are functional to the demarcation point. Coordinate with Authority for end to end commissioning.

Provide camera coverage in the following areas:

- 33<sup>rd</sup> Street entrance and exit

- 34<sup>th</sup> Street entrance and exit
- Entire length and width of Dyer Avenue between 33<sup>rd</sup> street to 34<sup>th</sup> Street
- New outdoor equipment cabinets.
- Emergency Telephones

The DV shall provide an equipment pad for the CCTV system near Dyer Avenue & 34th Street for the Port Authority provided equipment. Estimate one Rack for CCTV & SONET.

The Port Authority will install CCTV and SONET equipment at the demarcation point near Dyer Avenue & 34th Street, provide final termination and programming of the new cameras for connection to the existing system for monitoring from the Operation Control Center (OCC) at the LT Administration Building in New Jersey.

## 2. Emergency Telephone

The existing Emergency Telephone system in the Lincoln Tunnel provides patrons the ability to communicate with the Lincoln Tunnel Operations Command Center (OCC) in case of a roadside emergency. The DV shall provide communication infrastructure and emergency telephone at the egress points.

The DV shall install one telephone at each emergency egress point and associated cables and conduit. The telephone shall be vandal resistant. The telephone shall be located on the wall or stanchion with a highly visible sign and blue light. Provide testing phase to demonstrate cables and emergency telephones are functional to the demarcation point. Coordinate with Authority for end to end commissioning.

The Port Authority will relay Emergency telephone connections from the demarcation point near Dyer Avenue & 34th Street to the Lincoln Tunnel Administration Building via SONET, and perform programming of the new emergency telephones. The CCTV system will be programmed to automatically display the video image from the telephone location to the OCC once a call is initiated.

## 3. Mobile Telephone Operation

The existing mobile telephone operation system in the Lincoln Tunnel is managed by New York Telecom Partners (NYTP). It consists of communications infrastructure located at the Lincoln Tunnel for cellular service, Authority radio systems and FM rebroadcast radio systems. The DV shall provide supporting communication infrastructure and equipment at Dyer Avenue between 33<sup>rd</sup> Street and 34<sup>th</sup> Street.

The Developer shall provide power and communication infrastructure and space for equipment cabinets to the demarcation point for NYTP system. The DV shall coordinate with NYTP to provide antenna and associated cables. Mobile Telephone System Equipment shall be provided by NYTP at its expense.

Authority shall provide one inner duct from the demarcation point at Dyer Ave & 34th Street to New York Land Vent. Bldg for NYTP system usage

#### 4. Radio Support for Emergency Services

The existing radio support for emergency services within Lincoln Tunnel consists of PAPD 800 Mhz and O&M 450 Mhz radio systems. The DV shall provide supporting communication infrastructure and its associated antennas at Dyer Avenue between 33<sup>rd</sup> Street and 34<sup>th</sup> Street.

The DV shall provide new antennas for the covered roadways between 33<sup>rd</sup> Street and 34<sup>th</sup> Street. Provide equipment pads at 33<sup>rd</sup> Street, 34<sup>th</sup> Street and fiber optic cable between the two locations. Adequate antennas shall be provided to support 97% coverage reliability and a signal level greater than -93dbm.

Authority shall provide radio system equipment including radio amplifier at the 33<sup>rd</sup> St and 35<sup>th</sup> St demarcations and communication infrastructure from New York Land Vent. Bldg. to Dyer Avenue 34<sup>th</sup> Street demarcation point.

#### 5. Supervisory Control and Data Acquisition System (SCADA)

Coordinate SCADA requirements with Mechanical and Electrical Criteria. Authority shall provide communication infrastructure to the demarcation point at Dyer Avenue 34<sup>th</sup> Street and relay provided system information to the existing Authority monitoring systems as necessary.

#### 6. Synchronous Optical Network (SONET)

The existing OC-12 SONET communication system at Lincoln Tunnel provides local and wide area network communications service on a system-by-system basis. The DV shall provide equipment pad at the demarcation point near Dyer Avenue & 34<sup>th</sup> Street.

Authority shall provide SONET networking equipment, programming & final terminations at the 34<sup>th</sup> Street demarcation, and communications infrastructure from Dyer Avenue Emergency Garage to the demarcation point at Dyer Avenue & 34<sup>th</sup> Street.

#### 7. Public Address System

The existing public address system at LT relies on an AM & FM rebroadcast system in lieu of standard public address system for public safety and emergency communications.

The DV shall install AM & FM antennas and cables in covered area.

Authority shall provide necessary AM/FM equipment at the demarcation point.

### C. Basic Requirements

1. All new electronic systems and equipment installed due to the development effort shall be compatible with existing systems and associated infrastructure.
2. Any existing electronics systems located at Dyer Avenue between 33<sup>rd</sup> and 34<sup>th</sup> streets must be kept operational before, during and after construction. Temporary systems may be deployed to support this effort. Coordinate electronic systems shutdowns with the Port Authority personnel prior to the commencement of any relocation work.

## **Civil**

- A. All mapping shall be prepared in the following datum:
- Horizontal: Coordinates shall be referenced to the North American Datum of 1983, (NAD83) and the New York State Plane Coordinate System, East Zone (NYSPCS East).
  - Vertical: Elevations shall be referenced to the North American Vertical Datum of 1988 (NAVD88).
- B. No water, sanitary or drainage connection to the Authority's trunk lines and service lines will be permitted.
- C. Provide calculations to show there is no negative impact to the roadway storm drainage due to construction activities.

## **Geotechnical**

- A. For both the non-seismic and seismic conditions, the foundation loads from any structures to be constructed on site, including platforms to be constructed over the depressed Dyer Ave. approach roadway for the Lincoln Tunnel, shall be founded on sound bedrock in such a manner that foundation loads do not apply vertical or lateral loads to the Dyer Ave. retaining walls.
- B. The New York approach structures to the Lincoln Tunnel are classified as "critical structures" per NYCDOT Seismic Design Guidelines for Bridges. Evaluate the effect of seismic loads for the proposed new construction and provide schematics of proposed shear wall system.
- C. Review all available subsurface soil/bedrock information for the site. For the Conceptual Plans and Basis of Design Report, provide conceptual foundation details including allowable bearing capacities and lateral loads based on the available subsurface soil information. Provide recommendations for additional investigation programs that would be required to advance the design beyond the conceptual stage.

## **Electrical**

### **A. General**

Design, fabrication, installation, and performance of the work shall comply with the manufacturer's recommendation, and all applicable provisions of the Port Authority of NY & NJ Tenant Construction Review Manual (Authority TCRM) and Authority Technical Specifications. . Developments that do not involve construction over Dyer will not trigger these "Electrical" requirements. If a development cantilevers over Dyer but does not involve placement of columns, the Authority will assess whether these "Electrical" requirements apply.

### **B. Electrical Power Distribution**

1. Low voltage switchgear shall be metal enclosed. Low voltage (below 600 V) power circuit breaker switchgear built in accordance with ANSI/IEEE Standards C37.20

shall have copper buses and shall have as a minimum the following meters: volts, amperes (phase to phase and phase to neutral), frequency, ampere demand (one/phase and one average three phase), kilowatts hours, kilowatt demand, power factor, harmonic load content and (percent (THD), and be UL listed.

2. All wiring for power, lighting and control shall be in RGS conduit.

Comply with the following additional Electrical Design Criteria for Tunnel over Dyer Avenue (if applicable)

### C. Tunnel Electrical systems

1. Emergency Power System

All Tunnel lighting, power, Signals, Communication, Life Safety and Ventilation Systems electrical equipment shall be connected to an Emergency power system.

2. Tunnel Fire Alarm System

The fire alarm system shall be a voice evacuation system and have a fully addressable, intelligent, four wire system, with digital communication and peer-to-peer communications between fire alarm panels. The Tunnel Fire Alarm System shall send signals to Lincoln Tunnel Fire alarm system. The fire alarm system shall consist of class 'A' style '7' signaling line circuits, class 'A' style 'Z' notification appliance circuits, and class 'A' style 'D' initiating device circuits. Upon completion of the project the entire fire alarm system and each major component such as zones, loops, circuits, panel components, power supplies, etc. shall have a minimum of 20% spare capacity. The fire alarm system shall meet all the requirements of national, state & local codes. All fire alarm wiring shall be installed in rigid metal conduits. All fire alarm conduits in non-finished areas and concealed conduits shall be painted fire alarm red and have a #10 AWG ground wire. Fire alarm enclosures (pull boxes, junction boxes and mounting boxes) shall also be painted fire alarm red. Fire alarm enclosures (pull boxes, junction boxes and mounting boxes) installed in non-heated areas shall be rated NEMA 4X stainless steel. Fire detection in the Tunnel depends on the type of Tunnel designed and type of Life Safety systems provided. The latest technology for Tunnel fire alarm systems leans toward VID (Video Image Detection) Visual flame and smoke detection linear heat detection systems.

3. Switchgear shall be located at each end of the Tunnel, sized for 100% of the total load. The switchgear shall be interconnected to allow all the systems to be powered from either end.

4. Electrical Outlets

Provide electrical outlets in the interior of the tunnel for inspection and maintenance purposes.

### **Construction**

In connection with construction over or adjacent to Dyer Avenue, any proposed lane closures or other disruptions of traffic must be reviewed and approved in advance by the Authority.

As a general rule, the following closures should be acceptable if necessary for construction to proceed:

- Weekend closure of all lanes between 11 p.m. Friday and 5 a.m. Monday, except during holiday weekends.
- Overnight closure of all lanes between 11 p.m. and 5:00 a.m.
- Closures will be permitted at other times, provided (1) one traffic northbound and one traffic lane southbound remain open and (2) no closures will be permitted during weekday peak periods from 7 a.m. to 10 a.m. and between 3 p.m. and 7 p.m.

**Developers and their contractors will be responsible for maintenance of traffic during any closures.**

## EXHIBIT D: DESIGN BASED THREAT ANALYSIS

Preparation of the DBT shall include identification of design threats to the program under consideration, which shall include at a minimum:

- **Improvised Explosive Devices (Blast)** - Two sizes of blast threats shall be considered, small and large. The small conventional explosive is a portable man-carried blast threat. The large conventional explosive is a vehicle-borne threat.
- **Precision Demolition** - Precision demolition encompasses a variety of threats including contact charges, military cutting equipment, mechanical and thermal cutting tools, shape cutting charges, and explosively formed penetrators.
- **Intentional Vehicular Impact** - Impact threats shall include passenger vehicles, as well as small and large trucks.
- **Fire** - Fire threats initiated by vehicles shall be considered. A hydrocarbon fire which burns up to 1100 degrees Celsius shall be used.

**The DBT shall document assumptions used, including but not limited to:**

- **Threat characteristics** - Threat characteristics describe the threat considered. While items such as charge size and fire temperature are inherent to the threat, the characteristics could include assessments of required skill level, required time on target, and availability for a threat to be carried out. These characteristics impact the likelihood of a threat scenario occurring.
- **Performance level** - Performance levels are thresholds to determine should a threat scenario be successful. There shall be two performance levels considered - - repairable damage and “no collapse.” Repairable damage is a tolerated amount of damage that would be considered acceptable, which includes duration of lost service or repair value. “No Collapse” would be a less stringent threshold requiring only that the structure not catastrophically collapse, although damage may not be repairable.
- **Progressive collapse** - Progressive collapse is a concern for many structures and shall be addressed based on structure type. Assessment shall be made on structure type and should consider material properties and robustness of the structure. Detailed modeling is not required in this assessment.
- **Establishment of design considerations to mitigate vulnerabilities** - Design considerations and criteria for mitigations shall be addressed. This shall include performance based criteria that may be used in the design of mitigations for inclusion in the program. Mitigations may be physical or operational, i.e. shielding elements, security protocols, or response plans.

**COMPANY PROFILE – RFP #36900**

1. Company Name (print or type):

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2. Business Address (to receive mail for this RFP):

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3. Business Telephone Number: \_\_\_\_\_

4. Business Fax Number: \_\_\_\_\_

5. Firm website: \_\_\_\_\_

6. Federal Employer Identification Number (EIN): \_\_\_\_\_

7. Date (MM/DD/YYYY) Firm was Established: \_\_\_\_/\_\_\_\_/\_\_\_\_

8. Name, Address and EIN of Affiliates or Subsidiaries (use a separate sheet if necessary):

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9. Officer or Principal of Firm and Title:

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10. Name, telephone number, and email address of contact for questions:

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11. Is your firm certified by the Port Authority as a Minority-owned, Woman-owned or Small Business Enterprise (M/W/SBE)?  Yes  No

If yes, please attach **Port Authority** certification as a part of this profile.

If your firm is an M/WBE not currently certified by the Port Authority, see the Port Authority's web site – <http://www.panynj.gov/business-opportunities/supplier-diversity.html>, to receive information and apply for certification.