

City of Middletown
Request for Proposals

The City of Middletown, New York is requesting proposals from persons and entities for the purchase of the following property owned by the City of Middletown: 45-51 Academy Avenue, Middletown, New York - Tax Map Section 35, Block 9, Lot 7.

The complete Request for Proposals for the above parcel is available at the City of Middletown Office of Economic and Community Development, City Hall, 16 James Street, 3rd Floor, Middletown, New York 10940 and on the City of Middletown website www.middletown-ny.com. For further information you may contact the Director of the Office of Community and Economic Development, Maria Bruni, at (845) 346-4170.

Sealed proposals will be due no later than 4:30 pm on Thursday, August 13, 2020 to the Office of Economic and Community Development. Sealed proposals will be opened during the Board of Estimate meeting to be held on August 13, 2020.

The City of Middletown reserves the right to reject any and all proposals at the City's sole discretion. The City also reserves the right to further negotiate terms and conditions of any proposal with any selected proposer.

STATEMENT OF NON-COLLUSION: Bidders on Contracts are required to execute a non-collusive bidding affidavit pursuant to Section 103d of the General Municipal Law of the State of New York.

The Office of Economic and Community Development hereby notifies all bidders that it will affirmatively insure that regarding any contract entered pursuant to this advertisement, persons or entities that respond to this invitation will not be discriminated against on the ground of race, color or national origin in consideration of an award.

PLEASE TAKE NOTICE that the City of Middletown will hold a Board of Estimate and Apportionment Meeting on Thursday, August 13, 2020, commencing at 4:30 pm. The meeting shall be conducted via video/tele-conference and live on Channel 20 for viewing.

In order to ensure the health, safety and welfare of the City residents the Common Council will not have the public at this meeting but will be televised live on Channel 20. Members of the public may also access the meeting to ask questions by clicking on the link below:

<https://middletown-ny.digitaltownhall.com/>

PLEASE TAKE FURTHER NOTICE that the meeting is being held in accordance with the New York State Public Officers Law and Executive order 202.1 ("EO 202.1") issued on March 12, 2020, by New Sate Governor Andrew Cuomo, which suspended Article 7 of the Public Officers Law, to the extent necessary to permit any public body to meet and take such actions authorized by the law without permitting in public in-person access to meetings and authorizing such meeting to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and late transcribed, etc.

For any person unable to participate at the time of meeting, email comments may be submitted in advance to dparis@middletown-ny.com

Accordingly, NO IN-PERSON ATTENDANCE IS PERMITTED FOR THE MEETING. Public comment shall be permitted and all person participating shall be entitled to be heard. Please note that all meetings will be recorded.

By Order of

The City of Middletown Board of Estimate
Joseph M. DeStefano, Chairman

Middletown Office of Economic & Community Development
Maria Bruni, Director

REQUEST FOR PROPOSALS

CITY OF MIDDLETOWN, NEW YORK

The City of Middletown (“City”) is requesting proposals from persons and entities for the purchase of the improved parcel at 45-51 Academy Avenue, Middletown, New York, City Tax Map Section 35, Block 9, Lot 7 (“Premises”) owned by the City.

The Premises consists of approximately 58,810+ square feet and comprised of three tax lots totaling +1.60 acres. The Premises contains two parking lots, 10 Little Avenue, City Tax Map Section 35, Block 9, Lot 6 and 37 Washington Street, City Tax Map Section 35, Block 9, Lot 12. The Premises is an improved parcel of land and is located in a Residential Two Family (R-2) zoning district.

The City will not consider proposals for less than \$500,000.00. This is an “As Is” sale.

The following restrictions shall be permanent and will be placed in the deed as covenants to run with the land:

1. The Premises is restricted to the current use, school, offices, recreation facility and day care center; and
2. The Premises may not be subdivided; and
3. The Parking Lots must remain as parking; and
4. The Premises may not include residential units; and
5. Proposers must maintain current tenant, Agri-Business Child Development (ABCD at Middletown) for 18 months, approximately 13,262 Square Foot; and
6. Violations of restrictions in subparagraphs 1 through 3 above shall result

in a reversion of the Premises to the City; and

7. The above restrictions shall be placed in the deed as covenants to run with the land.

Interested proposers should submit 4 copies of the proposal in a sealed envelope labeled "45-51 Academy Avenue" to the Director of the Middletown Economic and Community Development Office, 16 James Street, Middletown, New York 10940 by no later than 4:30 p.m. on Thursday, August 13, 2020. All proposals will be considered final when submitted. The proposals will be reviewed by the City. Any proposal is subject to acceptance and approval by the City. The City reserves the right to reject any and all proposals in the City's sole discretion. The City also reserves the right to further negotiate terms and conditions of any proposal with any selected proposer.

Information about the Premises is available through the Office of Economic and Community Development. Questions about this Request for Proposals, or general or specific requests for information, are to be directed in writing to the Director of the Middletown Economic and Community Development Office at the address listed below.

Proposers are responsible for inspection and verification of all field conditions; nothing in this Request for Proposals or other City records provides any guaranty to proposers nor does same bind the City in any way. Upon request with adequate notice a guided tour of the Premises will be scheduled. Interested parties to tour the Premises must coordinate with the Office of Economic & Community Development at 845-346-4170.

Proposers, by submitting a proposal to the City, will be certifying and representing that they are not a party to a collusive action in connection with the submission of the

proposal. Proposers, by submitting a proposal to the City, also will be certifying and representing that they have not employed or retained any person, and will not employ or retain any person, other than a bona fide full time salaried employee working solely for the proposer, to solicit or secure an agreement with the City that is contemplated by this Request for Proposals, and that it has not offered or given a fee, commission, percentage, gift, gratuity, or other consideration to any official, employee, or agent of the City with the purpose or intent of securing an agreement or favorable treatment with respect to the award or acceptance of any proposal. A statement encompassing this paragraph must be included with the proposal and must be signed by the proposer or an officer of or other responsible person employed by the proposer.

FOIL information: The New York State Freedom of Information Law (“FOIL”) (Sections 84-90 of the Public Officers Law) mandates public access to government records. Proposals submitted in response to this Request for Proposals may contain technical or financial information or other data which may not be required to be disclosed under FOIL. If a proposer believes that specific information or data contained in its proposal is protected from disclosure under FOIL, the proposer must specifically identify the pages of the proposal that contain such information or data by properly marking the applicable pages, and include a separate written explanation of all of the proposer’s reasons for believing that the information is exempt from disclosure. IF the proposer believes certain information in the proposal is exempt from disclosure, the following notice must be inserted in the front of the proposer’s proposal:

NOTICE

The data on pages of this proposal identified by an asterisk (*) or marked along the margin with a vertical line contain technical or financial information which the proposer believes is protected from disclosure under the New York Freedom of Information Law. Therefore, the proposer requests that such information and data be used only for the evaluation of its proposal, but understands that disclosure will be limited by the City only to the extent that the City determines such limitation of disclosure is proper under the law. The proposer agrees not to hold the City liable or to claim any damages against the City in the event the City releases such information.

The City does not assume any responsibility or liability regarding disclosure or use of data that has not been properly identified as set forth above. The City shall be permitted to disclose information or data properly marked with an asterisk or a vertical line if it has made a good faith legal determination that such information is legally subject to disclosure, or if disclosure is made pursuant to an interpretation issued by the appropriate administrative agency, such as the New York State Committee on Open Government.

By Order of the Middletown Board of Estimate

City of Middletown, New York

Joseph M. DeStefano, Chairman

Maria Bruni, Director of the Office of Economic and Community Development

16 James Street

Middletown, New York 10940

(845) 346-4170

NON-COLLUSION/CERTIFICATION STATEMENT

Project: 45-51 Academy Avenue - Middletown

CITY OF MIDDLETOWN - NY

_____ hereby certifies and represents that
_____ is not a party to a collusive action in connection with the
submission of the proposal.

_____ further certifies and represents that they have not and will not
employ or retain any person other than a bona fide full time salaried employee working solely for the
proposer, to solicit or secure an agreement with the City that is contemplated by this Request for
Proposals, and that it has not offered or given a fee, commission, percentage, gift, gratuity, or other
consideration to any official, employee, or agent of the City with the purpose or intents of securing an
agreement or favorable treatment with respect to the award or acceptance of any proposal.

BY:

TITLE:

STATE OF NEW YORK)

ss.:

COUNTY OF ORANGE)

On the ___ day of _____, 2020 before me, the undersigned, a Notary Public in
and for said state, personally appeared _____, known to me or proved to
me on the basis of satisfactory evidence to be the individual whose name is subscribed to the
within instrument and acknowledged to me that he/she executed the same in his/her capacity,
and that by his/her signature on the instrument, the individual, or the person upon behalf of
which the individual acted, executed the instrument.

Notary Public