

**CITY OF SUMMIT**  
**BROAD STREET WEST REDEVELOPMENT**  
**Request for Preliminary Development Concept Plans - Dated 9/13/2018**  
**Request Responses Due: 10/10/18**

**Clarification #1 Dated 9/20/2018 to**  
**Request for Preliminary Development Concept Plans**

**Question # 1 received as follows:**

*Page 2 paragraph 1 line 1 of the Request for Preliminary Development Concept Plans states that the City “invites interested development teams to submit concept plans”. Paragraph 3 and Paragraph 5 of the Amendment No. 1 to the Broad Street West Redevelopment Request for Qualifications document states that “all interested parties, including but not limited to those who have responded to the RFQ, will be invited to respond to an RFP and submit a proposal”.*

- a) *Please clarify if the City will allow developers who did NOT respond to the original RFQ (issuance date June 28, 2018) will be allowed to respond to and participate in this most recent Concept Plan submission request*

**Answer # 1:**

Yes, with the *Request for Preliminary Development Concept Plans* issued by the City of Summit on September 13, 2018, the City is soliciting concepts from any/all developers. This includes developers who did not respond to the *RFQ* issued on June 28, 2018.

**Question # 2 received as follows:**

*Page 14 Step 2 of the original Request for Qualifications proposed that the selected developer(s) would “work collaboratively with City’s redevelopment professionals and the public to prepare a full development proposal that would be integrated into the City’s Redevelopment Plan”. This part of the process was deleted and amended in Amendment No. 1 point 5 to instead include the submission of a concept plan, which plan(s) will form the basis of the City adopting a Redevelopment Plan and that no developer will be selected by the City until the Redevelopment Plan is adopted (point 6 of Amendment No. 1). Furthermore, point 3 of Amendment No. 1 states “following the adoption of the Redevelopment Plan interested parties will be invited to respond to an RFP and submit a proposal to be considered for selection as the conditionally designated redeveloper”. The recently issued Request for Preliminary Development Concept Plans makes no mention of an RFP but instead simply states on page 14 “after the adoption of the Redevelopment Plan the City will undertake the process of selecting one or more redevelopers to implement and carry out the redevelopment of the Redevelopment Area”.*

- a. *Amidst this changing direction, please clarify what the City’s specific process will be from submission of Concept Plans to selection of a designated developer for the Broad Street West Redevelopment Area*

**Answer # 2:**

Pursuant to the provisions of the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A-12A-1 e.seq., redeveloper selection and the negotiation of a redevelopment agreement may not take place until after the adoption of a redevelopment plan. The City of Summit will utilize the concepts and information submitted through this process to understand and evaluate market conditions. The submissions made will be used to inform public outreach so that we are able to develop a realistic redevelopment plan. The City has not finalized the process for redeveloper selection. Instead, the City is focused on developing a community-driven, market-tested redevelopment plan. Once that plan is adopted, the City will seek the implementation of the plan by selecting one or more parties to enter into a conditional redeveloper designation and interim cost agreement to establish a process to complete the negotiation of a redevelopment agreement with one or more redevelopers. Final decisions about the redeveloper selection process and whether it will follow a *Request for Proposals* process have not been made at this time.

**Question # 3 received as follows:**

*Please elaborate on how the City envisions arriving at the decision of which developer(s) they will select and what the criteria will be for that decision. Does the Selection Criteria section on page 14 of the original Request for Qualifications (as amended by point 6 on Amendment no. 1) still apply or are there other, new or additional criteria to be considered?*

**Answer # 3:**

See response set forth above. The City of Summit will make the criteria and process of the selection of a designated developer(s) public when it has finalized the details and decisions for that step. Any information in the June 28, 2018 *RFQ* that is not also in the September 13, 2018 *Request for Preliminary Development Concept Plans* should be disregarded. The *Request for Preliminary Concept Plans* is to understand market conditions, not select a developer.

**Question # 4 received as follows:**

*b. By referencing “one or more developers” is the City suggesting they are considering having more than one developer involved in executing the redevelopment plan once it is adopted?*

**Answer # 4:**

Given the size, complexity and various opportunities this redevelopment area presents, it is possible that one or more redevelopers will be selected to implement the redevelopment plan, pursuant to one or more negotiated redevelopment agreements. The City of Summit has not made any decisions about having one or multiple developers designated to implement any redevelopment plan the City adopts.

**Question # 5 received as follows:**

*c. Or conversely by referencing “one or more developers” is the City suggesting they will attempt to simultaneously negotiate business terms with more than one developer and*

*then make their decision on who the singular designated developer would be to execute the redevelopment plan based on those negotiations?*

**Answer # 5:**

The City of Summit has not made any decisions about having one or multiple redevelopers designated to implement any redevelopment plan the City adopts. The City reserves the opportunity to simultaneously negotiate with multiple potential redevelopers.

**Question # 6 received as follows:**

- 2) *Page 2 paragraph 1 line 6 of the Request for Preliminary Development Concept Plans states “the City will consider submitted plans and may incorporate aspects in a Redevelopment Plan” (this phrase is repeated frequently throughout the Request for Preliminary Development Concept Plan document).*
  - a. *Please clarify if this means the City anticipates using different aspects or components of different developers submitted Concept Plans in the formulation of their Redevelopment Plan*

**Answer # 6:**

The City of Summit may choose to incorporate aspects of the concept plans submitted by interested developers, either in part or complete concepts, into a redevelopment plan for the area. This will largely be determined by public vetting and the ability of concepts to meet the needs of the community. The submissions will be used to guide public outreach. At this time the City is only seeking concepts that developers believe they can implement, in an effort by the City to draft a redevelopment plan that is both most likely to advance City priorities, as well as entice developer involvement.

**Question # 7 received as follows:**

- b. *Please clarify is the City intends to share information from one developer’s Concept Plan with other developers who remain engaged in the Concept Plan review process*

**Answer # 7:**

General concepts and ideas submitted by any developer that get incorporated into a redevelopment plan will be public information, but no direct reference to submitted material or specific details from respondents’ plans will be included beyond those necessary to form an effective redevelopment plan. See below regarding the applicability to the City of Summit of the legal requirements of the New Jersey Open Public Records Act.

**Question # 8 received as follows:**

- c. *If the answer is yes, please clarify how the City anticipates protecting confidential, private and/or privileged information (includes ideas, concepts, relationships, etc.) that a developer may not wish to share with other developers the City is including in this Concept Plan review process.*

**Answer # 8:**

As noted, the City is subject to the provisions of the Open Public Records Act (OPRA), N.J.S.A. 47:1A-1 et seq., and any case law and regulatory requirements relating to the release of certain documents. However, OPRA specifically states that "...a government record shall not include the following information which is deemed to be confidential (i.e.)...trade secrets and proprietary commercial and financial information...". To seek protection under this exception, the supplier of such information should specifically identify any materials that it considers to be subject to the exception from public disclosure and to explain why the information is confidential within the meaning of the law. Any information the respondent considers to be confidential should be submitted in a separate envelope and marked CONFIDENTIAL. The determination of the extent of legal confidentiality will be made by the City. The City will maintain confidentiality to the maximum extent it is permitted to do so by law.

**Question # 9 received as follows:**

- 3) *Page 2 paragraph 3 line 4 of the Request for Preliminary Development Concept Plans states "Concept Plans should incorporate the Respondent's facilitation and participation in a civic engagement process". The concept of civic engagement is further addressed on Page 14 Paragraph 2 point 2.*
  - a. *Please clarify if the comment on Page 2 is requesting acknowledgement from the developer that they will in fact facilitate and participate in such a civic engagement process or is the comment seeking some other response or input. We are unclear on what the "Concept Plans should incorporate....." comment means.*

**Answer # 9:**

The City of Summit is committed to involving its residents and all members of the community throughout this redevelopment process. The intention is to make sure that any developer that participates also understands that they will be part of an open and public process that actively solicits feedback from the public. While public outreach is likely to be handled by the City and its redevelopment professionals, the City is looking to determine whether respondents are committed this type of outreach and information gathering as the process continues.

**Question # 10 received as follows:**

- 4) *Page 5 "Business Terms" of the Request for Preliminary Development Concept Plans states "Business Terms will be determined as part of future Redevelopment Agreement negotiations, however the City is interested in ideas or suggestions for acquisition particularly as it relates to public parking and liquor licenses".*
  - a. *Please clarify if the City is asking for a response to this point as part of the Concept Plan submission process or if this comment is simply a place holder for future discussions. The comment seems to cross significantly over the Concept Plan submission process as outlined elsewhere in the request.*

**Answer # 10:**

This is simply a placeholder. However, if a respondent has ideas or suggestions in terms of phasing, timing or disposition of City-owned property, this information would be very useful insight for developing the redevelopment plan.

**Question # 11 received as follows:**

- b. *Please clarify at what point in the process “future negotiations” on Business Terms would occur. After “the City undertakes the selection of one or more redevelopers” (page 14 Paragraph 2 line 3) or some other time?*

**Answer # 11:**

While the detailed process beyond what has been laid out in this *Request for Preliminary Development Concept Plans* has not been decided upon, negotiating, finalizing, and agreeing to specific business terms can happen only after a redevelopment plan has been adopted by the City.

**Question # 12 received as follows:**

- 5) *Page 6 “Other” of the Request for Preliminary Development Concept Plans states “the City is willing to consider a concessionaire license for the City-owned portion of the redevelopment”.*
- a. *Please clarify what exactly is meant by this comment. We are aware that the City has presently “oversubscribed” their allotment of full consumption licenses (10 where 7 is permitted by ABC statute) so would be interested in learning more about this comment and how it could potentially effect the creation of the Concept Plan and eventual Redevelopment Plan*

**Answer # 12:**

The City would consider granting an annual concessionaires license as part of this project. This would require that the City retain rights to property within the project area, to meet state statutory requirements. However, it would also mean a business(es) could include the sale of alcohol in line with such a license. In proposing concept plans, the City would like respondents to include any potential uses that would need a liquor license (biergarten, restaurant, etc.).

**Question # 13 received as follows:**

- 6) *Page 6 “Other” of the Request for Preliminary Development Concept Plans states “all utilities should be buried”.*
- a. *Please clarify the scope of that comment. Is it all utilities for new projects within the redevelopment area itself or is it broader than that and include utilities outside of the redevelopment area itself but that perhaps service the redevelopment area (ie, further down Broad Street or Morris Avenue or Maple Street, etc)?*

**Answer # 13:**

The City of Summit would like to have all utilities within the Redevelopment Area located below ground. As part of any project within the Redevelopment Area, any utilities within the project area will be required to be located underground, as well as any utilities that may need to be upgraded, reconfigured, or otherwise addressed due to that project.

**Question # 14 received as follows:**

- 7) *Page 14 point 1 line 4 of the Request for Preliminary Development Concept Plans states the City “may then discuss concept plans with respondents”.*
- a. *See Question and comment 3 above. Is it the City’s intention to discuss one developer’s concept plan submission with other developers or does the comment above (“discuss concept plans with respondents”) mean discussion the concept plan with the developer who has submitted that Concept Plan only?*

**Answer # 14:**

It is not the City’s intention to discuss one developer’s concept plan with other developers. The language referenced in this question is referring to discussions with respondents about their own submissions. However, general concepts that may be included in one respondent’s submission may be discussed with other respondents, but specifics and details would not be discussed. Note that to the extent that a developer’s submission does not meet the “confidential” exception under OPRA, as explained above, it will be available to the public.

**Question # 15 received as follows:**

- 8) *Page 15 paragraph 2 line 5 of the Request for Preliminary Development Concept Plans states “Concept plans may also be used to publically vet market responses”.*
- a. *Please clarify what is meant by this comment*

**Answer # 15:**

The overall intention of the *Request for Preliminary Development Concept Plans* process is to make sure that any redevelopment plan that is written and adopted by the City of Summit is grounded in the realities of the current market and addresses the needs of Summit. Concepts included in respondents’ submissions may be included in public outreach to gauge support among residents and the community as well as scrutinized for practicability in the market place.

**Question # 16 received as follows:**

- 9) *Page 15 paragraph 3 of the Request for Preliminary Development Concept Plans states “Submissions are envisioned to include design parameters for the Planning Area including bulk standards, proposed uses, site layouts, estimated parking counts, vehicular circulation, precedents for architecture, open space and urban design and sustainable design features”.*
- a. *Please clarify what the City’s true expectations are for the Concept Plan submissions. What is described above is substantially more detailed than what we previously believed was going to be required. A request for this level of detail is inconsistent*

*with the “Preliminary Development Concept Plan” title of the circulated document and instead is much closer to a “Final Development Concept Plan”. In light of the way the City has chosen to conduct this process we believe it is infeasible and inappropriate to ask respondents to attempt to create a credible response in this level of detail in the four weeks provided*

**Answer # 16:**

The intention of the language referenced in this question is to direct respondents to the types of details that the City of Summit finds most relevant when considering redevelopment potential of concepts addressing the Broad Street West Redevelopment Area. It is expected that any numbers or specifics included in respondents’ submissions would not be viewed as final, and are intended to support the concept but are not exact. While greater detail and more information is desired by the City, ranges, minimum/maximums, approximations, etc. may be acceptable in some cases where more precision is not practical. The intention of these submissions is not to hold respondents to the exact figures and details of the concepts, but rather for the City to gather an understanding of what respondents feel is appropriate and realistic for the Broad Street West Redevelopment Area.