

CITY OF NEWARK



DEPARTMENT OF ECONOMIC & HOUSING DEVELOPMENT

FEBRUARY 2009 ROLLING SALE



PROPERTY REDEVELOPMENT PROPOSAL APPLICATION FORM

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City of Newark
Department of Economic and Housing Development

Summary

The City of Newark's Department of Economic and Housing Development is soliciting proposals for acquisition of select City-owned properties. A list of all City-owned properties currently available for sale through the rolling sale procedure is available online at www.ci.newark.nj.us or between the hours of 9:00 a.m. and 4:30 p.m. at:

The Division of Housing and Real Estate/Office of Property Management
920 Broad Street, Room 421,
Newark, NJ 07102

It is the applicant's responsibility to be aware of the submission requirements needed to prepare a complete proposal in accordance with this application.

Applicants may apply for acquisition of no more than 5 separate properties or property clusters in this February 2009 sale cycle and must complete a separate application for each.

Note that certain City-owned properties are being sold for the exclusive purpose of development as Workforce Housing.

Workforce Housing units must be sold by the selected developer to homebuyers at prices that are equal to the cost of production of the homes, including land acquisition, construction costs and allowable soft costs. Homes must be affordable to and sold to households that earn less than 120% of Area Median. Redevelopers will be limited to a developer fee, overhead and profit of no greater than 12% of hard construction costs. (Area Median Incomes, rent limits and Maximum sales prices are identified in Appendix I.) Proposals for properties being sold as **Multifamily/Commercial/Mixed-Use** or **Individual Rehabilitation** that intend to provide rental or for sale housing should provide a minimum of 20% of units to be affordable to households that earn less than 50% of Area Medium Income. Alternatively, applicants may provide residential units as **Workforce Housing**.

Please note: Properties identified on the list of "Properties Available for Sale" may not be available for sale at the time of your request. In addition, the City reserves the right to remove properties from the list at any time prior to closing. It is the responsibility of applicant to confirm the location of properties on the applicant's list. Any photos, directions or other information provided by the City related to the properties in the Properties Available for Sale list is to assist the applicant in evaluating the sale opportunity but is not a warrantee or guarantee. Applicants must advise the City of any discrepancies, inconsistencies or inaccuracies that are identified. Upon selection, and prior to consideration by the Municipal Council, the selected Redeveloper will be requested to conduct a title report for each property, at the Redeveloper's own expense. More details regarding the City's Land Disposition process and procedures may be found on the City's website.

Submission Requirements and Proposal Review

Applicants must complete and submit **six (6) typewritten copies of the application (Part I)** prior to the deadline published in the notice of land sales. **Hand written applications will not be accepted.** All applications will be date and time stamped and late applications will not be accepted and/or reviewed. It is the sole responsibility of the applicant to ensure that its proposal is delivered to the City's Division of Housing and Real Estate (Room 421) prior to the deadline. The City reserves the right to reject any application that is incomplete or does not provide sufficient information to evaluate the proposal based on the criteria identified in the City's Land Disposition policy.

The Department will evaluate applications based on the criteria indicated below. Selected applicants will be directed to submit additional information (Part II.) In addition, selected applicants will be required to submit a title report for designated properties at their sole cost and expense. Following review of the additional information, the Department of Economic and Housing Development will submit recommendations to the Municipal Council for authorization to execute a Land Disposition Agreement. Should the selected applicant fail to submit the information in Part II, or should the information provided fail to demonstrate the applicant's capacity to redevelop the properties pursuant to the City's requirements, the City reserves the right to proceed to the next highest rated applicant or to solicit new proposals for the properties.

Selection Criteria

The City will evaluate proposals based on the following threshold and evaluation criteria.

Threshold Criteria

These are minimum requirements that every project and developer must meet:

- The development must be appropriate for the surrounding neighborhood. **The Department reserves the right to reject an applicant based on a proposed use that is not compatible with the location and neighborhood character.**
- Potential purchasers must have a favorable history of development if they have previously purchased City-owned property. The buyer may not own undeveloped or under-developed parcels of land or buildings previously purchased from the City of Newark, unless that land or building is actively under development pursuant to a schedule approved by the City. If the property has not been developed within a reasonable time period, as determined by the Department, the buyer will not be eligible to purchase additional property. For LLC's, partnerships and/or corporations, no member of the LLC, partnership, or corporation may own such land. If the LLC, partnership and/or corporation is the proposed buyer, the LLC, partnership and/or corporation and each member thereof must be in good standing in its location of incorporation/creation.
- The proposed project must enhance the urban fabric of the neighborhood.
- The proposed project must be compatible with relevant and recognized neighborhood, ward and citywide plans. Projects must meet the City's design guidelines (See Appendix II.)
- The purchaser must have experience proportionate to the size and complexity of the proposed project.

- All newly constructed or rehabilitated residential units must be Energy Star certified and meet Indoor Air Package (IAP) specifications.
- Potential purchaser must have no current housing code violations in the City of Newark. For LLC's, partnerships and/or corporations, current housing code violations must not be associated with any of the members of the LLC, partnership, or corporation.
- The potential purchaser must not be in tax arrears on any real estate owned in the City of Newark (unless such arrearage is the subject of appeal and, in the sole discretion of the City, the purchaser is likely to prevail) or have owned property that has been foreclosed by the City for failure to pay taxes or fees within the last five (5) years.

Evaluation Criteria

The City will consider the following factors when evaluating development proposals:

- Programmatic Priorities
 - Depth of affordability of residential units to be constructed, including the use of non-City subsidy sources to reduce rents or the cost of sales.
 - Advanced energy efficient and environmentally sustainable building principles and practices beyond threshold requirements for new development of City-owned property.
 - Commitment to hiring of Newark residents, including ex-offenders, during the development process and commitment to first source local hiring by end user of non-residential projects (if applicable.)
 - Commitment to use of MWBE and local contractors, sub-contractors, and suppliers. For guidelines about qualifications for MWBE status, please see Appendix III.
- Project Readiness and Feasibility
 - Demonstrated development track-record
 - Demonstrated financial capacity to develop proposed project
- Price –The amount to be paid to the City for the land. The minimum acceptable offering price for vacant land is \$10.00 per square foot.
- Additional Evaluation Factors
 - Applicant is owner of adjacent property that is to be developed in conjunction with the City property in question and presents a design proposal that enhances the urban fabric of the neighborhood.
 - Commitment to the use of union labor.
 - Commitment to use of specific high-quality building materials and design.
 - Proposed developer is a Newark resident.
 - Proposed developer is a 501(c)(3) non-profit Community Development Corporation.

Additional Information

- The City reserves the right to request additional information from any or all applicants.
- Applicants will not be provided access to properties prior to bidding unless otherwise stated in the sale notice.
- Applicants who have executed a Land Disposition Agreement and seek to gain entrance to properties will receive an “Inspection Right of Entry” (for buildings only).
- The City may contract with a third-party intermediary to monitor the selected applicant’s compliance with the Land Disposition Agreement and the terms of land sale. Costs for such services will be paid by the redeveloper and such costs shall be an allowable project soft cost.

Settlement: Terms of Sales under this process are as follows:

- Prior to sale, the City may order an appraisal. This amount will be added to the final agreed upon purchase price.
- A deposit of 10% of the total cost of the selected bid price as identified within the Land Disposition Agreement (LDA) is required. The deposit is due upon execution of the Land Disposition Agreement.
- Deposits are NON refundable if applicant fails to reach settlement (see terms below).
- Settlement shall occur within 90 days of the execution of the LDA.
- Settlement shall occur only upon evidence satisfactory to the City that the applicant has:
 - 30% complete construction drawings for the renovation or construction of the Property;
 - An approved timeline for the development;
 - A fully executed construction contract for the complete renovation or construction of the Property in accordance with the approved construction drawings;
 - Demonstrated personal financial capacity or loan commitments in amounts sufficient to complete the renovation or construction of the Property in accordance with the construction drawings;
 - Favorable design review by the City of Newark Planning Division staff;
 - Site plan approval by the City of Newark Planning Board;
 - Board of Adjustment approval of requested zoning variance (if applicable).

Fee: A processing fee of \$300 is due with an application for one property or one cluster. A \$100 processing fee is due with for each subsequent property or cluster applied for within the same property sale cycle. Certified Checks, Cashier's Check or Money Orders should be made payable to the "Director of Finance." The processing fee is non-refundable. The fee will not be refunded to unsuccessful applicants. The processing fee will not be applied to the deposit or sales price.

Submission: Submit completed Application to Purchase by 4:00 PM of March 20, 2009 to:

Property Redevelopment Rolling Sale Proposal
C/o Office of Property Management
920 Broad Street, Room 421
Newark, NJ 07102
973.733.8060

**FEBRUARY 2009 ROLLING SALE
PROPERTY REDEVELOPMENT PROPOSAL APPLICATION FORM
PART I**

FORM A: PROPERTY AND BUYER INFORMATION

A.1. APPLICANT INFORMATION

Name of Applicant*:	
Social Security Number*:	
Business Address:	
Contact Person:	
Telephone Number:	
Email Address:	
Fax Number:	

* If LLC, Partnership or Corporation provide the names and social security numbers of each applicant or Employer Tax ID if Business entity. Attach additional pages as necessary.

- | | | |
|---|-----|----|
| 1. Is the developer a 501(c)(3) non-profit Community Development Corporation? | Yes | No |
| 2. Is the developer MWBE or MBE Certified? | Yes | No |
| 3. Does the developer intend to use union labor in construction? | Yes | No |

A.2. PROPERTY INFORMATION

Cluster or Individual Property	Offer Price**

An applicant may apply for up to five (5) Clusters or Individual Properties within a property sale cycle. However, a separate application must be submitted for each cluster or property proposal.

**** Minimum acceptable offering price for vacant land is \$10 per square foot.**

A.3. DISCLOSURES

Answer the questions below regarding each individual and/or LLC, Partnership or Corporation, or member thereof, listed above:

- | | | |
|---|-----|----|
| 1. Party in a pending lawsuit. | Yes | No |
| 2. Conviction or pending case for fraud, bribery or grand larceny. | Yes | No |
| 3. Conviction or pending case for arson. | Yes | No |
| 4. Indicted for or convicted of any felony within the past 10 years. | Yes | No |
| 5. Adjudged bankrupt, either voluntarily or involuntarily, within the past 10 years. | Yes | No |
| 6. Unpaid delinquent taxes, municipal liens, and/or outstanding judgments. | Yes | No |
| 7. Declared in default of a loan or failed to complete a development project during the last ten years. | Yes | No |
| 8. Has previously purchased property from the City of Newark. | Yes | No |

If yes, please answer 8a, 8b and 8c. Attach additional pages as necessary.

8a. Identify the property location and date of purchase:

8b. Has the property been developed and a certificate of occupancy issued?

8c. If the property has not been issued a certificate of occupancy please explain. Include a current projected development timeline for any undeveloped property.

- | | | |
|--|-----|----|
| 9. Does Applicant own property which currently has a housing code violation in the City of Newark or elsewhere. | Yes | No |
| 10. Applicant is not current on its payments to the City or has outstanding liens or other obligations owed to the City of Newark. | Yes | No |
| 11. Has applicant owned property that was foreclosed on by the City of Newark within the last five years? | Yes | No |

If the answer to any of the above disclosures is yes, please provide a full explanation, including as appropriate for each case (1) date, (2) charge, (3) place, (4) court, (5) action taken and (6) current disposition. Attach documentation, as necessary.

If the applicant owns property adjacent to properties in the bid package, please indicate Address and Block and Lot Number:

A.4. CERTIFICATION

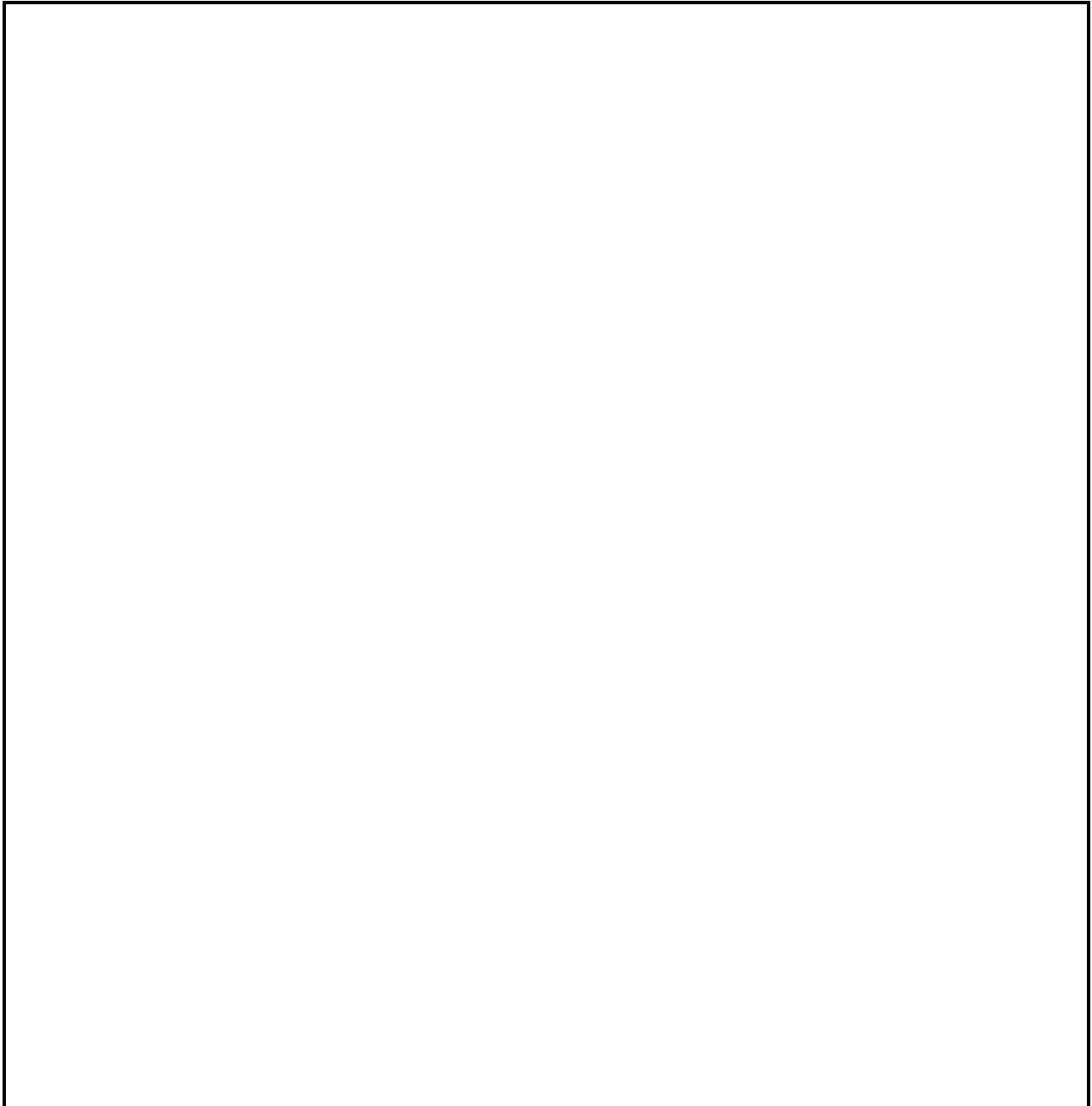
I, _____ (Print Name) am the Applicant or an officer authorized to make a binding contractual commitment for the Applicant.

I acknowledge that failure to disclose a material fact or to misrepresent a fact can result in a rejection of my participation in the City's Land Disposition program. I certify that all of the information contained in my application to purchase is true and correct to the best of my knowledge and belief. I understand by signing this Form that the City may, at its choosing, conduct a credit check and/or additional background checks.

Signature: _____ **Date:** _____

FORM B: DEVELOPMENT PLANS

B.1. Provide a summary of your redevelopment plans. You must include a description of proposed use (residential, commercial, etc); type of development (new construction, rehabilitation); number of units, type of units (rental, homeownership, condominium); amount of residential units to be affordable and type (i.e., Workforce Housing, rent levels- 30% AMI, 50% AMI, etc.) and any other relevant details for each site for which you are submitting a proposal. Please include a preliminary site plans for each site and other preliminary drawing, including front elevation and floor plans, if available. Attach additional pages as necessary.



B.2. SCORING CRITERIA

Please complete the following:

Please identify the number of units, sales prices and affordability levels (i.e. percent of AMI) for the units. If providing condominium units, please identify. If your proposal is to sell homes at less than production cost by applying for certain State and/or Federal subsidies, please indicate which subsidies you will seek.

All purchasers of Workforce Housing units must be provided Homebuyer Counseling (HUD-certified counseling agencies are required). In addition, buyers should be discouraged from utilizing sub-prime, or non-conventional financing (including no documentation, interest only, or mortgages with pre-payment penalties, excessive transaction costs or high penalties.) The City will review all homebuyers for eligibility.

Are you HUD-certified to provide direct Homebuyer Counseling and mortgage materials to potential buyers?

Yes No If yes, please describe the services provided by your company.

Do you intend to partner with a HUD-certified Homebuyer Counseling provider?

Yes No If yes, please indicate with whom, and/or describe what measures you intend to take to satisfy this requirement.

Please outline a plan for compliance with design guidelines. Identify design components, specifications, and materials beyond the minimum design guidelines.

B.3. ENVIRONMENTAL MEASURES

Where possible and practical, redevelopment projects should utilize green technologies that promote the conservation of non-renewable resources, minimize environmental impact, or include building components that contribute to the economic efficiency of the homes/units over the long term.

Please describe what energy efficiency measures are incorporated in the proposed project

1. Please outline a plan for compliance with the mandated Energy Star certification for all newly constructed residential units, including a plan to comply with the third party testing requirement.

2. Please outline any environmental measures beyond required minimums that you intend to take. Include any certifications, tests or components that you will pursue, as well as non-program-based environmental measures beyond the minimum that you will take.

3. Please outline a plan for compliance with the storm water management requirements, outlined in Appendix IV.

4. Please outline your plans for construction and/or demolition recycling that will promote sustainable (green) building construction.

B.4. Local and Ex-Offender Hiring

1. Please indicate if you will commit that at least 40% of the workforce engaged in the actual construction of the Project will be residents of the City of Newark (to be measured by the # of hours spent on all tasks required in the development of the Project): Yes No

If you will commit a higher or lower percentage, indicate the percentage of the construction workers employed that will be local residents: _____%

2. Please indicate what past experience you have with local and ex-offender hiring.

3. Please identify steps you will take to identify Newark residents that will be placed with construction contractors and subcontractors.

4. Please indicate what steps you will take to identify and place ex-offender Newark residents with construction contractors and subcontractors.

5. Please identify any activities or programs you intend to undertake, if any, to provide apprenticeship, training or vocational assistance to Newark residents on the job site.

6. For any project with a non-residential component, please identify any commitments from end-users to provide ongoing employment opportunities to Newark residents.

For assistance with fulfilling local and ex-offender hiring requirements on the construction job site, please contact Patricia Sermon, Director, Newark Works at (973) 733-4820 or sermonp@ci.newark.nj.us.

B.5. Local, Small and Minority/Women-owned Contractors, Subcontractors, Suppliers

1. Please indicate if you will commit that at least 30% of the contractors, subcontractors and suppliers for the project will be local and/or MWBE entities: Yes No

If you will commit a higher or lower percentage, please indicate the percentage: _____%

2. Please indicate if you will commit that a minimum of 30% of the contractors, subcontractors and suppliers engaged in the construction of the project will consist of companies with their principal place of business located in Newark, NJ: Yes No

If you will commit a higher or lower percentage, please indicate the percentage: _____%

3. Please indicate if you will commit that a minimum of 40% of the workforce engaged in the construction of the project will consist of women and minorities: Yes No

If you will commit a higher or lower percentage, please indicate the percentage: _____%

Note: It is possible that a business entity engaged in the construction of the Project can contribute towards the satisfaction of both the obligation for MWBE participation and the obligation for local participation, if such a company is certified MWBE and is Newark based; and it is also possible that an employee can contribute towards the requirement of both minority/woman participation and Newark resident participation in the workforce.

Form C: Preliminary Development Budget

Acquisition	Amount	Amount Per Unit or Per Sq ft
Offer Price		
Hard Costs/ Trade Breakdown Including, but not limited to, all applicable items listed below:		
Demolition		
Environmental Remediation		
Landscaping/ Site Work		
Concrete		
Masonry, Pointing, Waterproofing, Cleaning		
Rough Carpentry		
Finished Carpentry		
Roofing		
Insulation		
Doors, Frames, Hardware		
Windows and Glazing		
Drywall and Plastering		
Ceramic tile		
Finished flooring (Carpet, Wood, Vinyl, or other)		
Painting		
Kitchen cabinets, medicine cabinets		
Appliances		
Heating, ventilation, air conditioning		
Vertical Transportation (elevator equipment)		
Fire protection / sprinklers		
Plumbing		
Electrical		
Lighting		
Telecommunications / Security		
Other		
Subtotal		
Escalation of costs to mid-point of construction		
Contingency (indicate Contingency as percentage of hard costs: _____%)		
Total Hard Costs		

<i>Soft Costs</i> Including, but not limited to, all applicable items listed below:	Amount	Amount Per Unit or Per Sq ft.
Surveying		
Architecture and Engineer		
Legal and Accounting		
Permits and Fees		
Transfer Taxes		
Contractor Insurance		
Construction Loan interest		
Construction Loan fees		
Permanent Loan fees		
Construction loan closing costs		
Property taxes during construction		
Casualty and liability insurance		
City third party monitoring fee (\$2,500.00 per unit)		
Commissions (For sale or lease)		
Developer fees		
Other (specify)		
Contingency (indicate Contingency as percentage of Soft Costs: _____%)		
Total Soft Costs		
Total Hard and Soft Costs		

Please be advised that Applicant may substitute a different form or spreadsheet for this Form, or reformat Form as needed, providing that all of the above information is included.

Sources and Uses Statement

<i>Sources</i> Including, but not limited to, all applicable items listed below.	Amount During Construction	At Permanent/Take Out Financing Stage or Sales Proceeds	Committed (Indicate by X)	Pending (Indicate by X)
Developer Equity (list by source and provide terms)				
Private Debt (list by source and provide terms)				
Public Debt (list by source and provide terms)				
Other Public Support (list by source and provide terms)				
Other (Specify):				
Total Sources				
<i>Uses</i> Including, but not limited to, all applicable items listed below.			[Hatched Area]	
Acquisition				
Hard Costs				
Soft Costs (Please List)				
Total Uses				

Summary of Residential Unit Affordability

Affordable/Workforce Home Sales Prices (if applicable)

<p align="center"><i>Housing Type</i> (i.e., One-family, two-family, three-family, condo, duplex, etc.)</p>	<p align="center">Number of Homes</p>	<p align="center">Sales Price</p>

Rental Unit Prices (if applicable)

<p align="center"><i>Unit Size</i> (i.e., One bedroom, two bedroom, etc.)</p>	<p align="center">Number of Units</p>	<p align="center">Proposed Gross Rents</p>

Form D – ADDITIONAL DOCUMENTS

PLEASE COMPLETE AND SUBMIT THE FOLLOWING DOCUMENTS, AS APPLICABLE

- Hold Harmless Agreement
- Disclosure Statement
- Certification Of Compliance With Pay To Play Reform
- Certification Of Compliance With Charitable Registration Act
- Certification Of No Conflict Of Interest
- Stockholder Disclosure (For-Profits Only)
- City Of Newark Political Disclosure Form
- State Of New Jersey Political Disclosure Form

OTHER REQUIRED DOCUMENTS TO BE INCLUDED, AS APPLICABLE

- Business Registration Certificate
- Certificate Of Incorporation
- Certificate Of Formation
- MWBE/MBE Certificate
- Certificate Of Good Standing (Issued By NJ Dept Of Treasury For Out-Of-State Entities)
- Certificate Of Authority To Do Business In NJ (Issued By NJ Dept Of Treasury For Out-Of-State Entities)
- Letter Of Authorization Designating Agents Authorized To Sign Documents

HOLD HARMLESS AGREEMENT

The contractor, shall defend, indemnify and hold harmless the City of Newark, its agents, servants and administrators from and against any and all claims or actions at law, whether for personal injury, property damage or liability, including any cost of defense incurred by the City of Newark and any payments, recoveries ad judgments against the City of Newark, which arise from actions or omissions of the Contractor, his agents or employees in the execution of the work and/or duties to be performed under the contract.

Costs shall be deemed to include, but not limited to attorney’s fees, filing expenses, expert witness fees, reproduction costs, and long distance travel and phone expenses in connection with defense and shall bear the prevailing interest rate, where applicable.

The Contractor shall be responsible for all damage to persons or property caused or alleged to have been caused by or incident to the execution of this work, and shall defend claims or suits arising from or incident to the work under the aforementioned contract without expense to the City of Newark, its agent’s, servants and or administrators.

DATE

NAME:
TITLE:

DISCLOSURE STATEMENT

To be completed by all corporations, partnerships or other entities.

SECTION A

Name of Corporation, Partnership or
Entity _____

() Which is a non-profit corporation organized under Title 15A of the Revised Statues of the State of New Jersey. (Check if applicable)

Principal place of business:

Incorporated in the State of _____ Annexed hereto is a true copy of the Certificate of Incorporation and Articles of Incorporation together with all amendments thereto which are on file with the Secretary of State of New Jersey.

SECTION B

The officers/directors of the corporation are:

PARTNERSHIPS/LIMITED LIABILITY COMPANIES

The following are the names of all partners and entities with an interest in the entity named in **SECTION A**. If any of the parties named below is a corporation or a limited liability company, please list the officers and the percentage of interest held in the entity named in **SECTION A**.

NAME

PERCENT HELD

Signature

Date

(Type the name of the person signing this statement)

Title

Certification Of Compliance With Executive Order On Pay To Play Reform

The Contractor hereby certifies that it has read or caused to be read the Executive Order on Pay to Play Reform, dated February 8, 2007 (MEO—07-0001), and that the Business Entity, as that term is defined in the Executive Order, has not made a Contribution or solicited a Contribution that would bar the award of this Contract.

I hereby certify that the foregoing is true to the best of my knowledge and belief.

Contractor – Corporate Name

By: _____
Name and title

Date: _____

**Certification of Compliance with Charitable Registration and
Investigation Act
(N.J.S.A. 45:17A-18 et seq.)**

The New Jersey Charitable Registration and Investigation Act (N.J.S.A. 45:17A-18 et seq.), (the "Act") regulates the fund raising activities of most charitable organizations and all professional fund raisers, fund raising counsels, commercial co-ventures and solicitors conducting business within this State by requiring them to register and file annual financial reports with the CRI Section.

"Charitable organization" means: (1) any person determined by the federal Internal Revenue Service to be a tax exempt organization pursuant to section 501(c)(3) of the Internal Revenue Code of 1986, 26 U.S.C. § 501(c)(3); or (2) any person who is, or holds himself out to be, established for any benevolent, philanthropic, humane, social welfare, public health, or other eleemosynary purpose, or for the benefit of law enforcement personnel, firefighters or other persons who protect the public safety, or any person who in any manner employs a charitable appeal as the basis of any solicitation, or an appeal which has a tendency to suggest there is a charitable purpose to any such solicitation.

I do hereby certify that I am a duly authorized officer of _____
(Name of Charitable Organization), and that I am authorized to certify on behalf of _____
(Name of Charitable Organization). I further certify that I have read or caused to be read the Act, and that I am knowledgeable of the laws and regulations contained therein, and that, _____
(Name of Charitable Organization) is in compliance with the all of the provisions of the Act, as amended.

I understand that the City of Newark will rely on this certification to review and approve my Affordable Housing Agreement.

Charitable Organization Name

By: _____
(Name and Title)

Date: _____

**CERTIFICATION OF NO CITY OFFICER OR
CITY EMPLOYEE CONFLICT OF INTEREST**
(City of Newark Code Section 2:4-12 and N.J.S.A. 40:69A-163)

The City of Newark Code Section 2:4-12 and N.J.S.A. 40:69A-163 both set forth restrictions imposed on City officers and employees "elected or appointed" and forbid them from having any interest in municipal contract work.

I am a duly authorized officer of _____, *(Contractor/Redeveloper)* and I hereby certify that I am aware of all facts and circumstances surrounding the sale of _____ (property address, block and lot) and/or the development agreement for this property between the City of Newark and _____ *(Contractor/Redeveloper)*. I further certify that no City Officer or employee has an interest in this land sale agreement and/or development agreement, or in compensation for work done, or materials or supplies furnished to the City, or in _____ *(Contractor/Redeveloper)*, or other person furnishing the same to the City, nor shall said City Officer or employee participate in any profits with _____ *(Contractor/Redeveloper)* or other person, or receive any compensation, commission, gift or other reward for his/her services, except the salary or fees established by law or by ordinance or resolution of the Council, in violation of the City of Newark Code Section 2:4-12 and N.J.S.A. 40:69A-163.

I do hereby certify that I am a duly authorized officer of _____, *(Contractor/Redeveloper)* and that I am authorized to certify on its behalf. I further certify that I have read or caused to be read City of Newark Code Section 2:4-12 and N.J.S.A. 40:69A-163, and that I am knowledgeable of the laws and regulations contained therein, and that, this land sale agreement is in compliance with the all of the provisions of City of Newark Code Section 2:4-12 and N.J.S.A. 40:69A-163, as amended.

I understand that the City Municipal Council will rely on this certification to review and authorize the sale of _____ (property address, block and lot) between the City of Newark and _____ *(Contractor/Redeveloper)*.

_____ *(Contractor/Redeveloper)*

By: _____
(Name & Title)

Date: _____, 2009

STOCKHOLDER DISCLOSURE CERTIFICATE
(For-Profits Only)

Pursuant to the laws of the State of New Jersey as set forth in laws of 1977, Chapter 33, the undersigned does herewith certify to the City of Newark that the following is a statement with names and addresses of all stockholders, partner, member or owner ("Owner") in the corporation, partnership, limited liability company or other business entity ("Entity") who own a 10% or greater interest therein, as the case may be. If one or more such Owner is in itself an Entity, the Owner holding 10% or more or greater interest in that Entity, as the case may be, shall also be listed. The disclosure shall be continued until names and addresses of every Owner exceeding the 10% ownership criteria established above, have been listed.

NAME

HOME ADDRESS

(Attach another sheet if necessary)

IN WITNESS WHEREOF, the undersigned has caused this Certificate to be executed this _____ day of _____ 20____ Sworn and Subscribed before me this _____ day of _____ 20_____.

(Notary Public)

Affiant
(Authorized Agent of Corporation)

Print name and title of affiant



POLITICAL CONTRIBUTION DISCLOSURE FORM

Business entities (contractors) receiving contracts from the City of Newark that are NOT publicly bid (known as No-Bid Contracts) are subject to the Newark Executive Order on Pay-to-Play Reform (MEO-07-0001). The Executive Order provides that prior to the award of such a contract, the contractor shall disclose contributions to:

- any Essex County, or City of Newark committee of a political party
- any continuing political committee (a.k.a., political action committee)
- any candidate committee of a candidate for, or holder of, an elective office:
 - of the City of Newark
 - of Essex
 - of any other public entity within Essex County

The disclosure must list reportable contributions to any of the committees that exceed \$300 per year that were made during the 12 months prior to award of the contract. See MEO-07-0001 for more details on reportable contributions.

Executive Order MEO-07-0001 itemizes the parties from whom contributions must be disclosed when a business entity is not a natural person. This includes the following:

- individuals with an “interest” ownership or control of more than 10% of the profits or assets of a business entity or 10% of the stock in the case of a business entity that is a corporation for profit
- all principals, partners, or officers of the business entity or their spouses
- any subsidiaries directly or indirectly controlled by the business entity
- IRS Code Section 527 New Jersey based organizations, directly or indirectly controlled by the business entity and filing as continuing political committees, (PACs).

It is the contractor’s responsibility to identify the specific committees to which contributions may have been made and need to be disclosed. The disclosed information may exceed the minimum requirement.

The enclosed form, a content-consistent facsimile, or an electronic data file containing the required details (along with a signed cover sheet) may be used as the contractor’s submission and is disclosable to the public under the Open Public Records Act.



POLITICAL CONTRIBUTION DISCLOSURE FORM

Required Pursuant To Newark Executive Order MEO-07-0001

This form or its permitted facsimile must be submitted no later than
10 days prior to the award of the contract.

Part I - Vendor Information

Vendor Name:			
Address:			
City:		State:	Zip:

The undersigned being authorized to certify, hereby certifies that the submission provided herein represents compliance with the provisions of Newark Executive Order MEO-07-0001 and as represented by the Instructions accompanying this form.

Signature	Printed Name	Title

Part II - Contribution Disclosure

Disclosure requirement: Pursuant to Newark Executive Order MEO-07-0001 this disclosure must include all reportable political contributions (more than \$300 per year per candidate or committee, not to exceed \$3,000 annually) over the 12 months prior to contract award. From the date of contract award, and for the duration of the contract, the Business Entity (including its owners, officers and partners) may not solicit a contribution nor make a contribution to any applicable candidates or committees.

Check here if disclosure is provided in electronic form.

Contributor Name	Recipient Name	Date	Dollar Amount
			\$

Check here if the information is continued on subsequent page(s)

C. 271 POLITICAL CONTRIBUTION DISCLOSURE FORM

Contractor Instructions

Business entities (contractors) receiving contracts from a public agency that are NOT awarded pursuant to a “fair and open” process (defined at N.J.S.A. 19:44A-20.7) are subject to the provisions of P.L. 2005, c. 271, s.2 (N.J.S.A. 19:44A-20.26). This law provides that 10 days prior to the award of such a contract, the contractor shall disclose contributions to:

- any State, county, or municipal committee of a political party
- any legislative leadership committee*
- any continuing political committee (a.k.a., political action committee)
- any candidate committee of a candidate for, or holder of, an elective office:
 - o of the public entity awarding the contract
 - o of that county in which that public entity is located
 - o of another public entity within that county
 - o or of a legislative district in which that public entity is located or, when the public entity is a county, of any legislative district which includes all or part of the county

The disclosure must list reportable contributions to any of the committees that exceed \$300 per election cycle that were made during the 12 months prior to award of the contract. See N.J.S.A. 19:44A-8 and 19:44A-16 for more details on reportable contributions.

N.J.S.A. 19:44A-20.26 itemizes the parties from whom contributions must be disclosed when a business entity is not a natural person. This includes the following:

- individuals with an “interest” ownership or control of more than 10% of the profits or assets of a business entity or 10% of the stock in the case of a business entity that is a corporation for profit
- all principals, partners, officers, or directors of the business entity or their spouses
- any subsidiaries directly or indirectly controlled by the business entity
- IRS Code Section 527 New Jersey based organizations, directly or indirectly controlled by the business entity and filing as continuing political committees, (PACs).

When the business entity is a natural person, “a contribution by that person’s spouse or child, residing therewith, shall be deemed to be a contribution by the business entity.” [N.J.S.A. 19:44A-20.26(b)] The contributor must be listed on the disclosure.

Any business entity that fails to comply with the disclosure provisions shall be subject to a fine imposed by ELEC in an amount to be determined by the Commission which may be based upon the amount that the business entity failed to report.

The enclosed list of agencies is provided to assist the contractor in identifying those public agencies whose elected official and/or candidate campaign committees are affected by the disclosure requirement. It is the contractor’s responsibility to identify the specific committees to which contributions may have been made and need to be disclosed. The disclosed information may exceed the minimum requirement.

The enclosed form, a content-consistent facsimile, or an electronic data file containing the required details (along with a signed cover sheet) may be used as the contractor’s submission and is disclosable to the public under the Open Public Records Act.

The contractor must also complete the attached Stockholder Disclosure Certification. This will assist the agency in meeting its obligations under the law. **NOTE: This section does not apply to Board of Education contracts.**

* N.J.S.A. 19:44A-3(s): “The term “legislative leadership committee” means a committee established, authorized to be established, or designated by the President of the Senate, the Minority Leader of the Senate, the Speaker of the General Assembly or the Minority Leader of the General Assembly pursuant to section 16 of P.L. 1993, c.65 (C. 19:44A-10. 1) for the purpose of receiving contributions and making expenditures.”

APPLICATION PART II

FORMS E, F and G

The following forms are not required at time of submission of application. The City will solicit the following information only from applicants that are selected and are to be recommended for sale.

FORM E: Development Pro Forma – Please Complete if not an Owner Occupied Development

	Year 0	Year 1	Year 2	Year 3	Year 4	Year 5
<i>Revenue</i>						
Residential Rent						
Commercial Rent						
Parking Income						
Condominium Sale Income						
Other Revenue (specify):						
Total Gross Revenue						
<i>Deductions from Revenue</i>						
Vacancy Losses						
Collection Losses						
Other Deductions (specify):						
Total Effective Revenue						
<i>Expenses</i>						
Real Property Taxes						
Insurance						
Payroll and Fringe Benefits						
Repairs and Maintenance						
Management Fees						
Professional/Legal Fees						
Heat/Fuel						
Gas/Electric						
Water/Sewer						
Security						
Capital Reserves						
Other Mgmt Costs (specify):						
Other Expenses (specify):						
Total Expenses						
Net Operating Income						
<i>Debt Service</i>						
First Mortgage (Lender: _____)						
Second Mortgage (Lender: _____)						
Other Debt Service (Lender: _____)						
Total Debt Service						
CASH FLOW						

- Once selected for sale, please submit any updates to Sources and Uses and Budget.
- Please submit Letters of financial commitments from lenders.
- Other information, as requested by the City, to clarify and verify project feasibility

FORM F: Financial Asset Form (Individual Buyers)

THIS INFORMATION IS PRESENTED WITH THE UNDERSTANDING THAT IT MAY BE USED AS A BASIS FOR THE ACCEPTANCE OF A CONTRACT BY THE SELLER AND FURTHER AUTHORIZES THE SELLER TO OBTAIN VERIFICATION FROM ANY SOURCE IDENTIFIED BY THE CITY OF NEWARK

Purchaser (Full Name) _____ Birthdate _____ Social Security Number _____
 Residence Phone () _____ Business Phone () _____
 Present Address _____ How Long? _____
 Years at Present Address ____ () Owns \$ _____ PITI or () Rent \$ ____/month
 Previous Address _____ How Long? _____

Married? Yes () No () Unmarried [circle one of the following:] (single, divorced, widowed, separated)
 Number of Dependents ____ Ages _____
 Occupation (Position & Type of Business) _____
 Place of Employment (Name and Address) _____ Number of Years ____
 Previous Employer (Name and Address) _____ Number of Years ____
 (Show all employment for at least 24 months. Use reverse if needed)

Co-Purchaser (Full Name) _____ Birthdate _____ Social Security Number _____
 Married? Yes () No () Unmarried [circle one of the following:] (single, divorced, widowed, separated)
 Number of Dependents ____ Ages _____
 Occupation (Position & Type of Business) _____
 Place of Employment (Name and Address) _____ Number of Years ____
 Previous Employer (Name and Address) _____ Number of Years ____
 (Show all employment for at least 24 months. Use reverse if needed)

ASSETS

GROSS ANNUAL INCOME			ASSETS	Bank Names
	PURCHASER	CO-PURCHASER		
Base Salary	\$ _____	\$ _____	Checking	\$ _____
Overtime	\$ _____	\$ _____	Savings	\$ _____
Bonuses	\$ _____	\$ _____	Credit Union	\$ _____
Commissions	\$ _____	\$ _____	Stocks	\$ _____
Dividends	\$ _____	\$ _____	Life Insurance	\$ _____
Net Rental Income	\$ _____	\$ _____	Other Assets	\$ _____
Other*	\$ _____	\$ _____	(Specify Below)	
* Alimony, child support or separate maintenance income need not be revealed unless you choose to have it considered as a basis for qualifying for mortgage financing.			_____	

Do you intend to occupy this property as your permanent residence? () Yes () No			Present Residence (if owned) Mkt Value \$ _____ Mtg. Bal. \$ _____ Lender _____	

LIABILITIES (List outstanding obligations, including auto loans, mortgage payments, credit cards, charge accounts, credit union loans, personal loans and all other debts – use reverse side if necessary.)

CREDITOR'S NAME	MONTHLY PAYMENT	UNPAID BALANCE	DATE DUE
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____
TOTALS			\$ _____

Alimony \$ _____ Child Support \$ _____ Child Care \$ _____

FORM G: Financial Asset Form (Business Entities)

THIS INFORMATION IS PRESENTED WITH THE UNDERSTANDING THAT IT MAY BE USED AS A BASIS FOR THE ACCENTANCE OF A CONTRACT BY THE SELLER AND FURTHER AUTHORIZES THE SELLER TO OBTAIN VERIFICATION FROM ANY SOURCE IDENTIFIED BY THE CITY OF NEWARK

Business Entity Name _____ Telephone Number () _____

Business Entity Address _____

Date of Incorporation, Formation or Licensure _____

EIN# _____

Is the Business Entity in Good Standing? () Yes () No

If not in Good Standing, please explain. _____

List all entity principals and/or business partners (and social security numbers of the same)

BUSINESS ASSETS

GROSS ANNUAL INCOME PURCHASER CO-PURCHASER	ASSETS Bank Names
Net Revenues \$ _____ \$ _____	Checking \$ _____ _____
Contributions/Gifts \$ _____ \$ _____	Savings \$ _____ _____
Dividends \$ _____ \$ _____	Credit Union \$ _____ _____
Net Rental Income \$ _____ \$ _____	Stocks \$ _____ _____
Other \$ _____ \$ _____	Life Insurance \$ _____ _____
	Other Assets \$ _____ _____
	(Specify Below)
Do you intend to occupy this property as your permanent business residence? () Yes () No	_____

	Present Business Residence (if owned)
	Mkt Value \$ _____ Mtg. Bal. \$ _____
	Lender _____

LIABILITIES (List outstanding obligations, including auto loans, mortgage payments, credit cards, charge accounts, credit union loans, personal loans and all other debts – use reverse side if necessary.)

CREDITOR'S NAME	MONTHLY PAYMENT	UNPAID BALANCE	DATE DUE
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____
TOTALS	\$ _____	\$ _____	\$ _____

Alimony \$ _____ Child Support \$ _____ Child Care \$ _____

Appendix I
Income Limits, Rent Limits and Workforce Housing Maximum Sales Prices

Income Limit	1 Person	2 Person	3 Person	4 Person	5 Person
Extremely Low (30% AMI)	17,700	20,250	22,750	25,300	27,300
Very Low (50% AMI)	29,550	33,750	38,000	42,200	45,600
Low Income (80% AMI)	41,700	47,700	53,650	59,600	64,350
Workforce (120% AMI)	70,920	81,000	91,200	101,280	109,440

2007 Newark, NJ HUD Metro Area Income Limits

	One Bedroom	Two Bedroom	Three Bedroom	Four Bedroom	Five Bedroom
30% AMI	474	568	657	733	809
50% AMI	791	950	1097	1223	1350
65% AMI	1009	1212	1392	1534	1673

2007 Monthly Gross Rent Limits

	Single Family/Condo	Two Family	Three Family
80% AMI	191,896	222,994	254,170
100% AMI	275,323	306,500	337,676
120% AMI	332,169	363,267	394,444

Sales Price Limits

* Sales prices are based on 3 bedroom units. Two and three family sales prices assume rental units are 3 bedrooms.

Appendix II

General Design Guidelines

1. Unless otherwise indicated, all properties sold through the rolling sale and Request for Proposals processes are subject to site plan review and approval by the Newark Central Planning Board.
2. All projects shall be reviewed by Newark planning staff and shall be subject to comments regarding design.
3. All new construction shall comply with the provisions of the Newark Master Plan and the Newark Ward Redevelopment Plan as well as the provisions in this rolling sale or Request for Proposals.
4. Project shall meet the Mandatory Minimum Design and Construction Standards for Home Construction, dated March 2005 (and as may be revised from time to time and subject to Division of Planning and Community Development staff review.)
5. All new construction projects shall reference and comply with the proposed “Transforming the Bayonne Box into a New House for Newark: Infill Housing Design Standards.” These standards shall become amendments to the Newark Zoning Ordinance and the Newark Ward Redevelopment Plans.
6. Landscaping with urban resistant species must be provided for all properties. Street trees must be planted at intervals of 30-40 feet depending on the species planted. Ornamental tree species that do not reach more than 30 feet in height at maturity shall not be used in tree pits.
7. Additional Standards:
 - a. All commercial structures and mixed use structures with ground floor retail shall have a zero lot line setback and shall not have front yard parking.
 - b. All rehabilitation shall be sensitive to the original architecture of the structure. For properties to be rehabilitated, the percentage of window glazing should not be reduced.
 - c. For all retail structures, the façade shall be 70% clear glazing at the street facing first floor façade.
 - d. For all retail structures, 70% of a proposed security gates shall be transparent open mesh.
8. The City reserves the right to impose additional design guidelines. Such guidelines will be provided to potential purchasers of City-owned land as soon as is practicable.

Appendix III

Minority or Women Owned Business Enterprise (“MWBE”) Guidelines

Businesses that are certified as a Minority or Woman-Owned Business Enterprise by one of the below-identified governmental agencies will be considered an MWBE for the purpose of the City of Newark’s land disposition policy:

- New Jersey Transit
- New Jersey Department of Transportation
- New Jersey Department of Commerce
- New Jersey Department of Economic Development
- Port Authority of New York and New Jersey

Appendix IV

Storm Drainage Requirements

All developers must comply with the storm drainage requirements, as outlined in the Code of the City of Newark. The Code states,

- a. No land area shall be developed by any applicant such that:
 - 1. The volume and rate of storm water runoff occurring from the property is increased over the volume and rate which occurs under existing predevelopment conditions.
In those cases where the existing structures, buildings, and/or pavements is/are removed or razed, the existing conditions shall be considered “unimproved,” for the purposes of this chapter.
 - 2. The drainage of the adjacent properties is not adversely affected.
 - 3. The existing drainage pattern of ditches, channels, and streams is not altered, nor their carrying capacities exceeded.
 - 4. Storm water runoff from impervious areas such as parking lots, driveways, or loading zones, flows over or across sidewalks, or out of driveways, however, special attention may be given to those sites by the Director of Engineering, where topographic conditions make compliance in this regard exceedingly difficult.
- b. In order to accomplish the above objectives, the design of storm water drainage and storm water storage facilities may include: roof-top storage, oversized sewers with restricted outlet pipes, underground storage tanks, surface detention basins, French drains, planted swale areas, bermed areas, or where acceptable soil and ground water conditions exist, recharge basins, dry wells, porous pavement, or any other innovative techniques, or combination of the above as approved by the Director of Engineering.
- c. Design of Storm Water Storage Facilities
 - 1. On-tract storm water facilities shall be designed to contain the amount of storm water runoff, which is equal to the maximum difference in runoff between existing conditions and post development conditions.
 - 2. Either the rational method or the soil conservation service method as outlined in the Soil Conservation Service National Engineering Handbook, Section 4, Hydrology, shall be used for computing the volume and rate of runoff from existing and post development conditions.
 - 3. The amount of runoff shall be compiled using a design storm with a ten (10) year return frequency for Essex County. (See graph on file in Office of City Clerk). The minimum initial time of concentration shall be ten (10) minutes.
 - 4. For computation with the rational method, published runoff co-efficients which reflect land use and topography shall be used. Acceptable runoff co-efficients currently in practice include, but are not limited to, the following:

LAND USE TYPE	RUNOFF CO-EFFICIENTS
Business:	
Central Business District	0.70 to 0.95
Neighborhood areas	0.50 to 0.70

Residential:	
Single-family areas	0.30 to 0.50
Multi-units, detached	0.40 to 0.60
Multi-units, attached	0.60 to 0.75
Apartment dwelling areas	0.50 to 0.70
Industrial:	
Light areas	0.50 to 0.80
Heavy areas	0.60 to 0.90
Parks, Cemeteries	0.10 to 0.25
Playgrounds	0.20 to 0.35
Railroad Yard Areas	0.20 to 0.40
Unimproved Areas	0.10 to 0.30
 SURFACE TYPE	
Streets:	
Asphaltic	0.70 to 0.95
Concrete	0.80 to 0.95
Brick	0.75 to 0.85
Drives and Walks	0.75 to 0.85
Roofs	0.75 to 0.85
Lawns; Sandy Soil:	
Flat, 2%	0.05 to 0.10
Average, 2 to 7%	0.10 to 0.15
Steep, 7%	0.15 to 0.20
Lawns; Heavy Soil:	
Flat, 2%	0.13 to 0.17
Average, 2 to 7%	0.18 to 0.22
Steep, 7%	0.25 to 0.35

5. A minimum acceptable outlet pipe from all storage facilities shall be eight (8) inches internal diameter, and be of material and class as approved by Title VII, the State Uniform Construction Code as adopted by the City. [7:1-1 et seq.]

6. In the case of detention facilities utilizing porous media for ground absorption, such as dry-wells, porous pavement, or the like, the volume of porous media shall be large enough to contain the total volume of rainfall excess, as required under paragraph c., 1. Of this section, within the voids. Ground absorption systems shall be used only where the infiltration rate of the receiving soil is acceptable as determined by percolation tests and performed under the guidelines and standards of N.J.A.C. 7:9 et seq. [State Department of Environmental Protection], and soil borings, or as determined by the Director of Engineering. Provisions shall be made to contain overflow of such systems onsite or to surface drain the overflow in such a way as not to adversely affect any other property.

7. If detention facilities utilizing surface impoundment, such as detention basins or rooftop storage, are used, sufficient volume to fully contain the total volume of rainfall excess shall be provided. The outlets of such facilities shall be designed to limit the maximum discharge rate of storm water runoff to what occurs at the site under existing conditions and shall discharge in such a way as not to adversely affect any other property. If rooftop storage is proposed, the weight of the impounded water on the roof shall be accounted for in the structural design of the building and the roof shall be designed to provide maximum protection against leakage. If earth berms or dikes are used to create the impounding area, they shall be adequately stabilized and the slopes protected with vegetative cover, paving, or riprap to protect against failure or breaching.

8. If a combination of different storm water detention techniques are used, the combined volume of the systems shall be large enough to fully contain the total volume of rainfall excess.

9. Storm water detention facilities shall be maintained regularly by the owner to insure continual functioning of the systems at design capacity and to prevent the health hazards associated with debris buildup and stagnant water. In no case shall water be allowed to remain in any facility long enough to constitute a mosquito breeding, disease or any other type of health problem.

10. Storm water conduits shall be designed with full flow velocities ranging from a minimum of two and one-half (2.5) feet per second to a maximum of ten (10) feet per second.

11. All drainage and storage facilities shall be constructed to meet the requirements of the Director of Engineering.

12. All storm water conduits must be connected to storm sewers where available, but in no case will storm water conduits be connected to sanitary sewers. In the event that the municipal system is surcharged even after storage facilities are designed, the Director of Engineering shall direct the point of connection or require such changes as are necessary.

Please see the Code of the City of Newark, 38:10-46, for an up-to-date version of the Storm Drainage guidelines, as this may not reflect changes made since August 2007.