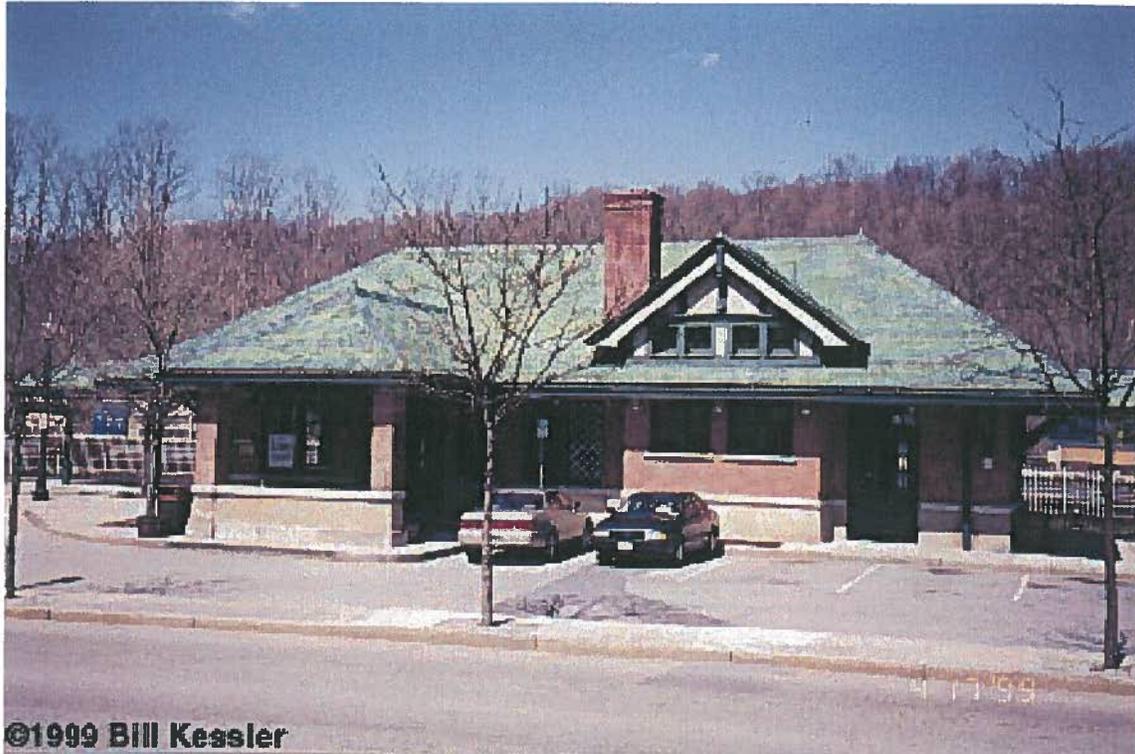


**PARCEL INFORMATION
REQUEST FOR PROPOSALS
COMMERCIAL SPACE AT THE BEDFORD HILLS TRAIN STATION
ISSUED: AUGUST 15, 2014**



East Side of Building

DEADLINE:

PROPOSALS MUST BE SUBMITTED NO LATER THAN SEPTEMBER 17, 2014

SCHEDULE FOR MANDATORY INSPECTION OF BEDFORD HILLS PROPERTY:

LOCATION

DATE & TIME

BEDFORD HILLS TRAIN STATION

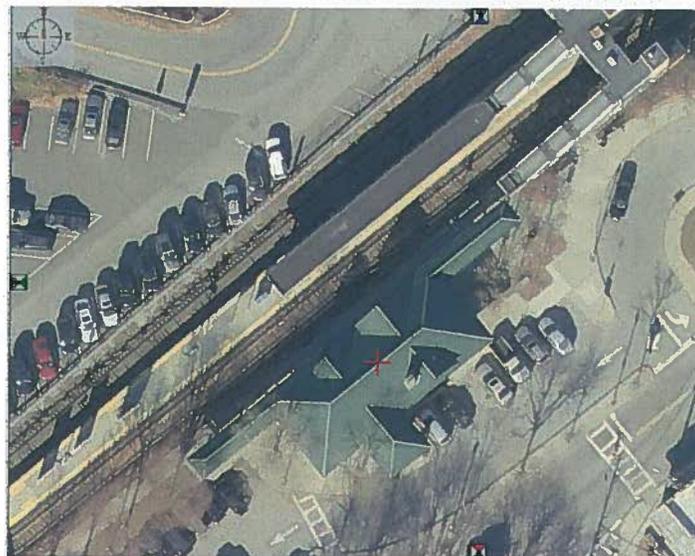
August 26, 2014 between 10:00 AM – 12:00 PM

TOWN OF BEDFORD
BEDFORD HILLS – TRAIN STATION REQUEST FOR PROPOSALS
AVAILABLE COMMERCIAL PROPERTY FOR LEASE
BEDFORD HILLS STATION BUILDING
HARLEM LINE, WESTCHESTER COUNTY



Old postcard view of East Side of Building as originally built in 1906

TOWN OF BEDFORD
BEDFORD HILLS – TRAIN STATION REQUEST FOR PROPOSALS
AVAILABLE COMMERCIAL PROPERTY FOR LEASE
BEDFORD HILLS STATION BUILDING
AERIAL VIEWS



TOWN OF BEDFORD



REQUEST FOR PROPOSALS

NOTICE

Sealed proposals to sublease from the Town of Bedford (the “Town”) for commercial purposes the Bedford Hills Railroad Station will be received by the Town Board of the Town at the office of the Town Clerk, Town House, 321 Bedford Road, Bedford Hills, New York until 11:00 AM on September 17, 2014. Immediately thereafter, proposals received will be publicly opened and the identities of the persons submitting proposals will be noted for the record.

Request for Proposals Documents (“RFP Documents”), including this Request for Proposals (“RFP”), 1905 floor plans of the original construction of the Bedford Station Building, 1993 floor plans of the restoration and alteration of the Bedford Station Building, 2014 ground and basement floor plans, Tenant Information Sheet (“Exhibit F”) and insurance requirements (“Exhibit G”), may be obtained at the office of the Town Clerk on or after August 15, 2014 or on the Town’s web site at www.bedfordny.gov. On or after August 15, 2014, a template sublease will also be available at the office of the Town Clerk upon request; however, it should be noted that sublease language may vary depending upon the sublessee’s proposed commercial purpose. A mandatory site inspection of the building is scheduled for August 26, 2014 at 10:00 AM.

Proposals shall be enclosed in a sealed envelope bearing the name and address of the person or persons submitting proposal addressed to the Town of Bedford, Town House, 321 Bedford Road, Bedford Hills, New York 10507 and marked “Train Station, Bedford Hills, New York,” and may be delivered by hand, overnight courier or U.S. Postal Service. It is the responsibility of any person submitting a proposal to ensure that the proposal is received by the Town Clerk no later than 11:00 AM on September 17, 2014. Proposals received after such time and date will not be considered. The Town reserves the right to reject any and all proposals, to waive any formality and to award the sublease to other than the highest proposed lease amount if the Town Board deems it in the best interests of the Town and the hamlet of Bedford Hills.

TOWN OF BEDFORD
REQUEST FOR PROPOSALS

SUBLEASE OF THE BEDFORD HILLS RAILROAD STATION

1. Objectives of the Town

The Town is seeking a qualified person or persons to enter into a ten (10) year sublease (the “Sublease”) from the Town to occupy and utilize the Bedford Hills railroad station building and adjoining premises (the “Premises”). The Town presently leases the Premises from Metropolitan Transportation Authority (“MTA”) under a lease which expires in May 2015. The MTA has indicated its interest in entering into a long term renewal lease with the Town of 25 years or more. The Town is negotiating in good faith with the MTA; however, there is no assurance that the Town will be successful in its negotiations. In addition, the Town has no control over the MTA’s approval process or the time required. The Town is seeking proposals for a use which will (a) benefit the hamlet of Bedford Hills and add to its vitality while (b) maintaining the use of the station building as a passenger station serving and benefitting Metro-North Railroad commuters and customers. The hamlet serves as a key location within the Town and contains the largest number of commuter parking spaces.

2. Background Information

The Bedford Hills railroad station building was constructed in 1906 when the hamlet was still known as Bedford Station. The building serves as a passenger station for Metro-North Railroad patrons. Westchester County's Bee-Line Bus Route #19 also provides local service between Ossining, Mount Kisco and Katonah, with a stop at the Bedford Hills railroad station (at Adams Street and Babbitt Road).

The hamlet of Bedford Hills consists of two (2) main business areas, one (1) surrounding the Station Plaza and the other near the Town House where Cherry Street intersects with Bedford Road (Route 117). Bedford Hills offers consumers a variety of retail shops, personal and professional service providers and specialty shops. Industrial and outlying areas of the hamlet provide comparison goods and services for residents and businesses. Important community facilities and services are also located in the hamlet, including the post office, Town House and Police Department, the Bedford Hills Community House and the Bedford Hills Free Library. The availability of a mix of stores and services, especially specialty or niche businesses, is important to encourage hamlet vitality and to meet the convenience shopping needs of residents, rail commuters and local businesses.

The Town significantly restored the Bedford Hills railroad station building in 1996, including restoration of the waiting room with added restrooms, upgrading the electrical service, replacing the furnace and replacing the roof. A floor plan created at the time of this work is included in the RFP Documents.

In addition, the Town’s Capital Plan includes approximately \$85,000 for capital repairs and improvements. There is a possibility, depending upon the outcome of lease negotiations with the MTA, that the Town may increase its budget for improvements.

The Town's entry into the lease with the MTA and the Sublease is subject to a permissive referendum, which means that if the requisite petition requirements are met by those who may object to the terms of either lease, a vote of the registered voters of the Town will be required to approve such leases.

3. Premises to be Subleased

The existing floor layout of the station building (the "Station Building") is comprised of two separate sections, one at the south end of the building consisting of approximately 1,027 square feet which includes a small bathroom (the "Main Section") and the second at the north end of the building consisting of approximately 424 square feet (the "Waiting Room Section"). Each section has separate entrances and the sections presently are not joined. The Main Section and the Waiting Room Section share a gas-fired hot air system and air conditioning operated by two (2) separate thermostats. In addition, there is a basement area of approximately 370 square feet, which is not heated or air conditioned.

The Waiting Room Section includes the existing commuter waiting room, two (2) bathrooms (one [1] handicapped) and a smaller space that was the original ticket room. This section has separate entrances on the east and west sides of the building. Heating and cooling of this space is controlled by a separate thermostat.

The Premises also includes certain areas outside the Station Building (the "Exterior Areas"), including a plaza area to the north (the "Plaza"), an area to the west between the building and the railroad tracks, an area to the east between the building and a parking area, which includes a porte-cochère, and an area to the south between the building and a parking lot. The Premises also includes the exclusive rights to parking of two (2) passenger vehicles at two (2) signed, designated parking spaces directly south of the building.

4. The Proposal

- A. Proposal Business Plan** The proposal must provide a complete narrative description of the intended use (e.g., food, coffee shop, office, bank, dress store, flower shop), including a detailed business plan for operations for the term of the Sublease and explaining how the proposed operations will benefit the hamlet of Bedford Hills, add to its vitality and benefit Metro-North Railroad commuters. This narrative description must provide the manner in which all sections of the Premises are to be used, the anticipated hours of operation and clientele/customers, and it must explain how the use and operation may attract and serve Metro-North Railroad patrons, as is customary for a passenger station. The description should demonstrate financial capability to undertake the necessary renovations and operate the proposed business. This narrative description must be appended to the completed sheets ("Proposal Addendum Sheets") following the body of this RFP. The person or persons submitting proposals must also complete Exhibit F's Tenant Information Sheet and/or attach any information that would be useful in explaining the proposed intended use, including, but not limited to, any pictures of existing locations or like concepts, addresses of any existing locations, a description of prior retail experience and prototypical plans that would be useful in explaining the proposed intended use.
- B. Improvements** In addition to at a minimum meeting the terms of the Sublease described below, the proposal, in the narrative description mentioned above, must include

a plan for interior improvements to the Station Building, Waiting Room and the Plaza, including any plantings, benches, tables and beautification plans. The Town will provide architectural services for any improvements of the lease space, at the tenant's expense. Any work must be approved by the Town and the MTA and must comply with any and all federal, state and local laws, rules and regulations as they may be enacted or amended from time to time, including, but not limited to:

- i. State and local plumbing, electrical and building codes
 - ii. New York's State Historic Preservation Office ("SHPO") requirements
 - iii. ADA requirements
 - iv. Westchester County Board of Health ("Health Department") requirements
 - v. Town approval of signage
- C. Use of Premises** If any food use is proposed, the use will require full building code and Health Department compliance regarding all aspects of any improvements including plumbing, fire suppression electrical work and venting. It should also be noted that any project with large water needs such as a restaurant would have to coordinate with the Town to prevent harm to the underlying aquifer. The availability of Wi-Fi on a 24/7 basis is encouraged.
- D. Additional Proposal Requirements** The proposal must include the narrative description mentioned above and completed Proposal Addendum Sheets following the body of this RFP.

5. The Sublease

- A. Operation** The proposal must include a detailed business plan for the term of the Sublease and provide a schedule of operations for the proposed use. Hours of operation for proposed commercial purpose(s) should be from approximately 5:00 AM through 8:00 PM weekdays and approximately 9:00 AM through 3:00 PM weekends, excluding national holidays.
- B. Requirements for Waiting Room Section** The schedule of operations must demonstrate that the Waiting Room Section, including the restrooms, will be open to Metro-North Railroad passengers from at least 5:00 AM through 8:00 PM weekdays and from at least 9:00 AM through 3:00 PM weekends and national holidays. Proposals that provide longer hours are encouraged.
- C. Sublease Terms.**
- i. Triple Net Lease The Sublease will be a "triple net" sublease, which means it will be a sublease "in which the [sub]lessee pays all the expenses, including mortgage interest and amortization, leaving the [sub]lessor with an amount free of all claims."¹ This triple net sublease will be for a term of ten (10) years with the potential for a five (5) year renewal, terms at the sole discretion of the Town. Under current law, property owned by MTA is exempt from real estate taxes. Any person or persons interested in submitting a proposal should take into account that under the terms of the lease, the tenant will have no liability for real estate tax payments, or tax escalation payments. The MTA will not require the tenant to make a payment in lieu of taxation. Should the laws change and the property becomes taxable in the future, the tenant will not be required to pay such real estate taxes. The rent offer contained in the proposal should take this into account (i.e. the proposed rent should be higher than a comparable property where tenant is required to pay base real estate taxes and escalations).

¹ Net-Net-Net Lease Definition, *Black's Law Dictionary* (9th ed. 2009), available at WestlawNext.

- ii. Maintenance The tenant under the Sublease (the “Operator”) will be responsible for maintaining in clean condition and in good repair and order (including, without limitation, all heating, electrical, plumbing, air conditioning systems) the interior of the Premises and certain Exterior Areas.
- iii. Insurance. The Operator must provide insurance as required in Exhibit G of the RFP Documents. The policy shall name the Town of Bedford as an additional named insured on a primary and non contributory basis. The Town may require higher limits for any renewal period.
- iv. “As Is” The Premises will be leased in its present “as is” condition.

6. Selection Criteria

The Town Board will base its review and evaluation of proposals received and selection of the Operator based on the following criteria:

- A. The proposed use of Premises as it may benefit the hamlet of Bedford Hills and Metro-North Railroad commuters and add to the hamlet’s vitality
- B. Lease payments to the Town
- C. Experience of the tenant with similar projects
- D. Financial capability of the tenant
- E. Quality and completeness of the proposal
- F. Consideration of the patrons of MTA

7. Submittal Requirements

- A. Provide the proposal as outlined herein together with the completed Proposal Addendum Sheets.
- B. Provide documentation of the qualifications of the person or persons to enter into the Sublease.
- C. Provide resumes, qualifications or experience of the firm or individuals involved in the proposal, including references.
- D. Three full copies and supporting materials are to be submitted no later than 11:00 AM on September 17, 2014 to:

Lisbeth Fumagalli, Town Clerk
 Town House
 321 Bedford Road
 Bedford Hills, New York 10507

8. Submittal/Award Schedule

Availability of RFP and RFP Documents	August 15, 2014
Mandatory Inspection of Premises	10:00 AM – 12:00 PM, August 26, 2014
Proposals Due	11:00 AM, September 17, 2014
Possible Award by Town Board	October 3, 2014

If you have any questions, please contact Chris Burdick, Town Supervisor at (914) 666-6530.

Instructions: Any person(s) submitting a proposal in response to this RFP must complete these sheets:

PROPOSAL ADDENDUM SHEETS

Bedford Hills Railroad Station Sublease RFP

Name of person or persons submitting proposal:	
Address:	
Telephone:	
Cell number:	
Fax number:	
E-mail address:	

A. General Business Information. Indicate below whether the firm is a corporation, partnership, joint venture or sole proprietorship and provide information on the persons, directors or personnel involved. Attach additional information including resumes, etc. as necessary.

D. Proposed Lease Payment Schedule.

Year one. _____

Year two. _____

Year three. _____

Year four _____

Year five. _____

Year six. _____

Year seven. _____

Year eight. _____

Year nine. _____

Year ten. _____

Rent commencement date: _____

E. Anticipated Capital Investment in Dollars: \$ _____

F. Anticipated Project Timeline: The proposed business to be in full operation within _____ months of lease approval by the Town Board.

I hereby certify that the information submitted herewith, including any attachments, is true to the best of my knowledge and belief.

Name and title: _____

Signature: _____

Date: _____

Notary Public Signature: _____