SITE VISIT QUESTIONS & ANSWERS:

**Question #1:** Is there a discussion for broadening the window for applying (extending the proposal due date)?

**Answer:** The State may consider requests for extending the deadline. Official requests should be sent via e-mail to the designated contact person alfred.hasenkopf@dot.ny.gov.

**Question #2:** Is it envisioned that the State will keep the same management structure at the Airport?

**Answer:** The RFP provides an opportunity for respondents to recommend how management of the Airport should be structured; however, there will be a State representative to interface with the selected Contractor for the duration of the contract period.

**INFRASTRUCTURE:**

**Question #3:** Do the runways have a Pavement Condition Index?

**Answer:** No.

**Question #4:** Is the Engineered Materials Arresting System (EMAS) under warranty?

**Answer:** No.

**Question #5:** Is the Instrument Landing System (ILS) property of the FAA?

**Answer:** Yes.

**FINANCIAL**

**Question #6:** Will building relocations be paid by the State?

**Answer:** Cost associated with the 1/19 Runway Safety Area project, including relocation of the hangars, will be the responsibility of NYSDOT with support from the FAA.

**Question #7:** Is the RSA project funded?

**Answer:** Cost associated with the 1/19 Runway Safety Area project, including relocation of the hangars, will be the responsibility of NYSDOT with support from the FAA.
Question #8: What is the annual fuel flow at the Airport?
Answer: Below is the fuel flowage information for the last five years:
2014: Jet A – 5,121,027 gallons/100LL – 330,197 gallons
2013: Jet A – 4,863,241 gallons/100LL – 347,403 gallons
2012: Jet A – 4,889,928 gallons/100LL – 346,351 gallons
2010: Jet A – 5,070,074 gallons/100LL – 336,190 gallons

Question #9: What is the fuel flowage fee?
Answer: The fee is $0.07 per gallon of Jet A and $0.05 per gallon of 100LL.

OPERATIONAL

Question #10: What law enforcement covers the Airport?
Answer: Suffolk County Police Department is the first responder for the Airport. The New York State Police is a tenant at the Airport and will provide support as needed.

Question #11: Has the Airport considered giving up the 139 certificate?
Answer: This option was not contemplated as part of the RFP; however, respondents are encouraged to submit ideas regarding operation and development of the Airport.

Question #12: How are the international flights handled?
Answer: Customs services are provided by appointment. Customs officials currently process international arrivals on the ramp.

Question #13: The Town of Babylon is responsible for the zoning in this area. Will that affect the Airport properties?
Answer: Parcels identified in the RFP are owned by New York State and are not governed by local zoning regulations. Development of these parcels, however, will take into consideration comments submitted by local government entities and the public.

Question #14: How many security cameras are there?
Answer: NYSDOT will not release security-sensitive information.

Question #15: Why doesn’t the Airport have a master plan?
Answer: A master plan is not required by the FAA for this Airport.

Question #16: Is Airport a user-fee facility for Customs and Border Protection?
Answer: Republic is not a user-fee facility; however, the RFP provides opportunities for respondents to recommend options for this Airport.

Question #17: Are there zoning restrictions?
Answer: Parcels identified in the RFP are owned by New York State and are not governed by local zoning regulations. Development of these parcels, however, will take into consideration comments submitted by local government entities and the public.

Question #18: Does Seversky Road have to stay (where it is)?
Answer: Respondents may propose options for Seversky Road, provided sufficient and comparable access is maintained at all times for tenants, emergency personnel, law enforcement, visitors and Airport staff.
**Question #19:** Who is the DOT Regional Director?
*Answer:* Mr. Joseph Brown, P.E.

**Question #20:** How many DOT employees are at the Airport?
*Answer:* The Airport Director is the only State employee currently based at the Airport at this time.

**ENVIRONMENTAL**

**Question #21:** Will the Posillico Plant have to be removed as part of the RSA project?
*Answer:* No.

**Question #22:** Are there environmental issues with Parcel 3?

**Question #23:** Is there an easement for railroad to access Parcel 3 property?
*Answer:* No.

**Question #24:** Has there been an environmental study done for Parcel 6?
*Answer:* No.

**Question #25:** An environmental report for Parcel 3 was provided. Are there other environmental reports?
*Answer:* There are no other known environmental reports for this parcel.

**PARCELS**

**Question #26:** Will NYSDOT help negotiate access to Route 110 for Parcel 4?
*Answer:* Requests for access to Route 110 may be considered by NYSDOT through the Highway Work Permit Process. For additional details on this process, please visit: [https://www.dot.ny.gov/divisions/operating/oom/transportation-systems/traffic-operations-section/highway-permits](https://www.dot.ny.gov/divisions/operating/oom/transportation-systems/traffic-operations-section/highway-permits).

**Question #27:** What is the acreage of parcels 5 and 6?
*Answer:* Parcel 5 is approximately six acres (not surveyed). Parcel 6 is 4.42 acres (surveyed).

**Question #28:** Does Parcel 6 have to be developed as a restaurant? Can it be aeronautical use? Are there any restrictions?
*Answer:* There are no use restrictions for Parcel 6.

**Question #29:** What is the acreage of Parcel 3?
*Answer:* Parcel 3 is 12.5 acres (surveyed).

**Question #30:** Are there access rights (highway) for Parcel 1?
*Answer:* Parcel 1 does not currently have access rights. Requests for access to Route 110 may be considered by NYSDOT through the Highway Work Permit Process. For

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LEASES/TENANTS

Question #31: Are the hotels on Airport property?
Answer: Yes.

Question #32: What is the term of the lease on the hotels? What happens at the end of that term? When did term start?
Answer: The initial term for the hotel leases is 40 years. The term began on September 13, 2005 and expires on September 12, 2045. These leases can be extended for up to two 10-year periods. Upon termination of the lease, the property reverts to the State.

Question #33: Will they relocate the main SheltAir Hangar (as part of the Runway Safety Area (RSA) project)?
Answer: The RSA project does not envision this hangar being relocated.

Question #34: Is the area where Northeastern is going to build their hangar part of their leasehold?
Answer: Northeastern has not submitted plans to construct a hangar.

Question #35: What are the lengths of the leases?
Answer: The terms of each lease varies based upon when they were executed. Copies of available leases are contained in new RFP Attachment 24.

Question #36: Is the FAA tower contract? Do they pay rent?
Answer: The Air Traffic Control Tower at Republic is not a contract tower. Under the current agreement, FAA does not pay rent to NYSDOT.

Question #37: Can state provide copies of major ground leases and service agreements greater than 1 year and cancellation greater than 3 months?
Answer: Copies of available leases are contained in new RFP Attachment 24, which has been posted to the RFP website.

Question #38: Do non-aviation tenants pay payments in lieu of taxes (PILOT)?
Answer: Yes.

Question #39: Is there a sense of timing for the Talon Fixed Based Operator (FBO) implementation?
Answer: An implementation schedule has not been established. The formal approval is contingent upon meeting the minimum standards required for providing FBO services.

Question #40: Is SheltAir doing an expansion or relocation?
Answer: SheltAir has yet to submit development plans to NYSDOT.

Question #41: If Talon becomes an FBO will they have their own fuel farm?
Answer: To become an FBO, Talon will be required to provide fueling services. A fuel farm is currently under construction.

Question #42: Are the Atlantic T-Hangars occupied? And who owns them?
Answer: Yes. Atlantic Aviation owns them.

ADDITIONAL SITE VISIT QUESTIONS

Question #43: When was the last time the runways were resurfaced?
Answer: The runways were last resurfaced in the mid-1990s. Though they are in generally good condition, the current 5-year Airport Capital Improvement Plan includes projects to improve the runway markings, lighting, etc.

Question #44: Will Department issue a pavement condition survey for runways and taxiways?
Answer: The last condition survey was conducted in 2001 and is attached as Pavement Index 2001.pdf.

Question #45: What is the critical aircraft (also called Design Aircraft, is the largest aircraft that is intended to be accommodated by the airport and has more than 500 operations per year)?
Answer: The Airport’s design aircraft is the Gulfstream G-IV.

Question #46: How many planes take off from runway 1-19?
Answer: The Airport does not keep track of landings or takeoffs by runway, however it is estimated that Runway 1-19 is used slightly more than Runway 14-32, the split averaging 55-45. See RFP Attachment 17 for yearly operations counts.

Question #47: Did Stew Leonard’s get permission to build yet?
Answer: The plan for Stew Leonard’s is to use space in the adjacent privately owned Airport Plaza. Additional contact information can be found at http://www.townofbabylon.com/index.aspx?NID=128. For additional information regarding this development, please contact the Town of Babylon at:

Babylon Town Hall
200 East Sunrise Highway
Lindenhurst, NY 11757
Ph: (631) 957-3000

Question #48: When was the latest ALP approved?
Answer: The latest ALP was approved on November 10, 1989 and updated regularly as changes occur. The latest change was submitted to the FAA on March 31, 2015.

Question #49: Is there a zoning map?
Answer: The preferred uses for the parcels identified for development are listed in Attachment 19 of the RFP. For properties adjacent to the airport, but not owned by New York State, please contact the Town of Babylon (see answer to Question #47).

Question #50: How far is Parcel 4 from Route 110?
Answer: The bulk of the property is between 320 and 360 feet from Route 110, however, a narrow section extends to the edge of Route 110.
**Question #51:** What are the height restrictions on Parcel 3?
**Answer:** The height restrictions for parcels around the airport will be determined by the application of standards set by Title 14 CFR, Part 77 regulations (known as Part 77 surfaces) via an airspace analysis.

**Question #52:** What are the height restrictions for buildings?
**Answer:** There are no restrictions aside from the Part 77 surfaces. Heights for development around the airport vary by distance from the runway and would be part of an airspace analysis through a Notification of Proposed Construction or Alteration. Information on this topic can be found at: [http://www.faa.gov/airports/central/engineering/part77/](http://www.faa.gov/airports/central/engineering/part77/).

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**ADDITIONAL QUESTIONS & ANSWERS:**

**Question #53:** Can we request that the response date be postponed to a date later than May 4th? Is there flexibility in extending the May 4th submittal deadline? Can the May 4 due date be extended (we need additional time to reach out and work with other parties)?

**Answer:** See answer to Question #1.

**Question #54:** Will there be another opportunity to submit questions once the answers for the current set are published?

**Answer:** Only if a 2nd Q&A round is opened. Should there not be a 2nd Q&A round, NYSDOT may listen to questions submitted after release of the 1st round Q&A; however, NYSDOT is under no obligation to respond to questions submitted after the question submittal deadline or after the answers to all 1st round questions have been released.

**Question #55:** For the April 2nd site visit, can you tell me where to find the 2nd floor conference room? Is it where the FAA Flight Standards District Office (FISDO) is?

**Answer:** The 2nd Floor Conference Room is in the Terminal Building on the second floor, located across the hall from the FISDO. As you enter the terminal, take a right and go up the stairs. The conference room is the first door on the right at the top of the stairs.

**Question #56:** Will existing FBOs be allowed to bid on this procurement? If so; then how would the conflicts of an FBO as Contractor on one hand and as Airport Tenant on the other be resolved? Historically, a firm was excluded from participating in the procurement for Airport Operator for their affiliation with an FBO. Article 14 of the sample contract states, “The Contractor shall not function as a fixed based operator ("FBO") nor shall it engage in, whether directly or through related companies, any other aviation related enterprise at the Airport unless the Department determines such activity to be in the best interest of the State.” Can you please identify some circumstances where an FBO could be permitted to operate the Airport?

**Answer:** The RFP (Attachment 20, page 5) requires that respondents who currently operate an Airport within 200 miles of Republic Airport must include an
explanation of how the firm(s) can effectively provide the requested Airport operational and management and development and marketing services while avoiding a possible conflict or the appearance of a conflict of interest. FBOs at the Airport must find a way to address this conflict of interest issue. An FBO will be allowed to operate the Airport provided that the proposed conflict of interest solution is in the best interest of the State.

Question #57: What is the approval status of the two current Airport tenants that propose to become FBO’s?
Answer: See the answer to Question #39.

Question #58: During the contract period, the value of the contract may change especially during the economic development stage. It seems MWBE compliance could be a moving target, with expenses and revenues starting low in the beginning of the contract but increasing in the latter years of the contract. How will Contractor account for MWBE participation as the contract moves along and expenses and revenues change? How will NYSDOT in conjunction with ESD ensure that contractors maintain MWBE sufficiency during subsequent years? Are contractors expected to list all MWBE during the 40 years of the contract in their proposal?
Answer: For proposal submission requirements, firms are required to propose an approach with scope for operating the Airport while only proposing an approach for site development. For proposal preparation purposes, assume that the 30% combined MWBE goal is based on a flat annual operation cost of $3.5M per year over the contract’s 40-year life (further assume that MWBE goals only apply to non-federally-supported expenditure opportunities). Proposing firms have flexibility with this assumption yet are required to name all proposed MWBE firms associated with Airport operations and management. Firms may propose MWBEs in their business development approach, as well as present their process for working with NYSDOT and/or ESD to progress future opportunities with possible MWBE utilization. Either way, complete Attachment 3 ‘MWBE Participation Information’ to indicate all MWBEs proposed for the entire 40 year agreement.

Question #59: How will MWBE work on the new business and business development portion of the contract? Will you require 30% discrete MWBE participation for this part of the contract?
Answer: NYSDOT and/or ESD will work with the selected Contractor to progress future business development opportunities with possible MWBE utilization.

Question #60: The RFP seeks “revenue sharing” opportunities. Please clarify where Airport generated revenues will be used for Airport projects, in accordance with FAA Grant Assurances and revenue diversion.
Answer: All Airport revenues will be used for Airport expenses.

Question #61: Can more detail regarding the Airport’s expenses be provided (like management fees, labor expenses, details on the revenue side, ground rents, duration of leases, etc.)? Is it possible to receive more information regarding the role rent plays for all leases at the Airport? Is a listing with economic summaries of service contracts, with particular importance given to any and all FBO agreements (both in place and pending) available?
Can we request additional information, like a rent roll and supporting documents for any leases at the Airport providing in excess of $5,000/year in revenue to the Airport or with maturities beyond 1/1/2017?

**Answer:** Rents play an important role as part of Airport revenues – see Attachment 15 for more information.

**Question #62:** How are emergency repairs currently paid? Are they included in the annual budgets provided on Attachment 15?

**Answer:** Emergency repair funds are taken from the capital section of the budget that is most closely associated with the repair (i.e., a water main break on the field would be paid from Airport maintenance, etc). Emergency repairs are to be handled by the selected Contractor and reimbursed via State-funded supplemental agreements to the contract.

**Question #63:** Can we request a services contract list with supporting documents for any third party agreements at the Airport that result in expenses greater than $5,000 per year or that have maturities beyond 1/1/2017?

**Answer:** NYSDOT is not a party to Airport 3rd party agreements.

**Question #64:** The previous Operating contract required an Annual Supplemental Contract between the contractor and NYSDOT to fund each fiscal year budget approximately $3M - $4M. Historically the process to execute these Supplemental Agreements has been delayed resulting in a “work at risk” situation for the contractor. It has also resulted in the contractor carrying operating budget expenses in excess of $800,000 - $1,000,000 at any given time. Is NYSDOT considering a more expeditious contracting, reimbursement and payment process for the successful contractor?

**Answer:** NYSDOT is required to follow the processes necessary to annually amend the resulting contract in an efficient and expeditious manner as possible.

**Question #65:** We understand the Rates and Charges are part of NYS Law. What efforts will NYSDOT make to change, update and expand the revenue categories for charges? Please describe the process and period of time required to accomplish rate and charges changes.

**Answer:** Rates and Charges are part of the Codes, Rules, and Regulations of the State of New York. As such, there is a specific process to make those changes which is coordinated and approved through the Department of State (DOS). This involves a text change to the rules, analysis of the impacts of the rule change, public participation, response to comments, and approval from NYSDOT and DOS. Respondents are encouraged to propose innovative approaches for enhancing revenue options. NYSDOT will consider proposals and work with the selected Contractor to analyze these options and pursue changes, if indicated.

**Question #66:** To what extent will NYSDOT participate in an expeditious change and update to the Airport rules and regulations to allow for alternative revenue sources?

**Answer:** The RFP includes provisions for the selected Contractor to update rules and regulations for the Airport. Per answer to Question #55, NYSDOT will work with the selected Contractor to analyze proposed changes and implement as indicated.
**Question #67:** The Airport Capital Improvement Program (ACIP) on Attachment 18 is limited to a five year period. Please identify and describe the **federally eligible projects** that extend beyond this period.

**Answer:** No such list is available.

**Question #68:** Please provide a list of Capital Project(s) that are not federally eligible (i.e. equipment property and infrastructure improvements or repairs). Will the Airport Operator be responsible for these projects? If so, when does this responsibility commence?

**Answer:** A list of Capital Projects may be released at a later time. YSDOT and Capital Projects Contract management firm will be responsible for implementing projects and the selected Contractor will support the implementation by providing information on Airport conditions for Airport Capital Improvements Plan (ACIP), as outlined in the RFP.

**Question #69:** NYSDOT has a contract with an Engineering Firm, for the Airport non-federal capital program and miscellaneous services. Who is responsible for payment of these projects and expenses? For what period of time?

**Answer:** NYSDOT is responsible for implementing the capital program with State and federal funding. NYSDOT will be responsible for these costs for the first 10 years of the contract.

**Question #70:** There is currently no contractual relationship between the Proposed Airport Operator and the Engineering Services contractor. How does NYSDOT propose that initiatives of the Airport Operator (i.e. federal grant applications, grant processes, capital projects, bids and procurement etc.) will be coordinated and executed? For how long will this coordination be provided? What happens if the Airport is privatized?

**Answer:** The selected Contractor will work cooperatively with Capital Projects Contract management firm to develop project lists and priorities. NYSDOT and Capital Projects Contract management firm will work to implement the projects identified and funded.

**Question #71:** Will NYSDOT after 10 years provide the facilities, infrastructure and equipment to the Operator in a minimum of “Good or Fair” condition?

**Answer:** NYSDOT will endeavor to provide facilities in good working condition. Details on the condition of the facilities at time of transfer will be dealt with through the contract between the selected Contractor and NYSDOT.

**Question #72:** Can a pavement condition report for all aviation surfaces be provided? Can you identify which projects have been completed?

**Answer:** The last pavement condition report is shown in new RFP Attachment 27.

**Question #73:** Page 11 addresses FAA owned navigational facilities. Please describe non FAA owned navigation facilities. Who is responsible for this equipment and when does that responsibility commence?

**Answer:** The answer to this question is not available at this time and may be released in the near future.

**Question #74:** Can a list of equipment (i.e. make, model, year and condition) be provided?
Answer: Please see new RFP Attachment 25.

Question #75: How many fuel farms does NYSDOT own and maintain? Please provide the tank size and product.
Answer: NYSDOT owns one fuel farm for the NYSDOT equipment on the airport. This consists of diesel and gasoline tanks. NYSDOT has two 4,000 gallon diesel tanks, one 4,000 gallon gasoline tank, and one 1,000 gallon diesel tank for the generator. This facility is operated via contract currently held by SheltAir.

Question #76: Can the condition of non-airside infrastructure and list the assets (buildings, roads, equipment, HVAC etc) and condition of each facility or asset be provided?
Answer: The answer to this question is not available at this time and may be released in the near future.

Question #77: Can you provide a copy of the last five years of 139 Certification Inspections?
Answer: Please see new RFP Attachment 26.

Question #78: Does NYSDOT own the Airport landing fee billing system?
Answer: No.

Question #79: Can you please provide examples of “other services” on page 8 may be required by NYSDOT?
Answer: As stated in the RFP, this would include any other services required to allow NYSDOT to effectively and safely manage the Airport; these services could include generating certain ad-hoc financial reports, attending to emergencies, communicating with State, federal, and local agencies to facilitate emergency responses, etc.

Question #80: When was the security system installed? How long is the maintenance agreement? Is NYSDOT planning to upgrade the security system (i.e. Software, equipment)? If so when will this occur?
Answer: The security system installation was started in 2006 further installations and upgrades have been continuously happening.

Question #81: Is NYSDOT committed to a SIDA level of access control for security?
Answer: NYSDOT will consider proposals to enhance Airport operations, including security, if conditions warrant such enhancements.

Question #82: There has been some media coverage regarding the Governor’s announcement to have commercial service at Republic Airport. This was not specifically identified in the RFP. How important is this initiative?
Answer: No specific plans for commercial service have been made at this point.

Question #83: Our Proposal very likely will not comport with the concept of the Privatization of Republic. Our business model in fact is largely predicated on Airport ownership remaining with a State or municipal authority. Please let us know the State’s willingness to be flexible with regard to item 4h on page 7 of the RFP.
**Answer:** The RFP’s proposal evaluation criteria are not predicated on privatization of the Airport. Respondents are only being asked to be prepared to provide a privatization plan if so requested by NYSDOT.

**Question #84:** Are broker fees allowed to be paid by NYSDOT?
**Answer:** The answer to this question is not available at this time and may be released in the near future.

**Question #85:** Are the rights to develop the parcels identified in the RFP part of the procurement?
**Answer:** The answer to this question is not available at this time and may be released in the near future.

**Question #86:** The lease and execution process can take 3 to 5 years. Will NYSDOT consider issuing a Master Lease Agreement as part of the Operating Contact?
**Answer:** NYSDOT will consider and is willing to discuss options for enhancing operational issues such as leases; however, NYSDOT is required to comply with State requirements regarding contracts and leases (see Attachment 24).

**Question #87:** Clearly define limitations or acceptable uses in the development for non aviation or aviation properties. Are these properties subject to NYSDOT approval or reviews?
**Answer:** The goal of NYSDOT is to achieve the highest and best use for each of the Parcels listed in RFP Attachment 19. Limitations will relate to FAA requirements including Part 77 requirements.

**Question #88:** What role will NYSDOT play in Certificate of Occupancy and Permitting, Plan review etc. for new developments? Who will review engineering design and construction plans? Who will coordinate with FAA? Will NYSDOT continue to provide Fire, Health and Safety inspections for all Airport facilities and buildings?
**Answer:** The answer to this question is not available at this time and may be released in the near future.

**Question #89:** Can you please describe the procedures for expiring leases?
**Answer:** NYSDOT will review its procedures for expiring leases with the assistance of the selected Contractor.

**Question #90:** Can you please identify NYSDOT’s obligations for capital improvement and repairs under the current lease agreements. What party is responsible for these obligations after 10 year?
**Answer:** These obligations vary with current leases. NYSDOT will seek to harmonize these obligations in new leases. Per the RFP, the selected Contractor will be responsible for all aspects of Airport operations after the first 10-year period. NYSDOT will work with the selected Contractor to request federal and State funding under grant programs for which the Airport is eligible, including the federal Airport Improvement Program (AIP).

**Question #91:** MTA has a budget item for the development of Parcel #3. Neither NYSDOT nor MTA have publically supported the project for a mixed use transit development or train
station. Please explain NYSDOT position with respect to the development of this parcel? How much will be used by MTA? Will NYSDOT collect revenue from MTA? How will this be integrated with ESDC?

*Answer:* The answer to this question is not available at this time and may be released in the near future.

*Question #92:* What is the current status of the environmental on Parcel #3? Are there more current reports? Will the state remediate the site and deliver it clean – if not in what conditions will the site be delivered?

*Answer:* See answer to Question #22.

*Question #93:* Are there any other environmental or geotechnical reports on the other development sites?

*Answer:* No. See the answer to Question #22.

*Question #94:* What will be the zoning process since it’s all state owned land?

*Answer:* See answer to Question #13.

*Question #95:* What remediation has been completed to date?

*Answer:* See answer to Question #13.

*Question #96:* Does the State have a preference for aviation/non-aviation use for parcels?

*Answer:* ESD encourage uses that re-activate the sites in a way that benefits the community, creates jobs for New York State and complies with the FAA regulations and environmental conditions that may exist on each parcel.

*Question #97:* What kind of development is envisioned for Parcel 1?

*Answer:* ESD encourage uses that re-activate the sites in a way that benefits the community, creates jobs for New York State and complies with the FAA regulations and environmental conditions that may exist on each parcel.

*Question #98:* Regarding Attachment 19 Parcel 3: Is a more information available regarding the haz mat issues associated with that property, specifically, any updates, responsible party information with respect to clean up, prior remediation attempts and history? Having a copy of all agreements associated with Republic is critical to forming an accurate understanding of the Airport's economics and cash flows in order to put forth a meaningful proposal?

*Answer:* NYSDOT has released the best available information.

*Question #99:* Is Parcel 6 the previous 56th fighter club/restaurant?

*Answer:* Yes. Parcel 6, informally known as the Restaurant Property, consists of approximately 5± acres and was formerly occupied by the 56th Fighter Squadron Restaurant.

*Question #100:* For the non-aeronautical land tracts that will be developed subject to a land lease, what will the real estate taxes, if any be? How and when will they be applied?

*Answer:* To be determined, based on proposed scope and if proposal qualified under the START-UP NY program.
Question #101: Has Republic Airport come under the tax free development zone? At this time Republic Airport is not a START-UP zone. Please describe the efforts underway to include Republic in START-UP. Is the START-UP NY designation for Site 3 only? Or for all of the Airport parcels?
Answer: The Parcels featured in the RFP are eligible for the START-UP NY program. RFP Attachment 22 provides START-UP NY information.

Question #102: I am trying to understand how to participate in the START-UP NY program. Are there specific schools or guidance which can participate? Can a list of schools be provided?
Answer: All schools eligible to participate in START-UP NY are eligible to participate at this site. For a current list of eligible schools, visit: http://start-up.ny.gov/.

Question #103: Are all parcels eligible for START-UP NY?
Answer: Recently, legislation was passed to designate Republic Airport as a Strategic State Asset. This enables a college or university to include one or more of the Parcels listed in RFP Attachment 19 as part of their START-UP plan.

Question #104: Are real estate taxes part of the State program (START-UP NY)?
Answer: Yes, if a business qualifies for the benefit, real estate taxes are part of the program. For a complete list of the full benefits of the program please visit: http://start-up.ny.gov/.

Question #105: Is there a sense on time frame for START-UP NY?
Answer: Vacant space within Republic Airport can only become tax-free as part of START-UP NY after a sponsoring college or university has submitted a plan to the Commissioner of Economic Development and the START-UP NY Approval Board to designate it as such. Therefore, the timeline is driven by the school that is applying for START-UP NY.

Question #106: How do the PILOTS work with START-UP NY?
Answer: State owned properties are not subject to tax and there are no plans to have a PILOT if there is a qualified START-UP NY business working with an approved school.

Question #107: For the development portion of the RFP, how much money will be available to developer from NYSDOT and/or ESD or who?
Answer: To be determined based on your proposed scope and approach.

Question #108: Does Attachment 2 need to be completed for all Airport employees, or just key employees such as departmental managers and above?
Answer: Using the Best Value method, Attachment 2 needs to be completed for all proposed Airport employees.

Question #109: Can the State please confirm that reference evaluation criteria sections 1 & 2 are for NYSDOT and not intended to be completed prior to submission?
Answer: Attachments 1 and 2 require providing firm and key personnel reference information for NYSDOT’s use.

Question #110: What is the O*Net information referenced in Attachment 10 and where can it be obtained?
Answer: This is information only intended for the selected Contractor. The O*NET reference pertains to a national job title repository and is available via: http://online.onetcenter.org/find/family?f=0&g=Go which provides a listing called 'All Occupations'.

Question #111: Will you provide an updated list of interested parties?
Answer: Yes, and all interested parties will be notified via e-mail when this occurs.

QUESTIONS REGARDING RFP DRAFT CONTRACT (Attachment 9):

Question #112: Are you requiring the Contractor to indemnify subs?
Answer: This is a business matter between the selected Contractor and its subcontractors. As applicable, the prime Contractor should require that a subcontractor use identical indemnification language to what is in Contract #C031382. Further, and as applicable, the prime Contractor should require that a subcontractor carry at least $1 million in Commercial General Liability (CGL) coverage with additional insured endorsements, and verified with a satisfactorily completed ACORD 855 form. Requiring possibly more insurance from the subcontractor is possible, depending upon the services being provided by that subcontractor.

Question #113: During the April 7th webinar, it was indicated that insurance was a reimbursable cost, but page 10, Article 19 of the RFP’s draft contract (Attachment 9) says that insurance is at the “sole cost and expense” of the Contractor. Can this be clarified? How are insurance deductibles paid?
Answer: General business insurances a firm carries are indirectly reimbursable (as an eligible component of an overhead charge fixed to labor rates). Special project-required protective insurance(s) are directly reimbursable as a C031382 direct non-salary expense. Responsibility for deductibles follows the above pattern.

Question #114: What are subcontractors insurance requirement? Will NYSDOT require that the prime contractor indemnify subcontractors? Even though the RFP is silent on this matter, it becomes a critical issue during tort claim when all companies working at the Airport can become potential parties to a lawsuit. For many subs, the cost of getting some of the insurance mentioned in the RFP could be cost prohibitive.
Answer: Depends upon the agreement between the prime Contractor and its subcontractors. Subcontractor insurance requirements may depend on the services being provided by the subcontractor.

Question #115: Can an outside payment date be added for amounts due Contractor (60 days?) or an industry standard interest rate will be charged in Section 10?
Answer: Section 10.2 requires prompt payment per State Finance Law (SFL) 179 (f) and (g).
**Question #116:** Please discuss scenarios where the State would allow the Contractor to operate the FBO's as mentioned in Article 14?

**Answer:** See answer to Question #56.

**Question #117:** As to other questions on the contract form, we have no concern with the various State requirements with regard to employment, ethics, applicable Federal rules and regulations, etc. We do note a number of areas where conforming modifications will likely need to be negotiated in order for the agreement to capture certain goals of the RFP and our Proposal. For instance, Article 13 addresses the State’s development rights at the Airport which will be integral to our Proposal and Article 24 addresses termination rights that will need to consider the fact that certain development activities that we plan to propose will span months if not decades. Also, the table that evidences the concept of shifting financial risks on page 11 will likely require some conformance and additional language in the agreement between us to provide mutual protections and approval rights. For instance, making clear the obligation for airside pavement replacement costs listed as borne by the “Operator” after year 10 is an obligation that will be subject to industry practices with regard to plans, specs, and funding mechanisms / protocols. In summary, we are prepared to negotiate a high level of approval protections, performance standards, and termination rights to benefit the State, but we note that the Draft Contract will need to be revised in certain areas to properly capture not just our Proposal – but the goals of the RFP itself where the draft document may be silent or doesn’t address an element of our proposal?

**Answer:** The RFP reserves the right for the State to: “To negotiate modifications to the scope, milestone payment schedule and total cost, and contract terms and conditions with the selected offeror prior to contract award only if it is in the best interest of the state to do so;” and may exercise this right only if doing such is in the best interest of the State.