NEW YORK STATE OF OPPORTUNITY. | Erie Canal Harbor Development Corporation

A Subsidiary of Empire State Development

ERIE CANAL HARBOR DEVELOPMENT CORPORATION

at the
Erie Canal Harbor Development Corporation Office Building
95 Perry Street – 4th Floor ECIDA Conference Room
Buffalo, New York 14203

Meeting of the Directors

Tuesday

November 19, 2024 – 10:30 AM

AGENDA

CORPORATE ACTION

1. Approval of the Minutes of the September 9, 2024 Directors' Meeting

FOR CONSIDERATION

2. Buffalo Outer Harbor Signage (the "Project") - Authorization to Enter into an Amendment to the Consultant Agreement for Wayfinding Signage Services; and Authorization to Take Related Actions

3. Buffalo Waterfront Ferry Operation Services - Authorization to Enter into a Contract for Ferry Operation Services and to Take Related Actions

4. Erie Canal Visitor Experience at Canalside - Authorization to Enter into a Contract Amendment with The Buffalo History Museum for Operational and Support Services for the Erie Canal Bicentennial Visitors Experience at Canalside; and Authorization to Take Related Actions

Item 1

Erie Canal Harbor Development Corporation
95 Perry Street
4th Floor - ECIDA Conference Room
Buffalo, New York 14203

September 9, 2024

MINUTES

In Attendance	
Directors:	Joan A. Kesner – Chair Sam Capitano Constance L. Lydon Eric Reich Shatorah Roberson Bryan Wittman Leslie Zemsky
ECHDC Staff:	Mark Wendel, President Debbie Royce, Corporate Secretary
ESD Staff:	Julia Borukhov, Financial Project Manager Tiffany Bowie, Director of Subsidiary Finance Douglas Janese, Senior Counsel – Corporate and Real Estate
Also Present:	Dan Castle, Commissioner of Environment and Planning – Erie County Brendan Mehaffy, Executive Director Office of Strategic Planning – City of Buffalo

The meeting of the Erie Canal Harbor Development Corporation (the "Corporation"), was called to order at approximately 10:30 a.m. It was noted for the record that the meeting was being webcast. Chair Kesner then introduced the members of the Board who were present for the meeting.

Chair Kesner then noted that the public had been given an opportunity to provide comments on the Agenda items by submitting their written comments by 9:00 a.m. today and stated that no comments were received by the public and also noted that there were no members of the public in attendance to provide comments.

Chair Kesner further noted that the Directors had received the relevant written materials in advance of today's meeting and were free to ask questions.

The Chair then asked the Directors if anyone had any potential conflict of interest with regard to any of the items on the Agenda and no conflicts were noted at this time.

Proceeding with the Agenda, the Chair called for a motion to approve the Minutes of the March 11, 2024 and May 20, 2024 Directors' Meetings. Mark Wendel, President of the Corporation, noted the two sets of Minutes were both labeled March 11th in the heading on the first page but the second set was for the May 20th meeting and this would be corrected for the record.

There being no additional changes or corrections, upon motion duly made and seconded, the following Resolution was unanimously adopted:

APPROVAL OF MINUTES AND RATIFICATION OF ACTIONS TAKEN AT THE MARCH 11, 2024 AND MAY 20, 2024 MEETINGS OF THE ERIE CANAL HARBOR DEVELOPMENT CORPORATION

RESOLVED, that the Minutes of the meetings of the Corporation held on March 11, 2024 and May 20, 2024 as presented to this meeting, are hereby approved and all actions taken by the Directors presented at such meetings as set forth in such Minutes, are hereby in all respects ratified and approved as actions of the Corporation.

* * *

Chair Kesner then called on Mr. Wendel to present the next item on the Agenda related to an amendment of a utility easement in connection with the Buffalo Outer Harbor Project.

Mr. Wendel reminded the Directors of the current construction project underway at Wilkeson Point and noted this item would be to provide National Grid with an easement to the transformer required to provide electric services to that new construction.

Following the full presentation and in response to a request for any questions or comments from the Directors, Director Roberson noted that the last line of Section III. (iii) should be edited to state the Buffalo Outer Harbor Project instead of the Canalside Project as it currently states. Mr. Wendel agreed and advised that would be corrected for the record.

Hearing no questions or comments from the Directors, and noting no comments or questions from the public, upon motion duly made and seconded, the following resolution was unanimously adopted:

ERIE CANAL HARBOR DEVELOPMENT CORPORATION – Buffalo Outer Harbor Project – Utility Easement Amendment - Authorization to Grant a Utility Easement to the Niagara Mohawk Power Corporation; and Authorization to Take Related Actions

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RESOLVED, that on the basis of the materials presented to this meeting, a copy of which is hereby ordered filed with the records of the Erie Canal Harbor Development Corporation (the "Corporation"), the Corporation is hereby authorized to grant a new easement to the Niagara Mohawk Power Corporation as described in these materials on the terms and conditions set forth in the materials; and be it further

RESOLVED, that the President of ECHDC or his designee(s), be and the same hereby is, authorized in the name of and on behalf of the ECHDC to enter in any such agreements and take any and all actions necessary or appropriate to implement the foregoing.

* * *

Lastly, before the meeting was adjourned, Mr. Wendel wanted to clarify the conclusion

date on a previously approved agreement for the Public Space Management. He stated that at its November 2023 meeting, the Directors approved the agreement but in the Board materials there was a paragraph that mistakenly mentioned the conclusion date as May 31, 2031 when it is March 31, 2031. He noted he wanted that clarified since there was inconsistency in that one paragraph. He further noted that the correct date was used in all of the signed contracts and confirmed no vote was needed but that this was just being clarified for the Directors.

Hearing no further business, the meeting adjourned at 10:39 a.m.

Respectfully submitted,

Debbie Royce
Corporate Secretary

Item 2

NEW YORK STATE OF OPPORTUNITY. | Erie Canal Harbor Development Corporation

A Subsidiary of Empire State Development

FOR CONSIDERATION
November 19, 2024

TO: The Directors

FROM: Mark J. Wendel

SUBJECT: Buffalo Outer Harbor Signage (the "Project")

REQUEST FOR: Authorization to Enter into an Amendment to the Consultant Agreement for Wayfinding Signage Services; and Authorization to Take Related Actions

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CONTRACT NEEDS AND JUSTIFICATION

I. Contract Summary

Consultant:	A&B Heritage, Inc. d/b/a ASI Signage Innovations 2957 Alt Boulevard Buffalo, New York 14227
Scope of Services:	Wayfinding Signage
Current Contract Term:	May 9, 2023 through May 8, 2024
Proposed Contract Term:	Extension through May 31, 2025
Contract Amount:	$208,768.80 ($173,974 plus $34,794.80 contingency)
Funding Source:	New York Power Authority Industrial Incentive Award

II. Background

Shortly after the State announced its vision for a dramatic transformation of the City of Buffalo's largely vacant Outer Harbor, the Erie Canal Harbor Development Corporation ("ECHDC") co-sponsored and/or prepared several plans which embody the overall goals and objectives for the Outer Harbor, including the September 2015 Buffalo Outer Harbor Blueprint (the "Blueprint"), the September 2016 Buffalo Harbor Brownfield Opportunity Area Nomination Document (the "BOA"), and the June 2019 Buffalo Outer Harbor Preferred Plan (the "Preferred Plan"). These planning documents were also the subject of an extensive community participation process that

began in early 2014 and resulted in updating the Outer Harbor zoning as part of the City of Buffalo's larger Unified Zoning Ordinance (i.e. "Green Code") in 2016.

On November 9, 2020, the Directors adopted a General Project Plan ("GPP") for the Buffalo Outer Harbor Civic and Land Use Improvement Project that authorized improvement projects at Terminal B, the Lakeside Complex, Bell Slip, Slip No. 3, and Wilkeson Pointe.

During the development of the Preferred Plan for the Buffalo Outer Harbor, the planning consultants included identification marker locations for wayfinding signage. The signs identify the destination entrance as well as provide the public with location maps.

III. Project Description

Design, fabricate, and install wayfinding signs for various locations along the Outer Harbor to help inform the public of their location.

IV. Consultant Selection Process

A&B Heritage was selected under a discretionary purchase as the value was below $250,000 and A&B Heritage is a Women-owned Business Enterprise.

Pursuant to State Finance Law Section 139-j and 139-k and the Corporation's policy related thereto, staff has: a) considered proposed contractor's ability to perform the services provided for in the proposed contract; and b) consulted the list of offerers determined to be non-responsible bidders and debarred offerers maintained by the New York State Office of General Services. Based on the foregoing, staff considers the proposed contractor to be responsible.

V. Scope of Work

The A&B Heritage team will continue to provide and coordinate all necessary services in order to complete the following tasks associated with the Construction and Post Construction Phases:

1. Develop the overall design aesthetic for the wayfinding signs.
2. Review design with Erie Canal Harbor Development Corporation.
3. Fabricate signs for the selected locations.
4. Install signs at designated locations, coordinate with ECHDC.

VI. Contract Term, Price and Funding

This Consultant Amendment will extend the current Agreement to May 31, 2025 to allow for all signs to be installed.

The total contract fee will be calculated on a "cost plus fixed fee" basis, payable in releases as the work is completed. The fee is based on approved man-hour estimates and salary schedules, and includes an allowance for incidental out of pocket project expenses (i.e., travel, reproduction

costs, postage and delivery charges, permits and miscellaneous fees). Labor and expenses will be reimbursed on a monthly basis upon submission of timesheets and acceptable receipted documentation.

The funding source shall be New York Power Authority Industrial Incentive Award.

VII. Non-Discrimination & Contractor and Supplier Diversity

ESD's Non-Discrimination and Contractor & Supplier Diversity policies will apply to this Project. Pursuant to New York State Executive Law Articles 15-A and 17-B, ESD recognizes its obligation under the law to promote opportunities for maximum feasible participation of certified minority and women-owned business enterprises (MWBEs) and service-disabled veteran-owned businesses (SDVOBs) in the performance of ESD projects. The Recipient shall be required to include minorities and women in any job opportunities created, to solicit and utilize Minority and Women Business Enterprise (MWBEs) and Service-Disabled Veteran-owned Businesses (SDVOBs) for any contractual opportunities generated in connection with the Project and shall be required to use Good Faith Efforts (pursuant to 5 NYCRR §142.8 and 9 NYCRR § 252.2(m)) to achieve an overall MWBE Participation Goal of 30%.

VIII. Environmental Review

The Directors made a Determination of No Significant Effect on the Environment as part of the adoption of the Buffalo Outer Harbor Civic and Land Use Improvement Project GPP at their meeting of November 9, 2020, which was later affirmed at their meeting on February 8, 2021. This determination addressed all aspects of the construction and operation of the Buffalo Outer Harbor Civic and Land Use Improvement Project, inclusive of granting access/land rights for utilities necessary to realize and support the planned improvements. Therefore, no further environmental review is required in connection with this action.

IX. Requested Action

The Directors are requested to (1) make a determination of responsibility with respect to the proposed consultant; (2) authorize the Corporation to enter into a contract term extension with the A&B Heritage for an extended term through May 31, 2025; and (3) to take all related actions.

X. Recommendation

Based on the foregoing, I recommend approval of the requested actions.

Attachments
Resolution

November 19, 2024

ERIE CANAL HARBOR DEVELOPMENT CORPORATION – Buffalo Outer Harbor Signage (the "Project") - Authorization to Enter into an Amendment to the Consultant Agreement for Wayfinding Signage Services; and Authorization to Take Related Actions

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BE IT RESOLVED, that upon the basis of the materials presented to this meeting (the "Materials"), a copy of which is hereby ordered filed with the records of the Erie Canal Harbor Development Corporation (the "Corporation"), the Corporation hereby finds the A&B Heritage Inc. to be responsible; and be it further

RESOLVED, that the Corporation is hereby authorized to enter into a contract amendment with the A&B Heritage, Inc. for an extended term through May 31, 2025 for the purposes and services, and substantially on the terms and conditions, set forth in the Materials; and be it further and be it further

RESOLVED, that the President of the Corporation or his designee be, and each of them hereby is, authorized to take such action and execute such documents as may be necessary or appropriate to carry out the foregoing resolution.

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Item 3

NEW YORK STATE OF OPPORTUNITY. | Erie Canal Harbor Development Corporation

A Subsidiary of Empire State Development

FOR CONSIDERATION
November 19, 2024

TO: The Directors

FROM: Mark J. Wendel

SUBJECT: Buffalo Waterfront Ferry Operation Services

REQUEST FOR: Authorization to Enter into a Contract for Ferry Operator Services; and to Take Related Actions

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CONTRACT NEEDS AND JUSTIFICATION

I. Contract Summary

Consultant:	Queen City Bike Ferry, Inc. 140 Lower Terrace Buffalo, NY 14202
Scope of Services:	Ferry Operator Services
Contract Term:	April 1, 2025 – March 31, 2030
Contract Amount:	$890,150.24 ($809,228.24 Base plus $80,922 Contingency)
Funding Source(s):	New York Power Authority

II. Background

For decades Buffalo, New York's waterfront sat desolate and underutilized until 2005, when ECHDC was formed to spearhead Buffalo's waterfront revitalization and reclaim the area as one of the State's premiere placemaking destinations. Millions of dollars in both public and private investment have transformed the foot of Main Street into the year-round, mixed-use development known as Canalside, while additional public dollars have resulted in the opening of 200 acres of the Outer Harbor for public use and enjoyment.

The State's transformation of Canalside and the Outer Harbor have led to further private development along the Buffalo River. Currently, Canalside anchors the northern end of the Buffalo Waterfront while the Outer Harbor and Buffalo Harbor State Park anchor the southern

end. This combined nearly 3-mile stretch of property is the home to a large concentration of restaurants, cultural attractions, marinas, and open space, and is linked by a multi-use trail system, seasonal bike ferry, and recently improved streets.

In 2014, a Bike Ferry was created to transport visitors between Canalside and the Buffalo Outer Harbor. This Ferry allowed those with or without bicycles the opportunity to enjoy both sites with a quick trip across the Buffalo River.

III. Consultant Selection Process

On July 26, 2024, ECHDC advertised for the *Ferry Operation* opportunity in the New York State Contract Reporter. On August 29, 2024, ECHDC received and opened two (2) proposals, both consisting of boat transportation companies. These proposals were reviewed and scored by the Selection Committee. Both teams were interviewed by the Selection Committee to better understand the team organization and their approach. Following these review meetings, a top ranked team was selected.

The final rankings of the candidates by the Selection Committee are as follows:

1. Queen City Bike Ferry, Inc. (QCBF)
2. Buffalo Cycle Boats

QCBF is intimately aware of the Buffalo Waterfront with over 25 years as a business owner, including management of a ferry/taxi service at Canalside since 2014. The firm has worked closely with ECHDC to adjust to meet the needs of the public consumer and adapt to the changing spaces on Buffalo's waterfront. QCBF will manage the overall contract, day-to-day operations, all sub-contractors, and general scope of services outlined within the RFP.

Pursuant to State Finance Law Section 139-j and 139-k and the Corporation's policy related thereto, staff has: a) considered proposed contractor's ability to perform the services provided for in the proposed contract; and b) consulted the list of offerers determined to be non-responsible bidders and debarred offerers maintained by the New York State Office of General Services. Based on the foregoing, staff considers the proposed contractor to be responsible.

IV. Scope of Work

The Buffalo Waterfront aspires to be a world-class, waterfront destination, and holds incredibly high standards for the quality and management of our spaces, buildings, and amenities. The scope of Ferry Operations ("FO") services will include all staffing, materials, fuels, and supplies required for the following:

Operational requirements

- Provide a ferry vessel that can transport 49 passengers, of which can also accommodate handicap accessibility and bicycles.

- Provide a service that carefully considers the needs and safety of passengers, as well as environmental impacts.
- Operate a seasonal passenger ferry/taxi service between, at a minimum, Canalside and the Outer Harbor.
- Ensure availability of appropriately trained staff.
- Management and implementation of ferry service communications and public relations.
- Management, administration, and implementation of the ticketing/access system.
- Ridership data collection, management, analysis, and documentation.
- Performance of general maintenance and repair of dock.

Hours of operation

- Provide a ferry/taxi service that is reliable, frequent, and available to serve the needs of commuters, shoppers, and those seeking access to transit services, recreational and cultural opportunities.
- Provide services, at minimum, between Memorial Day and Labor Day.

Fares

- Provide a ferry/taxi service that is affordable, integrates payment options (if possible) and encourages regular use.

Pier and Dock Access

- The ferry operator will have the right to exclusively access dock space on the north-side of Commercial Slip at Canalside, as well as across the river at Bike Ferry Landing, for the purposes of this service.

Financial Structure

- The ferry operator will maintain a financial structure that ensures the successful operation of the services requested and encourages the potential for revenue growth in future years.

Marketing Partnership

- The ferry operator will work to develop and implement a marketing plan to attract the public to Canalside and the Outer Harbor, as well as enhance the visitor experience. The ferry operator will engage the various events and programming at Canalside, the Outer Harbir and other nearby waterfront destinations to provide transportation connectivity and possibly co-market to enhance visibility.
- The ferry operator will provide opportunities throughout the summer for various groups to visit Canalside and the Outer Harbor and, where appropriate, subsidized access programs.

V. Contract Terms and Conditions

The Contract will cover fees and expenses for a period of five years, ending on March 31, 2030.

ECHDC and the Consultant will enter into a Contract whereby the Consultant will receive a term contract for five (5) years for an amount not to exceed $890,150.24 ($809,228.24 Base plus $80,922 Contingency). At the end of the 5 years, ECHDC shall have the option to enter into one (1) additional 5-year extension. The 5-year extension would expire on March 31, 2035.

The project funding source shall be the New York Power Authority.

VI. Non-Discrimination & Contractor and Supplier Diversity

ESD's Non-Discrimination and Contractor & Supplier Diversity policies will apply to this Project. Pursuant to New York State Executive Law Articles 15-A and 17-B, ESD recognizes its obligation under the law to promote opportunities for maximum feasible participation of certified minority and women-owned business enterprises (MWBEs) and service-disabled veteran-owned businesses (SDVOBs) in the performance of ESD projects. The Recipient shall be required to include minorities and women in any job opportunities created, to solicit and utilize Minority and Women Business Enterprise (MWBEs) and Service-Disabled Veteran-owned Businesses (SDVOBs) for any contractual opportunities generated in connection with the Project and shall be required to use Good Faith Efforts (pursuant to 5 NYCRR §142.8 and 9 NYCRR § 252.2(m)) to achieve an overall MWBE Participation Goal of 30% and an SDVOB Participation Goal of 6%.

VII. Environmental Review

Empire State Development staff has determined that the action, which involves entering into a contract for routine operations and management of an existing facility, constitutes a Type II action as defined by the New York State Environmental Quality Review Act and the implementing regulations for the New York State Department of Environmental Conservation. No further environmental review is required at this time.

VIII. Requested Action

The Directors are requested to (1) make a determination of responsibility with respect to the proposed consultant; (2) authorize the Corporation to enter into a contract with Queen City Bike Ferry, Inc., for an amount not to exceed $890,150.24 and (3) to take all related actions.

IX. Recommendation

Based on the foregoing, I recommend approval of the requested actions.

X. Attachments

Resolution

November 19, 2024

ERIE CANAL HARBOR DEVELOPMENT CORPORATION – Buffalo Waterfront Ferry Operation Services - Authorization to Enter into a Contract for Ferry Operation Services and to Take Related Actions

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BE IT RESOLVED, that upon the basis of the materials presented to this meeting (the "Materials"), a copy of which is hereby ordered filed with the records of the Erie Canal Harbor Development Corporation (the "Corporation"), the Corporation hereby finds Queen City Bike Ferry, Inc., to be responsible; and be it further

RESOLVED, that the Corporation is hereby authorized to enter into a contract with Queen City Bike Ferry, Inc., for a base contract amount of EIGHT HUNDRED NINE THOUSAND TWO HUNDRED TWENTY EIGHT DOLLARS & TWENTY FOUR CENTS ($809,228.24), plus a contingency in the amount of EIGHTY THOUSAND NINE HUNDRED TWENTY TWO DOLLARS ($80,922) for a total contract amount not to exceed EIGHT HUNDRED NINETY THOUSAND ONE HUNDRED FIFTY DOLLARS & TWENTY FOUR CENTS ($890,150.24), for the purposes and services, and substantially on the terms and conditions, set forth in the Materials; and be it further and be it further

RESOLVED, that the President of the Corporation or his designee be, and each of them hereby is, authorized to take such action and execute such documents as may be necessary or appropriate to carry out the foregoing resolution.

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Item 4

NEW YORK STATE OF OPPORTUNITY. | **Erie Canal Harbor Development Corporation**

A Subsidiary of Empire State Development

FOR CONSIDERATION
November 19, 2024

TO: The Directors

FROM: Mark J. Wendel

SUBJECT: Erie Canal Visitor Experience at Canalside

REQUEST FOR: Authorization to Enter into a Contract Amendment with The Buffalo History Museum for Operational and Support Services for the Erie Canal Bicentennial Visitors Experience at Canalside; and Authorization to Take Related Actions

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CONTRACT NEEDS AND JUSTIFICATION

I. Contract Summary

Museum Operator:	Buffalo & Erie County Historical Society d/b/a The Buffalo History Museum 1 Museum Court Buffalo, New York 14216
Scope of Services:	Erie Canal Museum Operational & Support Services for the Visitor Experience at Canalside
Current Contract Term:	May 1, 2023 through May 31, 2025
Current Contract Amount:	$275,000 (no contingency)
Proposed Contract Term:	June 1, 2025 – December 31, 2025
Amendment 1 Amount:	$438,000 ($398,878 base including $39,122 contingency)
Total Contract Amount:	Not to exceed $713,000
Funding Source:	New York Power Authority Industrial Incentive Award

II. Background

For more than a decade, the Erie Canal Harbor Development Corporation ("ECHDC"), has spearheaded projects along Buffalo's waterfront to help Buffalo and Western New York realize a vision of renewed prosperity. The Canalside project sits on the historic western terminus of the Erie Canal. In its heyday Buffalo, known as America's "Gateway to the West", was one of the world's greatest business centers, teeming with canal and rail traffic passing from the Atlantic seaboard across the Great Lakes.

The Canalside History Advisory Group (CHAG) was formed to help guide ECHDC on projects and programming to ensure the historical relevance of Canalside continues to be woven into the fabric of the site. The group is made up of approximately 15 volunteer members and is chaired by Melissa Brown. The bicentennial of the opening of the Erie Canal will occur in 2025 and, while celebrations will likely occur across New York State, CHAG has been tasked to support ECHDC staff with planning a celebration at Buffalo's Canalside.

III. Consultant Selection Process

The Buffalo History Museum ("TBHM") is Western New York's premier historical organization, in existence since 1862. The Museum began collaborating with the Erie Canal Harbor Development Corporation in 2010, when ECHDC established the "Canalside Cultural Committee" to explore opportunities for incorporating cultural institutions, assets, and stories into the development. This Committee ended its work with the recommendation for ECHDC to develop a Children's Museum and Carousel at Canalside, resulting in the Ralph C. Wilson Jr. Explore and More Children's Museum opening in 2019 and the Buffalo Heritage Carousel opening in 2021.

The Museum currently advises ECHDC from its position on the Canalside History Advisory Group. This Group voluntarily assisted with the development of our Erie Canal Bicentennial Visitor Experience Plan and Exhibit Briefs. These high-level documents have shaped ECHDC's approach to our Bicentennial Commemoration in 2025, including our focus on three, keynote "experiences" that will tell the story of the Erie Canal's impact on Buffalo. These long-term "experiences" will activate Canalside, informing residents and attracting visitors for years to come.

On April 17, 2023, the ECHDC Board authorized ECHDC to enter into a contract with the Buffalo History Museum to be *the Premiere Museum Partner for the Erie Canal Bicentennial at Canalside*. Due to TBHM's previous role with ECHDC, a Contract Reporter Exemption ("CRE") was approved by Empire State Development ("ESD") for the contract. A CRE was also approved by ESD for the current contract amendment to allow TBHM to continue its work with ECHDC as described below.

Pursuant to State Finance Law Section 139-j and 139-k and the Corporation's policy related thereto, staff has: a) considered the proposed contractor's ability to perform the services provided for in the proposed contract; and b) consulted the list of offerers determined to be non-

responsible bidders and debarred offerers maintained by the New York State Office of General Services. Based on the foregoing, staff considers the Consultant to be responsible.

IV. Scope of Work

The Buffalo History Museum will provide necessary services including, but not limited to, the scope of work described generally below:

Task 1: Operate the Waterway of Change, Visitors Experience in the Longshed
The Buffalo History Museum (TBHM) will operate a satellite location at the Canalside Longshed Building starting in May 2025. Operations will be funded by the Erie Canal Harbor Development Corporation. This proposal outlines operations at the Canalside location (Longshed, Ruins, and Replicated Erie Canal Terminus), including staffing and administrative support that will be provided from TBHM's main location at 1 Museum Court, Buffalo, NY 14216.

Operational Needs
Hours of Operation at Canalside:
Memorial Day-end of September: 12 pm-5 pm (6 days/week, closed Tuesdays), with evening hours on Thursday, Friday, and Saturdays until 8 pm. 11 am-12 pm on weekdays will be reserved for group tours and special programs.

After the peak summer season, operations at Canalside will continue through the year. The exhibit will be open weekends in the fall and will schedule group tours all year – bringing in students and tourists from around the world to learn about the history of the Erie Canal and its impact on Buffalo, New York State and our Nation. Open hours may change to accommodate traffic patterns and demand.

Staffing:
The guest services staff that will operate the Canalside location will be based at Canalside and supervised on site by the Canalside Guest Services Manager or Canalside Shift Supervisors. The Canalside Guest Services Manager will report to the Buffalo History Museum's Director of Operations.

Ensuring an excellent guest experience during open hours will require at least 4 staff at all times, including a manager or shift supervisor. While some staff will be working exclusively at the Canalside location, the operation model benefits from the support of the TBHM leadership team and administrative staff. From providing strategic direction and content development to administrative support and management to the Canalside staff – several TBHM staff will contribute to this project to ensure its success.

TBHM staff will be main liaison for exhibit maintenance, contacting proper vendors as needs arise.

TBHM staff will provide content to marketing contractor to promote the exhibit, including events and programs at the Waterway of Change interior and exterior areas.

In addition to Guest Services staff managing daily operations, educational programming will also be provided at Canalside, including group tours and special events. The Canalside Education Assistant will lead these programs, supported by the Director of Public Programs. This will involve hiring two part-time educator to assist with tours and regular programming, alongside volunteer docents, all of whom will report to the Canalside Education Assistant.

TBHM is enhancing its recruitment and retention efforts by partnering with Bene-Care Agency, their trusted vendor. This collaboration will provide valuable human resources support for their operational team, ensuring they attract and retain top talent.

Task 2: Educational Opportunities

There will be great potential for year-round activation at Canalside as a key asset that TBHM can bring as your operational partner. This task involves creation of unique guided experiences inside the exhibit and outside at the ruins, thresholds, and replica Canal terminus. Programming will be developed, geared toward all ages and abilities, including sensory friendly quiet hours, tours for school groups of all ages, and tour bus experiences for adults. The rich content and national significance of the Erie Canal story will inspire activities, talks, and programs for all audiences. Like that at the Museum, dynamic programming complements core exhibit experiences and keeps locals coming back to experience more of their story.

Task 3: Source, supply and operate Visitor Experience Gift Shop (Revenue Generating)

"The Museum Shop" has been a feature of our guest experience for decades and managed internally by TBHM staff. The TBHM Guest Services and Retail Manager works with the Director of Operations to curate a unique shopping experience tailored to the museum and audience. The Retail Manager can develop a customized approach to retail for the unique Canalside experience – catering to tourists and locals alike. To maximize the retail space, branded merchandise for EC2025@Canalside would be purchased with the allowance. Again, benefiting from existing TBHM infrastructure, these items can also be sold at Canalside, the Museum, and made available in the TBHM online store. The sustainable revenue the Museum realizes from retail at Canalside will help support TBHM's mission and grow unrestricted revenue, critical for keeping pace in this inflationary economic period. The Museum will also utilize donation boxes at Canalside so guests can support the work that TBHM does throughout our community.

An allowance of $12,500 will be provided for TBHM to purchase items, with full repayment to ECHDC by fiscal year-end. Profits will be shared equally, with 50% allocated to TBHM and 50% to ECHDC, with ECHDC's portion directed into an R&R account dedicated to enhancing the Visitor Experience from 2025 onward. The budget includes an

initial investment to equip the site with essential furniture, fixtures, technology, supplies, and a point-of-sale system to support new operations.

ESD would prefer TBHM to source items from New York State certified minority-and women-owned business enterprises (MWBEs) and service-disabled veteran-owned businesses (SDVOBs) in the performance of ESD projects.

V. Contract Term, Price and Funding

The Contract will cover fees and expenses through December 1, 2025. The amendment amount with The Buffalo History Museum to complete the above scope of work shall not exceed $438,000 ($398,878 base including $39,122 contingency).

An extension of one (1) or more years will be negotiated by the Parties annually through December 31, 2027, or until the Project is removed from the Property, as TBHM is the single source of exhibit operations in the region.

The total contract fee will be payable in releases based on the percentage of the work that is completed. The fee is based on approved estimates and includes an allowance for incidental out of pocket project expenses (i.e., travel, reproduction costs, postage and delivery charges, management, and miscellaneous fees). Labor and expenses will be reimbursed upon submission of acceptable receipted documentation.

The project funding source shall be the New York Power Authority Industrial Incentive Award.

VI. Non-Discrimination & Contractor and Supplier Diversity

Pursuant to New York State Executive Law Articles 15-A and 17-B, ESD recognizes its obligation under the law to promote opportunities for maximum feasible participation of New York State certified minority-and women-owned business enterprises (MWBEs) and service-disabled veteran-owned businesses (SDVOBs) in the performance of ESD projects. The Office of Contractor and Supplier Diversity has reviewed the project and has determined that MWBE and SDVOB participation goals need not be applied to this project.

VII. Environmental Review

Empire State Development staff has determined that the action, which involves entering into a contract for design, implementation, and staffing of temporary/seasonal interpretative and educational features having no permanent impact on the environment, constitutes a Type II action as defined by the New York State Environmental Quality Review Act and the implementing regulations for the New York State Department of Environmental Conservation. No further environmental review is required at this time.

VIII. Requested Action

The Directors are requested to (1) make a determination of responsibility with respect to the proposed consultant; (2) authorize the Corporation to enter into a Contract Amendment with the Buffalo History Museum for an amount of $438,000, and a total amount not to exceed $713,000; and (3) authorize the Corporation to take all related actions.

IX. Recommendation

Based on the foregoing, I recommend approval of the requested actions.

X. Attachment
Resolution

November 19, 2024

ERIE CANAL HARBOR DEVELOPMENT CORPORATION – Erie Canal Visitor Experience at Canalside - Authorization to Enter into a Contract Amendment with The Buffalo History Museum for Operational and Support Services for the Erie Canal Bicentennial Visitors Experience at Canalside; and Authorization to Take Related Actions

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BE IT RESOLVED, that upon the basis of the materials presented to this meeting (the "Materials"), a copy of which is hereby ordered filed with the records of the Corporation, the Corporation hereby finds the Buffalo History Museum to be responsible; and be it further

RESOLVED, that the Corporation is hereby authorized to enter into a contract amendment with the Buffalo History Museum for ongoing operational and support services for the Erie Canal Visitors Experience at Canalside in an amount not to excced THREE HUNDRED NINETY EIGHT THOUSAND EIGHT HUNDRED SEVENTY EIGHT DOLLARS ($398,878), plus a contingency amount of THIRTY NINE THOUSAND ONE HUNDRED TWENTY TWO DOLLARS ($39,122) for a contract amendment amount of FOUR HUNDRED THIRTY EIGHT THOUSAND DOLLARS ($438,000) for the purposes and services, and for a total contract amount of SVEN HUNDRED THIRTEEN THOUSAND DOLLARS ($713,000), and substantially on the terms and conditions, set forth in the Materials; and be it further

RESOLVED, that the President of the Corporation or his designee(s) be, and each of them hereby is, authorized to take such action and execute such documents as may be necessary or appropriate to carry out the foregoing resolution.

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