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

A Subsidiary of Empire State Development

ERIE CANAL HARBOR DEVELOPMENT CORPORATION

at the offices of
Empire State Development – Buffalo Regional Office
95 Perry Street - Suite 500
Buffalo, NY 14203

Meeting of the Directors

Monday

March 10, 2025 – 10:30 AM

AGENDA

CORPORATE ACTION

1. Approval of the Minutes of the November 19, 2024 Directors' Meeting

2. Erie Canal Harbor Development Corporation Fiscal Year 2025-26 Operating and Capital Budget Proposals – Approval of the Corporation's Operating and Capital Budgets for the Fiscal Year 2025-26 (April 1, 2025 – March 31, 2026)

3. Gateway Building – Be Our Guest, LTD Tenant Lease - Authorization to Enter into a Lease Agreement for Office Space in the Gateway Building; and Authorization to Take Related Actions

FOR CONSIDERATION

4. Shuttle Service at Canalside - Authorization to Enter into a Contract for a Shuttle Service 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

November 19, 2024

MINUTES

In Attendance	
Directors:	Joan A. Kesner – Chair Sam Capitano Erie County Executive Mark C. Poloncarz (Non-Voting) Eric Reich Bryan Wittman Leslie Zemsky
ECHDC Staff:	Mark Wendel, President Debbie Royce, Corporate Secretary
ESD Staff:	Tiffany Bowie, Director of Subsidiary Finance Eugene Kwiatkowski, Senior Director of Budgeting Raymond Orlando, Chief Financial Officer
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 3:00 p.m. yesterday 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 September 9, 2024 Directors' Meeting. Director Reich noted that he was not present at the meeting and asked that his name be deleted from the attendance list.

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 SEPTEMBER 9, 2024 MEETING OF THE ERIE CANAL HARBOR DEVELOPMENT CORPORATION

RESOLVED, that the Minutes of the meeting of the Corporation held on September 9, 2024 as presented to this meeting with the noted edit being made, 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 to the Consultant Agreement for wayfinding signage services in connection with the Buffalo Outer Harbor Project.

Mr. Wendel explained that the requested contract amendment would be for a no-cost time extension to allow A & B Heritage, Inc. to create wayfinding signage at Wilkeson Point at the Buffalo Outer Harbor. He noted the contract would be extended to May 31, 2025.

Following the full presentation and 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 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.

* * *

Chair Kesner then asked Mr. Wendel to present the next Agenda item related to Ferry Operation Services at the Buffalo Waterfront.

Mr. Wendel reminded the Directors there was ferry operator service from Canalside to the Outer Harbor which ceased earlier this year. He noted this proposed contract would be for

a 5-year term commencing on April 1, 2025 and going through to March 31, 2030.

Mr. Wendel advised that on July 26, 2024, ECHDC advertised for the ferry operation opportunity in the *New York State Contract Reporter*. He noted that on August 29, 2024, the Corporation received and opened two proposals, both consisting of boat transportation companies, one from Queen City Bike Ferry and the second from Buffalo Cycle Boats.

Mr. Wendel further advised the two entities were interviewed by the selection committee to assure the requirements listed in the RFP could be met. He noted Queens City Bike Ferry was being recommended as the ferry operator and further noted it was the previous operator of the ferry.

Mr. Wendel advised the Corporation would work with Queens City on hours of operation, having flexibility of operation around events and safety. He stated they would conduct the integration of fare system, and would be responsible for the provision of the maritime permits and certifications.

Lastly, he explained the contract would cover fees and expenses for a 5-year period, from April 1, 2025 through May 31, 2030 in an amount not to exceed $890,150.24 with an option for a 5 year extension and noted the funding source would be through the New York Power Authority.

In response to a request for questions from the Directors, County Executive Poloncarz asked if Queens City Ferry would be required to provide updates on the fares generated versus the contract amount received. Mr. Wendel explained that this was a service being provided by the Corporation to get individuals out to the Outer Harbor and not to make profit. The County Executive asked if the fares would be considered a profit for the Queens City Ferry and Mr. Wendel explained that the fare helps offset any increase in fuel expenses. He explained that any profit that might be had is split with the Corporation. Chair Kesner reiterated that the fare was a minimal amount of one dollar and is the only way to connect to the site.

Following the full presentation and hearing no further 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 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.

* * *

Chair Kesner asked Mr. Wendel to present the final Agenda item, a request to amend the contract with the Buffalo and Erie County Historical Society (the "Society") for the Erie Canal Bicentennial Visitors Experience at Canalside with the Buffalo History Museum.

Mr. Wendel reminded the Directors that the current contract was to fabricate and design interactive exhibits that will go into the Long Shed Building for the Bicentennial Celebration that will begin in April 2025. He noted this amendment would authorize the Society to hire staff to be docents and then to be the hands on staff to welcome visitors and provide tours. He further noted that there would be opportunity to further amend the contract in the future to continue the service since interest in the exhibits is expected to increase following the Celebration.

Mr. Wendel advised the contract would be extended to December 31, 2025 and would be in an amount not to exceed $713,000 funded by a New York Power Authority incentive award.

Following the full presentation and hearing no further 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 – 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

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 exceed 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.

* * *

Prior to adjournment, County Executive Poloncarz asked for an update on the Sinatra related construction at Canalside. Chair Kesner called on Mr. Gawlik to provide the requested information.

Mr. Gawlik advised the Corporation was working with Sinatra in the hopes of moving the project forward and hope to have something in the next month but nothing was final at this time. In response to a question by the County Executive, Mr. Gawlik advised that the Corporation could not pull a bond as it was a private developer and the property was transferred to them. He further advised the Corporation could impose liquidated damages and potentially reacquire the property.

County Executive Poloncarz then asked about the status of the building being constructed by the Corporation and Mr. Wendel advised that the building is scheduled to be completed by end of February, beginning of March 2025.

Hearing no further business, the meeting adjourned at approximately 11:00 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
March 10, 2025

TO: The Directors

FROM: Mark Wendel

SUBJECT: Erie Canal Harbor Development Corporation Fiscal Year 2025-26 Operating and Capital Budget Proposals

REQUEST FOR: Approval of the Corporation's Operating and Capital Budgets for the Fiscal Year ("FY") 2025-26 (April 1, 2025 – March 31, 2026)

I. Background

New York State Finance Law requires that prior to the commencement on April 1 of each new fiscal year, the Directors of Erie Canal Harbor Development Corporation ("ECHDC" or the "Corporation") adopt an annual operating budget and capital budget, if applicable. Attached for your review and approval are the proposed ECHDC FY 2025-26 (April 1, 2025 – March 31, 2026) Operating and Capital Budgets (the "Budgets").

II. ECHDC FY 2025-26 Operating Budget Summary

The Operating Budget proposes a total of $1,199,801 in personal services (salaries and fringe benefits for nine employees) and a total of $245,783 in non-personal services (primarily office occupancy, other outside services, professional fees, insurance and other administrative expenses). The total of all budgeted personal and non-personal expenses for FY 2025/26 is $1,445,584. Consistent with previous years' operating budgets, the FY 2025/26 operating budget will continue to be advanced by Empire State Development, ECHDC's parent, with the expectation of reimbursement at a later date.

III. ECHDC FY 2025-26 Capital Budget Summary

Separate from the Corporation's Operating Budget is the Corporation's Capital Budget. Capital projects are individually approved by the Corporation's Board of Directors under separate actions. The Corporation's Fiscal Year 2025-26 Capital Budget is $45,213,682. This includes, but is not limited to, acquisition costs, design costs of several Canalside and Outer Harbor capital projects, legal costs, property management and maintenance costs, and Outer Harbor Phase 2 projects, as well as ECHDC's contribution to Heritage Point and the North Aud Block.

Funding for the Corporation's Capital Budget will be consistent with existing Board actions and primarily will consist of both existing and anticipated funds from the New York Power Authority, and New York State Budget Appropriations. No ECHDC corporate funds are included in the capital budget.

IV. Environmental Review

Approval of the Corporation's Operating and Capital Budgets for FY 2025-26 constitutes a Type II action as defined by the New York State Environmental Quality Review Act ("SEQRA") and the implementing regulations for the New York State Department of Environmental Conservation. No further environmental review is required in connection with this request. Capital projects are approved by the Corporation's Board of Directors under separate actions and, as necessary, will be subject to environmental review prior to such Board approval.

V. Non-Discrimination and Contractor Diversity

Pursuant to New York State Executive Law Articles 15-A and Article 3 of New York State Veterans' Services Law, 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. Specific goals related to the total value of ESD's funding will be established on a per-contract basis.

VI. Recommendation

Based upon the forgoing, The Directors are requested to ratify and approve the Corporation's proposed FY 2025-26 Operating Budget in the amount of $1,445,584 and the Capital Budget in the amount of $45,213,682.

VII. Attachments

Resolution
FY 2025-26 Budget – Operating - Erie Canal Harbor Development Corporation
FY 2025-26 Budget – Capital - Erie Canal Harbor Development Corporation

March 10, 2025

ERIE CANAL HARBOR DEVELOPMENT CORPORATION - FY 2025-26 Operating and Capital Budgets – Approval of the Corporation's FY 2025-26 Operating and Capital Budgets (April 1, 2025 – March 31, 2026)

BE IT RESOLVED, based on the materials at this meeting and ordered filed with the Corporation (the "Materials"), the Corporation's proposed FY 2025-26 Operating and Capital Budgets are hereby approved, and adopted in all respects, substantially in the form set forth in the materials and subject to the availability of funds; and be it further

RESOLVED, that the Officers of the Corporation and/or appropriate designees, and each of them, are hereby authorized and directed to take all actions and execute all documents in connection with the establishment and implementation of the Corporation's Budget; 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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Empire State Development
Erie Canal Harbor Development Corporation
FY 2025-26 Proposed Operating Budget

	Board Approved Budget FY 2024-25	Proposed Budget FY 2025-26
PERSONAL SERVICES		
Salaries	$ 814,771	$ 844,930
Fringe Benefits	334,056	354,871
TOTAL PERSONAL SERVICES	$ 1,148,827	$ 1,199,801
HEADCOUNT	9	9
NON-PERSONAL SERVICES		
Professional Fees		
Legal / Accounting Fees	$ 2,000	$ 2,000
Consultant Fees	-	-
Total Professional Fees	$ 2,000	$ 2,000
Other Non-Personal Services		
Employee Travel & Meals	8,000	8,000
On-line Services/ Due & Subscriptions	1,600	1,600
Office Occupancy Expenses	87,500	87,500
Insurance	99,813	100,483
Other Outside Services	37,000	37,000
Telephone/Internet	4,200	4,200
Office Supplies and Expense	5,000	5,000
Computers/Software/Equipment	-	-
Total Other Non Personal Services	$ 243,113	$ 243,783
TOTAL NON-PERSONAL SERVICES	$ 245,113	$ 245,783
TOTAL OPERATING BUDGET	$ 1,393,940	$ 1,445,584

Empire State Development
Erie Canal Harbor Development Corporation
FY 2025-26 Proposed Capital Budget

	Board Approved Budget FY 2024-25	Proposed Budget FY 2025-26
Acquistion Costs	$ 225,000	$ 1,225,000
Design & Other Soft Costs	10,388,308	9,617,927
Legal Costs	200,000	400,000
Property Management/Maintenance Costs	4,789,403	5,416,706
Insurance	321,717	250,000
Construction Costs	51,453,618	27,754,049
Other Misc. Costs	500,000	550,000
TOTAL CAPITAL BUDGET	$ 67,878,046	$ 45,213,682

Item 3

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

A Subsidiary of Empire State Development

FOR CONSIDERATION
March 10, 2025

TO: The Directors

FROM: Mark J. Wendel

SUBJECT: Gateway Building – Be Our Guest, LTD Tenant Lease

REQUEST FOR: Authorization to Enter into a Lease Agreement for Office Space in the Gateway Building; and Authorization to Take Related Actions

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I. Lease Terms

Tenant: Be Our Guest, Ltd.
1 James D. Griffin Plaza
Buffalo, NY 10203

Leased Premises: 1,947 square feet of space on the third floor of the ECHDC owned Gateway Building

Lease Term: May 1, 2025 through April 30, 2030 with one five (5) year option to renew

Lease Amount: $16.00 square feet annually which amounts to $31,152 in year 1. Rent will increase to $16.50 per square foot in years 2-3 and $17.00 per square foot in years 4-5. Tenant will also pay an additional $1.15 per square foot annually to cover common area maintenance costs.

Funding Source(s): N/A

II. Background

In March 2019, ECHDC engaged TY Lin International to create a development strategy for the North Aud Block. The design direction was to provide a multiple building development sitting upon a subsurface parking structure. The buildings are to reflect upon the historic street grid that once defined the area and fit within the current context of Canalside. The development plan, which was thoroughly vetted through public meetings, was incorporated into the Canalside Modified General Project Plan that was affirmed in February 2022. The North Aud Block redevelopment started with the construction of the Gateway Building (aka "Building #2" in the

2022 Canalside MGPP). Ultimately, upon full build out, Canalside will provide various year-round offerings and experiences, including restaurants, entertainment venues, retail, cultural attractions, residential units, and public open space as an integral part of Buffalo's waterfront.

The multi-story, masonry Gateway Building will be the first stop for all Canalside visitors, providing information, public restrooms, security, retail, and ADA accessibility between the two-level Canalside site, while consolidating waterfront operations at the same location.

III. Project Description

Tenant will occupy 1,947 square feet of the third floor at the Gateway Building. The term will be for five (5) years with an option to renew for an additional five (5) years. Rent will be paid to ECHDC as follows:

Year 1	$16.00/square foot
Years 2-3	$16.50/square foot
Years 4-5	$17.00/square foot
Years 6-7	$17.50/square foot
Years 8-9	$18.00/square foot
Year 10	$18.50/square foot

Tenant will also pay an additional $1.15 per square foot annually as a charge for common area maintenance costs.

The lease will provide an additional benefit to ECHDC as the Tenant is also the facilities and public space manager of the Canalside Project through contracts with ECHDC. In this role, the Tenant provides maintenance, programing, operation of the public ice rink, janitorial services and security for the overall project area. As such, being located at the Gateway Building will enhance the Tenant's ability to provide those services to the ECHDC and the Canalside Project.

IV. Contract Term, Price and Funding

The initial lease term will be for five (5) years within a renewal for an additional five (5) years. The base rent starts at $16.00 per square foot plus utilities. A recent independent appraisal identified the fair market lease rate is $15.00 - $16.00 per square foot annually.

V. Non-Discrimination & Contractor and Supplier Diversity

Pursuant to New York State Executive Law Articles 15-A and Article 3 of New York State Veterans' Services Law, 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.

VI. Environmental Review

Empire State Development staff has determined that the action, which involves entering into a contract for leased office space with no substantial changes in any existing structure/facility there, 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.

VII. 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 lease agreement with Be Our Guest, Ltd; and (3) to take all related actions.

VIII. Recommendation

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

Attachments
Resolution

March 10, 2025

ERIE CANAL HARBOR DEVELOPMENT CORPORATION – Gateway Building – Be Our Guest, LTD Tenant Lease - Authorization to Enter into a Tenant Lease Agreement for Office Space in the Gateway Building; 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 Be Our Guest, Ltd. to be responsible; and be it further

RESOLVED, that the Corporation is hereby authorized to enter a Lease Agreement with Be Our Guest, Ltd. for office space in the Gateway Building, 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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Item 4

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

A Subsidiary of Empire State Development

FOR CONSIDERATION
March 10, 2025

TO: The Directors

FROM: Mark J. Wendel

SUBJECT: Shuttle Service at Canalside

REQUEST FOR: Authorization to Enter into a Contract for a Shuttle Service at Canalside; and Authorization to Take Related Actions

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CONTRACT NEEDS AND JUSTIFICATION

I. Contract Summary

Shuttle Operator:	The Cedar Bus Co. (the "Contractor") 401 E. Amherst Street Buffalo, NY 14215
Scope of Services:	Shuttle Service at Canalside
Contract Term:	May 23, 2025 through September 27, 2026
Contract Amount:	$248,500 ($213,152 base including $35,848 contingency)
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.

ECHDC has determined a shuttle service would be a great amenity to the public starting in 2025. ECHDC will be celebrating the Bicentennial of the Erie Canal from May through September. Based on optics obtained from the EC2025 marketing campaign, and the additional programming that will be offered all season, we are projecting a higher amount of foot traffic from additional vehicles and visitors for the Erie Canal Bicentennial Commemoration at Canalside. As part of the Commemoration, ECHDC has commissioned a new interactive exhibit telling the history of the Erie Canal titled "The Waterway of Change Exhibit" to be located in the Longshed. Additionally, Canalside will be the homebase for two large conferences, one bringing international visitors: the World Canals Conference & The National Maritime Conference. During this celebration and introduction of new attractions to Canalside, there is also on-going construction projects. These projects require closure of select streets and sidewalks that would be accessed by visitors.

ECHDC see it necessary to have a shuttle service to ease parking worries and assist in the safety of visitors returning to their vehicles throughout the day and evening.

III. Consultant Selection Process

ECHDC reached out to a number of shuttle bus companies to attain a proposal to provide this service. This included the Niagara Frontier Transportation Authority ("NFTA"). ECHDC received responses that either the companies did not have the personnel to handle an additional route or were informed that their company was no longer providing shuttle services. ECHDC received a qualified response from the Cedar Bus Co.

For over a decade The Cedar Bus Co. has become the industry standard in providing reliable and affordable transportation services. Their organization has developed into one of the largest providers of wheelchair accessible transportation by working with nearly all the developmental disability agencies, hospitals, and universities in the community. They work closely with agency partners to determine the best practices for each individual rider to make certain they are comfortable and safe. Their focus is on the client – providing the safest and most compassionate experience in the industry. Cedar Bus Co.'s stringent driver and aide training program produces high-quality transportation professionals, with a focus on delivering exceptional customer service from beginning to end.

The Cedar Bus Co. is proud to provide transportation services to various colleges and universities to offer students the safe and reliable transportation they deserve. The Cedar Bus Co. offers the latest transportation technology, training, and communication for these services. They help plan, implement, and execute the shuttle services being operated to best serve the college and universities we partner with.

Cedar Bus offers a customized shuttle tracker that gives the rider the ability to quickly determine the location of the shuttle in real time. This tracker will be available on the Canalside shuttle to give all riders a better visitor experience by lessening wait times, because they can track the shuttle on demand.

A Contract Reporter Exemption was approved by Empire State Development.

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 Cedar Bus Co. will provide necessary services including, but not limited to, the scope of work described generally below:

1. Objectives

- Provide a safe, reliable, and efficient shuttle service at no cost to the rider.
- Improve accessibility within the public space.
- Reduce congestion and promote sustainable transportation options.
- Ensure compliance with local transportation and safety regulations.

2. Operating Hours

- Spring - abbreviated hours May 23 – June 22: Weekends only
- Summer - peak season June 23 – Sept 1
- Fall - abbreviated hours Sept 5 – Sept 21: Weekends only

Peak hours may require increased frequency of service. Increased ridership may result in expanding to (2) two shuttles. Additionally, the shuttle service will be assisting guests and visitors on special events days; example: Seneca Chief Departure Day.

3. Route & Stops

The shuttle will operate on a fixed route covering a list of key locations between parking lots surrounding Canalside & attractions within the Canalside property. Additional stops may be added based on demand and accessibility needs. Clearly marked pickup and drop-off points shall be established with Buffalo Waterfront signage.

4. Fleet & Vehicles

Vehicles must be ADA-compliant and accommodate passengers with disabilities. The fleet must consist of 1 shuttle, with the possibility of expanding to two shuttles. Both vehicles must have a seating capacity of at least 20 persons per shuttle. Vehicles must be properly

maintained, insured, and meet all safety standards. Shuttle will be graphically wrapped & easily recognizable as the "Canalside Shuttle."

5. Service Frequency & Scheduling

Shuttles will run the route on a constant loop, estimating the pickup at each location to be every 15 minutes. A real-time tracking system is available for passengers.

6. Staffing & Operations

- Drivers & Personnel: All drivers must be licensed, trained, and background checked. Staff must be trained in customer service, safety protocols, and emergency response. A dispatcher or coordinator shall oversee shuttle operations.
- Safety & Compliance: The service must comply with local, state, and federal transportation regulations. Regular vehicle inspections and safety checks are mandatory. Emergency protocols, including first aid and accident response, must be in place.

7. Performance Metrics & Reporting

Monthly reports on ridership, punctuality, incidents, and maintenance must be submitted. Passenger feedback mechanisms should be in place for continuous improvement. Periodic evaluations and adjustments to routes/schedules may be required.

8. Responsibilities of Service Provider

Procurement and maintenance of shuttle vehicles. If the fully wrapped shuttle needs repair, it is on Cedar Bus Co. to add temporary signage to a replacement shuttle until the fully wrapped shuttle is repaired.

Hiring and training of drivers and support staff. Adherence to agreed service levels, schedules, and safety standards. Coordination with local authorities and stakeholders.

V. Contract Term, Price and Funding

The Contract will cover fees and expenses through September 27, 2026. The amount with The Cedar Bus Co. to complete the above scope of work shall not exceed $248,500 ($213,152 base including $35,848 contingency).

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

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 Article 3 of New York State Veterans' Services Law, 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. Establishment of specific goals related to the total value of ESD's funding is still pending..

VII. Environmental Review

Empire State Development staff has determined that the action, which involves entering into a contract for routine management and operations activities, 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 designate the Cedar Bus Co. as the Operational Organization for the Shuttle Service at Canalside; (3) authorize the Corporation to enter into a Contract with the Cedar Bus Co. for an amount of $248,500 ($213,152 base including $35,848 contingency); and (4) authorize the Corporation to take all related actions.

IX. Recommendation

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

X. Attachment
Resolution

March 10, 2025

ERIE CANAL HARBOR DEVELOPMENT CORPORATION – Shuttle Service at Canalside - Authorization to Enter into a Contract for a Shuttle Service 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 Cedar Bus Co. to be responsible; and be it further

RESOLVED, that the Corporation is hereby authorized to enter into a contract with the Cedar Bus Co. as the Operational Organization for the Contract for a Shuttle Service at Canalside; for a base contract amount of TWO HUNDRED THIRTEEN THOUSAND ONE HUNDRED FIFTY-TWO DOLLARS ($213,152), plus a contingency amount of THIRTY-FIVE THOUSAND EIGHT HUNDRED FORTY-EIGHT DOLLARS ($35,848) for a total contract not to exceed of TWO HUNDRED FORTY-EIGHT THOUSAND FIVE HUNDRED DOLLARS ($248,500) for the purposes and services, 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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