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

September 14, 2026 – 10:30 AM

AGENDA

CORPORATE ACTIONS

1. Approval of the Minutes of the May 20, 2026 Directors' Meeting

2. Buffalo Waterfront Facilities Management Services - Authorization to Enter into a Contract Amendment with Be Our Guest, Ltd. d/b/a The Rich Entertainment Group for Facilities Management Services; and Authorization to Take Related Actions

3. Buffalo Cruise Terminal Improvements Design - Authorization to Enter into a Contract Amendment with LiRo Engineers, Inc. for A/E Design Services for the Buffalo Cruise Terminal Improvements Project; and Authorization to Take Related Actions

4. Asset Valuation and Sponsorship Consultant - Authorization to Enter into a Contract for Asset Valuation and Sponsorship Consultation; and Authorization to Take Related Actions

5. Terminal B Safety Improvements - Site Construction - Authorization to Enter into a Contract for Construction Services; and Authorization to Take Related Actions

6. Terminal B Safety Improvements – Electric Construction - Authorization to Enter into a Contract for Construction Services; and Authorization to Take Related Actions

Item 1

Erie Canal Harbor Development Corporation
95 Perry Street
5th Floor Conference Room
Buffalo, New York 14203

May 20, 2026

MINUTES

In Attendance	
Directors:	Joan A. Kesner – Chair Sam Capitano Constance Lydon Bryan Wittman Leslie Zemsky
ECHDC Staff:	Mark Wendel, President Raymond Orlando, Chief Financial Officer Debbie Royce, Corporate Secretary
ESD Staff:	Ann Descovich, Financial Project Manager – Subsidiary Finance Stephen Gawlik, VP, Poly and Capital Projects and Senior Counsel - Strategic Initiatives Courtney Heed, Deputy Corporate Secretary Eugene Kwiatkowski, Senior Director of Budgeting Laura Magee, Deputy Director - Public Affairs Florence Moses, Director - Subsidiary Finance
Also Present:	Members of the Media

The meeting of the Erie Canal Harbor Development Corporation (the "Corporation"), was called to order at approximately 10:34 a.m. It was noted for the record that the meeting was being webcast. Chair Kesner then introduced and thanked 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. She 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 at any time.

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.

The Chair then called for a motion to approve the Minutes of the February 9, 2026 Directors' Meeting. Hearing no questions, comments, additions, or deletions on either set, upon motion duly made and seconded, the following Resolution was unanimously adopted:

APPROVAL OF MINUTES AND RATIFICATION OF ACTIONS TAKEN AT THE FEBRUARY 9, 2026 MEETING OF THE DIRECTORS OF THE ERIE CANAL HARBOR DEVELOPMENT CORPORATION

RESOLVED, that the Minutes of the meeting of the Corporation held on February 9, 2026 as presented to this meeting, are hereby approved and all actions taken by the Directors present at such meeting as set forth in each such Minutes, are hereby in all respects ratified and approved as actions of the Corporation.

* * *

Proceeding with the Agenda, the Chair called on Mark Wendel, President of the Corporation, to present the first of three Agenda items regarding the adoption of the 2026 ECHDC Procurement Guidelines.

Mr. Wendel addressed the Board and stated that, in accordance with Section 2879 of the Public Authorities Law, the Erie Canal Harbor Development Corporation Directors are required to adopt updated and revised guidelines each year governing the use, awarding, monitoring, and reporting of procurement contracts. Mr. Wendel noted that these specific

guidelines had already received recent approval at the Empire State Development board meeting and were now being submitted to the ECHDC Board for formal adoption.

Mr. Wendel reported that the staff had thoroughly reviewed the guidelines and incorporated several specific updates and modifications. First, all internal and external internet links were reviewed and updated to verify functionality and ensure access to the most current information. Second, additional guidance was introduced regarding the internal processing procedures for memberships, sponsorships, and specific types of subscriptions. Third, further clarifications were established to distinguish between requisition solicitations, mini-bids sourced from pre-qualified lists, and discretionary purchases made by staff, accompanied by the addition of a new section, Section 7.7, concerning mini-bids from pre-qualified lists. Fourth, guidance was incorporated regarding the newly enacted Section 139-m of the State Finance Law, which addresses gender-based violence, workplace policies, and associated vendor certifications. Finally, section numbering, formatting, and the table of contents were revised to enhance overall usability and ease of reference for staff members.

Mr. Wendel further explained that the proposed 2026 guidelines attached to the memorandum set forth the policies and procedures to be followed by the Corporation and its subsidiaries when seeking to contract for goods and services. He also noted that the guidelines were evaluated through an environmental review, determining that they constitute a Type II action and do not require any further environmental modification.

Mr. Wendel concluded by presenting the requested action, asking the Directors to adopt the proposed 2026 guidelines for the use, awarding, monitoring, and reporting of procurement contracts, to become effective as of April 1, 2026. Following this presentation, Chair Kesner thanked Mr. Wendel and asked the Directors if there were any questions or comments regarding the item. Hearing none, and noting that there were no comments from the public concerning this item, Chair Kesner stated that she would entertain a motion for approval.

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

ERIE CANAL HARBOR DEVELOPMENT CORPORATION – ECHDC Procurement Guidelines – Adoption of 2026 Revised Guidelines for the Use, Awarding, Monitoring and Reporting of Procurement Contracts

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BE IT RESOLVED, that on the basis of the materials presented to this meeting, a copy of which is hereby ordered to be filed with the records of the Corporation, the proposed 2026 Guidelines for the Use, Awarding, Monitoring and Reporting of Procurement Contracts, a copy of which is attached to the materials, be and hereby is approved and adopted as of April 1, 2026; and the President or his designee is authorized to promulgate the said Guidelines in electronic form and other media for the use of the staff of the Corporation, and to take such other and further action as may be deemed necessary or appropriate to effectuate the foregoing Resolution.

* * *

Chair Kesner announced that the motion carried and asked Mr. Wendel to proceed with the next item on the Agenda. Mr. Wendel thanked the Chair and explained that, similar to the Procurement Guidelines, the Empire State Development Property Disposition Guidelines undergo an annual review and update. He stated that on March 26, 2026, the ESD Directors adopted the 2026 guidelines, which were now being submitted to the ECHDC for adoption and

utilization. Mr. Wendel noted that in conformity with the governing act, the property disposition guidelines generally provide for the appointment of a contracting officer, the dissemination and posting of the guidelines, the inventory and reporting of the status of corporation property, and the obligations of the Corporation regarding pricing and methods of disposition.

Mr. Wendel explained that the obligations concerning pricing generally require the disposition of property at no less than fair market value, which is determined following public advertisement for bids. He noted that property encompasses both real and personal property, and that appraisals are required for the disposition of real property as well as certain other property that is not readily available.

Mr. Wendel added that these guidelines had also undergone environmental review and qualified as a Type II action as defined by the New York State Environmental Quality Review Act (SEQRA). He then presented the requested action, asking the Directors to adopt the attached guidelines, appoint the Executive Vice President of Real Estate Development of ESD (or his or her designee) as the contracting officer for the purposes of the guidelines, and authorize the taking of all related actions.

Chair Kesner thanked Mr. Wendel and asked the Directors if there were any questions or comments regarding the item. Hearing no questions or comments from the Directors, and noting no questions or comments from the public, upon motion duly made and seconded, the following resolution was unanimously adopted:

ERIE CANAL HARBOR DEVELOPMENT CORPORATION ("ECHDC") – ECHDC Property Disposition Guidelines – Adoption of 2026 Property Disposition Guidelines; Appointment of Contracting Officer; and Authorization to Take Related Actions

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WHEREAS, ECHDC wishes to comply with Title 5-A of the Public Authorities Accountability Act, as amended by the Public Authorities Reform Act of 2009 (collectively, the "Act"), which mandates that public benefit corporations including ECHDC prepare annual Guidelines regarding Disposition of Property (the "Guidelines") attached hereto; and

WHEREAS, Empire State Development ("ESD") has prepared the Guidelines in accordance with the Act; and

WHEREAS, ECHDC has reviewed said Guidelines and found them to be satisfactory; and

WHEREAS, the Guidelines require the appointment of a Contracting Officer;

NOW, THEREFORE, IT IS HEREBY RESOLVED that in accordance in the materials presented to this meeting and ordered filed in the records of the Corporation, the Guidelines as amended are hereby adopted; and it is further

RESOLVED, that the Executive Vice President, Real Estate Development, ESD or his/her designee (or any successor Executive Vice President) is hereby re-appointed as Contracting Officer as required and set forth in the Guidelines; and it is further

RESOLVED, that the President of ECHDC is authorized and empowered to submit and file the Guidelines, as required by law, and to take such action and execute such agreements and instruments as he or she may consider necessary or desirable or appropriate in connection with the implementation of the Guidelines and to take related actions.

* * *

Following the motion, Chair Kesner announced that the motion carried and asked Mr. Wendel to present the final item on the Agenda regarding a request for the Corporation to enter into an agreement for surface parking access on State-owned property at Canalside.

Mr. Wendel explained that these surface parking lots are located along Commercial Street, Pearl Street, and down Perry Boulevard, situated underneath the Skyway and the Department of Transportation (DOT). He recalled that back in 2020, the Corporation had

entered into a New York State DOT use and occupancy permit that allowed ECHDC to manage, maintain, and operate the parking lots for a five-year term, which had now expired. Mr. Wendel stated that the current item proposed entering into a new five-year use and occupancy permit running from April 1, 2026, through March 31, 2031.

Mr. Wendel further explained that the permit allows the Corporation to maintain, operate, and control the parking lots, including the authority to control the pricing offered for the product, which he noted is a very good amenity for Canalside to maintain and operate under their discretion. He added that the payment for the permit would be in an amount not to exceed $624,485, which would be spread out over the five-year term of the use and occupancy permit.

Mr. Wendel concluded by noting that, under environmental review, this matter constituted a Type II action as defined by SEQR, and that no further environmental action was deemed necessary. He then presented the final requested action, asking the Directors to authorize the Corporation to enter into the use and occupancy permit with the New York State Department of Transportation substantially under the terms outlined in the materials, with a permit fee not to exceed $624,485 spread over the five-year term, and to authorize the taking of all related actions.

Chair Kesner thanked Mr. Wendel and asked the Directors if there were any questions or comments regarding the item. Noting that there were no comments from the public, Chair Kesner stated that she would entertain a motion for approval.

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

ERIE CANAL HARBOR DEVELOPMENT CORPORATION – Canalside – Permit for Use of State-Owned Property - Authorization to Pay Applicable Fees and Secure a Permit for Use/Occupancy of State-Owned Property from the New York State Department of Transportation; Authorization to Enter into Agreement(s) for Surface Parking Access on Said State-Owned Property; and Authorization to Take Related Actions

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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 is hereby authorized to secure a permit for use and occupancy of state-owned property from the New York State Department of Transportation and pay a permit fee in an amount not to exceed SIX HUNDRED TWENTY FOUR THOUSAND FOUR HUNDRED EIGHTY FIVE DOLLARS ($624,485), 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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Hearing no further business, the meeting adjourned at approximately 10:43 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
September 14, 2026

TO:	The Directors
FROM:	Mark J. Wendel
SUBJECT:	Buffalo Waterfront Facilities Management Services
REQUEST FOR:	Authorization to Enter into a Contract Amendment with Be Our Guest, Ltd. d/b/a The Rich Entertainment Group for Facilities Management Services; and Authorization to Take Related Actions

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CONTRACT NEEDS AND JUSTIFICATION

I. Contract Summary

Consultant:	Be Our Guest, Ltd. d/b/a The Rich Entertainment Group ("BRG") 1 James D. Griffin Plaza Buffalo, NY 10203
Scope of Services:	Facilities Management Services
Contract Term:	April 1, 2024 – March 31, 2029
Original Contract Amount:	$11,224,060 ($9,724,060 Base plus $1,500,000 Contingency)
Amendment 1:	$11,224,060 ($10,316,560 Base plus $907,500 Contingency)
Amendment 2:	$11,224,060 ($10,620,554.05 Base plus $603,505.95 Contingency)
Amendment Amount:	$673,900
Total Contract Amount:	$11,897,960 ($11,294,454.05 Base plus $603,505.95 Contingency)
Funding Source(s):	New York Power Authority

II. Background

In November 2023, the ECHDC Board approved the Facilities Management Term contract to Be Our Guest, Ltd, d/b/a The Rich Entertainment Group ("BRG"). The contract term started on April 1, 2024. Stewardship of the property is critical in protecting this investment. Operations and Maintenance "O&M" systems have been developed to assure that grounds and facilities are well maintained, safe and functional. Property

adaptation and repair are frequently required to meet changing programmatic needs and to withstand deterioration from age, heavy use and environmental impact. Under this term Agreement, BRG has already completed the replacement of half of the original boardwalk at Canalside. This amendment will allow the remaining boardwalk boards and system to be replaced.

III. Consultant Selection Process

On January 19, 2023, ECHDC advertised for the *Facilities Management* opportunity in the New York State Contract Reporter. On May 4, 2023, ECHDC received and opened two (2) proposals, both consisting of facilities management firms. These proposals were reviewed and scored by the Selection Committee. Both facility teams were interviewed by the Selection Committee with Be Our Guest, Ltd. DBA The Rich Entertainment Group being the recommended contractor. A contract with the vendor was approved at the November 2023 ECHDC Board Meeting. A contract reporter exemption was approved for this amendment.

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 scope of Facility Management ("FM") Services will include all staffing, materials, fuels, and supplies required for general operations and maintenance of buildings, structures, utility systems, rink/fountain, public spaces, FF&E, vehicles, capital project management, seasonal transitions, daily custodian services, etc. Scope of services may include but not be limited to the operation, maintenance, cleaning, repair, preventative maintenance, renovation, addition to or modification of the following structures, property, and systems.

The identified scope of work under this Amendment will include the following:

- Removal of all original boardwalk boards from the end of the Beer Garden to the very southern end.
- Removal of degenerated wood within the support system.
- Regrade or replace subbase.
- Purchase and Install new wood material within the support system and the boardwalk boards.

V. Contract Terms and Conditions

The proposed amendment amount will enable BRG to complete the scope of work described above, and shall not exceed $673,900. This amendment will increase the overall contract amount to not to exceed $11,897,960 ($11,294,454.05 Base plus $603,505.95 Contingency).

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

VI. Non-Discrimination and Contractor & 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. The Contractor shall be required 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(n)] to achieve an overall MWBE Participation Goal of 30% and an SDVOB Participation Goal of 3%.

VII. Environmental Review

Empire State Development staff has determined that the requested action, which involves amending a contract for routine maintenance and continuing administration/management of existing facilities, 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 in connection with the action.

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 Be Our Guest, Ltd. d/b/a The Rich Entertainment Group for an additional amount not to exceed $673,900 and a total contract amount of $11,897,960; and (3) to take all related actions.

IX. Recommendation

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

X. Attachments

Resolution

September 14, 2026

ERIE CANAL HARBOR DEVELOPMENT CORPORATION – Buffalo Waterfront Facilities Management Services - Authorization to Enter into a Contract Amendment with Be Our Guest, Ltd. d/b/a The Rich Entertainment Group for Facilities Management 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 Be Our Guest, Ltd. DBA The Rich Entertainment Group to be responsible; and be it further

RESOLVED, that the Corporation is hereby authorized to enter into a contract amendment with Be Our Guest, Ltd. DBA The Rich Entertainment Group for an amount not to exceed SIX HUNDRED SEVENTY THREE THOUSAND NINE HUNDRED DOLLARS ($673,900) for a total base contract amount of ELEVEN MILLION TWO HUNDRED NINETY FOUR THOUSAND FOUR HUNDRED FIFTY FOUR DOLLARS FIVE CENTS ($11,294,454.05), plus a contingency in the amount of SIX HUNDRED THREE THOUSAND FIVE HUNDRED FIVE DOLLARS NINETY FIVE CENTS ($603,505.95) for a total contract amount not to exceed ELEVEN MILLION EIGHT HUNDRED NINETY SEVEN THOUSAND NINE HUNDRED SIXTY DOLLARS ($11,897,960), 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(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 3

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

A Subsidiary of Empire State Development

FOR CONSIDERATION
September 14, 2026

TO:	The Directors
FROM:	Mark J. Wendel
SUBJECT:	Buffalo Cruise Terminal Improvements Design
REQUEST FOR:	Authorization to Enter into a Contract Amendment with LiRo Engineers, Inc. for A/E Design Services for the Buffalo Cruise Terminal Improvements Project; and Authorization to Take Related Actions

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CONTRACT NEEDS AND JUSTIFICATION

I. Contract Summary

Consultant:	LiRo Engineers, Inc. ("LiRo" or the "Consultant") 690 Delaware Avenue Buffalo, NY 14209
Scope of Services:	Architectural and Engineering Design and Construction Inspection Services
Contract Term:	July 7, 2025, through July 31, 2027
Current Contract Amount:	$1,649,722.42 (including $34,307.94 remaining in contingency)
Proposed Amendment Amount:	$254,320.00
New Total Overall Amendment Amount:	$1,904,042.42 (including $34,307.94 remaining in contingency)
Funding Source:	New York Works EDF

II. Background

The goal of the Buffalo Cruise Terminal project is to create a reimagined site for cruise ship docking for both domestic and international travel. Improvements will consist of seawall shoring and repair, site clearing and, remediation, improvements to public access to the water, and construction/installation of a new one-story building, bus loop, site lighting, landscape and hardscape elements, fencing, site drainage, utility service lines, and wayfinding signage. The program for the new building or buildings will be for customs processing and a public comfort station.

LiRo was originally retained by ECHDC to provide architectural and engineering design and construction administration services for the Terminal. This amendment will allow LiRo to provide inspection services during construction in order to meet NY Building Code. These services include special inspections and verification of construction type according to the bidding documents and specifications.

III. Consultant Selection Process

On April 7, 2025, the ECHDC solicited bids for the Buffalo Cruise Terminal Improvements Project in the New York State Contract Reporter. A total of three (3) proposals were received on May 14, 2025. ECHDC reviewed the proposals and interviewed the consultant teams. As a result, the selection team determined that LiRo met all of the requirements of the RFP and provided the best value for the proposed scope of work. Due to LiRo's involvement with the project to date, a single-source Contract Reporter Exemption (CRE) was approved for this contract amendment.

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

IV. Scope of Work

The Consultant will be required to provide inspection services during construction. These services will cover inspections required by NY Building Code and construction type determined by the contract documents including but not limited to; daily inspection of the concrete installation, concrete sounding, inspection of reinforced steel, observation of the excavation to determine types of contamination, and weekly inspection of the stormwater pollution prevention plan (SWPPP).

V. Contract Term, Price and Funding

This contract amendment will cover fees and expenses. The Contract amendment amount is $254,320.00, which will raise the total Contract amount with LiRo Engineers to complete the above scope of work for the project to $1,904,042.42 including $34,307.94 remaining in contingency.

Funding for this project is available from the New York Works EDF account.

VI. Non-Discrimination and Contractor & 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. The Contractor 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(n)) to achieve an overall MWBE Participation Goal of 30% and an SDVOB Participation Goal of 6%.

VII. Environmental Review

Pursuant to the State Environmental Quality Review Act (SEQRA), Article 8 of the Environmental Conservation Law and its implementing regulations (6 NYCRR Part 617), ECHDC, as lead agency for the Buffalo Outer Harbor Civic and Land Use Improvement Project, issued a Negative Declaration on February 8, 2021, determining that the Buffalo Cruise Terminal project will not have any significant adverse impacts on the environment. In addition, modifications associated with the project were considered in a Technical Memorandum dated February 2026, which concluded that the project would continue to not have any significant adverse impacts on the environment. The present request for authorization to amend a contract for inspection services during the project construction does not constitute an action beyond those actions previously considered and does not require additional environmental review under SEQRA. Therefore, no further environmental review is required in connection with this authorization.

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 LiRo Engineers, Inc. for an amount not to exceed $254,320.00 for a total contract amount of $1,904,042.42 (including $34,307.94 remaining in contingency) and (3) to authorize the Corporation to take all related actions.

IX. Recommendation

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

X. Attachments
Resolution

September 14, 2026

ERIE CANAL HARBOR DEVELOPMENT CORPORATION – Buffalo Cruise Terminal Improvements Design - Authorization to Enter into a Contract Amendment with LiRo Engineers, Inc. for A/E Design Services for the Buffalo Cruise Terminal Improvements Project; 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 LiRo Engineers, Inc.to be responsible; and be it further

RESOLVED, that the Corporation is hereby authorized to amend the contract with LiRo Engineers, Inc. for an amendment amount of TWO HUNDRED FIFTY FOUR THOUSAND THREE HUNDRED TWENTY DOLLARS ($254,320.00) for an amended total contract amount not to exceed ONE MILLION NINE HUNDRED FOUR THOUSAND FORTY TWO DOLLARS AND FORTY TWO CENTS ($1,904,042.42) 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/her 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
September 14, 2026

TO:	The Directors
FROM:	Mark J. Wendel
SUBJECT:	Asset Valuation and Sponsorship Consultant
REQUEST FOR:	Authorization to Enter into a Contract for Asset Valuation and Sponsorship Consultation; and Authorization to Take Related Actions

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CONTRACT NEEDS AND JUSTIFICATION

I. Contract Summary

Consultant:	The Superlative Group 2843 Franklin Boulevard Cleveland, Ohio 44113
Scope of Services:	Asset Valuation and Sponsorship Strategy
Contract Term:	October 1, 2026 – July 31, 2028
Contract Amount:	Not to Exceed $202,950 ($184,500 with $18,450 contingency) Consultant also will receive no more than 15% of executed contracts
Funding Source(s):	Erie Canal Harbor Development Funds

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 projects have improved the visitor experience and provided a variety of waterfront engagements at both Canalside and the Buffalo Outer Harbor. ECHDC looks to continue to improve, operate, and maintain these locations.

ECHDC issued a request for proposal for asset valuation and sponsorship that will establish a funding source to assist in operation and maintenance costs of the various sites. The sponsorship naming will also assist in establishing identification markers and additional outreach to the public through the sponsorship entity.

III. Consultant Selection Process

On July 13, 2026 ECHDC advertised for the *Asset Valuation and Sponsorship Consultant* opportunity in the New York State Contract Reporter. On August 20, 2026, ECHDC received and opened two (2) proposals; all consisting of sponsorship consultants. The following firms submitted proposals:

LNF Event Management, LLC d/b/a RevUp Property Consultants
The Superlative Group

ECHDC recommends awarding the contract to The Superlative Group, who was found by the evaluation committee to be the highest scoring respondent.

The Superlative Group is a global leader in naming rights and sponsorship valuation, sales and consulting. Since 1994, their industry leading team of valuation and analytics, sales and legal executives have been guiding some of the world's most prominent brands and properties through the Naming Rights, Sponsorship and Premium Seating process. During this time, they have worked with a variety of government agencies and municipalities including Hudson River Park Trust and City of Clearwater, Florida. In both instances, Superlative helped secure sponsorships and naming right agreements for their outdoor venues.

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 Consultant will work with ECHDC and USAN in establishing marketing collateral of various State owned sites to assist in the naming rights and sponsorship sales development process. They will provide the following services:

1. Sponsorship Asset Valuation
    a. Comprehensive Asset Inventory – Audit and value the existing and potential ECHDC and USAN sponsorship assets for their Return on Investment (ROI) and Return on Objectives (ROO) opportunities.
    b. Valuation Methodology – Develop a competitive, fair market valuation methodology that will enable ECHDC and USAN to achieve long-term sponsorships for each identified asset.
    c. Audience and Media Outreach – Analyze the audience and media impressions that shows how the sponsorship would benefit the Owner and the Sponsor.
    d. Review all current advertising and sponsorship agreements to determine conflicts with the new potential sponsorships.
2. Deliverables
    a. Asset Valuation Report - Detailed analysis with market comparables and pricing recommendations
        i. Include types of business fields that would align with the asset as a sponsor.
        ii. Best practices for maximizing sponsor value.
        iii. Recommended sponsor engagement strategies.

iv. Quantitative analysis providing a list of sponsorship benefits. Ie media exposure, signage, etc.
v. Qualitative assessment of naming rights and sponsorship value.
vi. Potential sponsorship earnings based on sponsorship agreements for similar assets, either in New York or other US States.

b. Financial Projections Model - Multi-year revenue forecast with scenario planning
c. Develop presentation materials that would be utilized for initial sponsor outreach and follow-up meetings.
d. Work with Owner Legal counsel to develop a Sponsorship Agreement that could be presented to potential sponsors.

3. Outreach and Negotiations
   a. Identify potential sponsors for each individual asset.
   b. Lead negotiations with the potential sponsor based on terms established in the Sponsorship Agreement.
   c. Sponsorship and Naming Rights shall be no less than ten (10) year terms.

V. Contract Term, Price and Funding

The contract amount with The Superlative Group to complete Tasks 1, 2 & 3 as described above shall not exceed $202,950 ($184,500 plus $18,450 contingency.) Also, consultant will receive no more than 15% of executed contracts.

ECHDC intends to issue a Notice to Proceed to the Superlative Group in the amount of $36,900 to begin the asset valuation of the various State entities on October 1, 2026.

The project funding source shall be the Erie Canal Harbor Development Funds.

VI. Non-Discrimination and Contractor & Supplier Diversity

Pursuant to New York State Executive Law Article 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 will not apply to this project.

VII. Environmental Review

Empire State Development staff on behalf of ECHDC has determined that the requested action, which involves entering into a contract for asset valuation and sponsorship, 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 in connection with the action.

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 The Superlative Group for an

amount not to exceed $184,500, plus $18,450 contingency for a total contract amount of $202,950 plus 15% of executed contract amounts; and (3) to take all related actions.

IX. Recommendation

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

X. Attachments
Resolution

September 14, 2026

ERIE CANAL HARBOR DEVELOPMENT CORPORATION – Asset Valuation and Sponsorship Consultant - Authorization to Enter into a Contract for Asset Valuation and Sponsorship Consultation; 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 Superlative Group to be responsible; and be it further

RESOLVED, that the Corporation is hereby authorized to enter a contract with The Superlative Group for an amount not to exceed ONE HUNDRED EIGHTY FOUR THOUSAND FIVE HUNDRED DOLLARS ($184,500) a contingency of EIGHTEEN THOUSAND FOUR HUNDRED FIFTY DOLLARS ($18,450) for a total contract amount not to exceed TWO HUNDRED TWO THOUSAND NINE HUNDRED FIFTY DOLLARS ($202,950), plus FIFTEEN PERCENT (15%) of executed contract amounts 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 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.

* * *

Item 5

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

A Subsidiary of Empire State Development

FOR CONSIDERATION
September 14, 2026

TO:	The Directors
FROM:	Mark J. Wendel
SUBJECT:	Terminal B Safety Improvements - Site Construction (the "Project")
REQUEST FOR:	Authorization to Enter into a Contract for Construction Services; and Authorization to Take Related Actions

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CONTRACT NEEDS AND JUSTIFICATION

I. Contract Summary

Contractor:	Miller Construction Services, Inc., d/b/a Scott Lawn Yard 3305 Haseley Drive Niagara Falls, NY 14304
Scope of Services:	Terminal B Safety Improvements – Site Construction
Contract Term:	September 14, 2026 through November 30, 2027
Contract Amount:	Not to exceed $1,902,978.00 ($1,679,530.00 Base Bid plus $50,450.00 for Alternate 1 and a $172,998.00 contingency)
Funding Source(s):	Erie Canal Harbor Development Funds

II. Background

In 2024, the Terminal B Event Center at the Outer Harbor opened, providing an outdoor venue to host community events, charity walks, and concerts. During construction of Terminal B, a winter storm in 2022 severely damaged the guardrail along the seawall and the adjacent walking surface Additionally, as a wide range of events have been hosted on site over the past two plus years, it has been determined that there are some necessary and recommended improvements to the space.

The Project consists of repairs and improvements intended to enhance public safety and accessibility along the Terminal B waterfront, including rehabilitation of existing pavement surfaces, installation of new guardrail systems adjacent to the quay wall, localized concrete repairs, and related work.

III. Contractor Selection Process

On June 30, 2026, ECHDC solicited bids for the Terminal B Safety Improvements (Site) Project in the New York State Contract Reporter. A total of four (4) bids were received on August 5, 2026 and read aloud publicly through a conference call:

Miller Construction Services, Inc.
Ground Breaking Solutions, LLC
Union Concrete and Construction Corp.
Mark Cerrone, Inc.

ECHDC recommends awarding the Contract to Miller Construction Services, Inc. who was found by ECHDC to be the lowest responsible bidder. The low bid is within the allocated project budget.

Miller Construction Services, Inc. has been a trusted name in Western New York, delivering high-quality construction solutions that stand the test of time for over four decades. Formerly known as Scott Lawn Yard, the company has evolved from its origins as a landscaping business into a leading provider of full-site construction services. Today, Miller Construction Services continues to build on a legacy of excellence, shaping communities and strengthening partnerships with every project. Miller Construction has familiarity with ECHDC as it has completed multiple projects at Canalside and was the site contractor for the Bell Slip project.

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

Includes completion of all tasks set forth in the Project Manuals and Construction Documents, which shall include, but not be limited to the following:

Contract Package 2 – Site Construction and Structural Improvements
- Selective demolition.
- Site clearing and vegetation management.
- Earthwork and grading.
- Asphalt pavement rehabilitation.
- Synthetic grass surfacing.
- Safety guardrail installation.
- Quay wall concrete repairs.
- Site furnishings.
- Planting and landscape restoration.

Prevailing wages are required on this project.

V. Contract Term, Price and Funding

This contract is a lump sum contract in an amount not to exceed $1,902,978.00 ($1,679,530.00 Base Bid plus $50,450.00 for Alternate 1 and a $172,998.00 contingency) as delineated in the project plans and specifications dated June 30, 2026 along with four (4) addenda that were provided during the bidding period.

The project is slated to begin in October 2026 and expected to be completed by November 2027.

ECHDC intends to issue a Notice to Proceed to Miller Construction Services, Inc. in the amount of $250,000 to begin to submit material information based on long lead items and establish the site perimeter.

The funding source shall be Erie Canal Harbor Development Funds.

VI. Non-Discrimination and Contractor & 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. The Contractor shall be required 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(n)] to achieve an overall MWBE Participation Goal of 30% and an SDVOB Participation Goal of 6%.

VII. Environmental Review

ESD staff on behalf of ECHDC has determined that the requested action, which involves entering into a contract for construction services for the Terminal B Safety Improvements Project 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. Therefore, no further environmental review is required in connection with this action.

VIII. Requested Action

The Directors are requested to: (1) make a determination of responsibility with respect to the proposed contractor; (2) authorize the Corporation to enter into a construction contract with Miller Construction Services, Inc. for an amount not to exceed $1,902,978.00 ($1,679,530.00 Base Bid plus $50,450.00 for Alternate 1 and a $172,998.00 contingency); and (3) to authorize the Corporation to take all related actions.

IX. Recommendation

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

X. Attachment
Resolution

ERIE CANAL HARBOR DEVELOPMENT CORPORATION – Terminal B Safety Improvements – Site Construction - Authorization to Enter into a Contract for Construction 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 Corporation, the Corporation hereby Miller Construction Services, Inc., d/b/a Scott Lawn Yard to be responsible; and be it further

RESOLVED, that the Corporation is hereby authorized to enter into a contract with Miller Construction Services, Inc. d/b/a Scott Lawn Yard for a base contract amount of ONE MILLION SIX HUNDRED SEVENTY NINE THOUSAND FIVE HUNDRED THIRTY DOLLARS ($1,679,530.00), plus alternate 1 in the amount of FIFTY THOUSAND FOUR HUNDRED FIFTY DOLLARS ($50,450.00) plus a contingency in the amount of ONE HUNDRED SEVENTY TWO THOUSAND NINE HUNDRED NINETY EIGHT DOLLARS ($172,998.00) for a total contract amount not to exceed ONE MILLION NINE HUNDRED TWO THOUSAND NINE HUNDRED SEVENTY EIGHT DOLLARS ($1,902,978.00) 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 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 6

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

A Subsidiary of Empire State Development

FOR CONSIDERATION
September 14, 2026

TO:	The Directors
FROM:	Mark J. Wendel
SUBJECT:	Terminal B Safety Improvements – Electric Construction (the "Project")
REQUEST FOR:	Authorization to Enter into a Contract for Construction Services; and Authorization to Take Related Actions

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CONTRACT NEEDS AND JUSTIFICATION

I. Contract Summary

Contractor:	Frey Electric Construction Co., Inc. 100 Pierce Ave Tonawanda, NY 14150
Scope of Services:	Terminal B Safety Improvements - Electric
Contract Term:	September 14, 2026 through May 28, 2027.
Contract Amount:	Not to exceed $756,000.00 ($630,000.00 Base Bid with $126,000.00 contingency)
Funding Source(s):	Erie Canal Harbor Development Funds

II. Background

In 2024, the Terminal B Event Center at the Outer Harbor opened, providing an outdoor venue to host community events, charity walks, and concerts. During construction of Terminal B, a winter storm in 2022 severely damaged the guardrail along the seawall and the adjacent walking surface. Additionally, as a wide range of events have been hosted on site over the past two plus years, it has been determined that there are some necessary and recommended improvements to the space.

The Project consists of repairs and improvements intended to enhance public safety and accessibility along the Terminal B waterfront, including site lighting upgrades, lighting improvements, and related work.

III. Contractor Selection Process

On June 30, 2026, ECHDC solicited bids for the Terminal B Safety Improvements Project in the New York State Contract Reporter. A total of one (1) bid was received on August 5, 2026 and read aloud publicly through a conference call:

Frey Electric Construction Co., Inc.

ECHDC recommends awarding the Contract to Frey Electric Construction Co., Inc. who was found by ECHDC to be the lowest responsible bidder. The low bid is within the allocated project budget.

Frey Electric Construction Co., Inc. has built a reputation for providing quality work in the electrical construction, communication, and service industries since 1945. Some of the largest companies and most prominent organizations in Western New York rely on their service and expertise. Frey Electric constructed the electrical components of the initial ECHDC Terminal B project that was completed in 2024.

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

Includes completion of all tasks set forth in the Project Manuals and Construction Documents, which shall include, but not be limited to the following:

Contract Package 1 – Site Electrical and Lighting
- Parking lot lighting improvements.
- Electrical service, conduits, controls, and associated site electrical work.

Prevailing wages are required on this project.

V. Contract Term, Price and Funding

This contract is a lump sum contract in an amount not to exceed $756,000.00 ($630,000.00 Base Bid with $126,000.00 contingency) as delineated in the project plans and specifications dated June 30, 2026 along with four (4) addenda that were provided during the bidding period.

The project is slated to begin in October 2026 and expected to be completed by May 2027.

ECHDC intends to issue a Notice to Proceed to Frey Electric Construction Co., Inc. in the amount of $120,000 to begin to submit material information based on long lead items and establish the site perimeter.

The funding source shall be Erie Canal Harbor Development Funds.

VI. Non-Discrimination and Contractor & 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. The Contractor shall be required 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(n)) to achieve an overall MWBE Participation Goal of 30% and an SDVOB Participation Goal of 6%.

VII. Environmental Review

ESD staff on behalf of ECHDC has determined that the requested action, which involves entering into a contract for construction services for the Terminal B Safety Improvements Project 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. Therefore, no further environmental review is required in connection with this action.

VIII. Requested Action

The Directors are requested to: (1) make a determination of responsibility with respect to the proposed contractor; (2) authorize the Corporation to enter into a construction contract with Frey Electric Construction Co., Inc. for an amount not to exceed $630,000.00 plus a $126,000.00 contingency for a total contract amount of $756,000.00; and (3) to authorize the Corporation to take all related actions.

IX. Recommendation

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

X. Attachment
Resolution

September 14, 2026

ERIE CANAL HARBOR DEVELOPMENT CORPORATION – Terminal B Safety Improvements – Electric Construction - Authorization to Enter into a Contract for Construction 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 Corporation, the Corporation hereby Frey Electric Construction Co., Inc. to be responsible; and be it further

RESOLVED, that the Corporation is hereby authorized to enter into a contract with Frey Electric Construction Co., Inc. for a base contract amount of SIX HUNDRED THIRTY THOUSAND DOLLARS ($630,000.00), plus a contingency in the amount of ONE HUNDRED TWENTY SIX THOUSAND DOLLARS ($126,000.00) for a total contract amount not to exceed SEVEN HUNDRED FIFTY SIX THOUSAND DOLLARS ($756,000.00) 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 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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