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 8, 2025 – 10:30 AM

AGENDA

FOR CONSIDERATION

1. Canalside Gateway Building - Authorization to Amend the Contract for General Construction Services with Manning Squires Henning Company, Inc.; and Authorization to Take Related Actions

2. Contract Amendment for Legal Services - Authorization to Enter into a Contract Amendment with Kavinoky Cook LLP for Legal Services Related to Real Estate Matters; and Authorization to Take Related Actions

Item 1

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

A Subsidiary of Empire State Development

FOR CONSIDERATION
September 8, 2025

TO: The Directors

FROM: Mark J. Wendel

SUBJECT: Canalside Gateway Building (the "Project")

REQUEST FOR: Authorization to Amend the Contract for General Construction Services with Manning Squires Henning Company, Inc.; and Authorization to Take Related Actions

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CONTRACT NEEDS AND JUSTIFICATION

I. Contract Summary

Consultant:	Manning Squires Hennig Company, Inc. ("MSH" or the "Contractor") 8426 Seven Springs Road Batavia, New York 14020
Scope of Services:	General Construction Services
Contract Term:	September 12, 2022 through July 31, 2025
Amended Term:	Extend to August 31, 2025
Contract Amount:	$14,596,565 (including $6,998 remaining in contingency)
Amended Amount:	$115,323
Amended Total:	$14,711,888 (including $6,998 remaining in contingency)
Funding Source:	New York Power Authority Industrial Incentive Award

II. Background

In April 2023, ECHDC awarded General Construction Services contract to Manning Squires Henning to construct the Gateway Building (aka "Building #2" in the 2022 Canalside MGPP) within the North Aud Block redevelopment site. The building is being constructed by ECHDC to provide various amenities to the Canalside Project including public bathrooms, elevator access to the towpath level of the canals and commercial space to support ECHDC operations.

Due to items identified by the Building inspector, the construction of the Gateway Building requires additional time for completion. The contract was amended previously to extend the completion date of the project to April 30, 2025 due to the various weather conditions. A second amendment increased the total contract amount for unforeseen conditions, delivery delays and additional temporary heat due to weather conditions causing the project to be delayed by approximately two months. This third amendment, which addresses items identified by the Code Enforcement Official and unforeseen site issues, requires ECHDC Board approval.

III. Project Description

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.

IV. Consultant Selection Process

On February 9, 2023, ECHDC advertised for the *Canalside Gateway Building Project* in the New York State Contract Reporter. A total of three (3) bids were received on March 16, 2023, and read aloud publicly through a conference call. These proposals were reviewed and scored by the Selection Committee, and interviews were completed on March 22, 2024. MSH was approved at the April 12, 2022 ECHDC Board of Directors Meeting.

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

V. Scope of Work

Working within an approximate 4,000 sf site along the Commercial Canal and Pearl Street, the project will bring public amenities to Canalside and begin the commercial development of the vacant North Aud Block. The building exterior will be comprised of a masonry and stone veneer, operable windows, decorative concrete panels, and aluminum storefront. The existing exterior stairs to the towpath and landing of the Commercial Bridge will remain, with an enclosed ADA public route within the building. There will be limited site work adjacent to the building that will include concrete sidewalks, curbing, and paver streets. The building will be connected to the existing perimeter public and private utilities.

The Contractor scope of services will include new steel framing, exterior veneers, window installation, roofing, aluminum storefront, metal stud framing, wallboard, building enclosures, interior finishes, select site work adjacent to the building, and mechanical, electrical and plumbing systems.

VI. Contract Term, Price and Funding

This contract amendment will cover fees and expenses for additional time to complete the above referenced project and will extend the contract term until August 31, 2025 to ensure project closeout. The Contract amendment amount is $115,323, which will raise the total Contract amount with MSH to

complete the above scope of work for the building project to $14,711,888, including $6,998 remaining in contingency.

VII. Non-Discrimination & Contractor and Supplier Diversity

ESD's Non-Discrimination and Contractor & Supplier Diversity policy will apply to this contract. 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-owned Business Enterprise ("MWBEs") and Service-Disabled-Veteran-owned Business Enterprises (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%. The aforementioned goal shall include a Minority Business Enterprise ("MBE") Participation Goal of 15% and a Women Business Enterprise ("WBE") Participation Goal of 15% related to the total value of ESD's funding.

VIII. Environmental Review

The Canalside Project, including the MGPP amendment approved on January 20, 2022 by the ESD Directors which included development of the Gateway Building component, was the subject of an environmental review performed by ESD as lead agency. A Final Generic Environmental Impact Statement ("FGEIS") was prepared pursuant to the New York State Environmental Quality Review Act ("SEQRA") and the implementing regulations of the New York State Department of Environmental Conservation. SEQRA Findings were adopted by the ESD Directors on March 26, 2010. The present request for authorization to amend the construction management contract for the Gateway Building does not constitute an action beyond those actions/thresholds already evaluated in the FGEIS and SEQRA Findings, and therefore, no further environmental review is required in connection with this requested authorization.

IX. Requested Action

The Directors are requested to (1) make a determination of responsibility with respect to the proposed consultant; (2) authorize the Corporation to enter into a contract amendment with the Manning Squires Hennig for an amount not to exceed $115,323 for a total contract amount of $14,711,888; and (3) to take all related actions.

X. Recommendation

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

Attachments
Resolution

September 8, 2025

ERIE CANAL HARBOR DEVELOPMENT CORPORATION – Canalside Gateway Building - Authorization to Amend the Contract for General Construction Services with Manning Squires Hening Company, Inc.; 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 Manning Squires Hennig to be responsible; and be it further

RESOLVED, that the Corporation is hereby authorized to amend the contract with the Manning Squires Hennig for an amendment amount of ONE HUNDRED FIFTEEN THOUSAND AND THREE HUNDRED TWENTY THREE DOLLARS ($115,323), for an amended total contract amount not to exceed FOURTEEN MILLION SEVEN HUNDRED ELEVEN THOUSAND AND EIGHT HUNDRED EIGHTY EIGHT DOLLARS ($14,711,888) and to extend the term of the contract to August 31, 2025 unless further extended at the discretion of the President and for the purposes and services, and substantially on the terms and conditions, set forth in the Materials; and be it further and be it further

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

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Item 2

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

A Subsidiary of Empire State Development

FOR CONSIDERATION
September 8, 2025

TO: The Directors

FROM: Mark J. Wendel

SUBJECT: Contract Amendment for Legal Services

REQUEST FOR: Authorization to Enter into a Contract Amendment with Kavinoky Cook LLP for Legal Services Related to Real Estate Matters; and Authorization to Take Related Actions

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CONTRACT NEEDS AND JUSTIFICATION

I. Contract Summary

Consultant:	Kavinoky Cook LLP 726 Exchange Street, Suite 800 Buffalo, New York 14210
Scope of Services:	Legal Services Related to Real Estate Matters
Original Contract Term:	August 8, 2024 through August 7, 2025
Proposed Contract Term:	One (1) additional year through August 7, 2026
Original Contract Amount:	$45,000
Proposed Contract Amendment:	An additional $45,000, for a total contract amount of $90,000
Funding Source:	New York Power Authority Industrial Incentive Award

II. Background

Kavinoky Cook LLP has been assisting ECHDC with a variety of legal matters related to real estate projects at the North Aud Block and other locations as needed since August of 2024. Because of Kavinoky Cook's services to date and the continuing need for such services, staff believes it

prudent to continue with and increase the maximum amount of the firm's contract by $45,000 for a total contract amount of $90,000 through August 7, 2026.

III. Scope of Work

Kavinoky Cook LLP will continue to provide legal services with respect to real estate matters.

IV. Consultant Selection Process

Kavinoky Cook LLP was selected via mini-bid from ESD's Pre-Qualified List of Legal Counsel. Staff solicited proposals and evaluated them based on skills, expertise and cost, and Kavinoky Cook LLP's submission was determined to be the best value to ECHDC.

V. Responsible Party

Pursuant to State Finance Law Section 163 and the Corporation's policy related thereto, staff has: a) considered the proposed firm'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.

VI. Contract Term, Price and Funding

This amendment will extend the current agreement through August 7, 2026 to allow ongoing legal services to continue to be performed. The hourly rates contained in Kavinoky Cook LLP's original proposal will continue to be applicable to this amendment.

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

VII. 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 Consultant 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%.

VIII. Environmental Review

Staff has determined that the proposed authorization 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 Department of Environmental Conservation. Therefore, no further environmental review is required in connection with this authorization.

IX. Requested Action

The Directors are requested to (1) make a determination of responsibility with respect to the proposed consultant; (2) authorize the Corporation to amend its contract with Kavinoky Cook LLLP as described in these materials to increase the contract amount by $45,000, for a maximum amount not to exceed $90,000, and to increase the term by one year through August 7, 2026; and (3) to take all related actions.

X. Recommendation

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

Attachments
Resolution

September 8, 2025

ERIE CANAL HARBOR DEVELOPMENT CORPORATION – Contract Amendment for Legal Services - Authorization to Enter into a Contract Amendment with Kavinoky Cook LLP for Legal Services Related to Real Estate Matters; 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 Kavinoky Cook LLP to be responsible; and be it further

RESOLVED, that the Corporation is hereby authorized to enter into a contract amendment with the Kavinoky Cook LLP to increase the amount of the contract by $45,000 for a new total amount of $90,000 and the extend the contract through August 7, 2026 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.

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