ADDENDUM V

Q&A Matrix

Request for Proposals
Niagara Falls City Market Improvements

Release Date: October 31, 2025

The following is a list of responses to questions submitted by prospective respondents to the Niagara Falls City Market Improvements, RFP. A copy of the RFP is available at:

https://esd.ny.gov/doing-business-ny/requests-proposals/niagara-falls-city-market-improvements-rfp

No.	Question	Answer
1	**Is there a listing of the organizations that have downloaded the file so that we can reach out to them for possible teaming opportunities?**	ESD does not provide a listing of organizations that have downloaded the RFP. ESD, however, has released both a list of interested MWBE & SDVOB subcontractors (Addendum I) and a list of attendees of the November 12, 2025 Pre-Proposal Meeting (Addendum II).
2	**Although the City of Niagara Falls is the Owner of the property, the RFP indicates that the non-profit organization will be the active entity in the design and development process. How much of a role will the City of Niagara Falls have in the decision-making process?**	The City of Niagara Falls will have a prominent role in the decision making during the design process. City representatives will be present at all project management and stakeholder meetings.
3	**Does the MWBE/SDVOB quantitative factor apply to the prime contractor or subs?**	It applies to the Prime Design Team Contractor only.

No.	Question	Answer
4	**Do you have a CAD file for the survey?**	Yes. It has been released as Addendum IV to this RFP.
5	**If known, when is this project expected to go to bid for contractors and what is the expected start date for construction?**	The construction bid date is unknown at this time.
6	**Is the OCSD-2 form (p 21 on the RFP) required of all subconsultants or only the prime contractor?** **Can we use the version without sexual orientation/gender identity questions?**	All Contractors and each subcontractor identified in the bid or proposal must complete an EEO Staffing Plan (Form OCSD-2) and submit it as part of the bid or proposal package. More information is found on the "Instructions" sheet of the Excel file. The current Staffing Plan must be completed. The form is linked on page 12 of the RFP.

No.	Question	Answer
7	**On page 6 of the RFP it indicates, under 'Other Efforts at the Market' that: "Identification of the nonprofit organization that will operate the Market following improvements. This organization is expected to become an active participant in the planning and development effort."** **The Business Plan identifies the Militello Group to be responsible for property management, and Field & Fork Network for the day-to-day market management (vendor stall assignments, marketing, events, etc.).** **Have these two entities been identified to operate the market? Or is there a new entity or entities anticipated to be named?**	The project team is still determining the best arrangement for operating the Market following construction. We should know more details in Quarter 1 of 2026.
8	**We have reviewed the existing survey PDF and there are no spot elevations and grading/contour information. Is that information available in the CAD survey files?**	All the layers from the CAD file are represented on the PDF. Any additional information that is needed must be obtained by the Design Team.
9	**Is this project expected to be multiple prime under NYS Wicks Law?**	Yes, construction will be bid with multiple Prime Construction contractors.

No.	Question	Answer
10	**Task 1 (page 8) lists both "construction manager" or "contractor." In the Business Plan, Figure 30 Phase 1 project development timeline lists a CM with subsequent bidding. What is the anticipated delivery method for the project?**	The delivery method will be "design-bid-build." The design contract will be held by Empire State Development. Construction contracts will be bid and held by the City of Niagara Falls. If the project warrants a CM, they will act as a representative for the City of Niagara Falls.
11	**Which 3rd party inspections is the owner not providing?**	The owner will not provide any third-party inspections. All contracts for relevant inspection services will be the responsibility of the Design Team.
12	**Regarding Task 1 existing project website (page 8), are the expectations that the consultant team would prepare original content, especially interactive media, for this website as well as managing it? Will the client be providing the platform of the existing website? If so, what platform is it based on?**	Interactive Media is not a requirement for the website. The goal of the website is to inform the public about the design as it progresses along with other outreach efforts (i.e. public meetings, pop ups, etc.). It is each Respondent's responsibility to propose original content they think will best fulfill this goal. The website was created using the Webflow platform. Ownership of the website would be transferred to the Design Team for ongoing management.
13	**If more detailed concept drawings exist for other elements of the Business Plan, including possible location of restrooms, please provide those as supplemental information.**	We do not have detailed concept drawings to share.

No.	Question	Answer
14	**Regarding stakeholders, is there an organizational chart that can be shared with respondents? And a list of the project responsibility for each stakeholder.**	Please read section III of the RFP on page 5 that explains the Project Team members and their roles. The Design Team's contract will be with ESD, but each project team member has contributed funding to the project and is equally represented in the partnership. The to-be-named operating non-profit will likely be added to the project team to ensure operational concerns are addressed in the design process. Market Ventures Inc. (MVI) (author of the Business Plan) has been retained by ESD as a technical advisor to assist the Project Team during design and construction. All other references to "stakeholder" refer to other interested parties such as vendors, customers, local business owners, etc.
15	**When does the City expect to finalize the selection of the operating non-profit of the Market (page 6)?**	We expect to know more about the non-profit operator in Quarter 1 of 2026.
16	**Task 5 (page 9) mentions "hazardous or contaminated materials," is there a hazardous material survey for this site? What information or studies do you have about potential hazardous materials on site?**	We do not have any information or studies regarding hazardous materials on the site at this time.

No.	Question	Answer
17	**What geotechnical information has been completed on site? And what record drawings are available for previous and current structures? Or is the design team responsible for the geotechnical investigation?**	The Design Team will be responsible for the geotechnical investigation. We do not have record drawings for the existing structures.
18	**What infiltration data is available for the site?**	We do not have any information or studies regarding infiltration on the site at this time.
19	**Task 5 (page 9) mentions archaeological drawings & specifications. Have any archaeological studies been done of the site? Can those be provided?**	We do not have any information or studies regarding archaeology at this time.
20	**Which entity will serve as the AHJ for the project?**	City of Niagara Falls Code Enforcement
21	**Are subconsultants required to meet the same insurance requirements as those laid out for prime, as seen on page 25 of the RFP?**	Yes, subconsultants need to meet the same requirements as the prime consultants. Changes in subconsultant requirements can be considered depending on the scope of work of the subconsultant in the overall project.
22	**Are subconsultants required to submit a W9 with the proposal response?**	No.

No.	Question	Answer
23	**The NF City Market website includes a site planning report from 2017 but doesn't include the appendices of that report. Can those be provided?**	We do not have access to the appendices for the referenced report.
24	**We understand that the City regained control of the property in 2022. Which entity is the owner the Retail Building?**	The City of Niagara Falls owns the Retail building in the back of the Market, it does not own any buildings along East or West Market Street.
25	**Does the city provide free wifi or ethernet to the area for increasing technology to the market center, digital sales integration practices and for larger scale events that rely on technology?**	No, the City does not provide free Wi-Fi or ethernet connections. Improvements will likely need to include digital infrastructure to support operations at the Market.
25	**Is there a current signage and wayfinding master plan included in RRP improvements for the Downtown area that would influence signage decisions for the project site?**	No, but designers should study other City of Niagara Falls signage and Destination Niagara USA (https://www.niagarafallsusa.com/) branding when considering wayfinding designs.

No.	Question	Answer
26	**Regarding the programming for Phase 1, office and storage identified in existing conditions section of the Business Plan don't figure in the planned improvements for Phase 1 or 2. What is the intention related to office space / storage?**	The Project Team would like to see office space and storage included in phase 1 if the budget allows.
27	**x. Certification under State Tax Law Section 5-a- *"Only the prime consultant needs to complete Form ST 220-CA, but be advised that Schedule A to Form ST 220-TD (which is required to be submitted in accordance with Form ST 220-CA) requires detailed information from the sub-consultants, such as tax ID number, etc., if applicable. Moreover, if applicable, certificates of authority must be attached by the prime consultant and all the sub-consultants." (pg 24/26 of PDF)*** **a) Do all subconsultants ST 220-TD and certificate of authority need to be provided with this proposal submittal? Or does this need to be completed upon project award?**	ST 220-TD forms and certificates of authority from subconsultants are not required to be submitted with the proposal.

No.	Question	Answer
28	**Section XIII.xi. Schedule A- Section XIII.xi. notes that Respondents should *"thoroughly review the terms set forth in Schedule A, which are standard for all ESD contracts, and submit any concerns in writing together with the Respondent's Administrative Proposal" (pg 25/26 of PDF)*** **a) Does this mean the ESD is open to accepting proposed revisions to the terms in Schedule A? Or does ESD intend to address concerns raised by Respondent during a negotiations period?"** **b) Should our legal team provide proposed modifications to "Schedule A" via PDF mark-up and include with the proposal? Or do we need to submit a list of proposed modifications**	a) ESD's Schedule A includes the terms and conditions that the Corporation expects vendors to abide while providing goods or services to ESD. In the event a vendor cannot (or is unwilling to) meet some of the terms set forth therein, this should be noted in writing and included with the Respondent's Administrative Proposal. ESD, upon receipt of such concerns/exceptions, and in its sole discretion, may elect to reject the Proposal outright or may review some or all of the vendor's concerns/exceptions for discussion with the vendor. Please note that these concerns/exceptions must be raised at the time of the submission of the Administrative Proposal, but ESD may elect to discuss vendor's concerns/exceptions during the evaluation and selection process and prior to contract execution. Vendors taking exceptions to Schedule A do so with the express understanding that this may result in the outright rejection of their proposal, and therefore should only raise those concerns/exceptions that are essential to the terms of the potential engagement with ESD. b) Vendors should include a list of any concerns/exceptions, with references to specific provisions where applicable, to permit ESD to review the same during the evaluation and selection process.

No.	Question	Answer
29	**Xiii. Insurance Requirements (pg 25/26 of PDF)- Does the Prime need to submit any sample Certificate of Insurance (COI) within the proposal? Or does this section requirement pertain to when a contract is awarded?**	Insurance Certs and not required with proposals, only at time of contract award.

No.	Question	Answer
30	**Based on the Selection Criteria quoted below, it seems that the Prime must have an MWBE NY state certification to qualify for the 10 points. Is there a scenario where the team will get points if the subconsultant team has MWBE & SDVOB certifications?** **a) "MWBE & SDVOB Quantitative Factor (10 points) ESD will award 10 points to Respondents that are New York State certified Minority and Women-owned Business Enterprises ("MWBEs") as defined in section three hundred ten of the New York State Executive Law or Service-Disabled Veteran-owned Business Enterprises ("SDVOBs") as defined in Article 3 of the NYS Veterans' Services Law." (pg 13)**	No. The Prime Design Team Contractor must be a certified MWBE to receive "Quantitative Factor" points. Please note, this only pertains to proposal scoring. The Design Team must adhere to all MWBE and SDVOB contract goals stated in the RFP.

No.	Question	Answer
31	**Design Fees- Can you please confirm the construction and the design fees?** **a) On page 4 of the RFP it identified the budget as $14M (pg 4)** **i. "The capital construction and design fees, which are the subject of this RFP, are currently budgeted at $14 million." (pg 4)** **b) On page 7 of the RFP it says $13M (pg 7)** **i. ""…Proposed Phase 1 Site Plan") focused on approximately one-fourth of the site. This approach was estimated to cost about $13 million and included constructing a new market shed" (pg 7). Which is the correct total budget? And is that construction budget? Or construction and design budget? Or all in budget, including permitting fees etc?**	$14 Million is available for design and construction. The construction budget will be $14 Million minus the design services contract. The $13 Million figure is an estimate from the business plan used to determine a feasible phase 1 scope of work.

No.	Question	Answer
32	**Please confirm that the procurement process will be Design Bid Build**	Confirmed.
33	**Should a Historic Preservation consultant be identified in our proposal?**	A Historic Preservation Consultant is not required. Ultimately, it is the responsibility of each Respondent to determine the best team construction to carry out all the tasks listed in the RFP.
34	**If interviews are required, when would they take place?**	If required, interviews will likely take place the week of January 12th, 2026.
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