



**Erie Canal Harbor
Development
Corporation**

A Subsidiary of Empire State Development

ERIE CANAL HARBOR DEVELOPMENT CORPORATION

at the
University of Buffalo - Center of Excellence in Bioinformatics & Life Sciences
701 Ellicott Street - Conference Room B2-209
Buffalo, New York 14203

Meeting of the Directors

Wednesday

March 15, 2023 – 10:30 AM

AGENDA

CORPORATE ACTION

1. Erie Canal Harbor Development Corporation Fiscal Year 2023-24 Operating and Capital Budget Proposal – Approval of the Corporation’s Operating and Capital Budgets for the Fiscal Year 2023-24 (April 1, 2023 – March 31, 2024)

FOR CONSIDERATION

2. Outer Harbor – Winter Storm Elliott - Authorization to Enter into a Contract for Emergency Maintenance and Restoration Services and to Take Related Actions
3. Great Lakes Cruise Ship Industry – Authorization to Enter into a Contract for Consultant Services and to Take Related Actions
4. Erie Canal Bicentennial Celebration at Canalside – Authorization to Enter into a Contract for Design and Fabrication Services; and Authorization to Take Related Actions

Item 1



FOR CONSIDERATION

March 15, 2023

TO: The Directors

FROM: Steven P. Ranalli

SUBJECT: Erie Canal Harbor Development Corporation Fiscal Year 2023-24
Operating and Capital Budget Proposals

REQUEST FOR: Approval of the Corporation's Operating and Capital Budgets for the
Fiscal Year ("FY") 2023-24 (April 1, 2023 – March 31, 2024)

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 2023-24 (April 1, 2023 – March 31, 2024) Operating and Capital Budgets (the "Budgets").

II. ECHDC FY 2023-24 Operating Budget Summary

The Operating Budget proposes a total of \$1,180,319 in personal services (salaries and fringe benefits for nine employees) and a total of \$255,238 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 2023/24 is \$1,435,557. Consistent with previous years' operating budgets, the FY 2023/24 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 2022-23 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 2023-24 Capital Budget is \$64,533,840. 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 2023-24 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. Recommendation

Based upon the forgoing, The Directors are requested to ratify and approve the Corporation's proposed FY 2023-24 Operating Budget in the amount of \$1,435,557 and the Capital Budget in the amount of \$64,533,840.

VI. Attachments

Resolution
FY 2023-24 Budget - Operating – Erie Canal Harbor Dev Corp
FY 2023-24 Budget – Capital – Erie Canal Harbor Dev Corp

March 15, 2023

ERIE CANAL HARBOR DEVELOPMENT CORPORATION - FY 2023-24 Operating and Capital Budgets
– Approval of the Corporation’s FY 2023-24 Operating and Capital Budgets (April 1, 2023 – March 31, 2024)

BE IT RESOLVED, based on the materials at this meeting and ordered filed with the Corporation (the “Materials”), the Corporation’s proposed FY 2023-24 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 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.

* * *

Empire State Development
 Erie Canal Harbor Development Corporation
 FY 2023-24 Proposed Operating Budget

	Board Approved Budget FY 2022-23	Proposed Budget FY 2023-24
<u>PERSONAL SERVICES</u>		
Salaries	\$ 761,854	\$ 837,106
Fringe Benefits	319,979	343,213
TOTAL PERSONAL SERVICES	<u>\$ 1,081,833</u>	<u>\$ 1,180,319</u>
HEADCOUNT	9	9
<u>NON-PERSONAL SERVICES</u>		
Professional Fees		
Legal / Accounting Fees	\$ 2,500	\$ 2,000
Consultant Fees	-	-
Total Professional Fees	<u>\$ 2,500</u>	<u>\$ 2,000</u>
Other Non-Personal Services		
Employee Travel & Meals	\$ 4,000	\$ 4,200
On-line Services/ Due & Subscriptions	1,500	1,600
Office Occupancy Expenses	75,000	87,500
Insurance	114,000	113,738
Other Outside Services	35,000	37,000
Telephone/Internet	4,000	4,200
Office Supplies and Expense	4,800	5,000
Computers/Software/Equipment	-	-
Total Other Non Personal Services	<u>\$ 238,300</u>	<u>\$ 253,238</u>
TOTAL NON-PERSONAL SERVICES	\$ 240,800	\$ 255,238
TOTAL OPERATING BUDGET	<u>\$ 1,322,633</u>	<u>\$ 1,435,557</u>

Empire State Development
Erie Canal Harbor Development Corporation
FY 2023-24 Proposed Capital Budget

	Board Approved Budget FY 2022-23	Proposed Budget FY 2023-24
Acquisition Costs	\$ 225,000	\$ 225,000
Design & Other Soft Costs	6,681,788	11,229,240
Legal Costs	320,000	200,000
Property Management/Maintenance Costs	3,991,240	4,294,400
Insurance	208,000	144,000
Construction Costs	39,453,336	47,841,200
Other Misc. Costs	600,000	600,000
 TOTAL CAPITAL BUDGET	 <u>\$ 51,479,364</u>	 <u>\$ 64,533,840</u>

Item 2



FOR CONSIDERATION

March 15, 2023

TO: The Directors
FROM: Steven P. Ranalli
SUBJECT: Outer Harbor - Winter Storm Elliott
REQUEST FOR: Authorization to Enter into a Contract for Emergency Maintenance and Restoration Services; and to Take Related Actions

CONTRACT NEEDS AND JUSTIFICATION

I. Contract Summary

Contractor: NW Contracting, 3553 Crittenden Rd., Alden, NY 14004
Scope of Services: Emergency Maintenance and Restoration Services
Contract Term: March 17, 2023 – December 31, 2024
Contract Amount: \$602,644 (\$502,204 base plus \$100,440 contingency)
Funding Source(s): New York Power Authority Relicensing Agreement

II. Background

For more than a decade, the Erie Canal Harbor Development Corporation ("ECHDC") has spearheaded projects along Buffalo's Waterfront, revitalizing the area as one of the State's premiere placemaking destinations. Millions of dollars of investment have transformed Canalside and the Outer Harbor, together recognized as the Buffalo Waterfront, for public access, use and enjoyment. Development of this public space includes a collection of buildings, grounds and structures which support year-round activities and programming, cultural attractions, events and concessions, a multi-use trail system, bike ferry and various opportunities for shoreline access.

The December 21 to 26, 2022 storm ("Winter Storm Elliott") damaged areas of ECHDC's Outer Harbor shoreline properties, including depositing debris along points of public access. Damage included erosion of shoreline riprap, undermining of multi-use pathways, toppling of trees, and the destruction of fence. Several sections of the Outer Harbor were immediately closed for safety reasons. The public's health and

safety will remain at risk until action is taken to remedy the situation and restore the property to a stable condition.

III. Consultant Selection Process

NW Contracting is currently working on the Outer Harbor at three (3) project locations and the firm has past experience with ECHDC properties involving storm damage and erosion repair. Based on the emergent need for these services to restore safety and public access, as well as ECHDC's confidence in the Contractor to provide responsible and cost-effective services, NW Contracting was deemed best suited to complete this project in this most timely manner.

ECHDC received a bid from NW Contracting that was in line with an Engineer's Estimate of Probable Cost from our environmental consultant, LiRo Engineers. In addition, NW Contracting has been successfully awarded contracts in the past, for similar scopes of work that have closely aligned with previous engineers' estimates. NW Contracting has demonstrated a consistent pattern of submitting low, responsible bids and completing those projects within budget.

Based on the aforementioned, ECHDC requested a Contract Reporter Exemption on the basis of relevant emergency circumstances. The Exemption was approved February 7, 2023.

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 Contractor will be responsible for equipment, staff and materials necessary to provide maintenance and restoration services as a result of Winter Storm Elliott. The work is primarily needed at locations along a 2-mile stretch of shoreline known as the Greenbelt Trail and Bell Slip, as well as landside at Wilkeson Pointe and the Bike Ferry Landing. Restoration will include stabilization of stone and naturalized embankments, asphalt repairs, fence and gate repairs and/or replacement.

V. Contract Terms and Conditions

ECHDC will enter into a Contract with NW Contracting for \$502,204 plus a \$100,440 contingency for an amount not to exceed \$602,644. The Contract will cover fees and expenses for a period beginning March 13, 2023 and ending December 31, 2024.

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

VI. Non-Discrimination & Contractor and Supplier Diversity

ESD's Non-Discrimination and Contractor & Supplier Diversity policy will apply to this contract. 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(m)) to achieve an overall MWBE Participation Goal of 30% and an SDVOB Participation Goal of 6%.

NW Contracting is a certified NYS Women-owned Business Enterprise. The Consultant has identified the following business enterprises that is intends to utilize to achieve its MWBE and SDVOB participation goals:

Iroquois Bar (MBE)
Lackawanna, NY 14218

DV Enterprises (SDVOB)
East Aurora, NY 14052

VII. Environmental Review

Empire State Development staff has determined that the action, which involves entering into a contract for seasonal storm-related maintenance/restoration activities that are necessary for the protection and continuation of ECHDC's recreational and related facilities on the Buffalo Outer Harbor, 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 Contractor; (2) authorize the Corporation to enter into a contract with NW Contracting for \$502,204 plus a \$100,440 contingency for an amount not to exceed \$602,644; and (3) to take all related actions.

IX. Recommendation

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

X. Attachments

Resolution

March 15, 2023

ERIE CANAL HARBOR DEVELOPMENT CORPORATION – Outer Harbor - Winter Storm Elliott - Authorization to Enter into a Contract for Emergency Maintenance and Restoration Services and 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 Erie Canal Harbor Development Corporation (the “Corporation”), the Corporation hereby finds NW Contracting to be responsible; and be it further

RESOLVED, that the Corporation is hereby authorized to enter into a contract with NW Contracting for a base contract amount of FIVE HUNDRED TWO THOUSAND TWO HUNDRED FOUR DOLLARS (\$502,204), plus a contingency in the amount of ONE HUNDRED THOUSAND FOUR HUNDRED FORTY DOLLARS (\$100,440) for a total contract amount not to exceed SIX HUNDRED TWO THOUSAND SIX HUNDRED FORTY FOUR DOLLARS (\$602,644) 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.

* * *

Item 3



FOR CONSIDERATION

March 15, 2023

TO: The Directors

FROM: Steven P. Ranalli

SUBJECT: Great Lakes Cruise Ship Industry

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

CONTRACT NEEDS AND JUSTIFICATION

I. Contract Summary

Consultant: M&N Engineering, DPC
529 5th Ave., 14th Floor
New York, NY 10018

Scope of Services: Market Demand Study for Cruise Ship Industry Consultant Services

Contract Term: March 14, 2023 – March 31, 2024

Contract Amount: \$217,387 (\$173,910 Base plus \$43,477 Contingency)

Funding Source(s): New York Power Authority Relicensing Agreement

II. Background

For more than a decade, the Erie Canal Harbor Development Corporation (“ECHDC”) has spearheaded projects along Buffalo’s Waterfront, revitalizing the area as one of the State’s premiere placemaking destinations. Millions of dollars of investment have transformed Canalside and the Outer Harbor, together recognized as the Buffalo Waterfront, for public access, use and enjoyment. Development of this public space includes a collection of buildings, grounds and structures which support year-round activities and programming, cultural attractions, events and concessions, a multi-use trail system, bike ferry and various opportunities for shoreline access.

The Buffalo/Niagara region has long been a destination for water dependent industries, with special importance attributed to its location on Lake Erie and close proximity to Lake Ontario. The most recent Great Lakes industry trend is a long-established business, passenger cruise ships. For hundreds of years, ships have carried touring passengers to various ports in the Great Lakes. Currently, successful Great Lake ports can be found in: Cleveland, OH; Detroit, MI; Duluth, MN; and Toronto, Ontario.

In recent years, there has been a resurgence in interest from organizations and passengers wanting to cruise the Great Lakes. ECHDC, in collaboration with Visit Buffalo Niagara, recognized the potential for this industry for the Buffalo market and issued a request for proposals (“RFP”) for a study of cruise ship market demand in the Buffalo/Niagara region.

III. Consultant Selection Process

On December 7, 2022, ECHDC advertised the RFP on the New York State Contract Reporter. The RFP sought to retain professional consultant firms and/or teams (the “Consultant”) to provide market study and research services related to the cruise industry in Buffalo, NY. On January 20, 2023, ECHDC received and opened four (4) proposals, all consisting of consulting teams. These proposals were reviewed and scored by the Selection Committee, and interviews were held on February 10, 2023, before a top ranked team was selected.

The final rankings of the candidates by the Selection Committee are as follows (*only prime consultant listed*):

1. M&N Engineering, DPC
2. Bermello, Ajamil & Partners
3. The Research Associates
4. Boston Consulting Group

M&N Engineering, DPC (“M&N”) is a multi-disciplined engineering and planning firm located in New York City, with an office in Rochester, NY. Their team also includes New York-based Cheng Solutions, LLC (M/WBE) and Encourus Group (SDVOB).

M&N’s proposal showed a depth of understanding with market assessments for communities of similar size to Buffalo. The firm demonstrated a superior understanding of each task associated with the scope of services, as well as valuable, worldwide experience in the research of market demand for the cruise ship industry. During the interview, M&N provided a very detailed outline of the steps to complete each task and a diligent connection to Buffalo and the identified port scenarios. Each team member presented an individual depth of knowledge for each of the various project tasks that displayed a clear understanding of the scope of services. The collective presentation and Q&A gave the interview committee an assurance in the overall capabilities of the firm to successfully complete the project with ECHDC’s best interests in mind.

The lead project manager, Scott Lageaux, brings over 25 years of experience as a planner, designer and adviser to the cruise industry. He has led projects in strategic planning initiatives and assessment, as well as cruise destination designs. Projects of similar scope and scale that Scott has directly participated include Vancouver Fraser Port Authority Cruise Capacity Strategic Consulting and Port Lewiston (ID) Cruise Master Plan.

John Schirmer has over 38 years of experience in structural engineering and will be a key member of the team performing facility assessment on the project. John lives in nearby Rochester and provides an integral understanding of the region’s weather impacts and facility capabilities. He has worked on nearby infrastructure projects at the US Coast Guard (Buffalo, NY), Erie Canal (Lockport, NY), Welland Canal (St. Catharines, ON) and Cayahoga River (Cleveland, OH).

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 major tasks of the study to be addressed by the Consultant are outlined below:

Task 1: Establish a comprehensive understanding of the current state and future prospects of the Buffalo/Niagara region's Great Lakes cruise ship industry.

Task 2: Create a Buffalo/Niagara region's strategy to guide the development of a successful cruise ship industry on the Great Lakes.

Task 3: Specifically identify and detail the needed infrastructure improvements for a homeport in Buffalo, NY for the Buffalo/Niagara region's cruise ship ports and port attractions.

Task 4: Determination of economic development benefits to construct a permanent cruise terminal using two scenarios:

- Scenario 1: New construction at Michigan Pier
- Scenario 2: Rehabilitation of DL&W Terminal

V. Contract Terms and Conditions

The Contract will cover fees and expenses for a period of approximately one year, ending on March 31, 2024.

The contract amount with M&N Engineering, DPC to complete the above scope of work shall not exceed \$217,387 (\$173,910 plus \$43,477 Contingency).

The total contract fee will be calculated on a "hourly plus reimbursables" basis, payable in releases as the work is completed. The fee is based on approved manhour estimates and salary schedules, and includes an allowance for incidental out of pocket project expenses (i.e., travel, reproduction costs, postage and delivery charges, permits and miscellaneous fees). Labor and expenses will be reimbursed upon submission of timesheets and acceptable receipted documentation.

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

VI. Non-Discrimination & Contractor and Supplier Diversity

ESD's Non-Discrimination and Contractor & Supplier Diversity policy will apply to this contract. 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(m)) to achieve an overall MWBE Participation Goal of 30% and an SDVOB Participation Goal of 6%.

The Consultant has identified the following business enterprises that it intends to utilize to achieve its MWBE and SDVOB participation goals:

Cheng Solutions, LLC (M/WBE)
Brooklyn, NY 11215

Encourus Group (SDVOB)
West Seneca, NY 14224

VII. Environmental Review

Empire State Development staff has determined that the action, which involves entering into a contract for the purposes of engaging a design consultant team to undertake assessment, planning, detailed architectural design and engineering of the Project without committing the agency to undertake any future 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. No further environmental review is required at this time.

VIII. Requested Action

The Directors are requested to (1) make a determination of responsibility with respect to the proposed consultant; (2) authorize the Corporation to enter into a contract with M&N Engineering, DPC for an amount not to exceed \$173,910 plus a contingency of \$43,477 for a total contract amount of \$217,387; and (3) to take all related actions.

IX. Recommendation

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

X. Attachments

Resolution

March 15, 2023

ERIE CANAL HARBOR DEVELOPMENT CORPORATION – Great Lakes Cruise Ship Industry - Authorization to Enter into a Contract for Consultant Services and 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 Erie Canal Harbor Development Corporation (the “Corporation”), the Corporation hereby finds M&N Engineering, DPC to be responsible; and be it further

RESOLVED, that the Corporation is hereby authorized to enter a contract with M&N Engineering, DPC for an amount not to exceed ONE HUNDRED SEVENTY-THREE THOUSAND NINE HUNDRED TEN DOLLARS (\$173,910) with a contingency of FORTY-THREE THOUSAND FOUR HUNDRED SEVENTY-SEVEN DOLLARS (\$43,477) for a total contract amount not to exceed TWO HUNDRED SEVENTEEN THOUSAND THREE HUNDRED EIGHTY-SEVEN DOLLARS (\$217,387) 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 4



FOR CONSIDERATION

March 15, 2023

TO: The Directors

FROM: Steven P. Ranalli

SUBJECT: Erie Canal Bicentennial at Canalside

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

CONTRACT NEEDS AND JUSTIFICATION

I. Contract Summary

Design Firm: Local Projects
123 William Street, Suite 801
New York, NY 10038

Scope of Services: Erie Canal Bicentennial Visitor Experience Design and Fabrication

Contract Term: April 1, 2023 – May 31, 2025

Contract Amount: Not to exceed \$1,012,000 (\$920,00 base plus \$92,000 contingency)

Funding Source(s): New York Power Authority (Industrial Incentive)

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 in order 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 ECHDC Board Member Mike Vogel. The bicentennial of the opening of the Erie Canal will occur in 2025 and, while celebrations will likely occur across New York State, CHAG was been tasked to support ECHDC staff with planning a celebration at Buffalo’s Canalside.

III. Consultant Selection Process

On November 3, 2022 ECHDC advertised for the *Erie Canal Bicentennial Commemoration Visitor Experience Design Services* opportunity in the New York State Contract Reporter. On December 22, 2022, ECHDC received and opened seven (7) proposals, all consisting of design firms. These proposals were reviewed and scored by the Selection Committee and a top ranked team was selected.

The final rankings of the candidates by the Selection Committee are as follows (*only prime consultant listed*):

1. Local Projects
2. Gallagher & Associates
3. Art Processors
4. Color-Ad
5. Gecko Group
6. Moey
7. Thinkwell

Local Projects is a New York State design firm with an office in New York City. Their team also includes Hadley Exhibits (Buffalo-based), Tillotson Design Lighting (WBE, NYS-based), Zenith Systems, My Active Driveway (MBE, NYS-based) and/or (WBE, NYS-based), and Loyal Kaspar (NYS-based.) The team will be directed by team leader Rob Vinci.

Local Projects is an exhibition and media design firm for museums and public spaces, focused on engaging audiences through emotion and technology, and developing new ways for people to interact with art, cities and one another. Local Projects gathers stories through collaborative storytelling projects, and between Storycorps, the 9/11 Memorial Museum and Change By Us, they have brought forth over 100,000 individuals' stories and memories, sharing them with the world and touching millions of lives. Local Projects has won top prize for every major design award including the National Design Award for Interaction Design, Fast Company Masters of Design, Webby Gold, Muse Gold and AIGA Gold.

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

Under this contract, the Consultant will provide necessary services including, but not limited to, the scope of work as described below:

Task 1: Project Scoping/Concept Development (20% Design)

- i. The Consultant will be responsible to develop the programming requirements for each of the three experiences.

- ii. The Consultant will be responsible for research/writing/editing in order to supplement Buffalo History Museum staff research and assist in object/graphics selection to illustrate stories. Research may include both primary and secondary sources.
- iii. The Consultant will be responsible for the development of an overall conceptual design, one that articulates each experience while tying them together. Identification of major components and/or microclimates shall be identified; preliminary floorplans, site layouts and space diagrams shall be developed; as should the identification of potential exterior modifications to the Longshed.
- iv. The Consultant will be responsible for an overall visitor pathway diagram that details the journey through the Longshed, Ruins and Main Canal daytime experiences. Touchpoints should include parking, bus/light rail stops, entryways, public street crossings, and exits.
- v. The Consultant will be responsible to estimate the number of visitors expected to attend the three experiences.
- vi. The Consultant will be responsible for the development of a preliminary Budget.
- vii. The Consultant will be responsible to prepare a Schedule for the remainder of the design and installation phases, identifying any long-lead time materials.

Task 2: Design (75% Design)

- i. The Consultant will be responsible to develop the design requirements for each of the three experiences.
- ii. The Consultant will be responsible for sourcing, script writing and/or editing, and to finalize label copy for experience components.
- iii. The Consultant will be responsible for designing all elements of each experience, including the design of standard components, artifact mounts, microclimates and/or artifact security.
- iv. The Consultant will be responsible for building interior and environmental design, lighting, audio/visual and interactive components, fixtures, furniture, and experience-related signage.
- v. The Consultant will be responsible to identify required exterior modifications to the Longshed.
- vi. The Consultant will be responsible to update the budget as the 75% Design Budget.
- vii. The Consultant will be responsible to update the estimated number of visitors.
- viii. The Consultant will be responsible to update the Schedule for the remainder of the design and installation phases.

Task 3: Fabrication/Installation/Training (100% Design)

- i. The Consultant will be responsible to complete the design, fabricate and install all component for each of the three experiences.
- ii. The Consultant shall coordinate all final design work and provide technical support during the fabrication and installation process, including but not limited to, production ready graphic exhibit materials, revisions due to errors and omissions or unavailable materials, and review of shop or fabrication drawings.
- iii. The Consultant will be responsible to purchase, fabricate, assemble and install into the building and on the site all components of the three experiences. The work must be fully coordinated with and adhere to the drawings and specifications developed by the Consultant. The Consultant shall thoroughly test all electrical, electronic, and mechanical devices, including sound and lighting. The Consultant shall install audiovisual equipment, including electrical components to provide and ensure fully operational audiovisual systems and/or interactive components for each exhibit unit. The Consultant shall provide all support documentation for audiovisual and interactive components including schematic and wiring diagrams and manuals.

- iv. The Consultant will prepare Operation and Maintenance Plans for the ongoing operation and maintenance of the experiences and other components constructed and/or installed. The Manuals shall document the materials and products used and describe the methods and products to be used for operation, care, cleaning and maintenance. This shall include a routine of care and cleaning for the life of the exhibit. The operation and maintenance plan and manual shall include all installed components, including all exhibits, lighting, audio visual and interactive components.
- v. The Consultant will provide training which will consist of working with ECHDC and/or BHM staff in a small group workshop to increase the site staff's skills and knowledge of operating, caring for and maintaining the exhibits and other installed components. Training shall follow the format of the exhibit maintenance plan and manual. Provide information on how to maintain climate controls in exhibit cases if necessary. Provide training which will include hands-on demonstrations of how various exhibit components work (including all audio visuals and interactive components), control systems, access for maintenance, use of special tools, equipment or products and methods.

Task 4: Renovation and Maintenance

- i. The Consultant will prepare an Exhibit Renovation and Maintenance Plan to preserve and repair the three experiences which are designated to be continued in summer long use. Work may include, but is not limited to: replacing exhibit mounts, replacing exhibit components, refinishing materials, cleaning materials, providing new labels or graphics, doing various repairs, and/or modifying exhibits components to be used in 2026 as part of the US Semiquincentennial celebrations.

V. Contract Term, Price and Funding

The Consultant Contract will cover fees and expenses through May 31, 2025.

The contract amount with Local Projects to complete Tasks 1 & 2 as described above shall not exceed \$1,012,000 (\$920,000 plus \$92,000 contingency).

Given that the Project will be approved in phases, and the possibility that the first two tasks could result in modifications to the final two tasks, the RFP contemplated ECHDC reserving the right to amend this contract as necessary in order to complete the Project, subject to future Board approvals.

The total contract fee will be calculated on a "hourly plus reimbursables" basis, payable in releases as the work is completed. The fee is based on approved manhour estimates and salary schedules, and includes an allowance for incidental out of pocket project expenses (i.e., travel, reproduction costs, postage and delivery charges, permits and miscellaneous fees). Labor and expenses will be reimbursed upon submission of timesheets and acceptable receipted documentation.

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

VI. Non-Discrimination & Contractor and Supplier Diversity

ESD's Non-Discrimination and Contractor & Supplier Diversity policy will apply to this contract. The Contractor shall be required to solicit and utilize Minority and Women-owned Business Enterprise ("MWBs") 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(m)) to achieve an overall MWBE Participation Goal of 30% and an SDVOB Participation Goal of 6%.

The Consultant has identified the following business enterprises that it intends to utilize to achieve its MWBE and SDVOB participation goals:

Tillostson Design Lighting (WBE)
New York, NY 10013

My Active Driveway (M/WBE)
New York, NY 10012

Trophy Point (SDVOB)
Blasdell, NY 14219

VII. Environmental Review

Empire State Development staff has determined that the action, which involves entering into a contract for design and implementation of temporary/seasonal interpretative and educational features within the existing Longshed building and around the existing building ruins display area, constitutes a Type II action as defined by the New York State Environmental Quality Review Act and the implementing regulations for the New York State Department of Environmental Conservation. No further environmental review is required at this time.

VIII. Requested Action

The Directors are requested to (1) make a determination of responsibility with respect to the proposed consultant; (2) authorize the Corporation to enter into a Contract with Local Projects for an amount not to exceed \$920,000 with a \$92,000 contingency for a total contract amount of \$1,012,000; and (3) to take all related actions.

IX. Recommendation

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

X. Attachments
Resolution

March 15, 2023

ERIE CANAL HARBOR DEVELOPMENT CORPORATION – Erie Canal Bicentennial Celebration at Canalside – Authorization to Enter into a Contract for Design and Fabrication Services; 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 Local Projects to be responsible; and be it further

RESOLVED, that the Corporation is hereby authorized to enter a contract with Local Projects for an amount not to exceed NINE HUNDRED TWENTY THOUSAND DOLLARS (\$920,000) with a contingency of NINETY-TWO THOUSAND DOLLARS (\$92,000) for a total contract amount not to exceed ONE MILLION TWELVE THOUSAND DOLLARS (\$1,012,000) 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.

* * *