



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

Monday

November 14, 2022 – 10:30 AM

AGENDA

FOR CONSIDERATION

1. Buffalo Waterfront Architecture & Engineering Consultant Services - Authorization to Enter into a Contract for Architecture & Engineering Consultant Services; and to Take Related Actions
2. Buffalo Waterfront Environmental Consultant Services - Authorization to Enter into a Contract for Environmental Consultant Services; and to Take Related Actions
3. First Buffalo River Marina Operations – Authorization to Enter into an Agreement for Marina Operations of First Buffalo River Marina; and to Take Related Actions

Item 1



FOR CONSIDERATION

November 14, 2022

TO: The Directors

FROM: Steven P. Ranalli

SUBJECT: Buffalo Waterfront Architecture & Engineering Consultant Services

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

CONTRACT NEEDS AND JUSTIFICATION

I. Contract Summary

Consultant: Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, DPC
40 LaRiviere Drive, Suite 150
Buffalo, New York 14202

Scope of Services: Architecture & Engineering Consultant Services

Contract Term: January 1, 2023 – December 31, 2027 with option to exercise up to two (2) additional 2-year extensions

Contract Amount: \$375,000

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.

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 is frequently required to meet changing programmatic needs and to withstand deterioration from age, heavy use and environmental impact. O&M and capital projects often

require professional architectural and engineering services to assess, plan, scope, budget and execute various projects.

III. Consultant Selection Process

On August 1, 2022, ECHDC issued a Request for Proposals (RFP) to six (6) architecture and engineering firms selected from the ESD Pre-Qualified Real Estate Development and Planning Related Consultants List. The RFP sought to retain professional architecture, landscape architecture, engineering, and environmental consultant firms and/or teams (the "Consultant") to provide documentation, assessment, design, bid assistance, construction administration and inspection services related to the operations, maintenance, preventative maintenance and capital projects for property at Canalside and the Outer Harbor.

On August 25, 2022, ECHDC received proposals from three (3) firms; Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors DPC, LiRo Engineers, Inc. and WSP USA, Inc. These proposals were reviewed and scored by the Selection Committee, and interviews were completed on October 5, 2022. Bergmann Architects, Engineers & Planners, Landscape Architects & Surveyors, DPC ("Bergmann") was ranked as the top firm by the Selection Committee.

Bergmann is a full-service architecture, engineering, and planning firm with in-house disciplines necessary to design and deliver project services including architecture, building engineering (M/E/P/S), civil engineering, waterway structures, survey, and planning. The Bergmann team brings a mix of experience and institutional knowledge having completed or in the process of completing several significant projects on the Buffalo Waterfront property.

In addition to Bergmann's in-house capabilities, the following subconsultants have been selected for the team and nearly all have worked collaboratively on multiple ECHDC projects.

- Fisher Associates | TWMLA | Landscape Architecture
- Encorus Group (SDVOB) | Structural Engineering and Communications Support
- Ravi Engineering & Land Surveying, PC (MBE) | Geotechnical Engineering
- Foit-Albert Associates Architecture, Engineering and Surveying, PC (MBE) | Survey
- JM Davidson Engineering, DPC (WBE) | Civil Engineering Support
- Sienna Environmental Technologies (MWBE) | Environmental Services
- Trophy Point Construction Services & Consulting (SDVOB) | Cost Estimating

Kimberly Baptiste, AICP, Vice President of the Northeast Buildings Division, will serve as the Principal in Charge for this project. Kimberly is a recognized leader in waterfront planning and design throughout New York State. Steven Kushner, AIA, NCARB, LEED AP will serve as Program Manager. Steven has served as Project Manager on the planning team for the Outer Harbor Access and Activation Projects and currently leads the Terminal B Capital Improvements Project team. Philip DiNicola, RA, NCARB will be the Architectural Project Manager. Philip has served as Project Manager on various Canalside planning and construction projects from the early years of redevelopment through construction of the Children's Museum.

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 professional architectural and engineering services will include a variety of O&M projects which may vary in scale and involvement on behalf of the selected consultant team. Individual O&M projects will not exceed \$250,000 in value and will often require prompt turn-around of services. Projects may include, but not be limited to, the operation, maintenance, repair, preventative maintenance, renovation, addition to or modification of the following structures, property, and systems:

- Permanent and temporary buildings and structures including, roofs, facades, windows, doors, joints, masonry/cladding systems, foundations, structural systems, interior build-out, finishes, furnishings, and equipment, etc.;
- Interior and exterior MEP utility, fire protection, security, and communications systems;
- Grounds & landscapes, ecology, horticulture, invasives species, walkways, trails, roadways, bridges, fencing, civil/drainage structures, shoreline, docks, fountains/skating rink, property equipment;
- Signage and wayfinding; and
- Environmental conditions.

Task 1 – Conditions Assessments

- Provide existing conditions documentation, surveys and geotechnical reports, and testing
- Identify and document environmental conditions
- Update existing documents to reflect documented site conditions and changes
- ALTA and updated land surveys for parcel divisions and transfers

Task 2 – Planning

- Assist with capital project planning
- Prepare feasibility studies, cost estimates, and life cycle cost analysis
- Assist with community outreach and public involvement, including online surveys and in-person information sessions.
- Develop mapping, 3D modelling, renderings, or other visual aids as required to support staff, Board, Canalside Design Review Committee, or other advisory groups understanding and decision making. 3D models will become ownership of ECHDC.
- Prepare State Environmental Quality Review Act assessments. statements, findings and/or related environmental compliance studies and actions
- Coordination with other government agencies, such as NYSDOT, DEC, USACE, City of Buffalo etc.
- Coordination with utility companies, both public and private, such as Buffalo Water Authority, Buffalo Sewer Authority, National Grid, Verizon, etc.

Task 3 – Compliance, Inspections, and Maintenance

- Prepare various code compliance reviews, permitting and regulatory requirement analysis
- Prepare health, safety, and accessibility assessments
- Provide inspections requirements and recommendations for property and equipment
- Assist in the development of preventative maintenance programs and asset protection strategies

Task 4 – Design, Engineering, and Construction Documents

- Prepare Sketches for small project scopes and proposal requests
- Prepare Schematic Designs including minimum of three options, graphics, and renderings for various projects
- Prepare Design Development documents, outline specifications, estimates, and schedules
- Prepare Construction Documents, specifications, estimates, schedules, and permit sets

Task 5 - Bidding & Construction Administration (Only on projects developed under Tasks above.)

- Prepare cost estimates and project schedules, facilitate value engineering (VE) analysis
- Assist with bidding process and bid review
- Prepare permitting materials and assist in permitting process
- Perform Construction Administration services including construction inspections, submittal and material reviews, answer RFI's & prepare clarification bulletins, review on-site construction activities, observations, and test results, verify project conformance with approved construction, attend construction coordination meetings
- Perform Commissioning services and documentation
- Provide project closeout documentation, record drawings, manuals, and operations/maintenance procedures

Task 6 - Miscellaneous and Emergency Services

- Provide services as required to address emergency repairs, unforeseen conditions or conditions resulting from weather, fire, other acts of God, and/or environmental impacts
- Provide services as required to support operations, maintenance, repairs, or projects resulting from emergency situations, unforeseen conditions, hazards, or conditions resulting from weather and environmental impacts

V. Contract Terms and Conditions

The Contract will cover fees and expenses for a period of five years, through December 31, 2027.

ECHDC and the Consultant will enter into a Contract whereby the Consultant will receive a term contract for five (5) years with an annual budget of \$75,000, for a total of \$375,000. At the end of five (5) years, ECHDC shall have the option to enter into two (2) additional 2-year extensions on the same terms and conditions set forth herein.

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 3%.

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 Bergmann Architects, Engineers, Landscape Architects & Surveyors, DPC for an amount not to exceed \$375,000; and (3) to take all related actions.

IX. Recommendation

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

X. Attachments

Resolution

November 14, 2022

ERIE CANAL HARBOR DEVELOPMENT CORPORATION – Buffalo Waterfront Architecture & Engineering Consultant Services - Authorization to Enter into a Contract for Architecture & Engineering 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 Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, DPC to be responsible; and be it further

RESOLVED, that the Corporation is hereby authorized to enter into a contract with Bergmann Architects, Engineers, Landscape Architects & Surveyors, DPC for a base contract amount of THREE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$375,000), 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.

* * *

Item 2



FOR CONSIDERATION

November 14, 2022

TO: The Directors

FROM: Steven P. Ranalli

SUBJECT: Buffalo Waterfront Environmental Consultant Services

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

CONTRACT NEEDS AND JUSTIFICATION

I. Contract Summary

Consultant: LiRo Engineers, Inc.
690 Delaware Avenue
Buffalo, NY 14209

Scope of Services: Environmental Consultant Services

Contract Term: January 1, 2023 – December 31, 2027 with option to exercise up to two (2) additional 2-year extensions

Contract Amount: \$250,000

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.

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 is frequently required to withstand environmental impact, deterioration

from age, heavy use and changing programmatic needs. O&M and capital projects often require professional environmental consulting services to assess, plan, scope, budget and execute various projects.

III. Consultant Selection Process

On September 12, 2022, ECHDC issued a Request for Proposals (RFP) to five (5) engineering firms selected from the ESD Pre-Qualified Real Estate Development and Planning Related Consultants List. The RFP sought to retain professional environmental consultant firms and/or teams (the "Consultant") to provide documentation, assessment, design, bid assistance, construction administration and inspection services related to environmental services and capital projects for property at Canalside and the Outer Harbor.

On September 26, 2022, ECHDC received proposals from two (2) firms; LiRo Engineers, Inc. and WSP USA, Inc. These proposals were reviewed and scored by the Selection Committee and a selection was completed on October 11, 2022. LiRo Engineers, Inc. ("LiRo") was ranked as the top firm by the Selection Committee.

LiRo provides in-house environmental, engineering, architecture and construction management service. LiRo will be staffing this project with key personnel from the Buffalo office who bring a mix of experience and institutional knowledge having completed numerous projects for ECHDC including environmental consulting, design services and construction management projects on the Buffalo Waterfront property.

In addition to LiRo's in-house capabilities, the following subconsultants have been selected for the team and nearly all have worked collaboratively on multiple ECHDC projects.

- Environmental Design & Research, PC (WBE)
- KHEOPS Architecture, Engineering and Survey, DPC (MBE)
- Popli Design Group (MBE)
- Hampton Clarke, Inc. (WBE)
- Trophy Point (SDVOB)

Robert Kreuzer, Principal-in-Charge has over 30 years of consulting experience involving site redevelopment, and construction management. Mr. Kreuzer served as the principal for Wilkeson Pointe Redevelopment and various Canalside Construction Management projects. Martin Wesolowski, PE, CCM, Senior Project Manager, is LiRo's Western New York Engineering Manager and a Certified Construction Manager with diverse engineering and environmental experience. Mr. Wesolowski will be responsible for the internal quality, project planning and integration, communications, scope/cost/schedule controls, and design deliverables, to construction administration, and commissioning activities.

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 professional environmental services will include a variety of projects which may vary in scale and involvement on behalf of the selected consultant team. Individual environmental projects will not