



**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

March 11, 2019 – 10:30 AM

PROPOSED AGENDA

CORPORATE ACTION

1. Officer of the Corporation – Appointment of President
2. Erie Canal Harbor Development Corporation Fiscal Year 2019-20 Operating and Capital Budget Proposal – Approval of the Corporation’s Operating and Capital Budgets for the Fiscal Year 2019-20 (April 1, 2019 – March 31, 2020)
3. Children’s Museum - South Aud Block Redevelopment - Design Approval of Museum’s Exterior Signage; and Authorization to Take Related Actions
4. Explore & More Children’s Museum - New York Power Authority Environmental Justice Grant - Authorization to Accept Funds from the New York Power Authority Environmental Justice Grant and to Apply Those Funds to the Explore & More Children’s Museum Portion of Construction Costs
5. Queen City Bike Ferry - Authorization of Operations Fee for Ferry Services; and Authorization to Take Related Actions
6. Canalside Public Space Management - Authorization of Management Fee and Capital Budget; and Authorization to Take Related Actions
7. North Aud Block Development Infrastructure Design Services - Authorization to Enter into a Consultant Agreement for Architectural and Engineering Services; and Authorization to Take Related Actions
8. First Buffalo River Marina – Operator Agreement - Authorization to Enter into an Agreement for Marina Operations of First Buffalo River Marina (32 Fuhrman Blvd.); and to Take Related Actions

# Item 1



FOR CONSIDERATION

March 11, 2019

TO: The Directors

FROM: Chanel Maddigan

SUBJECT: Officer of the Corporation

REQUEST FOR: Appointment of President

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I. Background

The office of President to the Erie Canal Harbor Development Corporation (the "Corporation") is currently vacant. As such, to ensure the Corporation has a principal officer who can execute all required documentation on the Corporation's behalf, and who otherwise fulfills the duties and responsibilities of the President as contained in the Corporation's bylaws, it is recommended that Steven Ranalli be appointed President of the Corporation.

Mr. Ranalli has been an employee of the Corporation since 2008. He is a professional engineer with experience in engineering, urban planning, design, and economic development. He has served as the Vice President of Development since August 2018 with day-to-day oversight and management of all projects and initiatives within the Corporation's 450 acres of waterfront property. At the request of Empire State Development's President and CEO, Mr. Ranalli has also been coordinating and helping to advance other initiatives of the WNY regional office and USA Niagara Development Corporation.

His major accomplishments with the Corporation include the reconstruction of the historically aligned canals at Canalside, replicating the western terminus of the Erie Canal; the Explore and More Children's Museum; the Ohio Street reconstruction project, a major waterfront arterial linking the City's inner and outer harbors; and the first phase of the Outer Harbor redevelopment, including a bike park, event lawn, trails extension and habitat enhancements. Mr. Ranalli is currently managing the Outer Harbor capital planning phase including the First Buffalo River Marina and Terminal B sites, the redevelopment of the South Aud Block, and the design of the Longshed Building and replica packet boat project.

Mr. Ranalli has managed the Canalside Cultural Committee, the Canalside Design Committee and is a member of New York State's Smart Growth Committee.

II. Requested Actions

The Directors are requested to approve the appointment of Steven Ranalli as President of the Corporation as set forth in these materials and to confirm that Steven Ranalli is an Officer and President of the Corporation within the meaning of the New York State Urban Development Corporation Act and the Corporation's bylaws, including the indemnification provisions thereof.

III. Recommendation

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

Attachment  
Resolution

March 11, 2019

ERIE CANAL HARBOR DEVELOPMENT CORPORATION – Officer of the Corporation - Appointment of President

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BE IT RESOLVED, that Steven Ranalli be, and he hereby is, appointed as an Officer of the Erie Canal Harbor Development Corporation (the “Corporation”), with the title of President, his appointment being effective immediately, and a copy of the attached materials is ordered to be filed with the records of the Corporation; and be it further

RESOLVED, that in accordance with and for all the purposes of the New York State Urban Development Corporation Act and the bylaws of the Corporation, including but not limited to the indemnification provisions thereof, the foregoing individual be hereby confirmed as an officer of the Corporation.

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# Item 2



FOR CONSIDERATION

March 11, 2019

TO: The Directors

FROM: Steven P. Ranalli

SUBJECT: Erie Canal Harbor Development Corporation Fiscal Year 2019-20  
Operating and Capital Budget Proposal

REQUEST FOR: Approval of the Corporation's Operating and Capital Budgets for the  
Fiscal Year ("FY") 2019-20 (April 1, 2019 – March 31, 2020)

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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 2019/20 (April 1, 2019 – March 31, 2020) Operating and Capital Budgets (the "Budgets").

II. ECHDC FY 2019-20 Operating Budget Summary

The Operating Budget proposes a total of \$1,039,188 in personal services (salaries and fringe benefits for nine employees) and a total of \$228,500 in non-personal services (primarily repairs/maint./prop.mgmt./outside serv., office occupancy and insurance). The total of all budgeted personal and non-personal expenses for FY 2019/20 is \$1,267,688. Consistent with previous years' operating budgets, the FY 2019/20 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 2019-20 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 2019-20 Capital Budget is \$40,754,197. This includes, but is not limited to, the remaining costs on the construction of Explore & More Museum on the South Aud Block; the development of the remainder of the South Aud Block; construction of Carousel Project; construction of the Longshed along the Central Wharf; design of the North Aud

Block; Donovan Block utilities relocation; and Canalside events, programming, site operations, maintenance, and utility costs. Additionally, ECHDC is funding various projects at the Outer Harbor including, but not limited to, operations, maintenance, and utility costs, access/activation design and construction and a minimal contingency for any unplanned projects.

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, New York State Budget Appropriations, and Federal Highway Administration. No ECHDC corporate funds are included in the capital budget.

IV. Environmental Review

Approval of the Corporation's Operating and Capital Budgets for FY 2019-20 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 2019-20 Operating Budget in the amount of \$1,267,688 and the Capital Budget in the amount of \$40,754,197.

VI. Attachments

Resolution  
ECHDC – FY 2019-20 Operating Budget Plan  
ECHDC – FY 2019-20 Capital Budget Plan



March 11, 2019

ERIE CANAL HARBOR DEVELOPMENT CORPORATION - FY 2019-20 Operating and Capital Budgets– Approval of the Corporation’s FY 2019-20 Operating and Capital Budgets (April 1, 2019 – March 31, 2020)

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BE IT RESOLVED, based on the materials at this meeting and ordered filed with the Corporation (the “Materials”), the Corporation’s proposed FY 2019-20 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.

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**Empire State Development  
Erie Canal Harbor Dev Corp  
Operating Budget Plan FY 2019-20**

	Board Approved Budget FY 2018-19	Budget Plan FY 2019-20
<b><u>PERSONAL SERVICES</u></b>		
Salaries	\$ 742,466	\$ 753,035
Fringe Benefits	282,137	286,153
<b>TOTAL PERSONAL SERVICES</b>	<b>\$ 1,024,603</b>	<b>\$ 1,039,188</b>
<b>HEADCOUNT</b>	<b>8</b>	<b>9</b>
<b><u>NON-PERSONAL SERVICES</u></b>		
<b>Professional Fees</b>		
Legal / Accounting Fees	\$ 2,500	\$ 2,500
Consultant Fees	0	0
<b>Total Professional Fees</b>	<b>\$ 2,500</b>	<b>\$ 2,500</b>
<b>Other Non-Personal Services</b>		
Employee Travel & Meals	\$ 1,000	\$ 1,000
On-line Services/ Due & Subscriptions	1,500	1,500
Office Occupancy Expenses	69,500	75,000
Insurance	56,511	40,000
Repairs/ Maint /Prop Mgmt/ Outside Serv.	69,500	99,700
Telephone/Fax/Internet	4,000	4,000
Office Supplies / Printing / Advertising	4,800	4,800
Computers/Software/Equipment	0	0
<b>Total Other Non Personal Services</b>	<b>\$ 206,811</b>	<b>\$ 226,000</b>
<b>TOTAL NON-PERSONAL SERVICES</b>	<b>\$ 209,311</b>	<b>\$ 228,500</b>
<b>TOTAL OPERATING BUDGET</b>	<b>\$ 1,233,914</b>	<b>\$ 1,267,688</b>

**Empire State Development  
Erie Canal Harbor Dev Corp  
Capital Budget Plan FY 2019-20**

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	Board Approved Budget FY 2018-19	Budget Plan FY 2019-20
Acquisition Costs	\$ 400,000	\$ 100,000
Design & Other Soft Costs	5,831,998	7,308,777
Legal Costs	240,000	550,000
Property Management/Maintenance Costs	2,075,000	2,260,500
Insurance	150,000	120,000
Demolition & Site Clearance	0	0
Construction Costs	34,466,164	30,114,920
Other Misc. Costs	300,000	300,000
<b>TOTAL CAPITAL BUDGET</b>	<b><u>\$ 43,463,162</u></b>	<b><u>\$ 40,754,197</u></b>

# Item 3



FOR CONSIDERATION

March 11, 2019

TO: The Directors

FROM: Steven P. Ranalli

SUBJECT: Children's Museum - South Aud Block Redevelopment

REQUEST FOR: Design Approval of Museum's Exterior Signage; and Authorization to Take Related Actions

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I. Background

The former Memorial Auditorium Block ("Aud Block") was acquired by the ECHDC in 2008 and since that time, ECHDC has invested public funds remediating hazardous waste, lead and asbestos containing materials, completing demolition of the Memorial Auditorium, relocating utilities and preparing the site for future development. Through a local planning process, the Aud Block has been divided into multiple parcels reflecting the 19<sup>th</sup> century streets/building typology of the site, including the "Canals and Public Environments", or public space, designed as an interpretive landscape of water features and site amenities that will help visitors understand the history and character of the former canal district and its significance to the City, New York State and the nation.

On October 9, 2013, the Erie Canal Harbor Development Corporation ("ECHDC" or the "Corporation") Board of Directors authorized the Corporation to accept the Explore & More Children's Museum's ("EMCM") Master Plan and Pre-Campaign Capital Feasibility study and enter a Non-Binding Memorandum of Understanding to address the roles and responsibilities of ECHDC and Explore & More Children's Museum as the project proceeded, including the building development schedule, funding requirements, the museum fundraising timeline, and other project-related milestones. After several attempts to define the project scope and location, on September 16, 2015, the ECHDC Board authorized the Corporation to enter into the necessary agreements with EMCM to design and construct a nearly 43,000 GSF core & shell structure on the South Aud Block. The core & shell construction, managed on behalf of ECHDC by LeChase Construction, is nearly complete and the interior fit-out and exhibit work by the Museum is well underway.

On February 14, 2017, the ECHDC Board adopted the Canalside Design Review Committee's recommendation to approve the core & shell building design. However, at that time the Children's Museum exterior signage was not included in that recommendation.

II. Description of Exterior Museum Design

The exterior of the core & shell building is generally clad in brick with a stone base along the towpath. The brickwork and windows on the majority of the building are reminiscent of a mid-19<sup>th</sup> century canal-era building, while contemporary metal panels and windows along the southern edge highlight "the cut"

through the building to accommodate today's site features. The retail front extends the length of Lloyd Street with opportunities to "look into" the Museum from the outside.

The Children's Museum used the historic-looking building and included signage in several locations to capture the movement of people through Canalside, enhance entrances to the facility and ancillary offerings (i.e., retail and restaurant), and make the building more playful and representative of a children's museum.

Three-dimensional "Explore & More" logo signs are placed on all four facades, with two near the main entrances and one along the canals, one toward Marine Drive. In addition, a "sculptural logo" is placed at the Lloyd Street entrance in lieu of handrail to allow for "selfies" and other photo opportunities. Laser cut letter signs stating the full name "The Ralph C. Wilson Jr. Children's Museum" are also included in proximity to three of the logo signs.

Additional laser cut lettering is being added to the canopies to identify the towpath restaurant and first floor retail store. Both of these ancillary offerings are available to the general public.

Design enhancements include potential window graphics and words on the brick surfaces that further strengthen the Museum's brand while enlivening the exterior in a nod toward historic signage and promotion. On the south side, a large paint brush has been included to help highlight a rotating banner that can be used to announce on-going or up-coming exhibits, events, etc.

And finally, a large (15' high x 15' long x 9' wide) tricycle sculpture will be located on the roof. This classic children's toy will enhance visibility of the Museum while again nodding to the area's history. In the late 1800s, the George N. Pierce Company manufactured bicycles at the corner of Prime Street and Hanover Street, just a few hundred feet from the current Museum site.

Renderings and drawings of the Museum's Exterior Signage are attached hereto as **Exhibit A**.

### III. Compliance of Project with MGPP Objectives and Canalside Design Guidelines

The Project has been formally reviewed by the Canalside Design Review Committee (the "DRC") to determine its consistency with the Canalside Design Guidelines. After their technical review, the DRC convened and unanimously recommended that ECHDC approve the Project Plans. A copy of the DRC's recommendations is attached hereto as **Exhibit B**.

The Museum's Exterior Signage was also referred to the City of Buffalo Planning Board for a public hearing and consideration on their consistency with the Design Guidelines prior to ECHDC accepting the plans as complete and authorizing construction, in accordance with the Design Guidelines. However, the City's new Unified Development Ordinance clarifies the responsibility for reviewing signage and vests it solely with the Department of Permit and Inspection Services. The Department noted in its January 22, 2019 letter that "for signage proposals within the area where the Erie Canal Harbor Development Corporation has a zoning override adherence to the UDO is not required, nor is review by any (sic) City regulatory board" (attached hereto under **Exhibit B**).

Based upon review and consideration of both the DRC's recommendation and Planning Department's letter, ECHDC staff finds that the Museum's Exterior Signage is consistent with the Canalside Design Guidelines.

IV. Environmental Review

ESD, as lead agency, completed an environmental review of the Canalside Project, which included development assumptions for the South Aud Block, pursuant to the requirements of the State Environmental Quality Review Act ("SEQRA") and the implementing regulations of the New York State Department of Environmental Conservation. This review, which was coordinated with involved agencies, including ECHDC, due to the Project's Type I classification, included the preparation of a Draft and Final Generic Environmental Impact Statement ("GEIS"). The ESD Board of Directors issued SEQRA findings for the Canalside Project on March 13, 2010. Because the proposed scale/uses associated with a proposed standalone facility to house the Explore & More Museum are well within the thresholds established for the South Aud Block in the Canalside Project Final GEIS and SEQRA findings, no further environmental review is required in connection with this action.

V. Recommendation

Based upon the foregoing, the Directors are requested to: 1) based on the recommendations of the ECHDC's Design Committee and the letter from City of Buffalo Department of Permit and Inspection Services, find that the Project is consistent with the Design Guidelines established by the Corporation as part of the MGPP for the Canalside Land Use Improvement Project without modification thereof; and 2) take all related actions.

Attachments

Resolution

Exhibit A – Renderings and Drawings

Exhibit B – Canalside Design Review Committee / City of Buffalo

March 11, 2019

ERIE CANAL HARBOR DEVELOPMENT CORPORATION – Children’s Museum - South Aud Block Redevelopment - Design Approval of Museum’s Exterior Signage; and Authorization to Take Related Actions

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RESOLVED, that on the basis of the materials presented to this meeting, a copy of which is hereby ordered filed with the records of the Erie Canal Harbor Development Corporation (the “Corporation”), and based on the recommendation of the Corporation’s Design Review Committee and the letter from City of Buffalo Department of Permit and Inspection Services, the Children’s Museum’s Exterior Signage – South Aud Block Redevelopment (“Project”) is found, without modification thereof, to be consistent with Design Guidelines established by the Corporation as part of the Modified General Project Plan for the Canalside Land Use Improvement Project; and be it further

RESOLVED, that the Chairman and President or his designee(s), be and the same hereby is, authorized in the name of and on behalf of the Corporation to take such actions as may be considered necessary or appropriate to give effect to this Resolution.

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# Item 4



FOR CONSIDERATION

March 11, 2019

TO: The Directors

FROM: Steven P. Ranalli

SUBJECT: Explore & More Children’s Museum - New York Power Authority  
Environmental Justice Grant

REQUEST FOR: Authorization to Accept Funds from the New York Power Authority  
Environmental Justice Grant and to Apply Those Funds to the Explore &  
More Children’s Museum Portion of Construction Costs

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I. The Project

Recipient: Explore & More Children’s Museum

Project Location: Canalside  
130 Main St.  
Buffalo, NY 14203

Project: Explore & More Children’s Museum Core & Shell  
Construction

Funding Amount: \$300,000

Funding Source(s): New York Power Authority Environmental Justice Fund

II. Background

On September 16, 2015 the Board of Directors authorized Erie Canal Harbor Development Corporation (“ECHDC” or “the Corporation”) to enter into a Land Development Agreement with Explore & More Children’s Museum (“E&M”), which was executed on June 6, 2016 (the “Agreement”). The Agreement details the obligations and requirements of E&M and the Corporation with respect to, among other things, the design, construction, and financing of a facility to be located on Parcels A2.1, A2.4, and a section of “Lake Street” located on the South Aud Block of the Canalside Project, involving an approximately 42,900-square-foot structure located to house a Children’s Museum.

Pursuant to the Agreement, the Corporation contributes \$9,254,000 through the New York Power Authority funding source towards costs associated with construction of the core and shell and certain site work for the footprint of the museum building. Also pursuant to the Agreement, E&M contributes the remainder of the core & shell construction costs, estimated at \$4,000,000, which is paid directly to the construction management company. The Agreement requires E&M and the Corporation to use good faith efforts to collaborate to secure funding for the museum project, and specifically anticipated certain funding through the New York Power Authority via its Environmental Justice Grant in the amount of \$300,000 for the project, The Agreement provided that such funds would be applied to offset E&M's contribution towards construction costs for the core & shell of the Children's Museum.

ECHDC applied for the New York Power Authority Environmental Justice Grant, which is to be specifically used for energy-related infrastructure associated with museum project, in November 2018 and was awarded the funding in December 2018. The Corporation now seeks the Board of Directors' approval to accept these funds, and in turn, to distribute the funds to Explore & More Children's Museum to be applied to their contribution towards construction of the core & shell of the museum building.

### III. Environmental Review

ESD, as lead agency, completed an environmental review of the Canalside Project, which included development assumptions for the South Aud Block, pursuant to the requirements of the State Environmental Quality Review Act ("SEQRA") and the implementing regulations of the New York State Department of Environmental Conservation. This review, which was coordinated with involved agencies, including ECHDC, due to the Project's Type I classification, included the preparation of a Draft and Final Generic Environmental Impact Statement ("GEIS"). The ESD Board of Directors issued SEQRA findings for the Canalside Project on March 13, 2010. Because the proposed scale/uses associated with a proposed standalone facility to house the Explore & More Museum are well within the thresholds established for the South Aud Block in the Canalside Project Final GEIS and SEQRA findings, no further environmental review is required in connection with this action.

### IV. Non-Discrimination & Contractor and Supplier Diversity

The Corporation's non-discrimination and affirmative action policy will apply to this contract. ECHDC, as part of its responsibility, recognizes the need to promote the employment of minority group members and women and to ensure that certified minority and women-owned business enterprises have opportunities for maximum feasible participation in the performance of ECHDC contracts.

In 2006, the State of New York commissioned a disparity study to evaluate whether minority and women-owned business enterprises had a full and fair opportunity to

participate in state contracting. The findings of the study were published on April 29, 2010, under the title "The State of Minority and Women-Owned Business Enterprises: Evidence from New York" ("the Disparity Study"). The report found evidence of statistically significant disparities between the level of participation of minority and women-owned business enterprises in state procurement contracting versus the number of minority and women-owned business enterprises that were ready, willing and able to participate in state procurements. As a result of these findings, the Disparity Study made recommendations concerning the implementation and operation of the statewide certified minority and women-owned business enterprises program. ECHDC's Affirmative Action program is established pursuant to this policy, the provisions of the New York State Executive Law Article 15-A and 5 NYCRR Parts 142-144.

For purposes of this agreement and any subsequent contracts resulting from a Contractor solicitation, ECHDC hereby establishes an overall goal of 25% for Minority and Women-Owned Business Enterprises (MWBE) participation; 15% for Minority-Owned Business Enterprises ("MBE") participation and 10% for Women-Owned Business Enterprises ("WBE") participation.

V. Requested Action

The Directors are requested to (1) authorize ECHDC to accept the New York State Power Authority Environmental Justice Grant in the amount of \$300,000; (2) to authorize ECHDC to disburse the funds in the amount of \$300,000 to Explore & More Children's Museum to be applied to E&M's contribution towards the construction of the core & shell of the Children's Museum at Canalside; and (3) to take all related actions.

VI. Recommendation

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

Attachment  
Resolution

March 11, 2019

ERIE CANAL HARBOR DEVELOPMENT CORPORATION – Authorization to Provide Funds From the New York Power Authority Environmental Justice Grant to the Explore & More Children’s Museum Portion of the Construction of the Core & Shell of the Children’s Museum at Canalside, and 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 authorized to accept the New York State Power Authority Environmental Justice Grant in the amount of \$300,000; and be it further

RESOLVED, that, upon receipt of such funding, the Corporation is authorized to disburse the funds in the amount of \$300,000 to Explore & More Children’s Museum to be applied to E&M’s contribution towards the construction of the core & shell of the Children’s Museum at Canalside; 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 5



FOR CONSIDERATION

March 11, 2019

TO: The Directors

FROM: Steven P. Ranalli

SUBJECT: Queen City Bike Ferry

REQUEST FOR: Authorization of Operations Fee for Ferry Services; and Authorization to Take Related Actions

**CONTRACT NEED AND JUSTIFICATION**

I. Contract Summary

Contractor: Queen City Bike Ferry, Inc. (formerly Buffalo Sailing Adventures d/b/a Queen City Ferry Company)

Scope of Services: Operations and maintenance services related to the Queen City Bike Ferry (the "Project")

Contract Term: Four (4) years with two, three (3) year extensions (2015-2024)

Original Amount: \$852,300 (includes \$77,482 contingency)

Extension Amount \$269,450 (2019-2021)

Total Amount \$1,121,750

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

II. Background

The vision for viable public access between Buffalo’s Inner and Outer Harbor has been a primary goal for ECHDC since 2010, at which time working committees (involving nearly 100 citizens), actively engaged in planning short-term and long-term projects that would have a significant effect on Buffalo’s future. During that process, solicitations from cultural, arts and for-profit organizations were completed under direction of ECHDC’s Cultural Steering Committee, an all-volunteer, community-led group of leaders from many regional cultural institutions. Forty-three proposals were received, including the Buffalo Sailing Adventure’s

Queen City Ferry Company (currently Queen City Bike Ferry, Inc.) proposal. The Queen City Ferry Company proposal received a very strong recommendation for funding from the Cultural Steering Committee to address a short-term access goal of “providing public transportation to and from the Outer Harbor”. As a continuation of the process, it was realized that no other water ferry or water taxi proposals were received during the formal outreach process, and no other ferry companies operated within the Buffalo area.

Based on the findings presented by the Cultural Steering Committee, the Erie Canal Harbor Development Corporation (ECHDC) Board of Directors’ approved a three-year contract with Buffalo Sailing Adventures (the “Contractor”) d/b/a/ Queen City Ferry Company on April 12, 2011 to provide ferry services to stops along the Buffalo River and Outer Harbor. The Contractor was recognized as a locally, family-owned and operated company providing waterborne services out of Canalside in Buffalo, New York, since 2009. The owners were widely known for over 30 years of combined experience in operating passenger and educational vessels on waterfronts nationwide, as well as maintaining a proven record of success in providing engaging, authentic, and professional public access to Buffalo’s waterways.

The three years of initial operation of the ferry, mainly as an attraction, proved to be minimally successful with an average ridership of approximately 5,000 passengers a year. Additionally, the extended ride proved to be environmentally and economically ineffective, as well as unreliable due to mitigating weather conditions and occurrences on the outer Harbor. However, the growing popularity of Canalside underscored the continued need for public access from the site to the Outer Harbor, which was also experiencing a significant increase in visitors since ECHDC’s opening of Wilkeson Pointe in 2013. The prevailing conclusion from public input and professional experience, was that a regularly scheduled water ferry service (both pedestrian and bicycle), with a more direct, standardized route would allow for an increased number of trips between the Inner and Outer Harbors. However, ECHDC was still in negotiations with the New York Power Authority (NYPA) for a transfer of property that would be utilized to host the new ferry service. So, in early 2014, ECHDC provided the Contractor with a one-year contract for \$28,000 to operate and maintain ferry services from April 2014 through April 2015.

In anticipation of the opening of the newly constructed Bike Ferry Landing and the early success of the more direct and economically sustainable ferry service, on September 15, 2014, the ECHDC Board of Directors approved a four (4) year contract, as well as options for two, three-year extensions to the Contractor for operations, maintenance and capital improvements associated with the ferry service between Canalside and Outer Harbor. The contract amount was \$852,300, inclusive of a 10% contingency of \$77,482. The contract scope of services was for a four-year period beginning in December 2014 and ending in September 2018.

The Queen City Bike Ferry service provided by the Contractor since 2014 has proven to be an extremely valuable method of transportation and a direct link between Canalside and



Buffalo's Outer Harbor, both significant assets to the region's recreation and tourism industries. The Project has served, on average, 40,000 pedestrians and bicyclists since 2014, which is a significant increase from the 5,000 yearly riders recorded in 2013. Operating from Memorial Day to Labor Day, the ferry service provides a reliable (standard hours for seven days a week), economical (\$1 fares each way), and technological (payment kiosks) service that is necessary to maintain public connectivity between popular destinations on Buffalo's waterfront. Roundtrip fares may be adjusted over the remainder of the 10-year contract at the discretion of ECHDC.

In addition, the Contractor has been able to collect revenue in the form of ticket fares and sponsorship, with an average yearly receipt of approximately \$43,000 which helped reduce the average net operating budget to \$114,000. Overall, the ferry operation has shown to be of fiscal value in the first four years of operation with a total net operating budget of \$456,719 (\$627,605 in expenses offset by \$172,480 in revenue). ECHDC's plans for significant improvements on the Outer Harbor in the next 3-5 years, coupled with current recreational and programmatic attractions underscores the need for a continued, uninterrupted ferry service that will continue to yield revenue while maintaining reasonable costs for operations and maintenance.

The ECHDC Board of Directors is presently requested to authorize the operations fee in the amount of \$269,450 for the first three-year extension of the contract, for a total contract amount of \$1,121,750.

### III. Project Description

The Contractor will continue to provide operations and maintenance services for the purposes of providing seasonal, public ferry service. The service will operate seasonally under the established hours, fares and conditions set forth between ECHDC and the Contractor. The Contractor will be wholly responsible for staffing associated with operating the vessel in a safe and secure manner, maintaining rider logs, monitoring vessel maintenance, proposing capital improvements and ensuring a satisfactory customer experience. Operational duties will include, but not be limited to, cleanliness, fueling, repairs, inspection, insurance and all applicable local, state and federal laws. Additional scope added to the Contract since 2014 includes: landscape maintenance the Bike Ferry Landing site, operations and maintenance of the ticket kiosks and provision of a second ferry during selected peak days based on past year's attendance records.

The Contractor will also be responsible for off season storage of the vessel and docks associated with the ferry service at a site mutually agreed upon by the Contractor and ECHDC. Additionally, the Contractor will be responsible for the operation, maintenance and efficiency associated with the ticket kiosks.

#### IV. Contractor Selection Process

In 2010, ECHDC's Cultural Steering Committee, an all-volunteer, community-led group of leaders from many regional cultural institutions recognized the need to address a short-term access goal of "providing public transportation to and from the Outer Harbor". As a result, and with the realization that no other water ferry or water taxi proposals were received during a formal outreach process, a singular, one of a kind ferry operator, Buffalo Sailing Adventure's d/b/a Queen City Ferry Company (currently Queen City Bike Ferry, Inc.) was chosen for their proposal to provide ferry service on behalf of ECHDC.

On April 12, 2011 and based on the findings presented by the Cultural Steering Committee, the Erie Canal Harbor Development Corporation (ECHDC) Board of Directors' approved a three-year contract with Buffalo Sailing Adventures d/b/a/ Queen City Ferry Company to provide ferry services to stops along the Buffalo River and Outer Harbor. The Contractor was, and continues to be, recognized as a locally, family-owned and operated company providing waterborne services out of Canalside in Buffalo, New York, since 2009. The owners have demonstrated over 35 years of successfully combining their experience in operating passenger and educational vessels on waterfronts, most importantly here in Buffalo's inner and outer harbors.

On September 10, 2014, a Contract Reporter exemption was granted for this contract based on the Contractor's extensive experience, proven expertise with water vessel operations, familiarity with ECHDC operations, as well as their capacity and willingness to provide this vital, seasonal service to the public. Soliciting ferry operator services using a NYS Contract Reporter advertisement was an alternative that was considered. However, given the lack of other, similar ferry services in Western New York it seemed unlikely that many other firms existed to provide these services. At this point, having another firm provide a new and enhanced ferry service would have required many hours of review of the existing operations, customer needs, involved parties, and regulatory procedures with which the Queen City Ferry Company was already familiar.

#### V. Scope of Work

The Contract extension and related operations fee ensures another three (3) years of regular water ferry service (pedestrian and bicycle), with a standardized route and schedule, which the public has come to routinely utilize on a seasonal basis. The Contractor will be responsible for the following tasks:

- Operations/Maintenance
- Capital Improvements
- Insurance
- Storage/Dockage
- Advertising/Marketing

VI. Contract Term, Price and Funding

The extension is a three (3) year operations and maintenance service contract at an additional cost of \$269,450. The ECHDC funds will be used to fully support all operations and maintenance costs as outlined under the Scope of Work above.

Expenses for years 2019 through 2021 assume a 2% annual increase. Revenue from the sale of roundtrip tickets, sponsorships, and/or other income associated with the operations will be deposited into ECHDC's account.

The source of funding is the New York State Power Authority (Relicensing Agreement).

VII. Non-Discrimination/Affirmative Action

Pursuant to New York State Executive Law Article 15-A, ESD recognizes its obligation under the law to promote opportunities for maximum feasible participation of certified minority- and women-owned business enterprises (MWBEs) in the performance of ESD projects and procurements. The ESD Office of Contractor and Supplier Diversity has reviewed the project and has determined that there exists no potential for MWBE participation. As such, participation goals will not be established or required for this project.

VIII. Environmental Review

The New York State Urban Development Corporation, doing business as Empire State Development ("ESD"), as lead agency, completed an environmental review of construction and operation of the Erie Canal Harbor Redevelopment Project, inclusive of marine infrastructure to support uses such as the subject ferry operation, pursuant to the requirements of the State Environmental Quality Review Act (SEQRA) and the implementing regulations of the New York State Department of Environmental Conservation. This review, which was coordinated with the involved agencies due to the Project's Type I classification, involved the preparation of a draft and a final environmental impact statement. The ESD Board of Directors issued SEQRA findings for the Project in February 2005. Therefore, no further environmental review is required in connection with this action.

IX. Determination of Responsibility

Staff has examined the proposed Contractor's "responsibility" as defined in State Finance Law §163, and as provided in ESD's Procurement Guidelines. Based on this analysis of financial and organizational capacity, legal authority to do business in New York, integrity of principals, and past performance on contracts, staff concludes that the proposed contractor is a responsible vendor.

X. Requested Actions

The Directors are requested to: (1) authorize the operations fee with Queen City Bike Ferry, Inc. (formerly Buffalo Sailing Adventures d/b/a Queen City Ferry Company) in an amount of \$269,450; and 2) authorize the taking of all actions related to the foregoing.

XI. Recommendations

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

XII. Attachments

Resolution

March 11, 2019

ERIE CANAL HARBOR DEVELOPMENT CORPORATION - Queen City Bike Ferry, Inc. – Authorization of an Operations Fee for Ferry 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 finds Queen City Ferry Company, Inc. to be responsible; and be it further

RESOLVED, that the Corporation is hereby authorized to commit funds to Queen City Bike Ferry, Inc., for an amount of Two Hundred Sixty-Nine Thousand Four Hundred Fifty Dollars (\$269,450) for a total contract amount of One Million, One Hundred Twenty One Thousand Seven Hundred Fifty Dollars (\$1,121,750) 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 Development of the Corporation or his designees be, and each of them hereby is, authorized and directed to take any and all action necessary to carry out the foregoing resolution and to carry out any authority or delegation granted to the Corporation in conjunction with such authorizations, including, but not limited to, the preparation and execution of any agreements, instrumentation and/or documents as may deem necessary or appropriate.

\* \* \*

# Item 6



FOR CONSIDERATION

March 11, 2019

TO: The Directors

FROM: Steven P. Ranalli

SUBJECT: Canalside Public Space Management

REQUEST FOR: Authorization of Management Fee and Capital Budget; and Authorization to Take Related Actions

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CONTRACT NEEDS AND JUSTIFICATION

I. Contract Summary

Contractor: Be Our Guest, Ltd.  
1 James D Griffin Plaza  
Buffalo, New York 14203

Scope of Services: Canalside Public Space Management

Contract Term: April 1, 2017 – March 31, 2022

Years 1 & 2 Budget: Not to exceed \$2,900,000

Proposed Years 3-5 Budget: Not to exceed \$4,500,000

Years 3 - 5 Management Fee	\$3,900,000
Years 3 - 5 Capital Budget	\$450,000
Contingency	\$150,000

New Proposed Total Contract Amount: Not to exceed \$7,400,000

Funding Source(s): New York Power Authority (Relicensing Agreement and Industrial Incentive Award) funds

II. Background

In January 2017, the Board of Directors authorized Erie Canal Harbor Development Corporation (“ECHDC” or “the Corporation”) to enter into a five-year contract with Be Our Guest, Ltd. (“BRG”) to provide Public Space Management Services at Canalside (the “Management Agreement”). The Board also approved the

Management Fee paid to BRG and Capital Budget for years one and two of the Management Agreement in an amount not to exceed \$2,900,000:

Year 1 & 2 Management Fee	\$2,600,000
Year 1 & 2 Capital Budget	\$200,000
Contingency	\$100,000

Due to the capital projects that will be under construction or completed during the term of the Management Agreement, ECHDC and BRG reexamined the value of the annual Management Fee for years three, four and five of the Management Agreement based on the changes to the physical site and the programmatic intent of Canalside.

ECHDC now seeks approval to commit funds to the Management Fee and Capital Budget for the remaining three years of the Management Agreement. In addition, ECHDC intends to amend the Management Agreement to add Explore and More Children’s Museum to the Managed Premises.

III. Contractor Selection Process

On September 13, 2016 ECHDC issued a Request for Proposals for the Canalside Public Space Management contract in the New York State Contract Reporter. A total of two proposals were received on November 3, 2016. Proposals were reviewed and scored and, on January 9, 2017, ECHDC’s Board of Directors selected Be Out Guest, Ltd. as the Canalside Public Space Manager.

IV. Responsible Party

At the January 2017 ECHDC Board of Directors meeting, ECHDC staff informed the Board that, 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

The BRG Team will continue to be responsible for operations and maintenance, programming and event management, marketing and sponsorship, food and beverage management, and financial management of Canalside; as is further defined in the Management Agreement.

At the time of negotiating the Management Agreement, both BRG and ECHDC agreed to exclude the Explore and More Children’s Museum site from the Managed Premises while it was under construction. With the museum anticipated to open in Spring 2019, ECHDC intends to amend the contract to include the ECHDC-owned building in the Managed Premises for BRG to maintain, primarily, the building’s equipment, systems, and exterior components as part of their operations & maintenance services.

VI. Contract Term, Price and Funding

The Management Agreement term is five (5) years, April 1, 2017 to March 31, 2022, including an optional two (2) year extension at ECHDC’s sole discretion.



ECHDC is returning to the Board of Directors today requesting authorization to commit funds for Years 3, 4, and 5 of the Management Agreement. As noted above, ECHDC and BRG reexamined the Management Fee at this point of the term based on the changes to the physical site and the evolving programming of Canalside. ECHDC works closely with BRG on operations, events, sales and marketing initiatives and reviews their financials regularly. They have maintained ECHDC's standards for site cleanliness, security, customer service, operations, aesthetics, program and event management, as well as branding/marketing. After Years 1 and 2 of the contract, it's estimated that ECHDC will receive total net operating income and revenue share of approximately \$77,400. The income and revenue share is anticipated to grow in subsequent years as BRG continues to gain experience and efficiencies in managing Canalside. However, due to several factors, including the addition of new buildings to the site for BRG to manage, changes to the site footprint, general cost increases and Canalside's evolving programming philosophy, we are requesting to maintain the current Management Fee of \$1,300,000 annually for the next three years.

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

VII. Non-Discrimination & Contractor and Supplier Diversity

MINORITY AND WOMEN-OWNED BUSINESSES

Empire State Development's ("ESD's") Minority and Women-owned Business Enterprise ("MWBE") policies apply to this contract. BRG is required to solicit and utilize MWBEs in the fulfillment of the requirements of this contract. BRG must demonstrate the use of good faith efforts pursuant to 5 NYCRR §142.8 to achieve an overall goal of 30% for MWBE Participation. The overall goal shall include a Minority-owned Business Enterprise Participation Goal of 15% and a Women-owned Business Enterprise Participation Goal of 15% related to the total value of ESD's funding.

SERVICE-DISABLED VETERAN-OWNED BUSINESSES

ESD's Service-Disabled Veteran-Owned Business ("SDVOB") policies also apply to this Project. BRG shall be required to solicit and utilize SDVOBs in the fulfillment of the requirements of this contract. BRG must demonstrate the use of good faith efforts pursuant to 9 NYCRR §252.2 to achieve a goal of 3% for SDVOB participation.

VIII. Environmental Review

ESD as lead agency, completed an environmental review of the Canalside Project, pursuant to the requirements of the State Environmental Quality Review Act ("SEQRA") and the implementing regulations of the New York State Department of Environmental Conservation. This review, which was coordinated with the involved agencies due to the Project's Type I classification, involved the preparation of a draft and final generic environmental impact statement. The ESD Board of Directors issued a Findings Statement for the Project at their meeting of March 25, 2010 and the ECHDC Board of Directors issued Involved Agency Findings on March 12, 2010. These prior reviews and findings addressed all aspects of the Canalside Project, including the operation and maintenance of and programming for Canalside. Therefore, no further environmental review is required in connection with this action.

IX. Requested Action

The Directors are requested to (1) Authorize ECHDC to commit funds to the BRG Management Fee and Capital Budget for years three, four and five of the Management Agreement in an amount not to exceed \$4,500,000; and (2) to take all related actions.

X. Recommendation

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

XI. Attachments  
Resolution

March 11, 2019

ERIE CANAL HARBOR DEVELOPMENT CORPORATION – Canalside Public Space Management –  
Authorization to Commit Funds to Management Fee and Capital Budget; 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 Be Our Guest, Ltd. to be responsible; and be it further

RESOLVED, that the Corporation is hereby authorized to commit funds to the BRG Management Fee and Capital Budget for years three, four, and five of the BE OUR GUEST, LTD Management Agreement for an amount not to exceed FOUR MILLION FIVE HUNDRED DOLLARS (\$4,500,000) for a total new contract amount not to exceed SEVEN MILLION FOUR HUNDRED DOLLARS (\$7,400,000) 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.

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# Item 7



FOR CONSIDERATION

March 11, 2019

TO: The Directors

FROM: Steven P. Ranalli

SUBJECT: North Aud Block Development Infrastructure Design Services

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

CONTRACT NEEDS AND JUSTIFICATION

I. Contract Summary

Consultant: TY Lin International  
77 Broadway Street, Suite 208  
Buffalo, New York 14203

Scope of Services: Architectural and Engineering Design Services

Contract Term: March 1, 2019 through March 1, 2022

Contract Amount: Not to exceed \$595,316 (\$495,316 including reimbursables plus \$100,000 contingency)

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

II. Background

In 1963, the City of Buffalo and the Buffalo Urban Renewal Agency, in accordance with state/federal regulations at the time, established the Waterfront Urban Renewal Area, which encompassed a broad swath of waterfront land from Washington Street to Virginia Street, including the North Aud Block (i.e., the "Project Area"). This Urban Renewal Area was once the core of Buffalo's Canal District and contained the buried western terminus of the Erie Canal, along with a number of associated slips and other canals. Within 10 years, almost all pre-existing structures of any age, condition, and use were demolished in this Urban Renewal Area. Today, while the Urban Renewal Plan expired in 2013, only the privately-managed Marine Drive Apartments (originally the Dante Place Public Housing Project that opened in 1952) and a small church are structures that survive from before 1963.

Beginning in the late 1980s, the Horizons Waterfront Commission (then a subsidiary of the NYS Urban Development Corporation, which is today known as ESD), and later ESD itself, took on planning and investment efforts to revitalize the Buffalo waterfront. Part of these efforts focused on the area between

Main Street, the Buffalo River, and the Marine Drive Apartments (i.e., a portion of the Urban Renewal Area), which contained remnants of the above-noted Erie Canal and feeder slips (specifically the Commercial Slip), a broad network of former streets, and foundations of former buildings dating to the early 19th century.

After roughly a decade of intense community discussion, plans for the initial components of the “Buffalo Inner Harbor” Project (later named “Erie Canal Harbor” after a scholastic naming contest held the local newspaper) were finalized in 2004. ECHDC was established in 2005 to create a locally-focused ESD subsidiary to implement the plan.

ECHDC is currently leading Phase 3 of waterfront redevelopment efforts. Phase 1 involved the relocation of the Buffalo and Erie County Naval & Military Park from the foot of Main Street its current location slightly downstream in Veterans Park, completed in 2003. Phase 2, the Erie Canal Harbor project, involved the restoration and re-watering of the Commercial Slip (the historic western terminus of the Erie Canal) as a navigable water feature, a new interpretation of the Central Wharf, and the reconstruction of a series of Medina Sandstone paved streets that once crossed the area, which was completed in 2008.

Phase 3 centers around “Canalside” - a mixed use, urban entertainment destination, which encompasses both the Phase 1 and 2 (i.e., Erie Canal Harbor Block) land areas, along with the following surrounding city blocks:

- The Aud Block (the former location of the Memorial Auditorium or “Aud”), upon which a series of historically-aligned, non-navigable, canal water elements were completed in 2014 that host the region’s largest ice skating venue and other winter activities, as well as a host of summer recreational programming and activities.
- The Donovan Block, which was once home to the General William Donovan State Office Building and has since been developed as “One Canalside,” a mixed hotel, office, and retail development organized around the “East Canal” water element, with a final mixed-use building planned on a parcel south of the canal fronting on Scott Street;
- The Webster Block, which served for several decades as surface parking and has since been redeveloped as “Harborcenter”, a mixed-use facility which houses a series of indoor ice rink facilities that serve as a practice venue for the Buffalo Sabres and a multitude of amateur hockey events, along with hotel, entertainment and retail facilities; and
- The Commercial Slip Block, which consists of public property to the northwest of Commercial and Pearl streets, a large portion of which is used as surface parking for the Buffalo Municipal Housing Authority, with the balance used as commercial parking lots.

The overall Canalside project area is bounded on the north by Upper Terrace and Exchange Streets and Perry Boulevard; on the east by Washington Street and Seymour H. Knox III Plaza; on the south by Perry Street and the Buffalo River and on the west by Erie Street, Marine Drive, and Pearl and Commercial Streets (see Figures 4 & 5). This area enjoys several benefits, including an efficient roadway network that supports regional and international access; convenient access to the NYS Thruway and NFTA’s Metro Rail system; and proximity to a host of local and regional natural, historic, and cultural amenities, including but not limited to Key Bank Center, the Buffalo River Corridor, and the Cobblestone Historic District. Canalside annually hosts over 1.5 million visitors with an array of arts and cultural experiences, recreational activities, regular programming, and concerts/ special events capitalizing on the diversified

resources in the region. Ultimately, upon full build out, Canalside will provide various year-round offerings and experiences, including restaurants, entertainment venues, retail, cultural attractions, residential units, and public open space as an integral part of Buffalo's waterfront.

### III. Project Description

The goals/objectives of the Project are directly connected with ECHDC's guiding principles, including:

- Develop high quality, attractive and active exterior spaces for community utilization;
- Enhance the Canalside experience with amenities such as retail, restaurants, commercial space, and increased parking locations.
- Improve the daily and year-round density with the potential of residential units to be included to compliment the previously mentioned amenities.

ECHDC is considering the following preliminary architecture and engineering programmatic elements to be incorporated into Canalside Development:

- Design for reconstruction of Former Street Rights-of-Way to organize the development:
  - Lloyd Street, between the double Schwartz Arch bridge and Main Street.
  - Commercial Street, between the Whipple Truss bridge and Lower Terrace.
  - A small segment of Pearl Street, between the former alignment of the Commercial Street ROW and Lower Terrace.
- Creation of Platform Structure/ Subsurface Parking with analysis of street-level access.
- Measures/Systems to support future development:
  - Identify appropriate density to accommodate mixed-use development and pedestrian access.
  - Optimum subdivision of North Aud Block parcels for a progressive infill strategy.
  - Comparison of allowed building development on each parcel with urban design and historic interpretation goals. Also identifying limitations of structural systems and site.
- Utilization of Canalside Design Standards.
  - Provide design that considers cost and life cycle analysis in selection of materials and systems.
  - Formulate refinements to Design Standards to incorporate the maximum building heights/densities that could be supported by the planned structural system(s).
  - Incorporate standards to future development that creates a vibrant, walkable, and visually attractive setting.
- Engage both the public and stakeholders through formal and informal meetings to determine the desired scope of the development program.

### IV. Consultant Selection Process

On December 5, 2018 ECHDC advertised for the *North Aud Block Development Infrastructure Design Services* Project in the New York State Contract Reporter. The Request for Proposals (RFP) sought to retain professional architecture and/or engineering consultant firms and/or teams to provide planning, design

and construction services for the Project. On January 17, 2019, ECHDC received and opened seven (7) proposals, all consisting of consultant teams. These proposals were reviewed and scored by the Selection Committee of ECHDC and ESD staff and a top ranked team was selected.

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

1. TY Lin International
2. WSP
3. CPL Architects
4. Wendel Companies
5. DiDonato Associates
6. C&S Companies
7. CJS Architects

TY Lin International (“TY Lin” or the “Consultant”) is a full-service multi-discipline engineering firm with over 60 years of experience in successful infrastructure development, including the design of multi-functional public landscapes and urban buildings. Their team also includes Pleasant Places Happy People, Highland Planning (WBE), Frandina Engineering and Land Surveying (WBE), Ram-Tech (MBE), McMahon & Mann, Sienna Environmental (MBE & WBE), Pinewoods (WBE) and Trophy Point (SDVOB).

The TY Lin team is well suited for this project, having been involved with urban development and infrastructure design projects in Buffalo and Rochester, NY. Their recent design for the Charles Carroll Plaza and Genesee Crossroads Parking Garage in Rochester, NY creates public space while covering a parking structure that the North Aud Block intends to achieve. In addition to TY Lin’s experience, they have included Pleasant People Happy Places, a renowned architectural firm that focuses on waterfront development, to guide architectural design and Highland Planning to engage the public and stakeholders. Their remaining consultants on the proposed team have worked on projects for ECHDC, NYSOPRHP and/or the New York Power Authority along Buffalo’s waterfront.

The team will be directed by Principal-in-Charge Robert Radley and Project Manager Herbert Guenther. The team clearly understands the complexity of the project, the key stakeholders and issues, and the timeline to provide a defined program and conceptual design within 16 weeks of Notice to Proceed.

Pursuant to State Finance Law Section 139-j and 139-k and the Corporation’s policy related thereto, staff has: a) considered the 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

The Consultant will provide necessary services including, but not limited to, the scope of work as described in the RFP. The ECHDC is awarding a contract for Tasks 1 and 2 only at this time. The scope of work for Tasks 1 and 2 are as follows:

##### Task 1: Project Scoping & Concept Design

1. The Consultant will be responsible for working with ECHDC, Be Our Guest Ltd, Stakeholder Focus Groups, and associated agencies (NFTA, City of Buffalo Public Works, etc.) to further expand and



- define the programming requirements for the street design, structured parking, site features, and future parcel development assumptions.
2. The Consultant will be responsible to update and supplement any ECHDC topographical survey information developed for prior projects on the Aud Block (e.g., public canals).
  3. The Consultant will be responsible to develop a concept design for the project (i.e., streets, structured parking, and site plan) over an eight-week period. This should include items like conceptual street alignments and cross-sections, parking structure layout alternatives (minimum 3), and massing alternatives for future development (minimum 3).
  4. The Consultant shall develop/apply evaluation criteria to rationally assess and weigh the relative advantages and disadvantages of each alternative. This assessment should be developed in manner suitable for public and stakeholder review.

#### Task 2: Schematic Design (30% Design)

1. The Consultant will be responsible for working with ECHDC and the parties listed under the Concept Design phase over an eight-week period to make decisions on selecting a preferred overall development layout and the develop a schematic design for the street layout, parking garage and access points, means for supporting future development, and other site work.
2. The Consultant will also be responsible to prepare a concept program for:
  - a. Street Cross Sections and associated features.
  - b. Plan/design of utility facilities: stormwater drainage, water, sanitary sewer, electrical, communications (and/or conduits for future installation).
  - c. Typical street lighting, street sign features, and street furniture elements.
  - d. Location, design and treatment of parking Structure access points.
3. The Consultant will be responsible for working with ECHDC to reach an understanding regarding the design requirements and performance requirements of the project for all building systems and sustainability, including NYSERDA and LEED (if applicable).
4. The Consultant will be responsible for providing an outline specification, identifying specification sections and major building material systems and finishes.
5. The Consultant will be responsible to provide a schematic design estimate of probable costs. The estimate shall include major components and identify escalation factors.
6. The Consultant will be responsible to prepare a schedule for the construction period, identify phased work and any long-lead time for specialty items.
7. The Consultant will supplement the existing geotechnical and environmental reports as necessary.
8. The Consultant will be responsible for issuing schematic design documents that are in compliance with the program, the budget, and the schedule as set forth by ECHDC.
9. The Consultant will be responsible to prepare documentation for, and present the information to, the Canalside Design Review Committee.

Once a Preferred Concept Plan and a construction budget have been accepted by the ECHDC Board of Directors, the ECHDC and Consultant shall negotiate a final scope of work and fees for Tasks 3 through 7. The Consultant contract would then be amended to complete the work, as follows: Task 3: Design Development; Task 4: Construction Documents; Task 5: Signature Submittal; Task 6: Bidding and Awarding; and Task 7: Construction Administration.

The estimated project schedule is as follows:

Advertisement	December 5, 2018
Proposals Due	January 17, 2019
Interviews	February 12, 2019
ECHDC Board Approval:	March 11, 2019
Task 1 and 2	
Contract Start:	May 1, 2019
Contract End:	August 21, 2019
Amendment/Begin Task 3-7:	Q3 2019

VI. Contract Term, Price and Funding

The Consultant Agreement will cover fees and expenses over an approximate 4-month period (May 2019 – August 2019). The Contract amount with the TY Lin team to complete the above scope of work shall not exceed \$595,316, including a contingency of \$100,000.

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 funding source shall be the New York Power Authority Industrial Incentive.

VII. 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%. 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. Consultants on the team, listed by MWBE and SDVOB percentages, are as follows:

Tasks 1&2	Full Project	
13.0%	17.7%	Ram-Tech (MBE) Buffalo NY 14214
0.0%	23.8%	Ravi Engineering and Land Surveying (MBE) Rochester, NY 14618
5.2%	1.5%	Highland Planning (WBE) Rochester NY 14620

5.5%	1.4%	Frandina Engineering & Land Surveying (WBE) Buffalo NY 14216
0.9%	0.9%	Pinewoods (WBE) Rochester, NY 14514
1.1%	1.0%	Sienna Environmental (WBE) Buffalo NY 14222
5.8%	2.7%	Trophy Point (SDVOB) Blasdell NY 14219

Overall, the Consultant team has achieved the combined MWBE involvement of 25.7% for the first two tasks but will achieve 46.3% for the full project.

VIII. 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 master 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.

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 with TY Lin for an amount not to exceed \$495,316 including reimbursables plus a \$100,00 contingency for a total contract amount of \$595,316; and (3) to take all related actions.

X. Recommendation

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

XI. Attachments  
Resolution

March 11, 2019

ERIE CANAL HARBOR DEVELOPMENT CORPORATION – North Aud Block Development Project -  
Authorization to Enter into a Consultant Agreement for Architectural and Engineering 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 finds TY Lin to be responsible; and be it further

RESOLVED, that the Corporation is hereby authorized to enter into a contract with TY Lin International for a base contract amount of FOUR HUNDRED NINETY-FIVE THOUSAND THREE HUNDRED SIXTEEN DOLLARS (\$495,316), plus a contingency in the amount of ONE HUNDRED THOUSAND DOLLARS (\$100,000) for a total contract amount not to exceed FIVE HUNDRED NINETY-FIVE THOUSAND THREE HUNDRED SIXTEEN DOLLARS (\$595,316) 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 8



FOR CONSIDERATION

March 11, 2019

TO: The Directors
FROM: Steven P. Ranalli
SUBJECT: First Buffalo River Marina – Operator Agreement
REQUEST FOR: Authorization to Enter into an Agreement for Marina Operations of First Buffalo River Marina (32 Fuhrman Blvd.); and to Take Related Actions

CONTRACT NEED AND JUSTIFICATION

I. The Project

Contractor: Dale’s Marine Service, LLC
Scope of Services: Operations and maintenance services related to First Buffalo River Marina
Contract Term: March 1, 2019-March 1, 2021 (Extensions for 2022 and 2023)
Funding Amount: Not applicable
Funding Source(s): Not applicable

II. Background

The current marina operator’s contract is set to expire on March 1, 2019, and pursuant to NYS procurement laws, ECHDC was required to publicly solicit a request for proposals. ECHDC will contract with a qualified and experienced marina operator for the purposes of providing private services to the boating community, as well as maintenance responsibilities (with renewable options for 2019 and 2020). In exchange for conferring to the right to offer services and generate profits, ECHDC will receive a base rent and share of revenues.

On September 12, 2016, the board of directors of the Erie Canal Harbor Development Corporation (“ECHDC”) approved the acquisition of 32 Fuhrmann Blvd., approximately 13

acres of property located on Buffalo's Outer Harbor from the New York Power Authority ("NYPA"). The property includes First Buffalo River Marina, a 115-slip boat marina with outdoor storage for approximately 300 boats, a boat launch pad, administration building, approximately 150 spaces for trailer parking and/or public patrons, as well as a boat repair building. The Site is also immediately adjacent to The Bike Ferry Landing, Wilkeson Pointe, Times Beach Nature Preserve and nearby U.S. Coast Guard Base/Buffalo Lighthouse.

ECHDC has worked for the past two years with a marina operator and staff to ensure continuity in management of the space as a private marina. As ECHDC continues with design options for the Outer Harbor and specifically First Buffalo River Marina, both the current operator and respondents to the RFP recognize that short term operations are necessary to ensure that the First Buffalo River Marina, as well as surrounding ECHDC properties, are given appropriate attention for the purposes of security, service and maintenance.

The current marina operator's contract is set to expire on March 1, 2019, and ECHDC is in need of a qualified and experienced marina operator for the purposes of providing private services to the boating community, as well as maintenance responsibilities (with renewable options for 2019 and 2020). In exchange for conferring to the right to offer services and generate profits, ECHDC will receive a base rent and share of revenues.

### III. Operator Selection Process

On January 16, 2019, ECHDC issued an RFP through the NYS Contract Reporter seeking proposals from qualified operators (or teams of companies) the opportunity to manage the marina for the exclusive right to offer private services to the boating community for the calendar years 2019 and 2020 (with renewable options, at ECHDC's discretion, for 2021 and 2022). In exchange for conferring to the successful respondent the right to offer services and generate profits, ECHDC expects to receive a base and/or performance rent. The RFP garnered significant interest with 56 companies viewing it on NYS Contract Reporter. The pre-submittal conference was attended by six (6) different potential vendors, all with local ties to the WNY region. On February 7, 2019, ECHDC received two (2) proposals, each of which met the standards for continued review: Brand-On First Buffalo River Marina, Inc., and Dale's Marine Services. The two proposals were scored based on the following criteria: experience and qualifications; financial offer; proposed operational approach; and diversity plan.

The review team discussed the merits and limitations of each proposal. There was a clear consensus to move forward and interview both respondent teams. Interviews were held on February 13, 2019, with each team being given an opportunity to further discuss their plans for a successful marina operation. Based on the overall review and subsequent interviews, the selection committee has unanimously deemed Dale's Marine Service, LLC, to be the most suitable team to manage marina operations at First Buffalo River Marina on the Outer Harbor.

Dale's Marine Service, LLC, has over 20 years of experience in marine service management, most of which has taken place on Buffalo's Outer Harbor. The team proved to understand ECHDC's current and future visions for the First Buffalo River property, as well as the rest of ECHDC property on the Outer Harbor. Dale's Marine Service ensured ECHDC that they will continue to maintain current slip-holder services, as well as continued enhancement with the organization and cleanliness of the site. Dale's Marine Service displayed a thoughtful, balanced and economically viable approach for marina operations with an emphasis on service needs of the patrons.

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

Dale's Marine Service, LLC, will be wholly responsible for the following:

***Marina Operations Management*** – comprehensive operations and maintenance plan to ensure a safe and enjoyable recreational boating facility in a cost-effective manner.

***Environmental Operational Requirements*** – adherence to all applicable federal, state, local environmental and safety laws, rules, regulations, policies, and requirements.

***Maintenance and Repair of Facilities and Equipment*** - responsible to provide any all tools, fixtures, furnishings, equipment and other appurtenances, as well as qualified staff, necessary to successfully operate the marina.

***Vessel Monitoring/Inspection*** – adherence to all applicable federal, state, local monitoring programs for vessels to ensure and safety and security of property and surrounding areas.

***Security*** – provision of all necessary security measures to protect patrons, guests, employees, and all other individuals from any disturbance or other occurrence that may be attributable to the Marina operations.

***Utilities, Trash and Debris*** - responsible for all utility costs including, but not limited to, electricity, fuel oil and gasoline, natural gasoline, and water and sewer services, as required by Marina operations.



***Accounting and Financial Reporting*** – accounting and record keeping practice in accordance with generally accepted principles and procedures with submission for review on a scheduled basis.

***Property Rent Fee*** – submission of payment within format of accepted payment structure.

***Insurance and Indemnifications*** – procurement of insurance in accordance with previously outlined requirements.

V. Terms and Conditions

ECHDC and the Contractor will enter into an agreement whereby ECHDC will receive a yearly base rent of revenue from the Contractor, which will be tasked with all operational aspects associated with private marina management. The Contractor will submit, to ECHDC, quarterly financial reports, where applicable. The term of the contract will be two (2) years. At the end of the 2 years, ECHDC shall have the option to enter into additional (maximum of two) one-year extensions. ECHDC and the Contractor will work closely with regards to the operational and planning process, as well as engaging applicable government entities.

VI. Non-Discrimination/Affirmative Action

ECHDC's Non-Discrimination and Contractor & Supplier Diversity policy will apply to this initiative. The Contractor shall be required to solicit and utilize MWBEs 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) to achieve an overall MWBE Participation Goal of 30% and SDVOB goal of 3% of expenses accumulated by the Contractor, not including any revenue to be remitted to ECHDC pursuant to a revenue sharing agreement. The aforementioned goal shall include Minority Business Enterprise ("MBE") Participation and Women-Owned Business Enterprise ("WBE") participation totaling 15% and 15%, respectively, as well as Service Disabled Veteran Owned Business Enterprise ("SDVOB").

VII. Environmental Review

Staff has determined that the requested authorization to enter into an operating agreement for a marina operator, which involves maintenance of an existing marina facility with no anticipated substantial changes in any permit conditions or scope of operations at the facility, 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 the requested authorization.

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 an agreement with the Contractor on the terms contained in these materials and (3) take all related actions.

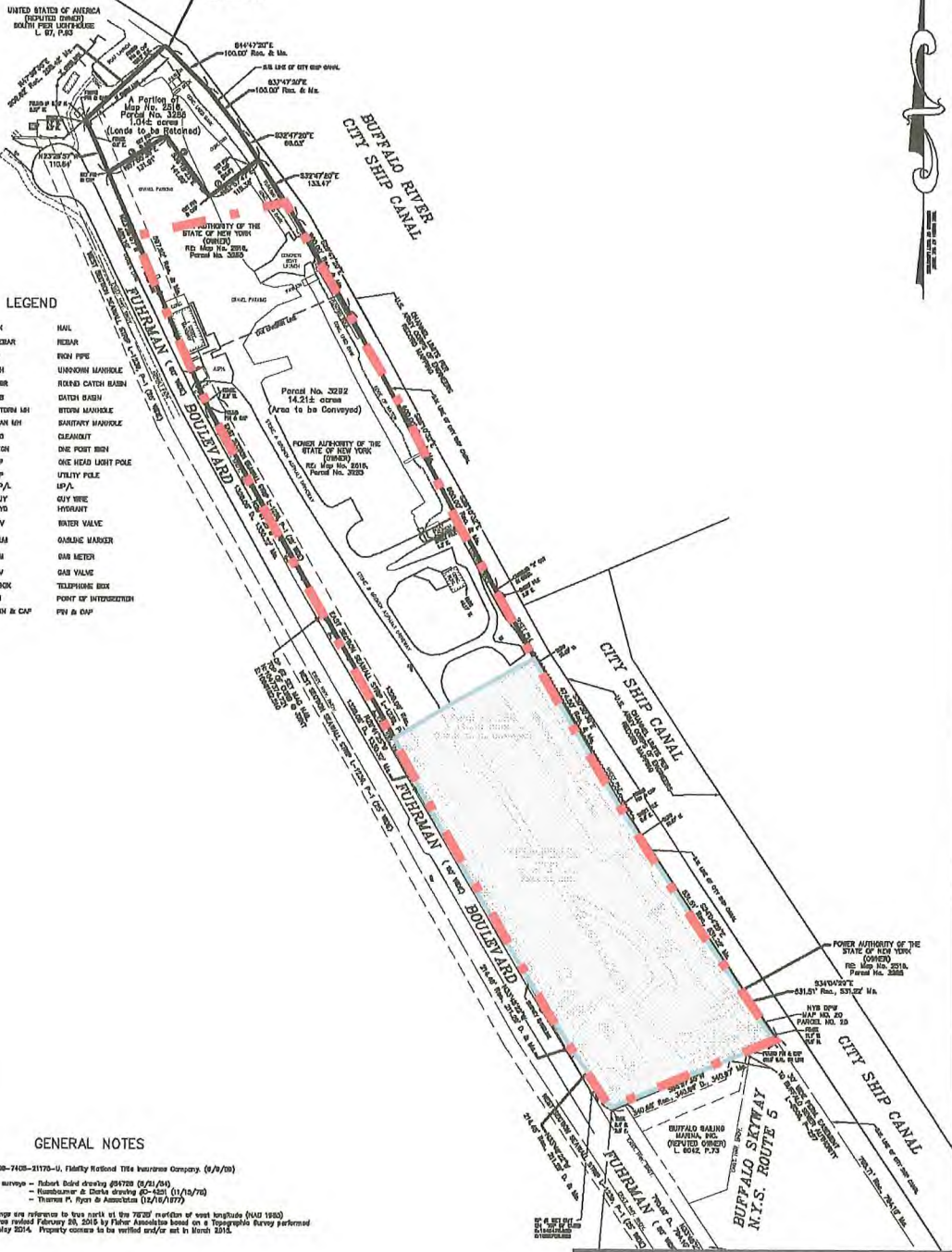
IX. Recommendation

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

X. Attachments

Resolutions  
Property Map

**MARKER AND DISTANCE E-T-M**  
 O 82074.47' 113.34'  
 O 82074.52' 141.88'  
 O 82074.58' 133.97'



**LEGEND**

- PK NAIL
- REBAR REBAR
- F IRON PIPE
- ISI UNKNOWN MANHOLE
- CSR ROUND CATCH BASIN
- DB DRAIN BASIN
- STORM MH STORM MANHOLE
- SAN MH SANITARY MANHOLE
- CH CEMENT
- BSH ONE POINT BUSH
- LP ONE HEAD LIGHT POLE
- UP UTILITY POLE
- UP/A UP/A
- DWY DWY WIRE
- HYD HYDRANT
- BV WATER VALVE
- OLM OILMARKER
- SM GAS METER
- SV GAS VALVE
- TRK TELEPHONE BOX
- PI POINT OF INTERSECTION
- PIN & CAP PIN & CAP

**GENERAL NOTES**


File No. 68-7408-21170-U, Fidelity National Title Insurance Company, (6/9/78)  
 Reference surveys - Robert Baker drawing #54788 (3/21/54)  
 - Humboldt & Stone drawing #6-425 (11/13/70)  
 - Thomas P. Ryan & Associates (12/16/87)  
 All bearings are reference to true north at the 7800' meridian of west longitude (NAD 1983)  
 Lengths were reduced February 28, 2015 by Fidelity Associates based on a Topographic Survey performed  
 by us in May 2014. Property corners to be verified and/or set in March 2014.

**Exhibit A**  
**Site Map**

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**First Buffalo Marina**  
**32 Fuhrmann Blvd**

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**Erie Canal Harbor  
 Development  
 Corporation**