



ERIE CANAL HARBOR DEVELOPMENT CORPORATION

In Accordance with Recently Passed Legislation,
the Meeting is Being Held Via Teleconference

Meeting of the Directors

Monday

September 20, 2021 – 11:30 AM

AGENDA

CORPORATE ACTION

1. Approval of the Minutes of the June 14, 2021 Directors' Meeting

FOR CONSIDERATION

2. Buffalo Outer Harbor Access & Activation Civic Improvements Project, Phase 2 - Authorization to Enter into a Contract Amendment with Fisher Associates, P.E., L.S., L.A., D.P.C. for Architectural and Engineering Services; and Authorization to Take Related Actions
3. Buffalo Outer Harbor Improvement Project - Authorization to Enter into a Contract Amendment with Turner Construction Company for Construction Management Services; and Authorization to Take Related Actions
4. LECOM HARBORcenter - Southern Tier Brewing Company - Design Approval of Southern Tier Brewery Company's Exterior Signage; and Authorization to Take Related Actions

Item 1

Erie Canal Harbor Development Corporation

Conducted Via Teleconference

June 14, 2021

MINUTES

In Attendance

Directors:

Robert D. Gioia – Chair
Julie M. Bargnesi
Shatorah N. Donovan
Constance L. Lydon
Makau W. Mutua
Michael Vogel

ECHDC Staff:

Steven P. Ranalli, President
Christopher Catanzaro, Project Manager
Jill Clark, Marketing Project Manager
Elizabeth R. Fine, General Counsel
Kristine Kemmis, Senior Director of Facilities
Elaine A. Kloss, Chief Financial Officer
Debbie Royce, Corporate Secretary
Paul J. Tronolone, Vice President
Mark Wendel, Senior Director of Design

ESD Staff:

Julia Borukhov, Financial Project Manager
Thomas Brennan, SVP - Internal Audit
Daniel DaSilva, Director – Subsidiary Finance
Edward Espejo, Senior Director - Finance
Stephen Gawlik, ESD - VP, Poly and Capital Projects & Senior Counsel
- Strategic Initiatives and ECHDC - Assistant Secretary
Felisa Hochheiser, Director of Compliance
Robert Jones, VP - Contract Administration
Eugene Kwiatkowski, Director of Budgeting
Laura Magee, Deputy Director - Public Affairs
Kathleen Mize, Deputy Chief Financial Officer and Controller

Also Attending:

Daniel Castle, Commissioner – Erie County Department of
Environment and Planning

Before the meeting was formally called to order, the Corporate Secretary of the Erie Canal Harbor Development Corporation (“ECHDC” or the “Corporation”) welcomed everyone to the meeting and conducted a roll call of the Directors to determine that a quorum was present.

Following the roll call and confirmation that a quorum was present, the meeting of the Erie Canal Harbor Development Corporation was called to order at approximately 10:45 a.m. by Chairman Gioia. He noted for the record that due to public health concerns, the meeting would be conducted by teleconference as authorized by an Executive Order of the Governor.

Chairman Gioia then noted that the public had been given an opportunity to comment on the Agenda items by submitting their written comments by 4:30 p.m. on Friday and stated that no comments were received by the public. He further noted that the Directors were given the written materials in advance of today’s meeting and were free to ask questions at any time during the presentations.

Before beginning with the substantive portion of the meeting, Chairman Gioia asked the Directors whether anyone had any potential conflict of interest with respect to any of the items on the proposed Agenda. Hearing none, he called for a motion to approve the Minutes of the Directors’ meeting of March 22, 2021. Noting no corrections and upon motion duly made and seconded, the following resolution was unanimously adopted:

APPROVAL OF MINUTES AND RATIFICATION OF ACTIONS TAKEN AT THE MARCH 22, 2021 MEETING OF THE DIRECTORS OF THE ERIE CANAL HARBOR DEVELOPMENT CORPORATION

RESOLVED, that the Minutes of the Meeting of the Corporation held on March 22, 2021 as presented to this meeting, are hereby approved and all actions taken by the Directors presented at such meeting as set forth in such Minutes, are hereby in all respects ratified and approved as actions of this Corporation.

* * *

Chairman Gioia called on Steve Ranalli to present the next item on the Agenda, a request for authorization for the Corporation to adopt the revised guidelines for the use, awarding, monitoring and reporting of its procurement contracts.

Mr. Ranalli advised that at its March meeting, the Empire State Development Directors adopted the 2021 Procurement Guidelines which set forth the policies and procedures to be followed by ESD and its subsidiaries, including ECHDC, when seeking to contract for goods or services. He noted that it's required that each Subsidiary approve its own procurement guidelines in terms virtually identical to the 2021 Procurement Guidelines, with any departure fully explained to the Subsidiary Board.

Mr. Ranalli explained that the Corporation's proposed guidelines define the universe of procurement transactions which are subject to the policies and procedures and explain the various means of obtaining goods and services in an open, accountable and transparent

manner, including incorporation of the bid opening guidelines and a compilation of a procurement directive for every covered procurement contract.

Following the full presentation, and noting no questions or comments from the Directors and no comments from the public, upon motion duly made and seconded, the following resolution was unanimously adopted:

ERIE CANAL HARBOR DEVELOPMENT CORPORATION – ECHDC Procurements Guidelines - Adoption of Revised Guidelines for the Use, Awarding, Monitoring and Reporting of Procurement Contracts

BE IT RESOLVED, that on the basis of the materials presented to this meeting, a copy of which is hereby ordered to be filed with the records of the Corporation (“Materials”), the proposed 2021 Guidelines for the Use, Awarding, Monitoring and Reporting of Procurement Contracts (“Guidelines”), a copy of which is attached to the Materials, be and hereby is approved and adopted as of the date hereof; and the President or her designee is authorized to promulgate the said Guidelines in electronic form and other media for the use of the staff of the Corporation, and to take such other and further action as may be deemed necessary or appropriate to effectuate the foregoing Resolution.

* * *

Mr. Ranalli then presented a request for authorization for the Corporation to enter into a contract for the construction of the Canalside parking lot renovation project.

Mr. Ranalli explained that the growth of Canalside has led the Corporation to obtain the use of two parking lots located on New York State Department of Transportation owned property. He noted that the two lots are located along Perry Boulevard at the intersection with Commercial Street and are identified in the Canalside Modified General Project Plan.

Mr. Ranalli advised that in April, the Corporation solicited bids for the parking lot renovation project in the *New York State Contract Reporter* and in May, the Corporation received three bids. Following review of the bids, he advised that Scott Lawn Yard was found to be the lowest responsible bidder and was awarded the contract to renovate the lots.

Following a full presentation of the contract item, which included the scope of work, the contract terms and amount, Chairman Gioia called for questions or comments from the Directors.

Hearing no questions or comments from the Directors and noting no comments were received from the public, upon motion duly made and seconded, the following resolution was unanimously adopted:

ERIE CANAL HARBOR DEVELOPMENT CORPORATION – Canalside – Parking Lot Renovation Project - Authorization to Enter into a Contract for Construction Services; and Authorization to Take Related Actions

BE IT RESOLVED, that upon the basis of the materials presented to this meeting (the “Materials”), a copy of which is hereby ordered filed with the records of the Corporation, the Corporation hereby finds Scott Lawn Yard, Inc. to be responsible; and be it further

RESOLVED, that the Corporation is hereby authorized to enter into a contract with Scott Lawn Yard, Inc for a base contract amount of NINE HUNDRED NINETY FIVE THOUSAND FOUR HUNDRED EIGHTY THREE DOLLARS (\$995,483), plus a contingency in the amount of ONE HUNDRED NINETY NINE THOUSAND ONE HUNDRED DOLLARS (\$199,100) for a total contract amount not to exceed ONE MILLION ONE HUNDRED NINETY FOUR THOUSAND FIVE HUNDRED EIGHTY THREE DOLLARS (\$1,194,583) 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.

Hearing no further business, the meeting adjourned at 11:00 a.m.

Respectfully submitted,

Debbie Royce
Corporate Secretary

Item 2



FOR CONSIDERATION

September 20, 2021

TO: The Directors

FROM: Steven P. Ranalli

SUBJECT: Buffalo Outer Harbor Access & Activation Civic Improvements Project, Phase 2

REQUEST FOR: Authorization to Enter into a Contract Amendment with Fisher Associates, P.E., L.S., L.A., D.P.C. for Architectural and Engineering Services; and Authorization to Take Related Actions

CONTRACT NEEDS AND JUSTIFICATION

I. Contract Summary

Consultant: Fisher Associates, P.E., L.S., L.A., D.P.C.
Formerly Trowbridge Wolf Michaels Landscape Architects LLP
1001 West Seneca Street, Suite 201
Ithaca, New York 14850

Scope of Services: Architectural and Engineering Design Services

Original Contract Term: November 2016 through December 31, 2018
Original Contract Amount: \$1,560,000

Term w/ Amendments: Through December 31, 2020
Amount w/ Amendments: \$3,739,860

Amendment 3 Term: Through March 31, 2026
Amendment 3 Amount: \$375,000 (no contingency)

Total Contract Amount: Not to exceed \$4,114,860

Original Funding Source: Buffalo Regional Innovation Cluster Grant ("Buffalo Billion 1")
Previous Amendment: New York Power Authority Relicensing Agreement
Funding Source

Amendment 3 Funding Source: New York Power Authority Relicensing Agreement