

Item I. A.



FOR CONSIDERATION

September 27, 2023

TO: The Directors

FROM: Anthony Vilaro

SUBJECT: Procurement of Consultant Services – Demolition of 217 Old Falls Street and 333 First Street

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

CONTRACT NEED AND JUSTIFICATION

I. Contract Summary

Contractor: The LiRo Group

Scope of Services: Architecture & Engineering Services

Contract Term: Eleven months from award (anticipated start September 2023; anticipated completion by the end of August 2024)

Original Contract Amount: Not to exceed \$93,511

Proposed Amendment Amount: Not to exceed \$78,710

New Proposed Total Contact Amount: Not to exceed \$172,221

Funding Source: NYS Budget Appropriations made available through the Buffalo Regional Innovation Cluster. No USAN Corporate funds will be used to fund the contract.

II. Background

USA Niagara Development Corporation (“USAN”) purchased 217 Old Falls Street and 333 First Street (“the Site”) in March 2019 through a strategic land acquisition program intended to assemble and revive long-dormant properties located near Niagara Falls State Park. The program is a continuation of USAN’s efforts to expand the density of uses in downtown to reestablish a year-round, sustainable neighborhood. USAN intends to demolish the 85,000 square foot building at the corner of Old Falls Street and First Street (formerly known as the Native Center) and divide the Site into a northern portion and a southern portion to prepare for future development.

On March 20, 2023, the USAN Board of Directors approved Community Services for Every1 as the Preferred Developer to undertake the First Street Apartment Building Development Project located at the northern portion of the Site. Currently, USAN is pursuing a development opportunity for the remaining portion of the Site, but there will likely be a time period when the southern portion of the Site is vacant. To limit the impacts associated with a vacant site in the heart of the City’s tourist district, USAN will design and construct interim improvements to activate the site and create new opportunities for food and beverage sales on Old Falls Street. Interim improvements will include temporary landscaping, seating, restrooms, lighting, utility hookups for food trailers and other recreational amenities.

III. Contractor Selection Process

To procure a consultant for the proposed demolition, USAN utilized the list of prequalified Architecture/Engineering consultant firms, which was previously adopted by the Empire State Development (“ESD”) Board of Directors. As such, the solicitation was not advertised on the New York State Contract Reporter. Instead, on June 14, 2022, USAN issued a Request for Proposals (“RFP”) for Architecture/Engineering services and received two proposals on July 12, 2022. The LiRo Group (“LiRo”) was selected based on the value and quality of the proposal that they submitted. The original contract with LiRo (\$93,511) was executed on November 7, 2022.

IV. Scope of Work

USAN has requested LiRo to provide additional engineering services related to the proposed interim site improvements to their original scope of work. Additionally, LiRo intends to retain Watts Architects and Engineers—a NYS certified MWBE—to provide Architecture, Civil, and Structural Engineering for the development of three interim improvement design concepts; Design Development and Construction Documents for the selected concept; bid period services relating to the site improvements; and Construction Period services.

V. Contract Term, Price and Funding

This contract will include all services up to the completion of the contract. The proposed term is eleven months upon award of contract. The basis or method of payment for this contract will be based on a combination of lump sum payments and time and materials, not to exceed \$172,221.

Funding source will be NYS Budget Appropriations made available through the Buffalo Regional Innovation Cluster. No USAN Corporate funds will be used to fund the contract.

USAN intends to issue a Notice to Proceed to permit the vendor to start the work as soon as possible so as not to delay the projected development project.

VI. Non-Discrimination and Contractor & Supplier Diversity

ESD's Non-Discrimination and Contractor & Supplier Diversity policies will apply to this Contract. The Recipient shall be required to include minorities and women in any job opportunities created, to solicit and utilize Minority and Women Business Enterprise (MWBES) and Service-Disabled Veteran-owned Businesses (SDVOBs) for any contractual opportunities generated in connection with the Contract and shall be required to use Good Faith Efforts (pursuant to 5 NYCRR §142.8 and 9 NYCRR § 252.2(m)) to achieve an overall MWBE Participation Goal of 30% and an SDVOB Participation Goal of 6% related to the total value of USAN funding.

VII. Environmental Review

USAN/ESD staff has determined that the requested authorization, which involves engaging a consultant to undertake design efforts that do not commit USAN to implementing any future project, constitutes a Type II action as defined by the New York State Environmental Quality Review Act and the implementing regulations of the New York State Department of Environmental Conservation. No further environmental review is required in connection with the 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 a contract amendment with LiRo for an amount not to exceed \$172,221; and (3) to authorize the taking of all related actions.

IX. Recommendation

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

X. Attachment
Resolution

September 27, 2023

USA NIAGARA DEVELOPMENT CORPORATION – Procurement of Consultant Services –
Demolition of 217 Old Falls Street and 333 First Street – Authorization to Enter into a Contract
Amendment with The LiRo Group to provide Consultant Services and to Take Related Actions

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

RESOLVED, that the Corporation is hereby authorized to enter into a contract with The LiRo Group in an amount not to exceed ONE HUNDRED SEVENTY-TWO THOUSAND TWO HUNDRED TWENTY-ONE DOLLARS (\$172,221) 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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