

REQUEST FOR SUBMISSIONS

AIM FOR The Sky

**Competition to Re-Imagine the
Buffalo Skyway Corridor**



Andrew M. Cuomo
Governor, New York State

Issued by
Empire State Development



**Empire State
Development**

Part 1 Submissions due
3:00 PM EDT, June 28, 2019



We're calling on teams of the nation's brightest urban designers, economists and planners. We are seeking creative submissions that are **transformative—and yet affordable, feasible, and technically achievable**—that draw inspiration from the community's unique waterfront landscape, respond to the community's collective vision for the City, build upon current momentum and significant investments, and acknowledge the region's rich history while ensuring that past mistakes are not repeated.

It's time to start a NEW CHAPTER for the Buffalo Waterfront.

As the Governor of New York State, I encourage you to become part of the ever-growing resurgence of the City of Buffalo's waterfront. From Canalside to Harborcenter to the new Buffalo Harbor State Park, no one can deny the power of change that is occurring. We are transforming the vestiges of an abandoned 19th-century industrial landscape into a varied setting of recreation, development, commerce, and even city-based natural preserves that have become havens for coastal fisheries and wildlife. With private investment totaling over **\$300 million for recent and planned projects**, the State of New York certainly recognizes the potential of Buffalo's greatest resource.

The **Buffalo Skyway Corridor** that passes through this area—containing a four-mile elevated expressway and high-level bridge—has long been a conundrum for the region. While some call for its removal, claiming it impedes development and access, others stress that it is a key commuting and trucking link, requiring over a billion dollars in replacement infrastructure if it ceased operations. Others contend that the structure of the Skyway itself could be repurposed to serve as an entirely new type of waterfront asset.

The first step to determining what to do with the Buffalo Skyway is to clearly define and determine the value of a new vision for what this corridor could become. I am calling on teams of the nation's brightest designers, economists, and transportation planners for their ideas on how to transform this area—this vision could serve as the basis for future decisions on the future of the Skyway. Led by Empire State Development, we have committed a prize of **\$100,000 to the best submission**, with \$50,000 and \$25,000 for second and third place winners.

We are confident that with your dynamic ideas, we can begin the next chapter for the Buffalo waterfront, a place that continues to captivate residents and visitors alike, and where private investment continues to grow on account of the energy and momentum that this endeavor will bring to the City.

Sincerely,

ANDREW M. CUOMO

Governor, New York State



WHAT'S NEXT for the Buffalo Waterfront: determining a NEW FUTURE for the Buffalo Skyway CORRIDOR

2 million
visitors
every year

What does it HAVE?

What does it NEED?

landscape &
development to...
...accommodate
...protect
...entertain
residents, visitors, & the
environment

More than two decades of accomplishments spearheaded by State of New York agencies, the City of Buffalo, and a host of private for-profit and not-for-profit entities have become part of the fabric of the Buffalo Waterfront. This has involved over \$300 million in recent or soon to be implemented public and private projects—ranging from the restoration of the Commercial Slip and Canalside, to Harborcenter and One Canalside developments, to the Times Beach Nature Preserve and Buffalo Harbor State Park. The City of Buffalo has also set a long-term path for waterfront development formalized by the landmark adoption of the Buffalo Green Code and the City's first State-approved Local Waterfront Revitalization Program (LWRP).

It is based on these accomplishments that we announce this call to action—to compete for the best ideas to redefine the **Buffalo Skyway Corridor**. Empire State Development (ESD), the State of New York's primary economic development agency, is asking visionary and multidisciplinary teams to submit their ideas—and calculate measurable value—for a new transformative Vision for this corridor, now devoted entirely to an elevated expressway and high-level bridge over the Buffalo River shipping channel.

Submissions will be judged against criteria related to a proposal's affordability, feasibility, and technical achievability, particularly in terms of transportation capacity.



Downtown Buffalo

Canalside

ECHDC Outer Harbor Lands

Buffalo Skyway Corridor

Buffalo Harbor State Park

LAKE ERIE

BUFFALO OUTER HARBOR

Buffalo River

LACKAWANNA

\$175,000
in prizes to attract submissions

Competition Timetable

May 13, 2019	Request for Submissions Issued
June 28, 2019	Part 1 Submissions Due
June 28 - July 15 2019	Review of Part 1 Submissions
July 15, 2019	Top 20 Submissions invited to undertake Part 2 Submissions
August 16, 2019	Part 2 Submissions Due
August 17-30, 2019	Jury Review of Part 2 Submissions
Week of August 26, 2019	Public Session #1 ESD-led public information session discussing first 10 of the top 20 submissions.
Week of September 2, 2019	Public Session #2 ESD-led public information session discussing remaining 10 of the top 20 submissions.
Week of September 9, 2019	Finals week (Location TBD) Presentations by teams, Jury announcement of 8 finalists, and Awards event (1st, 2nd, and 3rd Place winners).

The Skyway

was once a cutting-edge solution to improve
goods movement
TO BUFFALO'S WATERFRONT INDUSTRY
but an **emerging new setting**
CALLS FOR A **new vision**



RECAPTURING BUFFALO'S GREATEST ASSET

Historically focused on heavy industry, the City of Buffalo is working to transform its economy to one that fully capitalizes upon multiple economic sectors, quality of life, and develops a skilled workforce in order to realize the entire region's growth potential. Redeveloping Buffalo's waterfront has been a critical component of this effort.

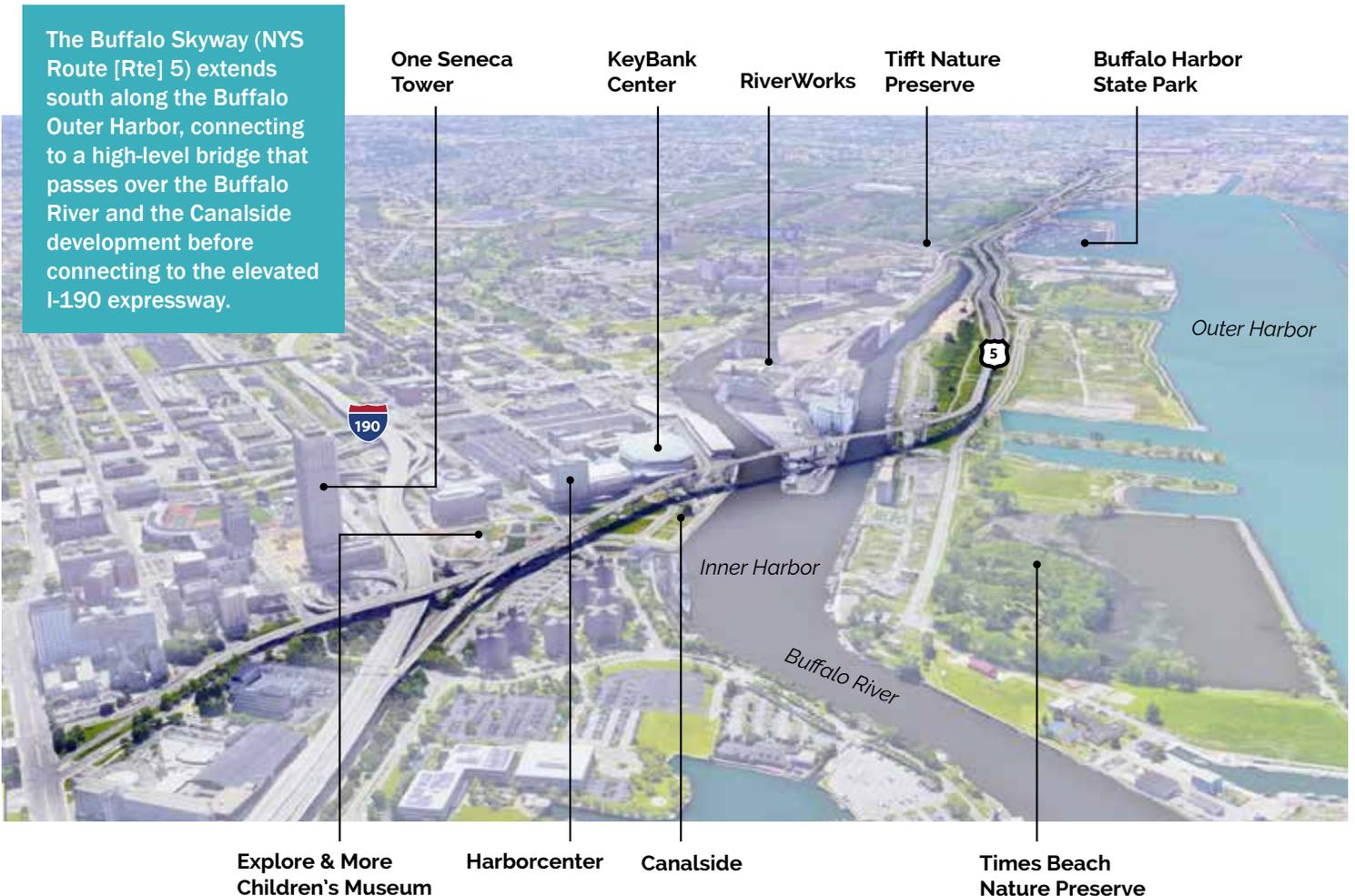
The Western New York region is in transition. The region was a 20th century leader in America's industrial economy as a major center of heavy manufacturing and a hub for transportation and logistics. With a shift to a knowledge-based economy, our population, employment, and GDP have all declined over the last 40 years. Fortunately, our significant assets have tremendous growth potential. Located 500 miles from 41 percent of the U.S. population and 59 percent of the Canadian population, access to 25 percent of the world's fresh water, relatively low costs of living and doing business, an educated and skilled workforce, and strong aggregate household income, Buffalo is poised to take advantage of its many assets and strengths necessary for renewal—particularly its Lake Erie and Buffalo River waterfront.

In an extraordinary recognition of our potential, Governor Andrew M. Cuomo has made historic investments totaling

\$1.5 billion (i.e., Phases I & II of “the Buffalo Billion”) in New York State funds that are attracting private investment and igniting growth in the region. Informed by the **Western New York Regional Economic Development Council's Strategic Plan** and subsequent **Buffalo Billion Investment Strategy**, smart growth and urban redevelopment are identified as key enablers common to all sectors with the potential to form the foundation of Buffalo's next economy and to drive economic growth, employment, productivity, and wealth. Among other measures, Western New York leaders are engaging in a strategy around investing in walkable, accessible streetscapes; dense, compact mixed-use development; and convenient recreation and open space.

Moving forward, ESD's reinvestment strategy along the waterfront in the City of Buffalo involves a varied approach ranging from further infill development in the downtown district around Canalside to **further investments in parks and open space along the City's Inner and Outer Harbors.**

From a variety of perspectives—from smart growth goals to attracting talented workers drawn to another quality of life asset—**defining a new future for the Buffalo Skyway Corridor is a critical next step** of this strategy.



THE OPPORTUNITY



Canalside



Harborcenter



Buffalo Harbor State Park



Kayaking on Buffalo River

Downtown Buffalo and its waterfront have seen significant public and private investment since 2011, bringing new activity, tourism, and opportunities for economic development near the waterfront and within the Buffalo Skyway corridor. As a result, more calls have emerged for the removal of the Skyway, with the promise of better connecting the City to its waterfront for residents and visitors alike to better utilize these new recreational opportunities. The Skyway's massive infrastructure has both a physical and perceived presence that looms over Canalside and between the Outer Harbor and inland uses along the Buffalo River.

What to do with the Buffalo Skyway is an ongoing point of discussion that has been focused on its removal and replacement of its traffic capacity somewhere else—all with no clear sense of what the ultimate objective of a “Skyway removal” even is. What might the distribution of future land uses in the Corridor involve? For example:

- How could even partial removal of the Skyway's high-level bridge free up development at Canalside and its surrounding area and what form/scale might this take?
- Could removal or reconfiguration of the elevated expressway allow for a new neighborhood to be developed along the lands now containing the expressway along the Outer Harbor, what form could that take and how long might it take to evolve?
- Could the Outer Harbor lands revert to become an even more immense, interconnected urban open space or nature preserve area?
- And most importantly, how would the value gained through this transformation offset the estimated costs of removing or reconfiguring the expressway and, if necessary, investments elsewhere to support projected traffic?

While the Buffalo Skyway has served as a key transportation link between the City of Buffalo and the Southtowns, it's time to examine and more clearly define what opportunities exist along the waterfront if this expressway feature was significantly reconfigured or even removed.

BROAD VISION

We invite teams to submit their proposals for a future Vision for the Buffalo Skyway Corridor that addresses the following guiding principles:

- Is able to produce benefits that are able to be objectively measured, and preferably quantified.
- Is “affordable,” in terms of rational estimates of the costs associated to achieve the Vision, identifying the potential sources of such funds and/or frameworks to raise funds (both public and private), and the reasonableness and timeframes associated with such funds being secured over time.
- Is “feasible,” in terms of the value of its benefits outweighing the costs of making any necessary changes to the Corridor’s and area’s current transportation facilities and land use characteristics.
- Is “technically achievable,” in terms of demonstrating that current and long-term transportation needs in the Corridor and along nearby roads are met in the event that current levels of traffic capacity would be curtailed by a particular Vision or proposal.
- Is aimed toward a desirable/beneficial end state along the Corridor, which includes development and/or uses consistent with or enhancing various public objectives, for example:
 - Dense urban mixed-use development in Downtown Buffalo around Canalside;
 - Mixes of recreation, natural, and lower density development in selected locations of the northern and central portions of the Buffalo Outer Harbor; and
 - Typical brownfield redevelopment uses (commerce, light industry) in the southernmost portion of the corridor.
- Is appealing to and/or provides benefits to a wide variety of segments of the community, i.e. families, youth, empty-nesters, elderly, tourists, local community, multiple income and ethnic groups, etc.; and
- Is authentic to this geography and the inherent strengths of the City/region; and is “place-based,” celebrating the unique features of the Buffalo waterfront.

HISTORY

For more than six decades, the Buffalo Skyway Corridor (NYS Rte 5) has occupied a swath of land along the City of Buffalo waterfront, extending four miles north from the former steel mills of neighboring Lackawanna to downtown Buffalo. It is comprised of a four-lane, limited-access expressway elevated on an earthen berm, connecting to a 110-foot-high bridge crossing over the federally-regulated shipping channel of the Buffalo River, ultimately connecting with both the elevated I-190 expressway and Delaware Avenue in downtown Buffalo.

Completed in 1953, the Skyway was originally designed to connect truck traffic from multiple large and small factory complexes and the Port of Buffalo to then-fledgling interstate highway system. After generations of de-industrialization and suburban growth, the Skyway has evolved to largely service daily commuter traffic from the “Southtowns” (Buffalo’s

southern suburbs), carrying almost 40,000 trips a day as part of a regional system with other highways, such as I-90, I-190, US 219, and US 179.

Concurrently, since the 1980s closing of the region’s major steel plant complexes, land uses along the Skyway Corridor’s length have drastically transitioned from heavy manufacturing to largely recreational uses, premised on its waterfront location. This change has had a strong effect on opinions of the continued relevance and value of the Skyway. For example, whereas its high-level bridge allowed multiple lake freighters to enter/leave “Inner Harbor” milling complexes on the Buffalo River, today the Skyway’s piers cast undesirable shadows over “Canalside,” the centerpiece development site on the downtown waterfront. Where it once allowed for truck movement of bulk raw materials out of the Port of Buffalo to the Republic or Bethlehem Steel complexes, the Skyway’s earthen embankment now comprises a wall separating Tift Nature Preserve from Buffalo Harbor State Park. And while the Skyway provides the only direct vehicular connection between downtown and the Buffalo Outer Harbor, traffic analyses over the last decade demonstrate that its primary use is by vehicles passing through the waterfront to some other destination rather than those going to the waterfront.



PREVIOUS STUDIES

A number of prior proposals or studies examined the potential for reconfiguring or removing the Buffalo Skyway. In 1991, a NYS Department of Transportation (NYSDOT) Feasibility Study for the “Southtowns Connector” examined the potential for relocating the Rte 5 expressway in an inland railroad corridor; 29 alternatives for achieving this were subsequently evaluated in a 1998 “Major Investment Study”, which winnowed the choice to three potential alternatives. Initial public scoping in 2001 of remaining alternatives indicated they would range in cost from \$750 million to \$1 billion (in 2004 dollars), which varied in the types of road improvements projected to be needed to support traffic growth over a 20-to-30-year planning horizon, (which is required to be examined for state/federal environmental reviews for highways and bridges respectively):

- Full removal of Rte 5/Skyway, for which it was projected to require an additional lane in each direction on I-190 (from Elm/Oak to I-90, **SEGMENT 1**), an additional lane in each direction on I-90 (from I-190 to Ridge Road, **SEGMENT 2**), adding lanes to Ohio Street (**SEGMENT 3**) and South Park Avenue (**SEGMENT 4**), as well as building an additional “local traffic” bridge from downtown to the Outer Harbor.
- Leave the Skyway high-level bridge in place and convert the rest of Rte 5 to a four-lane boulevard, for which it was projected to require adding a lane in each direction on I-190 (from Elm/Oak to I-90, **SEGMENT 1**) and a lane in each direction on I-90 (from I-190 to Ridge Road, **SEGMENT 2**), but none of the local road or bridge improvements.
- No capacity reduction on Rte 5/ Skyway, for which it was projected to require a lane to be added in each direction on Rte 5 (between Tiftt and Ohio Street, **SEGMENT 5**) and a lane in each direction on I-90 (from I-190 to Ridge Road).

Given the costs associated with these options, NYSDOT reformulated the project in a 2005 design report/final environmental impact statement (DR/FEIS) for the “Southtowns Connector/ Buffalo Outer Harbor Project.” This project, for which construction was largely completed in 2010, included several more affordable proposals to improve waterfront access in the corridor while leaving the expressway in place. It involved a roughly \$65 million investment in simplifying interchanges and local road access in the corridor along Fuhrmann

Boulevard, reconstructing Ohio Street. (completed in 2014) as an alternate route from downtown to the Outer Harbor and building an extensive system of multi-purpose trails. The current access system in place today is the result of this project.

NYSDOT issued later reports and memoranda in 2008 and 2014 that examined altering or maintaining the Buffalo Skyway. These reports continued to conclude that elimination of the traffic capacity along the Rte 5/ Buffalo Skyway corridor would warrant expansion/widening of other major regional expressways and roads.

All prior reports related to changes to the Buffalo Skyway Traffic capacity are available for download on the Competition website.



PROJECT AREA

The Buffalo Skyway right-of-way itself comprises roughly 75 acres of land stretching south from the foot of Elmwood Avenue and Church Street in downtown Buffalo, to a point just south of Ridge Road in the City of Lackawanna, where Rte 5 transitions from an elevated, limited-access expressway to an at-grade, 40-MPH, conventional roadway with signalized intersections, historically known as the “Hamburg Turnpike.”

AREA
1

INNER HARBOR

From Church St to the Buffalo River

AREA
2

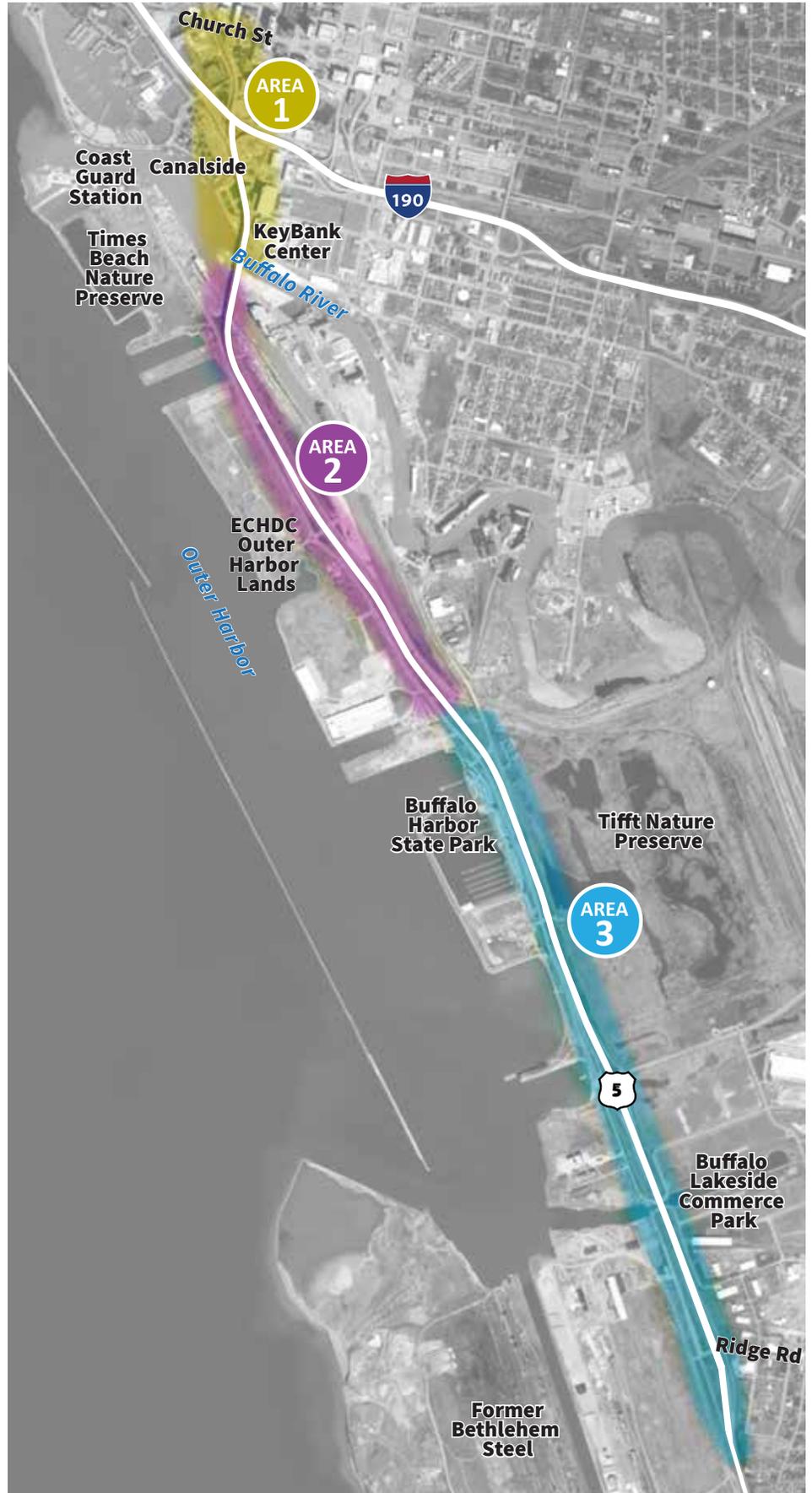
OUTER HARBOR NORTH

From the Buffalo River to Buffalo Harbor State Park

AREA
3

OUTER HARBOR SOUTH

From Buffalo Harbor State Park to Hamburg Turnpike



AREA 1

Inner Harbor

From Church Street to the Buffalo River

The land use character of the Corridor varies widely along its four-mile length. For example, in Downtown Buffalo, the visual and development impact of the Skyway is most prominent, insofar as the Skyway passes through the densest portions of traditional downtown development and has influenced that development over its 50+-year history. Here, the Skyway high-level bridge passes over or is directly adjacent to both historic and relatively modern mainstays of the downtown skyline, including the 38-story One Seneca Tower, the City's tallest building, and the recently-completed Harborcenter and One Canalside projects. In turn, the piers of the bridge sometimes sit on surface parking facilities, impede views to the water from adjoining vacant parcels, or tower over publicly-used greenspace (and future development parcels) at Canalside.



- Designated Development Lands
- Designated Open Space Lands
- Surface Parking/Vacant Land

- One Seneca Tower
- Explore & More Children's Museum
- One Canalside
- Canalside
- Harborcenter
- KeyBank Center
- Times Beach Nature Preserve



**AREA
2**

Outer Harbor North

From the Buffalo River to Buffalo Harbor State Park

In 2014, the Niagara Frontier Transportation Authority (NFTA) transferred some 400 acres of land along the Buffalo Outer Harbor to the ESD's subsidiary Erie Canal Harbor Development Corporation (ECHDC); former Port of Buffalo lands used for bulk storage until its closure in 1993. These lands were created over 60 years through landfilling beginning at the turn of the 20th century. Both NFTA and ECHDC unsuccessfully marketed these areas for a major waterfront development, but a combination of the cost of development on unstable—and in some cases contaminated—soils, coupled with local environmental groups' reticence to major development, the City's-recently adopted "Buffalo Green Code" Unified Development Ordinance largely excludes large-scale development on these lands; rather placing them in various types of open space zoning districts.

Today, development on the Outer Harbor land is permitted under the Green Code only in a few selected areas where development already exists. Of course, as a transportation right-of-way, the Buffalo Skyway Corridor itself has no designated zoning district. Since the adoption of the Green Code, ECHDC has since coordinated with the State's Office of Parks, Recreation, and Historic Preservation to create Buffalo Harbor State Park (the first State Park ever established in the City) and is currently in the process of undertaking a series of environmental clean-up and recreational/open space projects to address the balance of its holdings on the Outer Harbor.



AREA
3

Outer Harbor South

From Buffalo Harbor State Park to Hamburg Turnpike

Further south along the corridor, land uses transition to those associated with brownfield redevelopment for new light industry, warehousing, and logistics operations. The best example of this is Buffalo Lakeside Commerce Park, Located at the former Donner Hanna Furnace plant along the Union Ship Canal. Once the producer of Coke used in basic steelmaking at nearby plants, the area is now an attractive light industrial park. Similar, albeit slower, transitions are occurring at the 400+ acre former Bethlehem Steel complex at the end of the Skyway Corridor, which is now home to a series of large wind turbines and a host of smaller new industrial and shipping establishments.

- Designated Development Lands
- Designated Open Space Lands
- Surface Parking/Vacant Land



Buffalo Harbor State Park

Tift Nature Preserve

Buffalo Lakeside Commerce Park

Former Bethlehem Steel Complex



CAPITALIZING ON A DECADE OF PROGRESS

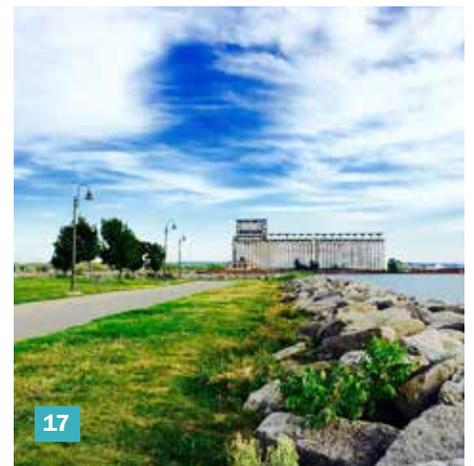
Recent Investments along Buffalo's waterfront



Name	State Investment	Status	Description
1 Gateway Building	\$5 million	Construction to begin 2020	A state of the art, zero net energy building housing restrooms, park offices and community spaces.
2 Historically Aligned Canals/ Ice at Canalside	\$20 million	Completed	A comprehensive renovation of the canals, construction of three bridges and 22,000 square feet of towpaths surrounding the canals creating New York State's largest outdoor ice skating rink in the winter and in the summer facilitates pedal and paddle boats and other family outdoor programming.
3 East Canal	\$5.8 million	Completed	Part of the overall open space plan for Canalside, it is a link of public open space that features a granite plaza and "canal" evoking the alignment of the where the former Hamburg Canal once crossed the site.
4 One Canalside	\$5.6 million	Completed	One Canalside is a \$30-million, private mixed-use project that transformed the former Donovan State Office Building into a mixed-use development anchored by the law offices of Phillips Lytle and includes a Marriot Courtyard Inn and Pizza Plant restaurant.
5 Harborcenter	\$25 million (NYS Tax Credits)	Completed	The Buffalo Sabres organization built the \$200 million, 20-story Harborcenter—a bustling destination for the entire region that hosts two NHL regulation indoor ice rinks as well as a 205-room Buffalo Marriott Hotel.
6 Central Wharf Extension	\$3.9 million	Completed	Expansion of the existing Central Warf, which is home to thousands of events each year. This project enhances the recreational use of the Buffalo River and Canalside, as well as augments the trail system along the River.
7 Grain Elevators/ Connecting Terminal Grain Elevator Lighting	\$4.2 million	Completed	Buffalo's historic Connecting Terminal grain elevator was fit with a spectacular new lighting display that provides a direct visual link to Canalside and anchors the Buffalo River's gateway from Lake Erie.
8 Queen City Bike Ferry & Outer Harbor Ferry Landing	\$825,000	Completed	The project included new pathways and amenities to improve the successful operation of the Queen City Bike Ferry which contracts with the State to connect pedestrians and bicyclists from Canalside to the Outer Harbor and back daily in the summer.
9 Explore & More Children's Museum	\$11 million	Opening June 2019	On the South Aud Block of Canalside, the \$29 million, 43,000-square foot Explore & More Children's Museum will house seven educational play zones, each offering hands-on activities and exhibits that tell the stories of Buffalo for children and families.



	Name	State Investment	Status	Description
10	Carousel at Canalside	\$1.2 million	Groundbreaking expected 2019	A state challenge grant will construct facilities to locate the nearly century-old DeAngelis Carousel at Canalside.
11	DL & W Terminal	\$20 million	TBD	The Niagara Frontier Transportation Authority (NFTA) would extend Metro Rail beyond its last downtown stop into a new station in the DL&W terminal and provide second floor access and activation of the site for future development.
12	South Aud Block Development	\$4 million	Anticipated to open by summer 2020	Sinatra & Company Real Estate LLC will invest \$21 million to build "Heritage Point," involving two mixed-use buildings consisting of ground-floor retail and restaurants with Class "A" office space and residential units on the upper floors. The Prime Slip accessway and sections of connecting historic streets are included in this project.
13	North Aud Block	\$10 million	Planning to begin 2020	The North Aud Block transformation supports ongoing efforts to evoke the site's Erie Canal history, reintroduce elements of the historic street pattern, and re-establish the area as a downtown neighborhood. Walkable streets and underground infrastructure and services will help facilitate a series of future development or future solicitation.
14	Replica 1825 Packet Boat Built at "Longshed" at Canalside	\$4 million	Groundbreaking expected 2019	This project involves the design and construction of the "Longshed," a 5,400-square-foot, year-round facility and replica of Governor DeWitt Clinton's 1825 Erie Canal packet boat. The Buffalo Maritime Center will develop a full range of tourism opportunities for the boat and the finished building will be flexible space to support year-round occupancy and allow maximum visitation and educational programming.
15	Southern Portion of Donovan Block	\$2 million	TBD	As part of the development agreement for One Canalside, Benderson development is planning a three to four story mixed-use development with potential for street-level retail/restaurant, office space, and housing on upper levels. State funds will finance the relocation of several major utility lines.
16	Wilkeson Pointe	\$5 million	Completed	This project remediated and improved a 14-acre site into a popular public park space that includes a snack stand, public programming, a kayak launch, wind sculptures, volleyball courts and public art.
17	Buffalo Harbor State Park	\$10 million	Completed	As part of the 2013 transfer of almost 400 acres of land on the Outer Harbor from the NFTA to ECHDC, the 190-acre Buffalo Harbor State Park was designated as the 180th State Park in New York's system and the first in the City of Buffalo offering the community a host of new recreational opportunities and unprecedented access that include a rehabilitated breakwall, rehabilitated southern revetment, enhanced greenscape, new public boat launches, redesigned parking and boating queue lines, rehabilitated marina, and new multi-use trails. Today, more than 250,000 people visit the park annually.



	Name	State Investment	Status	Description
18	Outer Harbor Access & Activation Improvements Civic Project	\$5 million	Anticipated to be completed in 2019	A project that will further enhance access and facilitate greater public use and enjoyment of 20-acres at the southern end of the Outer Harbor and includes a Greenway Nature Trail, bike park, Great Lawn and overlook.
19	Additional 140 Acres of Outer Harbor Lands	\$15 million	TBD	Additional improvements to land that remains largely vacant and underutilized on the Outer Harbor will likely include environmental remediation, active and passive open space, habitat restoration, a restored and accessible Michigan Pier, food and beverage opportunities, signage and wayfinding, and coordination with long-term, in-water improvements by the USACOE/NYSDEC.
20	Former NFTA Terminal B	TBD	TBD	ECHDC is currently in the planning phase for the future of the former NFTA Terminal B warehouse building that was once part of its port operations there. Various options are being examined to re-purpose the structure for recreational use.
21	First Buffalo River Marina	TBD	TBD	ECHDC is in the planning phase for approximately 15 acres of fenced land at the northern end of the Outer Harbor near the mouth of the Buffalo River, which currently contains a 115-slip boat marina. ECHDC is considering water-dependent programmatic elements to be incorporated in the marina plans.
22	Ohio Street Gateway Reconstruction Project	\$3.3 million	Completed	This reconstruction project is located along a 1.4 mile stretch of what was mainly vacant or underutilized land into a parkway and a major waterfront arterial linking Canalside/ Downtown to the Outer Harbor.
23	Buffalo Blueway	\$10 million	First phase anticipated to be completed in 2020	Led by Buffalo Niagara Waterkeeper, this project will help establish a network of public access points along the region's waterways enhance water access and strategically connect residents and visitors to Buffalo-area cultural institutions, tourist attractions, greenway and bicycle corridors, and other unique businesses and locations.



THE COMPETITION

On February 26, 2019, Governor Andrew Cuomo set forth a challenge to Western New York—let’s stop working backwards from how to replace the Skyway’s traffic capacity and **start working toward** defining a clear vision of what the City’s waterfront could be!

The Governor requests teams of the brightest urban designers, economists, planners, and architects to compete to set forth their ideas for a future Vision for the Buffalo Skyway Corridor. From Canalside to Ridge Road in Lackawanna—changing the Corridor from one devoted to a limited-access expressway would surely be transformational.

Submissions will be juried by a panel of local and national professionals in design, planning, engineering, and economics. Proposals are required to set forth the characteristics, and more importantly, the “value proposition” of a re-imagined Buffalo Skyway Corridor, in measurable terms, and preferably in monetary benefits or outputs over time.

This is the desired outcome of the competition—the identification of a future Vision of a re-imagined waterfront that could yield measurable community benefits that outweigh its estimated costs—and thus could ultimately set the stage for required state/federal documentation evaluating the functionality, cost/benefit, and impact analyses of alternatives on how to achieve the vision.

Key considerations that each submission is required to meet include:

- Communicating and illustrating “the big idea”—what would the Corridor become in terms of uses, structures, development, open space, etc.?
- What would be the “big moves” necessary to achieve and how might they be staged?
- How much will those big moves cost in terms of public investment?
- What would the new Vision for the waterfront yield in terms of measurable benefits? and
- How would the Vision—and thus the projected benefits—be grounded by local considerations such as market factors affecting, for example, how much new development might be absorbed into the market over time or how much might new recreational resources require in public outlays for ongoing maintenance and upkeep?

CONFORMING WITH CURRENT DEVELOPMENT POLICES

As previously noted, the City of Buffalo has taken a number of generational actions to update and codified its overall development policies and regulations. These actions have often involved controversial and decades-long efforts to reach formal adoption. Whereas large portions of the actual Buffalo Skyway right-of-way have no formal land use or zoning designation, it is expected that each proposed Vision arising out of this Competition should be shaped and be responsive to the proposed land use pattern and regulations—and moreover the overall purpose and intent—of recently adopted Green Code and coastal policies and regulations.

Should a Respondents’ Vision propose development types or land uses that would run contrary to the City’s polices/ regulations, they would be expected to document how these deviations would produce greater benefit than any potential adverse effects. A typical instance might involve a parcel or group of parcels where the zoning regulations are directly influenced that the presence of the Skyway itself; for example, limiting uses or building heights near the high-level bridge. If in such an instance if a Vision called for the removal of the Skyway bridge, the need for such development controls might be rendered moot.

Potential respondents can review the City’s land use policies and regulations at the following websites:

Buffalo Comprehensive Plan:

<http://regional-institute.buffalo.edu/wp-content/uploads/sites/3/2014/06/Queen-City-in-the-21st-Century-Buffalos-Comprehensive-Plan1.pdf>

Buffalo Green Code:

<https://www.buffalony.gov/DocumentCenter/View/1785/ Buffalo-Green-Code---Unified-Development-Ordinance-PDF?bidId=>

Buffalo Local Waterfront Revitalization Program (LWRP) – the City’s state-approved coastal polices:

<http://www.buffalogreencode.com/LWRP/SectionVIII.pdf>

City of Lackawanna Zoning Map & Ordinance

<http://lackawannany.gov/wp-content/uploads/2018/03/ZONING-MAP-CURRENT.jpg>

<https://ecode360.com/9468708>

BUT WHAT ABOUT THE TRAFFIC?

Submissions would be required to set forth how, if applicable, the Rte 5/Skyway bridge and expressway facilities would need to be altered or removed to support a proposed Vision. Participants will all be afforded access to aforementioned NYSDOT reports for traffic capacity and long-range forecasting (on the Competition website), as well as access to on-line regional traffic data from the Greater Buffalo Regional Transportation Council (GBNRTC; available at <https://www.gbnrtc.org/>).

The components and costs of various previously-formulated measures noted above to accommodate redistributed traffic in a 20-/30-year planning horizon would need to be used as the base condition for the “value proposition” of a proposed Vision. In other words, respondents would need to demonstrate, for example, how their Vision might yield more value than the approximately one billion dollars in future roadway improvements necessary to allow removal of the Skyway bridge and expressway.

Alternatively, submissions may dispute these prior conclusions and suggest other considerations for future traffic, but such alternate approaches must be documented with valid and defensible data, which are fully consistent with state/federal requirements for assessing major transportation projects.

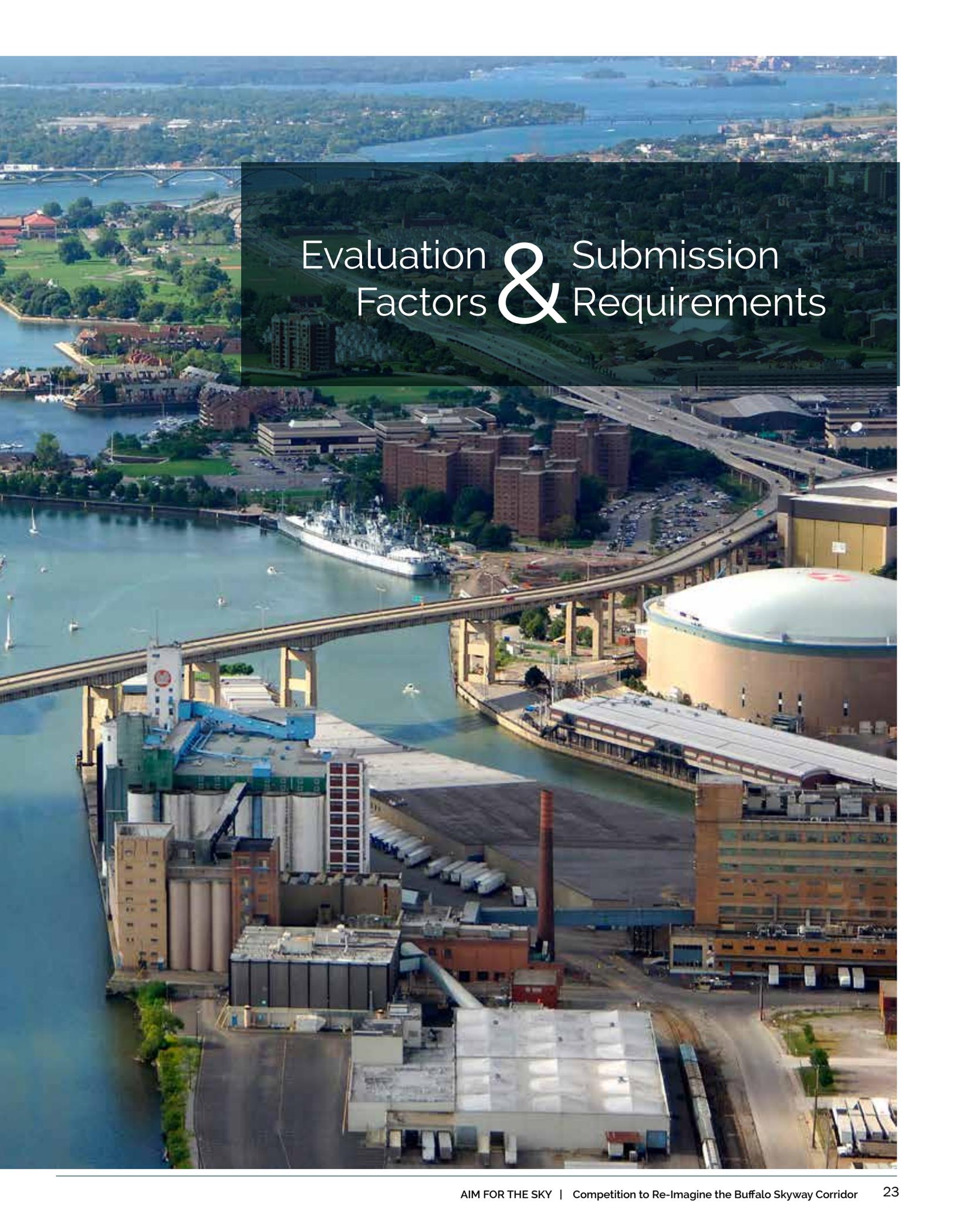
In recognition that prior transportation reports and memoranda are in some cases up to 15 years old, arrangements were made with GBNRTC technical staff to undertake a series of future traffic modeling runs to illustrate anticipated traffic impacts of potential scenarios:

- **Scenario 1:** Full removal of the Skyway from its terminus south of Ridge Road to I-190;
- **Scenario 2:** Removal of the Skyway elevated expressway, from its terminus south of Ridge Road to the Outer Harbor Drive interchange, and interconnection of the Skyway high-level bridge lanes to Fuhrmann Blvd (i.e., Skyway becomes only a bridge over the Buffalo River); and
- **Scenario 3:** No changes to Skyway highway systems (i.e. No Action), which would be a baseline condition.

These model runs are intended to provide respondents information to illustrate anticipated traffic effects of various actions related to possible changes to the Skyway’s highway capacity, absent any mitigation and/or changes to the regional road system. They are available at the Competition website at <https://esd.ny.gov/skyway>.







Evaluation & Submission Factors & Requirements

EVALUATION FACTORS

Part 1 submissions will be evaluated on the general quality of the summary presentation of a proposed Vision portrayed in the on-line submission form and attachments. Based on its affordability, feasibility, and technical competence (Criteria 1-3 below) submissions will be winnowed to a short list of Respondents invited to submit Part 2 submissions. The jury will evaluate Part 2 submissions based on all five of the following criteria, all of which will be weighted equally.

CRITERION #1

Affordability: The quality of the overall plan to fund/finance the Vision.

Each proposed Vision for the Buffalo Skyway Corridor will be judged for its affordability in terms of ideas on how the Vision might be financed and whether these measures are reasonable. These factors will include:

- Extent that the cost estimates for various components of the Vision, including the costs for any elements necessary to enable the Vision to be realized (e.g., any transportation facilities/measures necessary in or outside the Corridor to facilitate current/future traffic flows) are complete, well-organized, and documented with regard to reasonable and verifiable assumptions.
- Extent to which the funding plan, as applicable, includes estimates of any new costs (and/or reductions in costs) to operate and maintain elements of the Vision and where needed, proposes sustainable measures to fund such costs;
- Extent that the proposed methods to fund the Vision are complete, and all sources, methods, finance structures, and uses of funds are clearly defined and documented.
- Extent that the respondent can demonstrate the anticipated funding method(s) for the proposed Vision are reasonable, based upon information such as, but not limited to documenting past public and private expenditures for such components in similar applications and/or in similarly-size cities; identifying federal/state/local programs that have a documented history of funding similarly-scaled features; documenting level/pace of regional private investment in land development; etc.
- Extent that any projected private funding/investment to realize parts of the Vision is feasible in the context of prevailing market conditions, available financing, regulatory requirements, and community attitudes.
- Extent to which the type/scale of public involvement required is feasible in terms of the institutional, financial, and legal requirements to realize such involvement.
- Extent that proposed funding plan for a proposed Vision considers sufficient time for any necessary planning, approvals, and capacity to realize proposed funding measures within a stated time horizon.

CRITERION #2

Feasibility: Positive impacts outweighing costs of the Vision.

Each proposed Vision for the Buffalo Skyway Corridor will be judged for its feasibility in terms of results in a greater level of measurable benefits compared to its costs to implement. These factors will include:

- The extent to which the Vision offers direct, measurable economic benefits to the local community including but not limited to:
 - New property tax revenues to the Cities of Buffalo and Lackawanna from new development;
 - Increased sales/sales tax in various types of local goods and services; and
 - New and/or expanded job opportunities for local and/or new residents.
- The extent to which the Vision will achieve net benefits, including benefits to the surrounding region.
- The extent to which the Vision will result in direct, visible physical improvements to the setting of downtown Buffalo, including but not limited to:
 - Eliminating blight and/or transforming vacant or dilapidated spaces;
 - Providing new amenities that would be generally available to both visitors and residents to make the City a more desirable place to visit, live, and work;
 - Meeting community expectations for improvement in the urban environment to be equitably shared; and
 - Attracting new residents to the City.
- The extent to which the Vision garners highest and best use of the land.
- The extent to which the Vision complements, strengthens, and/ or builds upon key resources in/near the Corridor.
- The extent to which the project complements, strengthens, and/or builds upon recently completed and/or planned public investments or projects.

CRITERION #3

Technical Competence: Achievability with regard to transportation needs.

Each proposed Vision for the Buffalo Skyway Corridor will be judged for its technical competence in addressing near- and long-term traffic impacts. These factors will include:

- Extent that the estimates of current traffic levels on various segments of regional roads and highways are based on verifiable sources, such as NYSDOT or GBNRTC counts.
- Extent that future forecasts of traffic flows and levels of service (LOSs) on regional roads and highways are either derived from currently accepted sources (e.g., GBNRTC long-range transportation model) or sets forth a methodology for such future forecasts that:
 - Has been documented to be accepted/defensible in similarly-scaled federal/state-funded transportation projects in the United States;
 - Involves the use of professionally-accepted modeling, forecasting, and/or simulation software, for which files can be reviewed and verified;
 - Covers an accepted planning horizon (typically in New York to involve the estimated time of completion, plus 20 years [ETC+20] for roads and ETC+30 for bridges); and
 - Addresses projected morning /evening peak-hour flows in the forecast year without significant deterioration of LOS in both the Corridor and on surrounding regional roads serving similar origins/destinations as the Corridor (i.e., Downtown Buffalo and the Southtowns), beyond that already projected under current analyses.
- Extent that a proposed Vision involves proposed measures to avoid:
 - Inordinate peak-hour delays associated with commuting or goods movements along key segments of the regional highway system and at key downtown Buffalo interfaces between the regional highway system and the local street network;
 - Any significant increases in projected regional vehicle miles traveled that could result in regional air quality impacts, unless offset by other measures; and
 - Any potential significant indirect transportation impacts, including, but not limited to increased truck movements through local neighborhoods.
- If applicable, extent that any potential mitigation measures to address any future impacts of changes to the Corridor's transportation system are reasonably achievable in terms of transportation benefits projected (e.g., measures to increase use of alternate modes of transportation), and the institutional, financial, and legal requirements to realize a particular measure.
- If applicable, extent that any assumptions associated with future technological components included in plans/proposals for accommodating future traffic flows are reasonable (e.g., potential highway capacity increases from the use autonomous vehicles in the future), in terms of providing documentation and widely-accepted research as backup, and preferably examples of the use such technology in the field.

CRITERION #4

The design quality of the Vision and its approach to urban design.

Each proposed Vision for the Buffalo Skyway Corridor will be judged for its design creativity in the context of its ability to conform to various regulatory and physical constraints exhibited in the project area. These factors will include:

- The extent to which the Vision clearly demonstrates consistency with strategies/ policies in:
 - City of Buffalo Comprehensive Plan;
 - City of Buffalo Green Code and Lackawanna Zoning Ordinance;
 - City of Buffalo Local Waterfront Revitalization Program;
 - Other recent policy and planning documents for the waterfront, Canalside, Outer Harbor, Buffalo Harbor State Park, and other nearby state parks/lands (see intro section); and
 - The “smart growth principles” embodied in the Western New York Regional Economic Development Council Strategic Plan and the “Buffalo Billion” Investment Strategy.

Note: In the event that components of a proposed Vision do not conform to a particular policy or regulatory limit, the respondent must demonstrate rational reasons for deviating from strict compliance with these controls, and how benefits of such deviation outweigh any potential negative impacts.

- The extent to which the Vision meets contemporary expectations for sustainable development including the use of innovative new technologies or materials, reduced operating costs and minimized environmental impact of infrastructure and development, as well as features that are protective of sensitive areas along the Buffalo waterfront such as Tift Nature Preserve, Times Beach Nature Preserve, fisheries, and other natural waterfront features.
- The extent to which the Vision responds to the physical site characteristics and constraints of Downtown Buffalo and the Buffalo Outer Harbor area.
- The extent to which the Vision is adaptable in terms of design, scale, and phasing to enable possible changes to respond to functional needs into the future.
- The extent to which the Vision clearly demonstrates a sensitivity to various urban design objectives, including:
 - Developments that contribute to a lively, urbane setting at the street level of downtown Buffalo (e.g., compact/dense developments; multiple/mixed active uses along a streetface; transparent street-level façade features to facilitate interaction and safety, uses that “spill into” the adjoining sidewalks such as terraces/patios; architectural features that complement/facilitate pedestrian/bicycle access; etc.);
 - Architectural and/or design characteristics of the proposed Vision that properly relate it to the city setting (e.g., building siting that helps contribute to an urban “skyline” and/or “street wall” of uses; properly scaled buildings each with a defined “base”, “middle”, and “top”; buildings that properly relate to adjoining development/uses, etc.);
 - Architectural and/or design characteristics of the proposed Vision that properly relate it to the unique nature preserve and waterfront open space settings along the Buffalo Skyway Corridor.

CRITERION #5

Experience and Qualifications of the Respondent Team.

Each Respondent Team will be judged for its credentials, technical capabilities, and past experience on similarly-scaled and scoped planning and design efforts. These factors include the following:

- Strength of combined cross-disciplinary team members and relevant skills and professional certifications, and where necessary, inclusion of partners familiar with the Buffalo setting and context.
- Overall track record in planning, designing, and/or developing projects/plans of the scale, type, and quality associated with large-scale redevelopment and/or re-purposing of urban waterfront settings and associated amenities/infrastructure.
- Expertise in architecture, urban design, landscape architecture, and transportation planning, especially in urban redevelopment applications and projects designed to complement, and/or are adjacent to major open space, park, and historic resources.
- Experience with innovative projects using creative design concepts and maintaining a high-quality urban setting.
- Experience producing sustainable development/redevelopment projects and/or plans that have involved measures to maximize energy conservation, improve water and air quality, facilitate resiliency against the effects of climate change, etc.
- Experience in projects in a redevelopment area and through public/private partnerships and/or other innovative funding structures.
- Demonstrated ability to secure project funding, including but not limited to past efforts that helped shape public policy and expenditures, relationships with major lenders, and past funding experience with sustainable projects.

SUBMISSION REQUIREMENTS

Interested Respondent teams are required to follow the guidelines and instructions contained in this section. At its discretion, ESD may make clarifications or amend this Competition at any time. In the event it becomes necessary to revise or amend any part of this Competition, all revisions, clarifications, and changes will be provided by addenda posted on the Competition website at <https://esd.ny.gov/skyway>.

It is the responsibility of all respondents to check the website for posting of clarifications, amendments, or addenda on an ongoing basis.

Two-Part Submission Process

Respondents shall be required to submit a Two-Part submission for its Vision of the Buffalo Skyway. Part 1 shall include an online submission that addresses at an “executive-summary level of detail” all the main objectives and constraints of the Competition, accompanied by any technical analyses and “sketch-level” graphics and maps to best communicate the key parameters of the Vision and meet the evaluation factors of Affordability, Feasibility, and Technical Competence to address transportation needs. However, Respondent teams are strongly urged to review and fully understand the Part 2 submission requirements, should they be invited to submit, particularly in consideration of the Competition time constraints outlined in the Competition Timetable presented later in this Request for Submissions.

Only Respondents meeting the Part 1 screening criteria will be invited to submit a Part 2 Final Proposal. The Part 2 submission involves a full submission involving both a detailed technical proposal where the proposed design quality of the Vision is given paramount importance—with production-quality graphics to best show and communicate the transformative Vision for the Corridor.

SPECIAL NOTE: In order to facilitate anonymous reviews by the jury to avoid any potential professional conflicts by colleagues in the various fields of expertise associated with the Competition, Respondent teams shall in no way use marks, logos, or any identifying features in the body or graphics of a proposal, other than the completion of the team information form.

Part 1. Summary Submissions should contain specific information and be organized as follows:

A. On-line Submission Form

Respondents shall complete the online submission form on the Competition website at <https://esd.ny.gov/skyway>. They shall include executive summary level information outlining, at a minimum, the following:

- 1) An overview of proposed Vision for the Skyway Corridor (extent and locations of uses, necessary changes to the corridor, etc.);
- 2) A broad description of the costs, proposed funding strategy, and timeframe associated with realizing aspects of the Vision; and
- 3) A summary of the overall “value proposition” regarding feasibility of the Vision: how the quantified (and preferably monetized) benefits of the Vision would outweigh the anticipated costs to achieve the Vision.

B. Attachments

- 1) Any necessary technical attachments or analyses (without marks, logos, or any identifying features) Respondent teams deem necessary to best demonstrate that a Vision meets the affordability, feasibility, and technical competence evaluation factors,
- 2) Graphics. The Part 1 Submission should include a series of “sketch-level” graphic depictions (without marks, logos, or any

identifying features) of the proposed Vision, developed only to a level suitable to communicate major components of the vision, all formatted at “report-level” scale only (i.e., 8½” x 11” or 11” x 17”). Such illustrations could include conceptual maps or plans (to scale), diagrams, and/or aerial or ground-level sketch renderings to illustrate aspects of a particular Vision.

Part 2. Full Technical Proposal with Final Graphics

Invitations to submit a Part 2 Final Proposal will be extended only to Respondent Teams that have been determined to have proposed Part 1 Submissions that meet the three-part requirement of Affordability, Feasibility, and Technical Competence.

The Part 2 – Final Proposals involve a full technical submission and graphic communication of a proposed Vision. It should include presentation-level graphics, together with its estimates of costs, benefits, and accommodating future transportation needs, all tailored to be understandable to the greatest extent possible to a non-technical audience. The presentation boards will be used as part of a “gallery-style” public events for the selected finalists, as well as the basis of interview sessions with the evaluation jury.

Submissions should involve the production of all necessary technical analyses and two (2) sets of a group of four (4), 36” x 48”, dry-mounted presentation boards in landscape orientation, and be organized as follows:

A. Proposed Technical Submission

- 1) Overview. Written description of the proposed Vision, including:
 - a. An overview of the anticipated target market(s) that components of the proposed Vision are intended to serve and/ or objectives it would advance.
 - b. Description of the overall idea for the redefined Corridor, the nature of the setting(s) along its four-mile length, its significant components, the relationship to adjoining uses, and its relationship/integration with various access networks along the Buffalo waterfront (trails, local roads, waterborne access, etc.). The submission must demonstrate responsiveness and sensitivity to complement and enhance the completed/planned uses in the Inner Harbor (Downtown Buffalo) and the Outer Harbor.
 - c. A listing of potential uses along the redefined Skyway Corridor, specifying anticipated acreages of each land use, and if applicable, square footages of new development components, as well as other appropriate descriptive measures that would demonstrate the future benefits of realizing the Vision.
 - d. A description of how the proposed Vision would be consistent with the publicly adopted policies and objectives for the City of Buffalo, as specified in the City of Buffalo Comprehensive Plan, Buffalo Green Code, and the policies of the adopted Local Waterfront Revitalization Program; or alternatively, if the Vision deviates from these policies, demonstration of how these proposed changes would result in greater benefits that anticipated impacts.
- 2) Funding Strategy. Each Respondent Team must submit a Funding Strategy that includes sufficient cost estimate data and demonstrate that the components of the proposed Vision could be reasonably accomplished over a foreseeable time period-addressing the components of “Affordability” outlined in the aforementioned Criterion #1 of the evaluation factors. The Strategy should include the anticipated sources/uses, amounts, terms, and conditions of potential public and private funding sources that would realize the vision.
- 3) Feasibility Statement. Each Respondent Team must submit a statement of feasibility-how the components of the proposed Vision would generate measurable benefits that would

outweigh/offset the costs of any necessary changes to the existing transportation system in the Corridor, if required, addressing the issues of Criteria #2 of the evaluation factors.

- a. It is anticipated that the types of projected benefits could vary based upon the nature of a vision. For example, new development could potentially result in revenue derived from property and sales taxes, new jobs, and the multiplier effects of expanded economic output. Similarly, the reduction of impervious highway surfaces could increase the holding capacity of flooding along the Lake shore and reduce the severity of combined sewer overflow (CSO) events, potentially resulting in the avoidance of costly upgrades/expansions to the City’s sewer system.
 - b. It is recognized that other types of benefits are possible. Respondents are strongly encouraged to quantify any projected benefits, and preferably convert into measurable economic benefits whenever possible. Include specific supporting data to indicate how the project will contribute to the economic benefit of the community.
- 4) Transportation Plan. For any proposed Vision involves changes to the capacity of the existing transportation system in the Skyway Corridor, must include a plan to address potential impacts to the Regional road network, meeting the requirements of Criterion #3 of the evaluation factors. Such a Transportation Plan is not required if a Respondent can clearly demonstrate that projected benefits of its proposed Vision would outweigh or offset past proposals and associated costs of changes necessary to accommodate displaced traffic capacity.

B. Respondent Team Form

Each Respondent Team is required to submit information related to makeup and qualifications of the team’s members. Included as a separate part of the Part 2 submission (to allow for anonymous review of submissions), the following should be included:

- 1) A summary of the Respondent Team makeup, with a complete organizational chart of key team members.
- 2) Descriptions of team members (particularly proposed architectural/urban design, engineering, and economic professionals), including:
 - a. Resumes of key professionals (no more than one (1) page in length) citing experience in disciplines/efforts comparable to specialties involved in this Visioning Competition.
 - b. Description and list of past projects similar in scale and characteristics to the subject submission.

C. Presentation Boards

- 1) Board 1: Overview of the Vision
 - a. A “name” for the Vision that best describes the overall approach.
 - b. A corridor-wide illustrative map of the Vision.
 - c. Blow-up plans of at least three (3) locations along the redefined corridor (keyed to Illustrative Map) depicting key aspects of the proposed Vision.
 - d. Text insets outlining the main idea of the proposed Vision, its major components, and key considerations.
- 2) Board 2: Aerial Renderings

At least three (3) oblique aerial renderings or photo-simulations best depicting the desired Vision for the Corridor.
- 3) Board 3: Affordability & Feasibility of the Vision – How to Fund the Vision & How Benefits Outweigh the Costs
 - a. A summary description, accompanied by tables and/or diagrams, of cost estimates for major items included in the Vision and anticipated funding sources/methods.

- b. A summary outline, accompanied by tables and/or diagrams, of the quantified benefits of the Vision and how they would outweigh and/or offset the costs to realize the Vision.

4) Board 4: Accommodating Access

- a. An overall map(s) of the regional road network between Downtown Buffalo and the Southtowns, including Rte 5, I-190, I-90, Rte 179, Ohio Street, South Park Avenue, Tiff Street, and Ridge Road, noting the anticipated peak-hour levels of service as a result of the Vision, and any mitigation measures for the typical planning horizon (ETC+20 or ETC+30 as applicable)
- b. A summary discussion, accompanied by images, tables and/or diagrams, of how the Vision would address future transportation demand in the Corridor and associated areas.

Other Certifications/Forms

State Finance Law Sections 139-j and 139-k (collectively, the "Procurement Requirements") apply to this Competition. These Procurement Requirements (1) govern permissible communications between potential respondents and ESD, the City or other involved governmental entities with respect to this solicitation during the Competition process; (2) provide for increased disclosure in the process through identification of persons or organizations whose function is to influence procurement contracts, public works agreements and real property transactions; and (3) establish sanctions for knowing and willful violations of the provisions of the Procurement Requirements, including disqualification from eligibility for an award/prize as part of this Competition.

Compliance with the Procurement Requirements requires that:

- a. All communications regarding this Competition, from the issuance of this solicitation through final award, be conducted only with the contact person(s) listed in this section.
- b. The completion by respondents of the Contractor Disclosure of Contacts Form, the Offerer Disclosure of Prior Non-Responsibility Determinations and the Offerer's Affirmation of Understanding of and Agreement pursuant to State Finance Law.
- c. Periodic updating of such forms during the term of any contract resulting from this solicitation.
- d. Respondents must submit each of these forms, properly completed, as part of their submissions. The Procurement Requirements also require ESD employees to obtain and report certain information when contacted by participants during the Restricted Period, make a determination of the responsibility of participants and make all such information publicly available in accordance with applicable law. If a prospective respondent is found to have knowingly and willfully violated the State Finance Law provisions, that prospective respondent and its subsidiaries, related or successor entities will be determined to be a non-responsible bidder and will not be awarded any prize associated with this Competition. In addition, two such findings of non-responsibility within a four-year period can result in debarment from obtaining any New York State governmental procurement contract.

A copy of ESD's Policy Regarding Permissible Contacts under State Finance Law Section 139-j and 139-k is can be reviewed at:

https://cdn.esd.ny.gov/CorporateInformation/Data/RFPs/RequiredForms/PermissibleContactsPolicy_Jan2007.pdf.

Neither this summary nor the referenced Policy is a complete presentation of the provisions of the Procurement Requirements. A copy of State Finance Law Sections 139-j and 139-k can be found at: <https://ogs.ny.gov/ACPL>.

All potential Respondents are solely responsible for full compliance with the Procurement Requirements.

ALL QUESTIONS, COMMENTS, REQUESTS FOR CLARIFICATION AND OTHER COMMUNICATIONS REGARDING THIS SOLICITATION MUST BE VIA EMAIL TO THE FOLLOWING PERSON AND CONTACT WITH ANY OTHER PERSONS REGARDING THIS SOLICITATION MAY RESULT IN DISQUALIFICATION FROM THIS COMPETITION:

Paul J. Tronolone, AICP
Empire State Development
95 Perry Street, 5th Floor
Buffalo, NY 14203
Skyway@esd.ny.gov

Respondents must submit the Offerer Disclosure of Prior Non-Responsibility Determinations, and the Offerer's Affirmation of Understanding of and Agreement pursuant to State Finance Law as part of their proposal. Copies of these forms may be downloaded at the following link:

https://cdn.esd.ny.gov/CorporateInformation/Data/RFPs/RequiredForms/SF_Law139_JK.pdf.

Deadline for Submissions

Part 1 submissions must be uploaded to the Competition website (<https://esd.ny.gov/skyway>) by 3:00 P.M. EDT, on June 28, 2019.

Directions for Part 2 submissions will be provided as part of invitations to selected Respondent teams.

SUBMISSION REVIEW PROCESS

A. Competition Timetable

The following target dates are intended as a guide for the submission process:

- May 13, 2019: Request for Submissions Issued
- June 28, 2019: Part 1 Submissions Due
- June 28 – July 15, 2019: Review of Part 1 Submissions
- July 15, 2019: Top 20 Submissions invited to undertake Part 2 Submissions
- August 16, 2019: Part 2 Submissions Due
- August 17-30, 2019: Jury Review of Part 2 Submissions
- Week of August 26, 2019: Public Session #1
ESD-led public information session discussing first 10 of the top 20 submissions. Public may submit prospective questions for jury to include at finals event.
- Week of September 2, 2019: Public Session #2
ESD-led public information session discussing remaining 10 of the top 20 submissions. Public may submit prospective questions for jury to include at finals event.
- Week of September 9, 2019 – Finals week (Location TBD)
Presentations by teams, Jury announcement of 8 finalists, and Awards event (1st, 2nd, and 3rd Place winners)

B. Review of Submissions

ESD will review all submissions for completeness and compliance with the requirements of this Competition and may request from any or all of the Respondents additional material, clarification, confirmation or modification of any submission, including submissions that are incomplete or non-conforming as submitted.

Except at the request or by the consent of ESD (which consent shall be in the sole and absolute discretion of the ESD), Respondents will not be entitled to change their submissions once received.

A Jury convened by Governor Cuomo shall review all finalist submissions and may consult with ESD advisors, if any.

First-, second-, and third-place submission shall be designated in the sole and absolute discretion of ESD based upon the recommendation of the Jury.

C. Respondent Interviews

Following ranking of submissions, a number of Respondent teams (to be determined by the Jury) will be asked to present their submissions to the Jury and the public.

Teams should assume that the interviews will take place in Buffalo, New York the week of September 9, 2019.

TERMS AND CONDITIONS

A. Contingencies

All submissions must be made in accordance with the provisions, requirements, terms and conditions of this Competition. Submissions which are contingent, or which are made in any other form will not be considered.

B. Consistency with Laws, Permits and Approval Requirements

Unless otherwise stated in this Request for Submissions, all Respondent submissions must be consistent with various state and local regulations, and be defensible under federal and state environmental/historic review procedures, including as applicable: the National Environmental Policy Act ("NEPA"), the New York State Environmental Quality Review Act ("SEQRA"), Section 106 of the National Historic Preservation Act, Section 14.09 of the NYS Historic Preservation Act, and the U.S. Coastal Management Act. As applicable, proposals must also demonstrate consistency and compliance with various codes, including, but not limited to:

- The Buffalo Green Code (i.e., Unified Development Ordinance of the City of Buffalo);
- Policies of Buffalo's approved Local Waterfront Revitalization Program ("LWRP");
- Building Code of New York State;
- Energy Conservation Construction Code of New York State;
- Fire Code of New York State;
- Fuel Gas Code of New York State;
- Mechanical Code of New York State;
- Plumbing Code of New York State;
- Property Maintenance Code of New York State; and
- Residential Code of New York State.

As applicable, all development, redevelopment, and reuse proposals also must demonstrate general compliance with the federal Americans with Disabilities Act (ADA) and its implementing regulations and standards.

C. Quality of Submissions

Only submissions that comply with all provisions, requirements, terms and conditions outlined in this Competition will be considered for review by ESD and the Jury.

ESD reserves the right to independently investigate or request clarification of the contents of any submission, including requiring any Respondent to provide additional information or to make an oral presentation. All materials submitted in response to this Competition become ESD property without any obligation to return such materials. All determinations of completeness of any submission and its compliance with the provisions, requirements, terms and conditions of this Competition and the eligibility or qualification of any Respondent shall be in the sole and absolute discretion of ESD. ESD may waive any of the provisions, requirements, terms and conditions of this Challenge.

Subsequent to receipt of responses to this Request for Submissions, ESD, in the exercise of their sole and absolute discretion, may designate two or more Respondents for "short list" consideration, may request "best and final" submissions, and/or may conduct other additional proceedings with respect to the potential disposition covered by this Competition.

GENERAL CONDITIONS

D. Expenses

ESD shall not be liable for any costs or expenses (including, without limiting the foregoing costs and expenses of technical experts, legal counsel, or publications) incurred by any Respondent in responding to this Competition, in connection with the Buffalo Skyway Corridor or under any other circumstances, including, without limiting the foregoing, whether or not a particular submission was accepted, rejected or otherwise designated or selected or if ESD select not to proceed with the Competition process. All costs and expenses incurred by each Respondent in connection with this Competition will be borne by the Respondent, including, without limiting the foregoing, all costs and expenses in connection with: surveys, reports, studies, research and other due diligence work; preparation of each submission; advice and representation of legal counsel; and/or responding requirements of this Competition.

E. Brokers

Submissions shall be accepted from principals only. No brokerage fees, finder's fees, commissions or other compensation will be payable by the State or ESD in connection with the selection of a Respondent. Submission by a Respondent in response to this Competition constitutes an undertaking by the Respondent to hold harmless and indemnify and defend the State, ESD and the City of Buffalo from and against any and all expenses, damages or liability (including, without limiting the foregoing, attorneys' fees and disbursements) arising out of any claim for such fees, commissions or other compensation made in connection with such Respondent's response to this Competition, and selection or (non-selection) thereunder.

F. Not an Offer

This Competition does not constitute a solicitation or an offer for the Skyway Corridor or any portions thereof, nor a solicitation or offer to any adjoining site or any portions thereof. Neither ESD, the State, any of the State's agencies, departments, offices, public authorities or other entities, nor any affiliate or subsidiary of any of the foregoing, shall incur any obligation or liability on account of this Competition or any submission made in connection with this Competition or any other reason.

ESD and the State reserve the right, in their sole discretion, not to select or accept one or more submissions submitted in connection with this Competition, including, without limiting the foregoing, the highest-ranked submission by the Jury. ESD and the State shall have no obligation, under this Competition or otherwise, to implement or construct any aspect of any submission in response to this Competition.

ESD and the State have the right in their sole and absolute discretion to reject any and all submissions, to accept any submission, and to elect not to proceed with the process set forth in this Competition.

ESD and the State have no obligation to discuss its reasons for selecting, accepting or rejecting any submissions with any Respondent.

Neither the State, nor ESD or the City make any representations or warranties whatsoever with respect to this Competition, without limiting the foregoing, representations or warranties as to: the accuracy or completeness of any information or assumptions contained in or provided in connection with this Competition.

In addition to those terms and conditions stated elsewhere, this Competition is subject to the following:

- A. Selection or designation of any Respondent pursuant to this Competition or subsequent selection stages will not create any rights for the respondent including, without limitation, rights of enforcement, equity or reimbursement. Other than the award of prize money, the State and ESD shall have no obligation or liability whatsoever to any person or entity whose response/submission is selected or designated as a result of this Competition.
- B. A Respondent may be rejected if the State of New York or ESD determine, in their exercise of sole and absolute discretion, that such Respondent, any Respondent partner, or member of a respondent team or any principal, partner, officer, director, affiliated person, or principal shareholder of the Respondent, of any Respondent partner, or of any member of a respondent team, has been convicted of, or pled guilty or nolo contendere to, a felony or crime of moral turpitude, is an "organized crime figure," under indictment or criminal investigation, or is in arrears or in default on any debt, contract, or obligation to or with ESD, the City, the State, or any of their respective affiliates, subsidiaries, agencies, departments or instrumentalities. Each Respondent, Respondent partner, and member of a Respondent team and any principal, partner, officer, director, affiliated person, or principal shareholder of the selected Respondent, Respondent partner, or member of the Respondent team may be required to complete a background questionnaire with respect to the foregoing, or other matters, and may be subject to investigation by ESD and the State. ESD and the State are under no legal obligation to dispose of the Competition through a competitive bid process. This Competition does not constitute an offer of any nature and does not obligate ESD or the State to undertake any action or to proceed with any proposed Project or component of any proposed Project.
- C. ESD may at any time exclude those submissions which, in its sole discretion, fail to comply with the terms and conditions of this Competition.
- D. ESD reserves the right, in its sole discretion, to reject at any time any or all submissions; or to withdraw the request without notice. ESD reserves the right to waive compliance with and/or change any of the terms of this request and to waive any informalities or irregularities in the request process.
- E. Under no circumstances will ESD pay or be liable for any costs incurred by a firm/team in responding to this Competition.
- F. Respondents of this Competition shall make no news/press release pertaining to this Competition or anything contained or referenced herein without prior written approval from ESD. Any news release pertaining to this Challenge may only be made in coordination with ESD.

G. Public access to material submitted by respondents to this Competition shall be governed by the relevant provisions of the Freedom of Information Law, which constitutes Article 6 of the New York State Public Officers Law ("FOIL"), and regulations adopted pursuant thereto. If any respondent submits information which it believes to be a trade secret or otherwise exempt from disclosure under FOIL, it must specifically identify such information and state in writing the reasons why the information should be exempt from disclosure. Notwithstanding the foregoing, ESD shall not be liable if ESD releases information pursuant to FOIL which the respondent believes to be a trade secret or detrimental to its business.

REQUEST FOR SUBMISSIONS

AIM FOR The Sky

**Competition to Re-Imagine the
Buffalo Skyway Corridor**



Andrew M. Cuomo
Governor, New York State



NEW YORK
STATE OF
OPPORTUNITY

**Empire State
Development**

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