

**BROADWAY MARKET REDEVELOPMENT ARCHITECTURE & ENGINEERING  
CONSULTING SERVICES**

**Addendum 3**

**Release Date: May 19, 2023**

**1. CHANGES TO SECTION VIII: SCOPE OF SERVICES**

Tasks 6 & 7 have been amended to clarify the required work. The full text of each task is shown below with changes.

**Task 6: Refined Concept Design & Schematic Design (up to 30% Design Completion)**

The Consultant must:

- Develop a minimum of three (3) design concepts for the building and vendor stall layouts/configurations.
- Provide an estimate of probable costs. The estimate should include major components and identify escalation factors.
- Develop/apply evaluation criteria to rationally assess and weigh the relative advantages and disadvantages of each alternative. This assessment should be developed in manner suitable for public and stakeholder review.
- Explore the use of sustainable design practices and performance standards for all relevant building systems, in accordance with established industry standards such as [ASHRAE](#), [LEED](#), [IgCC](#) and [NYStretch-2020](#). The Consultant will fully research the potential for funding sources (other than ESD) that can be used to finance innovative resilient building design features. For additional guidance on resilient building strategies see [Climate Resilience Strategies for Buildings in New York State](#) published by New York State Energy Research & Development Authority (NYSERDA).
- Explore ways in which the building can better serve the surrounding community during adverse events (disasters, extreme weather events, etc.) along with potential funding opportunities that target community resiliency (NYSERDA, NYDOS, FEMA, USDA, Justice40, etc.).
- Prepare an estimate of probable cost.
- Prepare an estimated phasing schedule.
- Prepare drawings and specifications (to varying degrees of completion appropriate to the design phase), including:
  - Site plans
  - Architectural
  - Existing utilities
  - Renderings
  - Civil and structural
  - Landscape
  - Mechanical, electrical drawings and plumbing.

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*Task Deliverables: Schematic Design Report*  
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## Tasks 7: Design Development (up to 60% Design)

The Consultant must issue schematic design documents that are in compliance with the program, the budget and the schedule as set forth by ESD.

The Consultant must:

- Prepare a schedule for the construction period, identify phased work and any long-lead time for specialty items.
- Provide an estimate of probable costs. The estimate shall include major components and identify escalation factors. Cost estimates should be updated at the end of each task.
- Issue drawings and specifications. In general, drawings must indicate the existing conditions and proposed new construction. Drawings and/or specifications (to varying degrees of completion appropriate to the design phase) should include:
  - Site plans
  - Architectural
  - Existing utilities
  - Renderings
  - ~~Archaeological~~
  - Civil and structural
  - Landscape
  - Mechanical, electrical drawings and plumbing (if applicable).
- Any hazardous or contaminated materials remediation/disposal or asbestos abatement/disposal, including coordination with any applicable regulatory agencies governing the handling/disposal of such materials.
- Demolition, including any foundation modifications.
- Prepare an estimate of probable cost.
- Prepare an estimated phasing schedule.

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*Task Deliverables: Design Development Report*

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## 2. QUESTIONS & ANSWERS

The following is a list of responses to questions submitted by prospective respondents (“Respondents”).

Question No.	Question	Answer
1	Are you open to changes to the concept shown in the business plan?	Recommended refinements or changes to the concept to better achieve the overall objectives of revitalizing the Market are welcome and encouraged. The concept plan was an initial physical interpretation of the recommendations presented by the business plan but was not meant to be a definitive design for the Market. It was meant to be a basis for initial cost estimating and fundraising. Programming for the physical design should be revisited and refined by the consultant in task 6. The consultant should use the business plan recommendations, goals stated in this RFP and additional stakeholder input to guide the refinement of the concept plan.
2	The RFP requests preliminary drawings and phasing plans. Is there a level playing field if the firm that did the first phase of the project already has models and drawings?	As in any project, each respondent may bring strengths to the solicited work efforts. Nevertheless, the highest score shall be based solely on the scoring criteria in the RFP. No firm will be awarded additional points or provided any other advantage in proposal evaluation or scoring due to having worked on concept phase of the project. Further, the Market may be visited by any potential respondent during normal business hours, which provides ample opportunity for any respondent to develop any drawings or concepts to illustrate their understanding or perspective on their proposed approach.

3	How involved should the preliminary drawings be?	There are no requirements for the preliminary drawings prescribed by this RFP. Respondents must decide for themselves what drawings and/or renderings will best illustrate the team's vision for the project. The submitted drawings will be solely used to evaluate your approach to the project.
4	How many vendors would be a part of the site phasing plan?	There are currently 20 permanent vendors that would need to be included in the phasing plan, in addition to temporary weekend and holiday vendors.
5	Portions of the building/ garage appear to be closed to public access / use. Does the Market allow any members of the public onto the roof at any time (particularly around the garden)? If not, what are the reasons for this limited access / use?	On the roof, the garden area is locked November 1 – April 30 to secure the heating units but it's open for gardeners and the public during normal business hours during the rest of the year. On the second floor, there is a gated area to secure the air conditioning units.
6	Are there structural or other concerns about the building? Have any reports, letters, or other correspondence/ discussions (made or prepared by an RA or a PE) been developed related to any limited rooftop access? If yes, can copies of those documents be shared prior to submittal of the Proposal?	There are concerns about the deck and columns on the second floor of the building. There are several columns that have spalling and exposed reinforcing steel. The conditions are documented in the 2018 building conditions survey in Appendix E to the RFP, although the conditions have deteriorated further since the survey was performed. Appendix E can be accessed via the link at the bottom of page 2 of the RFP.
7	Have any tests of the reinforced concrete structure been completed? If yes, can copies of those test results be shared prior to submittal of the Proposal?	No, there have not been any tests performed.
8	Are there CAD files available?	Sorry, we do not have any CAD files available for the building.

9	<p>Required skills and experience Page 10 does not list hazardous materials, however abatement documents are mentioned in the 60% deliverables on page 12. Has testing been completed for hazardous materials, or is sampling and reporting required in addition to the development of abatement documents? To what extent has sampling and reporting be undertaken?</p>	<p>A pre-renovation survey can be found on page 143 of the 2018 Building Condition survey posted as Appendix E to the RFP. The survey covers asbestos, lead-based paint and polychlorinated biphenyls. Results of the survey should be confirmed by the consultant team.</p>
10	<p>Has NYS SHPO seen the proposed concept plans and approved in concept of the master plan modifications?</p>	<p>No State Historic Preservation Officer (SHPO) consultation was undertaken as part of the Business Plan process since it was limited to formulating broad concept plans and facilitating budget estimates for future improvements.</p>
11	<p>Does ESD have someone they are currently working with for the HTC syndication or is the consultant to bring that on the team?</p>	<p>ESD has not currently engaged any consultant on Historic Tax Credits (HTCs). The consultant should have a member of their team to evaluate the feasibility of applying HTCs and is possible, undertake the necessary work with applicable state/federal officials.</p>
12	<p>Task 6 - Sustainability programs: Is it ESD's intent to fully file the project for certification by LEED ,or is the design to be just follow the guidelines to be "certifiable". Specific consultant choices would be required for a fully filed and certified project. Is there a particular "metal" level the project wishes to reach (certified, silver, gold, platinum).</p> <p>Is it desired and/or required for the project to pursue any sustainable certifications like LEED?</p> <p>Are there specific sustainability and resiliency goals or targets that should be considered part of basic services for the project that exceed the requirements of the governing energy codes?</p>	<p>There are not specific sustainability/resiliency goals set for this project and we do not intend to file for LEED certification, but we would like to explore all opportunities to make the building as resilient as possible given the project constraints, including budget.</p>

13	Task 7 DD Phase – How many renderings are required, and to what level? Are high resolution photorealistic renderings required?	High resolution photorealistic renderings showing the interior and exterior of the building will be required to educate the general public and government partners about the project. It is up to the respondents to propose how many renderings will be created.
14	Task 7 mentions archaeological services. To what extent and where might those be required on this fully developed site.	This was inadvertently included from ESD standard design scope; archeological services will not be required for this particular project. An addendum to the scope of work has issued.
15	Who will be the permitting authority for the project? OGS or City of Buffalo? Will appearance at the Buffalo Preservation Board be required? Is the planning Board presentation informational, or a full submission? We just want to confirm because of the ESD involvement, which typically doesn't step down in municipal level.	The Market is owned by the City of Buffalo and the project would be treated as a City of Buffalo Project. As such, full approval from all applicable municipal regulatory boards and agencies will be required. ESD's (New York State's) involvement will be limited funding and project management support.
16	We interpret the Office and Field Engineering services to be those commonly found in professional services agreements, which are weekly. Please confirm that a full-time field engineer is not required or contemplated by ESD	Confirmed. Full-time field engineering services will not be required from the consultant; weekly meetings will suffice. Additionally, ESD and/or BMMI intent to hire a construction management firm to represent the project sponsors during and leading up to construction.

<p>17</p>	<p>Is there a shared/main commissary kitchen for the vendor stalls? If yes, do the three restaurants also share that kitchen? Does the rooftop restaurant share that same kitchen or have its own BOH?</p>	<p>The market does have a small, licensed kitchen that market vendors can use. Time is scheduled ahead of time. For example, That Greek Guy Bakery, uses the small kitchen to make his sauces. The market current restaurants: East/West Cafe, Margie's Soul Food, Potts Deli and Babcia's Pierogi all have their own kitchen area with a fire suppression system. They do not use the small kitchen. Apa's Restaurant does not have a fire suppression system and sometimes schedules time in the kitchen. Currently, there is no restaurant on the roof, although there is one proposed in the concept plan (this would need to be further vetted in this effort)</p>
<p>18</p>	<p>The RFP mentions that the demonstration kitchen was recently installed, is there any additional work required in that space?</p> <p>Is there any foodservice space in the 10 retail areas?</p> <p>Is there any foodservice space in the senior center/childcare center?</p> <p>Approximately how many vendor stalls will be included in the market?</p>	<p>Existing food service spaces are noted in the responses above. Overall, though these are to be determined during the design process. ESD will also be hiring a "Business Plan Implementation" consultant that will work with the selected A/E firm to determine the optimal program for the building that supports the targeted future uses in the Market. This includes the location, fit-out of vendor stalls, shared spaces, kitchens and community spaces.</p>
<p>19</p>	<p>When will the vendors of the stations be brought on board and will they be engaged in the SD phase of work?</p>	<p>Existing vendors can be included ASAP and should be included in stakeholder outreach efforts. The timing of engagement with new vendors is unknown at this point. We will need to strike the right balance between creating some excitement to generate new demand for vendors through outreach/press and knowing who/what we are designing for. It is possible that an additional consultant or staff member will be secured by BMMI to help with tenant recruitment.</p>

20	Is CJS Architects or Engberg Anderson Architects in competition for this project?	Since this is a public procurement process, we will not know which firms intend to submit proposals until they are submitted.
21	Is this project looking for an Architect of Record to execute the provided concept, or is this a proposal for a full scope Architect from design through construction?	This proposal is for full scope from design through construction.
22	You've stated that the concept design should serve as the basis of any proposed design, but also that the development of this project is meant to engage a community process. If part of a community process, is it fair to presume that design alternatives would be presented, some of which will vary from the current concept (while still guided by the program goals in Section IV)?	Yes, it is fair to say that. The final design will likely diverge from the concept since it will be affected by real-world factors such as budget and additional input from the community and project stakeholders.
23	<p>Should it be assumed that the current concept estimate of \$44.4M represents the project budget, or is it just the construction budget?</p> <p>Is the \$44M inclusive of project soft costs, CM fees, FF&amp;E, and other anticipated project costs necessary for the completion of the project?</p>	<p>The \$44.4M figure in the business plan is for construction alone. At this time, we do not have the budget to complete the whole concept plan. Currently, we have approximately \$31M available for design, CM and construction. But, we think there will be a short-term window of time available to raise additional funding up to the end of schematic design. The to-be-determined "business plan implementation" consultant will be responsible for supporting fund raising efforts. Submitted proposals for this RFP should assume a project that will cost approximately \$31M to construct, including FF&amp;E for existing tenants. If the project budget deviates substantially from this figure during the design process, ESD's contract with the consultant may be amended.</p>



24	Will a standardized Fee Table be provided to the RFP respondents breaking down proposed fees by task and/or design phase?	No, each respondent can determine the format of their fee proposal, but it must include hourly rates for each team member/job title and a breakdown of hours for each team member/job title by task.
25	Is there a preference or requirement to break out proposed fees by task and/or by project phase (programming, SD, DD, etc.)?	Please breakout by task, not phase.
26	In the RFP it is noted that funds are available to cover work through the end of the design development stage. Should consultant teams only provide fees for the tasks and phases through Design Development, or should proposed fees be provided for all phases of work described in the RFP inclusive of CD phase, Bidding, and CA phase tasks?	Please provide a fee proposal that includes all phases of work through construction administration.
27	Is it anticipated that ESD, or the Owner will directly contract with any consultants (separate from the fees and services requested in the RFP) i.e. geotechnical engineering, hazardous materials, etc.? Or should it be assumed that the prime consultant would hold the contracts of ALL subconsultants required for the project?	The prime consultant will hold all the required subcontracts, except construction management.
28	Beyond identification of potential funding sources and opportunities during the SD phase, Is it desired and/or required for the project to pursue any specific funding sources and grants related to energy, sustainability, resiliency, or other as part of basic services?	Yes. It is desirable for the consultant to explore all opportunities to bring additional revenue to the project when they relate to the physical design or operations of building systems, especially if they are related to resiliency.
29	Will the project scope include improvements to the operations of the parking facility (i.e. PARCS measures, equipment, or improvements)?	No, Parking Access and Revenue Control Systems (PARCS) should not be included in the scope, insofar as the parking ramp is now free of charge and will likely remain so. However, basic amenities on the parking levels (lighting, wayfinding signs, surface coatings, etc.) should be assumed.

30	<p>Are there specific cost estimation deliverables that can be provided? It is noted that a final cost estimate will be required during CD's – should consultants assume that each prior task/phase deliverables would also include a cost estimate?</p>	<p>Yes. The consultant must provide cost estimates during each phase of the project, including SD, DD and CDs. An addendum to the scope of work has been issued.</p>
31	<p>Please confirm the expectation that certain Tasks are intended to occur simultaneously (i.e. Agency Coordination &amp; Project Management occurring concurrently with Programming, SD, DD, CD, etc.)</p> <p>Is Task 2 (stakeholder engagement &amp; communications) intended to occur concurrently with any other specific task or design phase?</p>	<p>Confirmed. Agency coordination &amp; Project management (task 1 in RFP), Stakeholder engagement &amp; communications (task 3 in RFP) and Managing historic tax credits (task 4 in RFP) should run concurrently with other tasks through all phases of the project.</p>
32	<p>Is task 2 intended to have any specific task completed (programming, SD, etc.) prior to commencing public and institutional outreach efforts?</p>	<p>The exact timing of the first outreach efforts will be decided in consultation with the full project team once all consultants are onboard, including the A/E consultant and the business plan implementation consultant.</p>
33	<p>Please confirm if tasks 3, 4, &amp; 5 are intended to occur simultaneously and before task 6.</p>	<p>Tasks 3 (existing conditions analysis) should occur before task 6 (refined concept &amp; schematic design), but task 4 (Managing historic tax credits) and task 5 (project programming &amp; development of phasing plan) will likely span all design phases (SD, DD and CDs).</p>
34	<p>Are there specific deliverable components required to be included in the Project Phasing Plan deliverable for Task 5 (project schedule, phasing schedule, phasing building plans, programming plans, render views, cost estimates, etc.)?</p>	<p>The draft phasing plan requirement is intended to explain how the Market can still operate during construction. It should include, at a minimum, a timeline/list of phases and a description of where vendors will operate and where construction activities will take place. This can be done using phased building plans or other diagrams, but renderings and cost estimates are not required.</p>

35	Are there specific deliverable components required to be included in the Schematic Design Report deliverable for Task 6 (Architectural drawing set, Structural Drawing Set, MEP/FP and Civil drawing sets, Outline Specs, Design Narratives, phasing schedule, phasing building plans, programming plans, render views, cost estimates, etc.)?	All the listed components, at a minimum, should be included in the task 6 (refined concept & schematic design) deliverable, to varying degrees of completion appropriate to the phase. Please include a list of deliverable components for each phase of design (SD, DD, and CDs) in your proposal. An addendum to the scope of work has been issued.
36	Will an application be required for Site Plan Approval to the City of Buffalo Planning Board	Yes
37	Has the existing concept design included in the RFP documents been informed by and/or vetted for compliance with governing zoning, building code, accessibility, and local jurisdiction design requirements? If so, can any existing zoning and code analysis done to-date be provided for the purposes of putting together a proposal and fee?	The market is a permitted use under the local zoning. A conditions assessment informed the concept scope and budget based upon local/state codes. But all of the concept work will need to be verified/confirmed by the consultant team.
38	Has the existing concept design and cost estimate included in the RFP documents been informed by and/or vetted by structural engineering analysis or calculations? If so can any existing analysis done to-date be provided for the purposes of putting together a proposal and fee?	The concept plan and associated budget-level cost estimate were developed by a professional construction consultant (Turner Construction). But all of the concept work will need to be verified/confirmed by the consultant team.
39	Has the existing concept design and cost estimate included in the RFP documents been informed by and/or vetted by civil and MEP/FP engineering analysis or calculations? If so can any existing analysis done to-date be provided for the purposes of putting together a proposal and fee?	It has not, as noted above. It was informed by the conditions assessment and the cost estimate was developed by a professional construction consultant. Thus, all of the concept work will need to be verified/confirmed by the consultant team.

40	Is there documentation (plans, sections, elevations, 3D models) of the existing building in its current state that can be provided to RFP respondents?	No, all we have is the 2018 building conditions survey that was included in the appendix to the RFP.
41	Does the existing concept design included in the RFP documentation include an enlargement to the existing cellar footprint, or just propose a reallocation of the programming of the existing cellar footprint?	The concept plan assumes the latter; a reallocation of the existing uses at the basement/cellar area. No expansion of the basement is anticipated.
42	Are we correct to assume no offsite improvements required; roadway, utilities, etc.	Yes, that is correct
43	Are we correct to assume no stormwater management required, earth disturbance less than ¼ ac	Yes, that is correct
44	Will a downstream sewer capacity study be required, wastewater generation to similar to existing use	No, it can be assumed that the sewer capacity is suitable. However, in the context of sustainable design, measures could be considered to divert stormwater from enter the City’s combined system, particularly if it would add value to the project (e.g., reduced operating costs or opportunities for additional funding sources).
45	Concept Theme 3 eliminates Save-a-Lot, during the walkthrough it was stated that Save-a-lot would remain, will it stay or be removed/relocated to a new retail space?	This and other lease decisions will be made during the design process. Save-a-Lot has a lease through 2025.

46	There are two existing community kitchen spaces, are these spaces to be replaced? Per Concept scheme 3 it looks like they are being relocated/removed.	The final disposition of these spaces should be developed as part of the programming tasks.
47	Will consultant be responsible for all kitchen MEP support for new restaurants and food stalls?	Yes, for all existing vendors and those identified during the design process. Otherwise prototype plans for MEP should be developed for future construction of new vendor stalls.
48	Will consultant be providing kitchen consultant services for every vendor or will each vendor cover their own?	Yes, for all existing vendors and those identified during the design process. Otherwise prototype plans should be developed for future construction of new vendor stalls.
49	Will designer be responsible for fit-out of all retail/restaurant/banking spaces or are we “whiteboxing” for future tenants?	Yes, for all existing vendors and those identified during the design process. Whiteboxing will likely be done, but prototype plans should be developed for future construction of new vendor stalls.
50	Estimate provides mech infrastructure but excludes fit out of retail, vendor shops, restaurants and the bank.	As mentioned above, fit out will be included for existing vendors and vendors identifies during the design process, except the bank.
51	Will all cooking be limited to restaurants and community kitchen spaces or will food stalls have light duty cooking?	Food stalls will likely have some light cooking duties that would not require ventilation hoods.
52	Has any flow test been done? It is known that a fire pump is not required	No. A flow test has not been done.

53	Is there a target date for demolition and start of construction? Has a schedule been considered for project phasing?	Preliminarily, it is desired to have construction begin in the Spring of 2025 and have a two-year duration. Respondents should use these as target dates.
54	How long are the currently held leases in place? What is the target date for BMMI's lease to begin?"	Leases range anywhere from one to seven years and depends on the vendor and the length of time at the market. It is anticipated that the BMMI lease with the City will occur by the first quarter of 2024, but negotiations are taking place now. BMMI's lease will not affect the design timeline.
55	Will current tenants be relocated during construction? Will this be onsite or offsite?"	Yes. It will be up to the consultant to propose a phased approach to relocating the existing vendors onsite. Respondents must include a draft phasing plan that addresses this as a part of their proposals. See task 5 on page 12 of the RFP and required proposal contents on page 14.