



**Empire State
Development**



Buffalo Waterfront Website Development and Branding

REQUEST FOR QUALIFICATIONS

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A subsidiary of the New York State Urban Development Corporation d/b/a

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I. INVITATION TO SUBMIT QUALIFICATIONS

The Erie Canal Harbor Development Corporation (ECHDC), a subsidiary of the New York State Urban Development Corporation d/b/a Empire State Development (ESD), is seeking qualifications from consultants or teams of consultants to provide website development and branding for part of the Buffalo Waterfront, consisting of the two destinations known as Canalside (at Buffalo's inner harbor) and the Outer Harbor located in Downtown Buffalo, New York.

II. PROJECT BACKGROUND

Buffalo, New York

Buffalo is the second most populous city in the state of New York, second only to New York City. Located in Western New York State on the eastern shores of Lake Erie and at the head of the Niagara River, Buffalo is the principal city of the Buffalo-Niagara Falls metropolitan area and the seat of Erie County. The city itself has nearly 300,000 residents in 52.5 square miles, while the entire metropolitan area has over 1,250,000 residents.



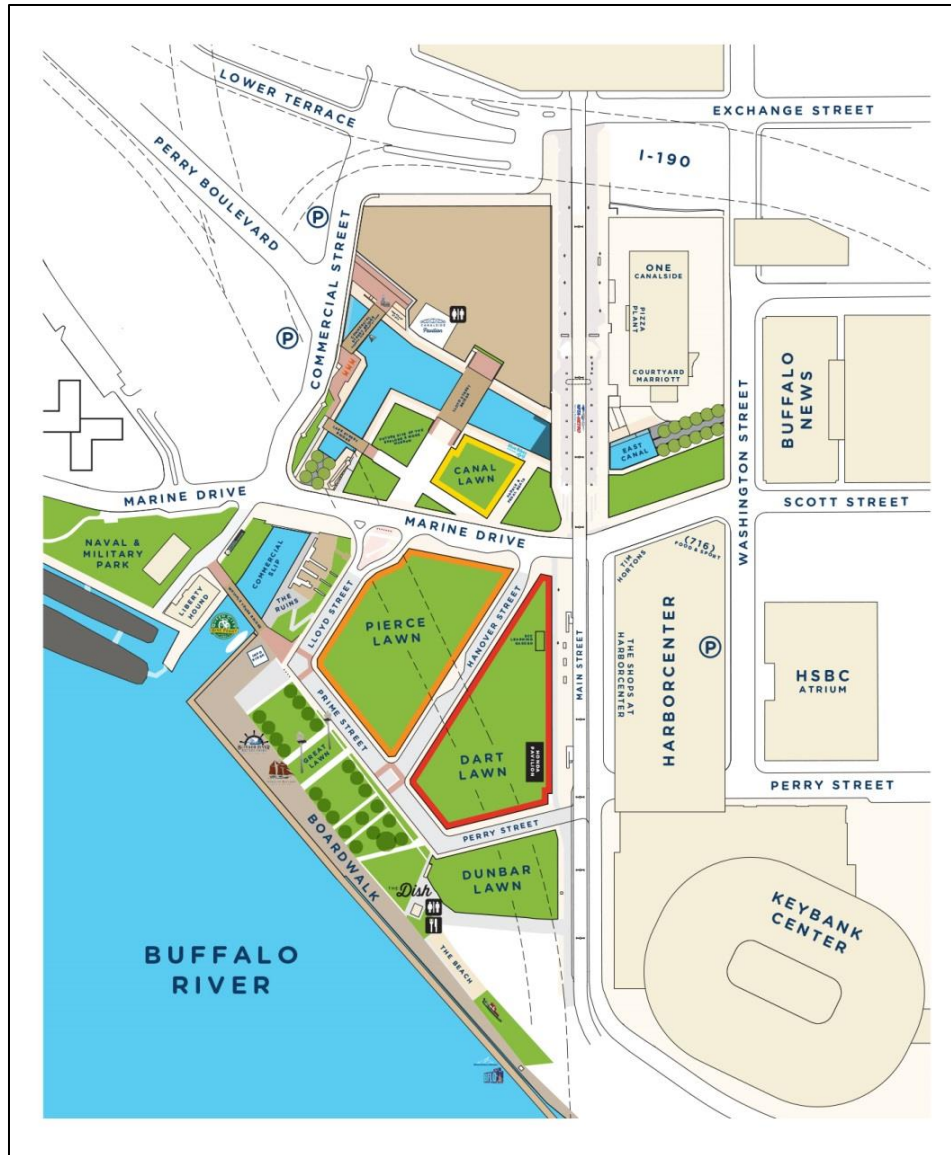
Buffalo's Waterfront: Canalside (foreground) and Outer Harbor (background)

Figure II - 1

Canalside

Buffalo Waterfront Branding & Website Development
REQUEST FOR QUALIFICATIONS

For decades Buffalo, New York's Inner Harbor and Waterfront sat desolate and underutilized until 2005, when the Erie Canal Harbor Development Corporation (ECHDC) was formed to spearhead Buffalo's Waterfront revitalization and reclaim the area as one of America's brightest historical treasures. Millions of dollars in both public and private investment have transformed the Inner Harbor into what is now known as Canalside- a mixed use urban entertainment destination. Open to the public since May 2008, Canalside features several fully restored facets of the original Erie Canal Harbor including the Commercial Slip, Boardwalk, and the Historic Public Canals. A year round attraction that hosts over one million visitors annually, Canalside boasts thousands of events, concerts, festivals, family activities, attractions, historical and cultural programming, art, food, and tours that capitalize on and showcase the diverse resources of the Western New York Region. In addition, the Historic Public Canals are frozen in the winter months to become New York State's largest outdoor ice skating rink. For more information, visit www.CanalsideBuffalo.com.



Canalside Site Plan Figure II-2

ECHDC is currently leading Phase 3 of Canalside Development. The Canalside Project Area is bounded on the north by Upper Terrace and Exchange Streets and Perry Boulevard; on the east by Washington Street and Seymour H. Knox III Plaza; on the south by Perry Street and the Buffalo River; and on the west by Erie Street, Marine Drive, and Pearl and Commercial Streets. See Figure II-2.

The Canalside project includes both public and private investment for commercial (retail, lodging, and office) and cultural spaces on approximately 20 acres. Canalside provides various year-round offerings and experiences, including a seasonal outdoor ice skating rink, restaurants, entertainment venues, hotels/lodging, cultural attractions, and vast public spaces, including but not limited to the

KeyBank Center, HARBORCENTER, One Canalside, the Historic Public Canals, and the Central Wharf/Commercial Slip. In addition, the site benefits from an efficient roadway network that supports regional and international access to Canada via the Peace Bridge, to the NYS Thruway via Interstate-190, NYS Department of Transportation Route 5, and NTFA's Metro Rail system; and proximity to a host of both local and regional historic, natural, and cultural attractions, include Niagara Falls. Parking in the Canalside area is located within parking garages, with a few small surface lots and a number of on-street parking options also available. It can also be accessed via watercraft with nearly 1,000 linear feet of docking space.

a. Canalside's Private Development Projects

Canalside has two significant private investment projects: One Canalside and HARBORCENTER.

One Canalside is a \$30 million mixed-use project that transformed the former Donovan State Office Building into a mixed-use development. The project began in December 2007, when ECHDC assumed ownership of the vacant building, remediated hazardous waste materials, and completed interior demolition. After a public bidding process, the building was then purchased by Benderson Development who stripped the building down to its steel beams and gave it a modern exterior and interior. One Canalside is anchored by the law offices of Phillips Lytle and also includes a Courtyard Marriot and Pizza Plant restaurant.

HARBORCENTER is a \$200 million mixed use sports and entertainment complex in front of the KeyBank Center, developed by Buffalo Sabres' owners Terry and Kim Pegula. HARBORCENTER consists of a 200 room Marriott hotel, two NHL-sized ice rinks, a state of the art training facility, 716 Food and Sport restaurant, a flagship Tim Hortons Café and Bake Shop, retail shops on the first floor, and an 800 space parking ramp.

b. The Historic Public Canals

The Historic Public Canals, a \$20 million investment in public space on the former location of Buffalo's Memorial Auditorium, is an interpretive landscape of water features and site amenities as dictated by the 1915 survey of the terminus of the Erie Canal. The alignment of the Canals, Towpaths, and Bridges help visitors understand the history and character of the former canal district, the terminus of the Erie Canal and its significance to the City of Buffalo, New York State and the Nation. Opened in 2014, The Canals are actively programmed year-round with a variety of fitness classes, events, activities, and amenities. In addition to the landside activities, the Canals are home to a number of waterside vendors and activities including paddle and pedal boats, remote-controlled sailboats, and SUP Yoga Classes. During the winter months the Canals are drained, frozen, and open for ice rink activities-including open skate, curling, ice bike rentals, skating classes, and pond hockey. Canalside hosts over 50,000 skaters, ice-bikers, and curlers during the winter season.



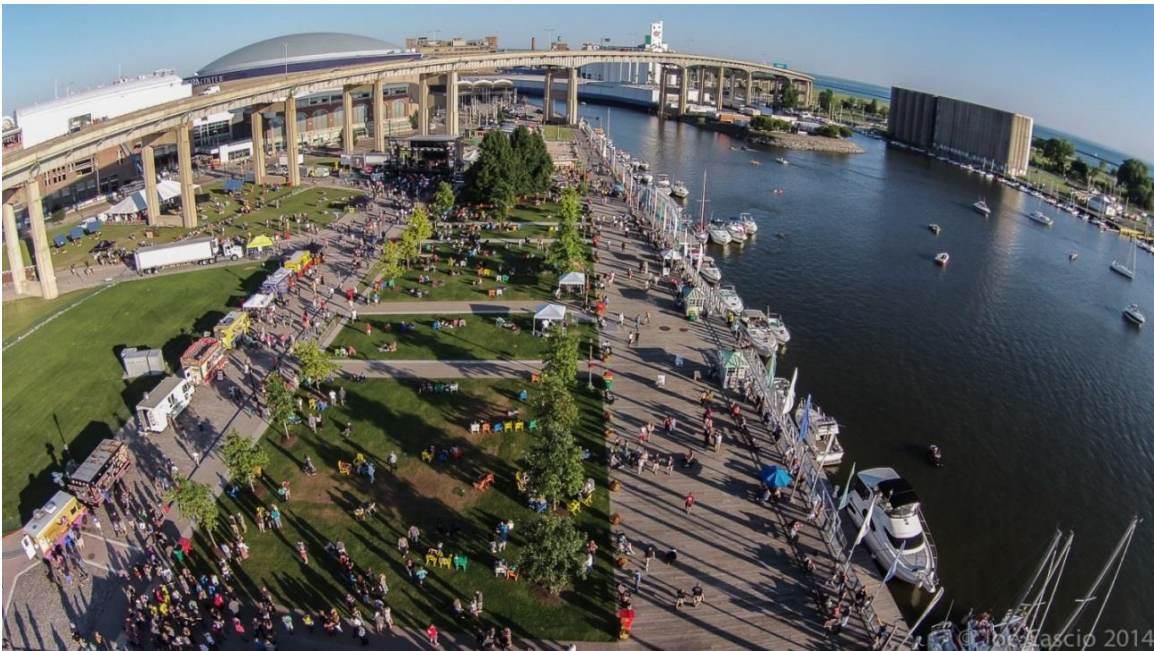
Historic Canals – Skating in Winter | Figure II-3



Historic Canals – Summer | Figure II - 4

c. Central Wharf

Opened in 2008, Canalside's Central Wharf has emerged as downtown Buffalo's most popular public space. Overlooking the Buffalo River, the Central Wharf is home to thousands of events each spring summer, and fall, including concerts, fitness classes, musical performances, children's activities, history tours, and a local artisan market. The Central Wharf features several fully restored facets of the original Erie Canal, including the Commercial Slip and its historic ruins, a wooden plank boardwalk that runs along the river, the "Whipple Truss" Foot Bridge, and cobblestone streets. Canalside's signature colorful Adirondack chairs have become iconic with waterfront visitors and, combined with benches, provides a variety of seating options for visitors to take in the sweeping views of the River, the sunsets, or the Grain Elevator Light Display (www.canalsidebuffalo.com/grainelevator). The Central Wharf is also home to The Dish take out restaurant & ice cream stand, a beer garden, 1000' linear feet of public transient docking, as well as various waterside activity and charter boat operators. The Central Wharf and public docks are owned by the City of Buffalo but are fully managed by ECHDC. Based on a management agreement between ECHDC and the City of Buffalo, ECHDC has exclusive management rights at the City owned property.



Central Wharf & Lawns | Figure II – 5



Central Wharf – Beach Sand Play Area | Figure II - 6

d. Pierce, Dart, and Dunbar Lawns

Immediately adjacent to the Central Wharf are the Pierce, Dart, and Dunbar Lawns. These development sites are owned by the City of Buffalo, and were sodded in 2012 for aesthetic and functional reasons. The lawns provide large areas for passive and active recreation, and are home to many Canalside activities, including the popular Canalside Live Thursday summer concert series.



Canalside Live Thursday Concert – Charles Bradley | Figure II – 7



Free movie night on the Pierce Lawn | Figure II - 8

e. Historic Ruins & Commercial Slip

Canalside's Commercial Slip is a recreation of the historic Western Terminus of the Erie Canal and is located at the northern end of the Central Wharf. Today, the slip serves as docking space for ECHDC-approved charter boats that provide tours, sailing trips, and bike ferry service from Canalside to Buffalo's Outer Harbor. Adjacent to the Commercial Slip is the Historic Ruins- three "outdoor rooms" formed by the actual foundations of the small mercantile buildings that lined the original Commercial Slip. The Ruins have been repurposed as an intimate public space that hosts historic and cultural programming as well as some private events.



Commercial Slip & Historic Ruins | Figure II – 9

f. East Canal

The East Canal is located to the south of the One Canalside building and follows the alignment of the Erie Canal as dictated by the 1915 survey. The East Canal is an outdoor public space that features a granite plaza, a shallow pool of water, fountains, seating, lighting and a shaded tree grove. The water feature is approximately two feet deep, with troughs to circulate the water, and lined with Towpaths to allow the public to walk along the entire Canal. The eastern end of the East Canal integrates tree plantings with the space to create a tranquil, quiet urban oasis within the busy district. The East Canal is not designed to be drained in the winter for ice skating.



East Canal – Summer | Figure II- 10



East Canal –Winter | Figure II- 11

In Progress and Future Canalside Projects

g. Children’s Museum Construction

In 2012, ECHDC’s Board of Directors selected Explore and More Children’s Museum of East Aurora, New York to develop, fit-out, operate, and maintain a world-class children’s museum at Canalside. ECHDC designed and is currently constructing the core and shell of the approximately 43,000 sq. ft. building which is located on a parcel just south of the Historic Public Canals. The building is currently under construction and is expected to open in early 2019.



Explore and More Children's Museum – Under Construction | Figure II - 12

h. Remainder of South Aud Block

ECHDC has recently received, and is evaluating, multiple proposals in response to an RFP aimed to develop the remainder of the parcel just south of the Historic Public Canals with mixed use developments. ECHDC plans on selecting the developer by February of 2018, with an expectation of construction to be completed by 2019. It is envisioned that the development will be mixed use to include residential, retail, restaurants, and office space.

i. Interpretive Structures

ECHDC recently retained HHL Architects to lead the design phase for several capital improvements and investments at locations along the Central Wharf, which will allow for increased public access and activation of Canalside.

The focus of the Project is on two former buildings located along the Commercial Slip:

- Commercial Slip Pavilion: A 5,000 sf open pavilion structure that recalls a historic 19th-century building. This structure can host events, recurring programming, and seasonal markets and will have restrooms.
- Union Block Building (aka Dug's Dive): a partially open, 3 & 4 story tall structure that will allow for additional year-round programming, private events, public restrooms, exhibit space, and an information center.

j. Wayfinding and Interpretive signage

ECHDC has also contracted with Entro Communications Inc. to design, fabricate, and install a comprehensive wayfinding & interpretive signage program throughout Canalside and the surrounding area in order to welcome and guide visitors from major highways and entrance points into the Canalside District. The signage program will also work to educate and enlighten visitors on the historical significance of and the role the terminus of the Erie Canal played in both Buffalo and the United States' history.

k. Historic Carousel

A historic 1924 Herschell-Spillman Wooden Carousel is currently being restored and is expected to be relocated to Canalside in 2019 inside a 7,000 sq. ft. structure along the Boardwalk near the Dish restaurant and the Beach.

As of Spring 2017, events and activities, marketing, and daily operations at Canalside are managed with ECHDC's oversight by Be Our Guest Ltd. via a contract with the ECHDC.

Site and event information can be found at www.canalsidebuffalo.com.

Outer Harbor

In September 2013, New York Governor Andrew Cuomo presented his vision for a dramatic transformation of the City of Buffalo's largely vacant Outer Harbor waterfront. This has included the transfer of approximately 350 acres of waterfront land from the Niagara Frontier Transportation Authority (NFTA) to the ECHDC, whose mission and resources will better enable it to support and expedite the land's redevelopment.

Historically created through land filling along the Lake Erie shoreline, the NFTA (then the Niagara Frontier Port Authority) had used the northern portion of this property since the late 1950s for outdoor storage of sand, salt, gravel, and other bulk materials, as well as similar industrial port-related activities; these all ceased in the late 1990s. The southern portion of the lands has operated as the "NFTA Boat Harbor", a marina for small private boats. In addition, over the last decade, an NFTA-owned inlet south of the marina was progressively improved by NFTA and became known as "Gallagher Beach", which largely facilitated wind surfing and personal watercraft use.

Approximately 190 acres of the transferred Outer Harbor lands, including the NFTA Boat Harbor and Gallagher Beach, is now being operated by the NYS Office of Parks, Recreation and Historic Preservation (OPRHP) and designated as "Buffalo Harbor State Park". OPRHP is currently advancing a series of efforts to enhance services and activities in this the first state park ever established within the City of Buffalo.

The remaining approximately 160 acres of land north of Buffalo Harbor State Park, together with Wilkeson Point (acquired by ECHDC in 2008 and 2012) and other nearby public lands, (see Figure II-13 below) will ultimately be improved and used in accordance with a community-driven Buffalo Outer Harbor Blueprint (the “Blueprint”), a long-term plan that was developed in accordance with ECHDC’s guiding principles and significant public input. The Blueprint describes future land uses and areas for future development/redevelopment, has recently been accepted by the ECHDC Board of Directors and is being incorporated into the City of Buffalo’s Unified Development Ordinance (“Green Code”).

There are a number of relatively low-disturbance activities that would enhance access and facilitate greater public use/enjoyment of the Outer Harbor pending the implementation of the Blueprint land uses and its subsequent environmental review process under the City of Buffalo. The subject lands have already undergone a number of incremental trail access, clean-up/remediation, and recreational improvements over the last decade while in NFTA ownership, including shore stabilization, new trail systems along the water’s edge and along public roads in the area, remediation of former disposal sites, clearance of blighting structures, and periodic programming of activities such as concerts.

ECHDC is moving forward with low impact “Lighter, Quicker, Cheaper” access and activation improvements to the property, currently with the design firm Trowbridge & Associates, which are expected to be constructed by 2019. They would fill in existing access gaps, expand public usage of this great resource, and provide for additional activities that while transient/seasonal, would open public awareness of this seldom-visited part of the City. Phase 2 of the project will begin the design phase in 2018.

In addition, ECHDC acquired another 50 acres of Outer Harbor property consisting of two vacant warehouses and two smaller buildings commonly referred to as the Port Terminal Complex. ECHDC currently has an RFP out for capital improvements for the Terminal B complex. It is expected that this former industrial building will be repurposed into a mixed use/event space in 2020.

Finally, in early 2018, ECHDC will request proposals for the redevelopment of First Buffalo River Marina into a 14-acre public marina with waterfront access, marina facilities, restaurant and boat storage. The Marina will have a new Queen City Bike Ferry landing for direct access from Canalside to the Outer Harbor.

Buffalo Outer Harbor



Figure II – 13 | Outer Harbor Map



Wilkeson Pointe – Bicycling | Figure II – 14



Wilkeson Pointe – Sunset at the beer garden | Figure II – 15



Wilkeson Pointe – Yoga | Figure II – 16

Although open year-round, the Outer Harbor is primarily a summertime attraction that hosts a multitude of recreational activities as well as some events and festivals. Most activity to date has been focused at Wilkeson Pointe but that is expected to change once the “LQC” projects referenced above are completed.

For the past two years, events and activities, marketing, and daily operations at the Outer Harbor are managed with ECHDC’s oversight by Be Our Guest Ltd. via a contract with the ECHDC.

Site and event information can be found at www.outerharborbuffalo.com.

III. PROJECT GOALS & CURRENT ASSETS

Canalside has, for several years now, been established as a key element in Buffalo’s renaissance and one of the City’s top destinations for locals and tourists to attend events, partake in recreational activities, learn about the history of the Erie Canal, and more. In recent years the Outer Harbor has begun to emerge as another destination for recreational activities as well as some events and festivals, mostly for locals. Both sites will see new development in the coming years (see **Section II** for more details).

Since daily events and operations at both locations are now managed day-to-day by the same contractor (Be Our Guest, Ltd.) the timing is right to bring these two brands together under one umbrella. ECHDC seeks to develop a single online stop for the public to find information about Canalside and Outer

Harbor events, parking, amenities, and more. We believe that creating a “Buffalo Waterfront” umbrella brand and web presence is the best way to accomplish this.

Currently ECHDC, in conjunction with Be Our Guest, manages the following online assets:

Canalside Buffalo

- Website: <https://www.canalsidebuffalo.com/>
- Facebook: <https://www.facebook.com/canalsidebflo/>
- Instagram: <https://www.instagram.com/canalsidebflo/>
- Twitter: <https://twitter.com/canalsidebflo>

Outer Harbor Buffalo

- Website: <https://outerharborbuffalo.com/>
- Facebook: <https://www.facebook.com/OuterHarborBuffalo/>
- Instagram: <https://www.instagram.com/outerharborbflo/>
- Twitter: <https://twitter.com/outerharborbflo>

IV. PRELIMINARY SCOPE OF SERVICES

(The following scope of work is subject to change prior to requesting full proposals)

The successful respondent (or team of respondents) will be expected to complete the following:

1. Develop a Buffalo Waterfront website that, at a minimum, must have the following features:
 - a. Event calendar for both Canalside and the Outer Harbor
 - b. Interactive site maps to communicate event locations and site amenities
 - c. Communicate in-progress and upcoming development projects and details
 - d. Retail component for merchandise sales
 - e. Directions and parking information
 - f. Contact form
 - g. Recognition for sponsors
 - h. Easy to use content management system
 - i. Mobile responsive
 - j. Ability to add on features at a later time (i.e. augmented reality, reservation system)

2. Search Engine Optimization
3. Hosting of website for up to 5 years
4. Develop a Buffalo Waterfront umbrella brand which includes, but is not limited to, name logo, and basic brand standards
5. Develop recommendations to introduce the new brand to the public, including social media plan

Please note: Existing brands for Canalside and Outer Harbor have a lot of value, particularly Canalside. It is not our intention to dissolve these existing brand identities.

V. SELECTION PROCESS

A. Skills Required/Qualifications

Preference will be given to a respondent (or team of respondents) that have demonstrated experience in:

- Website development and hosting, particularly for growing regional attractions and/or active public spaces like Canalside and the Outer Harbor;
- Search engine optimization;
- Branding/Marketing, particularly for growing regional attractions and/or active public spaces like Canalside and the Outer Harbor
- Brand development, especially development of an umbrella brand;
- Social media strategy, particularly when it comes to introduction of an umbrella brand

B. Selection Process

A maximum of three (3) applicants will be selected, or 'short-listed', to respond to an RFP and interview based on the following evaluation criteria and weights (100 points total) as follows:

- Experience/qualifications of the company (or companies) to undertake the specific requirements of the Preliminary Scope of Services – 30 points;
- Quality of work product as demonstrated in submitted relevant work samples of past projects – 25 points;
- Qualifications and experience of key personnel assigned to this project – 20 points
- Familiarity and experience working with regional attractions/active public spaces like Canalside and the Outer Harbor – 10 Points;
- Ability of the Consultant to complete projects of this type on schedule and within budget – 10 Points;
- Diversity Practices – Respondents will be given points based upon the contents of the Diversity Practices Questionnaire and the Diversity Practices Scoring Matrix (see Exhibit C) – 5 points

'Short-Listed' firms (or teams) will be notified by close of business on February 20, 2018 that they have been selected to respond to the RFP. Selection will be based on an independent evaluation of the submitted qualifications using the above factors. ECHDC will then issue the Final Scope of Services to the qualified 'Short-Listed' proposers to provide Final Proposals. Interviews of 'short-listed' firms/teams will occur after Final Proposals are received. ECHDC reserves the right to forego the interview phase in the event of only one qualified response. After the interview process, the final selection will be a "best value" selection based on the quality and project approach to the Final Scope of Services as well as the proposed cost (to include a review of the proposed number of hours and hourly rates).

ECHDC reserves the right to:

- Seek clarification and revisions of proposals
- Seek a final and best offer from those firms short-listed.
- Make an award under the RFP in whole or in part.
- Require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring full and complete understanding of an offerer's proposal and/or to determine an offerer's compliance with the requirements for the solicitation.
- Make revisions to the scope of work after contract award to ensure that the project goals are met.

C. Proposal Requirements

Respondents or teams are required to submit one (1) signed original, five (5) hard copies, and one (1) electronic copy of the proposal.

The proposal should include a cover letter or statement demonstrating the respondent's understanding of the project, scope of services, and Canalside and the Outer Harbor's role as an important network of active public spaces in downtown Buffalo. The cover letter or statement should also describe the respondent's understanding of ECHDC's goals for the Waterfront and how the respondent would work with ECHDC to achieve those goals.

The proposal must contain the qualifications and experience of the key personnel that the respondent will assign to this project. It should also contain hourly rates for the key personnel who will work on this project.

The proposal should include detailed descriptions of the company's (or the team's) work in at least three (3) comparable and relevant projects, and references for those projects.

In the case of teams of more than one company, the Proposal should include projects where the team has worked together before, if applicable, and a detailed description of the partnership.

The Proposal shall be limited to no more than 100 single-sided or 50 double-sided pages. Three-ring binders will not be accepted. Exhibit C - Required Forms do NOT count against the page limit.

D. Other Certifications & Requirements

1. Contractor Requirements and Procedures for Business Participation Opportunities for New York State Certified Minority- and Women-Owned Business Enterprises and Equal Employment Opportunities for Minority Group Members and Women

NEW YORK STATE LAW

Pursuant to New York State Executive Law Article 15-A and Parts 140-145 of Title 5 of the New York Codes, Rules and Regulations ESD is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises (“MWBEs”) and the employment of minority group members and women in the performance of ESD contracts.

Business Participation Opportunities for MWBEs

For purposes of this solicitation, ESD hereby establishes an overall goal of 30% for MWBE participation (based on the current availability of qualified MBEs and WBEs). A contractor (“Contractor”) on any contract resulting from this procurement (“Contract”) must document its good faith efforts to provide meaningful participation by MWBEs as subcontractors and suppliers in the performance of the Contract. To that end, by submitting a response to this RFP, the respondent agrees that ESD may withhold payment pursuant to any Contract awarded as a result of this RFP pending receipt of the required MWBE documentation. The directory of MWBEs can be viewed at: <https://ny.newnycontracts.com>. For guidance on how ESD will determine a Contractor’s “good faith efforts,” refer to 5 NYCRR §142.8.

The respondent understands that only sums paid to MWBEs for the performance of a commercially useful function, as that term is defined in 5 NYCRR § 140.1, may be applied towards the achievement of the applicable MWBE participation goal. The portion of a contract with an MWBE serving as a broker that shall be deemed to represent the commercially useful function performed by the MWBE shall be 30% of the total value of the contract.

In accordance with 5 NYCRR §142.13, the respondent further acknowledges that if it is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth in a Contract resulting from this RFP, such finding constitutes a breach of Contract and ESD may withhold payment from the Contractor as liquidated damages.

Such liquidated damages shall be calculated as an amount equaling the difference between: (1) all sums identified for payment to MWBEs had the Contractor achieved the contractual MWBE

goals; and (2) all sums actually paid to MWBEs for work performed or materials supplied under the Contract.

By submitting a bid or proposal, a respondent agrees to demonstrate its good faith efforts to achieve the applicable MWBE participation goals by submitting evidence thereof through the New York State Contract System ("NYSCS"), which can be viewed at <https://ny.newnycontracts.com>, provided, however, that a respondent may arrange to provide such evidence via a non-electronic method by contacting ESD's Office of Contractor and Supplier Diversity (OCSD) at OCSD@ESD.NY.GOV.

Additionally, a respondent will be required to submit the following documents and information as evidence of compliance with the foregoing:

- A. An MWBE Utilization Plan (Form OCSD-4) with their bid or proposal. Any modifications or changes an accepted MWBE Utilization Plan after the Contract award and during the term of the Contract must be reported on a revised MWBE Utilization Plan and submitted to ESD for review and approval.

ESD will review the submitted MWBE Utilization Plan and advise the respondent of ESD's acceptance or issue a notice of deficiency within 30 days of receipt.

- B. If a notice of deficiency is issued, the respondent will be required to respond to the notice of deficiency within seven (7) business days of receipt by submitting to OCSD at OCSD@esd.ny.gov, a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by ESD to be inadequate, ESD shall notify the respondent and direct the respondent to submit, within five (5) business days, a request for a partial or total waiver of MWBE participation goals. Failure to file the waiver form in a timely manner may be grounds for disqualification of the bid or proposal.

ESD may disqualify a respondent as being non-responsive under the following circumstances:

- a) If a respondent fails to submit a MWBE Utilization Plan;
- b) If a respondent fails to submit a written remedy to a notice of deficiency;
- c) If a respondent fails to submit a request for waiver; or
- d) If ESD determines that the respondent has failed to document good faith efforts.

The successful respondent will be required to attempt to utilize, in good faith, any MBE or WBE identified within its MWBE Utilization Plan, during the performance of the Contract. Requests for a partial or total waiver of established goal requirements made subsequent to Contract

Award may be made at any time during the term of the Contract to ESD, but must be made no later than prior to the submission of a request for final payment on the Contract.

The successful respondent will be required to submit a quarterly MWBE Contractor Compliance & Payment Report to ESD, by the 10th day following each end of quarter over the term of the Contract documenting the progress made toward achievement of the MWBE goals of the Contract.

Equal Employment Opportunity Requirements

By submission of a bid or proposal in response to this solicitation, the respondent agrees with all of the terms and conditions of [SCHEDULE B - PARTICIPATION BY MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES: REQUIREMENTS AND PROCEDURES](#). The respondent is required to ensure that it and any subcontractors awarded a subcontract for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work"), except where the Work is for the beneficial use of the respondent, undertake or continue programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, equal opportunity shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, and rates of pay or other forms of compensation. This requirement does not apply to: (i) work, goods, or services unrelated to the Contract; or (ii) employment outside New York State.

The respondent will be required to submit a Minority and Women-Owned Business Enterprises and Equal Employment Opportunity Policy Statement, Form OCSD-1, to ESD with their bid or proposal.

If awarded a Contract, the respondent shall submit a Workforce Utilization Report (Form OCSD-3) and shall require each of its Subcontractors to submit a Workforce Utilization Report, in such format as shall be required by ESD on a quarterly basis during the term of the contract.

Further, pursuant to Article 15 of the Executive Law (the "Human Rights Law"), all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor and subcontractors will not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

Please Note: Failure to comply with the foregoing requirements may result in a finding of non-responsiveness, non-responsibility and/or a breach of the Contract, leading to the withholding of funds, suspension or termination of the Contract or such other actions or enforcement proceedings as allowed by the Contract.

The required forms can be found at the following web addresses:

Form OCSD-1

http://esd.ny.gov/CorporateInformation/Data/RFPs/OCSD_1MWBEEEOPolicyStatement.pdf

Form OCSD-2

http://esd.ny.gov/CorporateInformation/Data/RFPs/OCSD_2StaffingPlan.pdf

Form OCSD-3

http://esd.ny.gov/CorporateInformation/Data/RFPs/OCSD_WorkforceUtilizationReport.xlsx

Form OCSD-4

http://esd.ny.gov/CorporateInformation/Data/RFPs/OCSD_4MWBEUtilizationPlan.pdf

In the event that the above links are unavailable or inactive, the forms may also be requested from ESD's Office of Contractor & Supplier Diversity ("OCSD") at OCSD@ESD.NY.GOV.

Diversity Practices

ESD has determined, pursuant to New York State Executive Law Article 15-A, that the assessment of the diversity practices of Respondents is practical, feasible, and appropriate. Accordingly, respondents shall be required to include as part of their response to this procurement the Diversity Practices Questionnaire (See Exhibit C).

2. Contractor Requirements and Procedures for Business Participation Opportunities for New York State Certified Service-Disabled Veteran-Owned Businesses

NEW YORK STATE LAW

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"); thereby further integrating such businesses into New York State's economy. ESD recognizes the need to promote the employment of service-disabled veterans and to ensure that certified service-disabled veteran-owned businesses have opportunities for maximum feasible participation in the performance of ESD contracts.

In recognition of the service and sacrifices made by service-disabled veterans and in recognition of their economic activity in doing business in New York State, Bidders/Contractors are strongly encouraged and expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles.

For purposes of this procurement, ESD conducted a comprehensive search and determined that the Contract does not offer sufficient opportunities to set specific goals for participation by SDVOBs as subcontractors, service providers, and suppliers to Contractor. Nevertheless, Bidder/Contractor is encouraged to make good faith efforts to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

The directory of New York State Certified SDVOBs can be viewed at:

<http://ogs.ny.gov/Core/SDVOBA.asp>.

Bidder/Contractor is encouraged to contact the Office of General Services' Division of Service-Disabled Veteran's Business Development at 518-474-2015 or VeteransDevelopment@ogs.ny.gov to discuss methods of maximizing participation by SDVOBs on the Contract.

3. State Tax Law Section 5-a

Any contract resulting from this solicitation is also subject to the requirements of State Tax Law Section 5-a ("STL 5-a"). STL 5-a prohibits ESD from approving any such contract with any entity if that entity or any of its affiliates, subcontractors or affiliates of any subcontractor makes sales within New York State of tangible personal property or taxable services having a value over \$300,000 and is not registered for sales and compensating use tax purposes. **To comply with STL 5-a, all respondents to this solicitation must include in their responses a properly completed Form ST-220-CA, a copy of which is accessible at the Required Forms for Vendors link at the ESD web site.** (<http://esd.ny.gov/CorporateInformation/RFPs.html>). Also in accordance with the requirements of STL 5-a, any contract resulting from this solicitation will require periodic updating of the certifications contained in Form ST-220-CA. Solicitation responses that do not include a properly completed ST-220-CA will be considered incomplete and non-responsive and will not be considered for contract award. Only the prime consultant completes Form ST 220-CA, but Schedule A to Form ST 220-CA requires detailed information from the sub-consultants, such as tax ID number, etc., if applicable. Moreover, if applicable, certificates of authority must be attached by the prime consultant and all the sub-consultants.

4. State Finance Law Sections 139-j and 139-k

State Finance Law Sections 139-j and 139-k (collectively, the “Procurement Requirements”) apply to this RFP. These Procurement Requirements (1) govern permissible communications between potential respondents and ESD, ECHDC or other involved governmental entities with respect to this RFP; (2) provide for increased disclosure in the public procurement 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 of any contract pursuant to this RFP. Compliance with the Procurement Requirements requires that (x) all communications regarding this RFP, from the time of its issuance through final award and execution of any resulting contract (the “Restricted Period”), be conducted only with the designated contact persons listed below; (y) the completion by respondents of the Offerer Disclosure of Prior Non-Responsibility Determinations, and the Offerer’s Affirmation of Understanding of an Agreement pursuant to State Finance Law (each form is accessible at the Required Forms for Vendors link at the ESD web site under “RFPs/RFQs”); and (z) periodic updating of such forms during the term of any contract resulting from this RFP. **Respondents must submit the Offerer Disclosure of Prior Non-Responsibility Determinations, and the Offerer’s Affirmation of Understanding of an Agreement pursuant to State Finance Law as part of their submittal.**

The Procurement Requirements also require ESD and ECHDC staff to obtain and report certain information when contacted by prospective bidders during the restricted period, make a determination of the responsibility of bidders and make all such information publicly available in accordance with applicable law. If a prospective bidder is found to have knowingly and willfully violated the State Finance Law provisions, that prospective bidder and its subsidiaries, related or successor entities will be determined to be a non-responsible bidder and will not be awarded any contract issued pursuant to this solicitation. 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.

For the purpose of compliance with State Finance Law Sections 139-j, contact with Jill Clark, Marketing Project Manager of ECHDC is considered permissible. Contact information for Ms. Clark is provided in Section IX.

This is not 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:

<http://esd.ny.gov/CorporateInformation/RFPS.html> (under “ESD Policy Regarding Permissible Contacts under SFL 139”)

All potential Respondents are solely responsible for full compliance with the Procurement Requirements. Both the prime consultant and the sub-consultants complete the forms required above.

5. Insurance Coverage

Please note that **upon selection** for this Project, the Consultant will be required to demonstrate/provide the following insurance coverage, adding “additionally insured” as outlined in Exhibit A, Section A.5:

- Commercial General Liability insurance - \$1 million per occurrence / \$2 million aggregate
- Auto Liability insurance - \$1 million each accident Umbrella Liability insurance - \$5 million per occurrence / \$ 5 million aggregate
- Excess Umbrella Liability insurance - \$5 million per occurrence / \$ 5 million aggregate
- Must show evidence of Workers’ Compensation insurance and Disability Benefits insurance in compliance with the laws of the State of New York and Employers Liability insurance with limits of \$1 million Bodily Injury each Accident, \$1 million Bodily Injury by Disease - Policy Limit and \$1 million Bodily Injury - Each Employee
- The Erie Canal Harbor Development Corporation and the NYS Urban Development Corporation d/b/a Empire State Development must be named as additional insureds on a primary and non-contributory basis on all of the following policies: Commercial General Liability, Auto Liability, and Excess Liability policies
- As respects General Liability, the additional insured endorsements shall be on forms at least as broad as ISO Forms CG 20 10 07 04 & CG 20 37 07 04 combined and shall not include any exclusions that limit the scope of coverage beyond that provided to the named insured. All policies listed above should include a waiver of subrogation in favor of ECHDC & NYS UDC d/b/a ESD.
- Professional Liability Insurance of \$2 million each claim / \$2,000,000 policy term aggregate.

An individual certificate (including hold harmless) must be provided to each of the following organizations: New York State Urban Development Corporation d/b/a as Empire State Development Corporation, the Erie Canal Harbor Development Corporation, the New York State Department of Transportation, and the City of Buffalo.

6. Vendor Responsibility

ESD ask vendors to register in the State's Vendor Responsibility System (VendRep System). The VendRep System allows business entities to enter and maintain their Vendor Responsibility Questionnaire information in a secure, centralized database. New York State Procurement Law requires that state agencies award contracts only to responsible vendors. Vendors are asked to file the required Vendor Responsibility Questionnaire online via the New York State VendRep System or may choose to complete and submit a paper questionnaire. To enroll in and use the New York State VendRep System, see the VendRep System Instructions available at www.osc.state.ny.us/vendrep or go directly to the VendRep

system online at <https://portal.osc.state.ny.us>. For direct VendRep System user assistance, the OSC Help Desk may be reached at 866-370-4672 or 518-408-4672 or by email at helpdesk@osc.state.ny.us. Vendors opting to file a paper questionnaire can obtain the appropriate questionnaire from the VendRep website http://www.osc.state.ny.us/vendrep/forms_vendor.htm and execute accordingly pertaining to the company's trade industry.

7. Project Sunlight

Under the Public Integrity Reform Act of 2011, "appearances" (broadly defined and including any substantive interaction that is meant to have an impact on the decision-making process of a state entity) before a public benefit corporation such as ESD by a person (also broadly defined) for the purposes of procuring a state contract for services as contemplated in this RFP, must be reported by ESD to a database maintained by the State Office of General Services that is available to members of the public. If in doubt as to the applicability of Project Sunlight, Proposers and their advisors should consult the Laws of 2011, Ch. 399 for guidance.

8. Iran Divestment Act

As part of ECHDC/ESD procurement guidelines, upon submission of proposal, the prime Consultant shall comply with the Iran Divestment Act. The following language shall be submitted on company letterhead and signed by the Consultant;

"By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each bidder is not on the list created pursuant to paragraph (b) of subdivision 3 of section 165-a of the state finance law."

9. Encouraging use of New York State Businesses in Contract Performance

New York State businesses have a substantial presence in State contracts and strongly contribute to the economies of the state and the nation. In recognition of their economic activity and leadership in doing business in New York State, bidders/proposers for this ESD contract for commodities, services or technology are strongly encouraged and expected to consider New York State businesses in the fulfillment of the requirements of the contract. Such partnering may be as sub-contractors, suppliers, protégés or other supporting roles (herein collectively called "Subcontractors").

Bidders/proposers need to be aware that, if selected through this ESD solicitation, they will strongly encouraged, to the maximum extent practical and consistent with legal

requirements, to use responsible and responsive New York State businesses in performing the contract, including without limitation: (i) purchasing commodities that are of equal quality and functionality; and (ii) in utilizing services and technology. Furthermore, bidders/proposers are reminded that they must continue to utilize small, minority and women-owned businesses, consistent with current State law.

Utilizing New York State businesses in State contracts will help create more private sector jobs, rebuild New York's infrastructure, and maximize economic activity to the mutual benefit of the contractor and its New York State business partners. New York State businesses will promote the contractor's optimal performance under the contract, thereby fully benefiting public sector programs that are supported by associated procurements.

Public procurements can drive and improve the State's economic engine through promotion of the use of New York businesses by its contractors. The State therefore expects bidders/proposers to provide maximum assistance to New York businesses in their use of the contract. The potential participation by all kinds of New York businesses will deliver great value to the State and its taxpayers.

Bidders/proposers can demonstrate their commitment to the use of New York State businesses by responding to the questions below:

(A) Do you anticipate the need for Subcontractors fulfilling the requirements of this ESD contract? Yes ☐ No ☐

(B) Will New York State businesses be used in the performance of this ESD contract as Subcontractors? Yes ☐ No ☐

NOTE: If the answer to question (B) is Yes, please identify New York State businesses that will be used and attach identifying information (e.g., name, address, contact information, nature of business).

VI. PRE-SUBMITTAL CONFERENCE

The Erie Canal Harbor Development Corporation will be made available at a non-mandatory, pre-submittal conference **on Monday January 29 at 12:00 Noon Eastern Standard Time (EST)** at 95 Perry Street, Suite 500. Please contact Jill Clark, BuffaloWaterfront@esd.ny.gov, if you plan to attend the pre-submittal conference by **January 25, 2017**.

VII. PROJECT SCHEDULE

The major *projected* milestones on the consultant selection schedule are as follows:

- | | |
|-------------------|------------------|
| 1. RFQ Advertised | January 16, 2018 |
|-------------------|------------------|

2. Pre-Submittal Conference:	January 29, 2018 (12:00 PM EST)
3. Questions Due:	January 30, 2018 (5:00 PM EST)
4. Answers to Questions Issued:	February 1, 2018
5. Qualifications Due:	February 13, 2018 (12:00 PM EST)
6. Notification of shortlisted firms:	February 20, 2018
7. RFP Issued to Successful Respondents:	February 22, 2018
8. Proposals Due	March 22, 2018 (12:00 PM)
9. Interviews	Week of March 26, 2018
10. ECHDC Board Approval:	May 14, 2018

VIII. TIME & PLACE OF SUBMISSION

Respondents will not receive compensation or reimbursement of any expenses associated with preparing and/or submitting the proposal.

Respondents are required to submit one (1) original, five (5) copies, and one (1) electronic copy of their submittal **prior to 12:00 PM EST on February 13, 2018**. Responses shall be firmly sealed in an envelope or box, and contain the Respondent's name and return address.

Please be advised that under no circumstances will ECHDC obligate itself to consider a response which is received after the deadline or does not include the basic items described above.

Responses shall be delivered to:

Thomas P. Dee, President
Erie Canal Harbor Development Corporation
Attn: Waterfront Website and Branding RFQ
95 Perry Street, Suite 500
Buffalo, New York 14203

The ECHDC reserves the right to reject a submittal if any document or item listed in this RFQ is incomplete, improperly executed, indefinite, ambiguous, and/or is missing. Additionally, factors such as, but not limited to the following may also disqualify a respondent without further consideration:

- Evidence of collusion among Respondents;
- Any attempt to improperly influence any member of the evaluation panel or Committees;
- Discovery that a Respondent purposely misled or knowingly provided false or inaccurate information in a submittal;
- A Respondent's default under any type of agreement, which resulted in the termination of that agreement;
- Existence of any unresolved litigation or legal disputes

The ECHDC reserves the right to reject any and all submittals and to waive any informalities or

irregularities in procedure.

IX. ADDITIONAL INFORMATION

Any all questions or requests for additional information or documents must be submitted **in writing** and will be accepted no later than **prior to 5:00 PM on January 30, 2018** to:

Jill Clark, Marketing Project Manager
Erie Canal Harbor Development Corporation
95 Perry Street, Suite 500
Buffalo, New York 14203
BuffaloWaterfront@esd.ny.gov

Questions shall be **submitted in written form** and answers will be sent via e-mail by **February 1, 2018** Additional information may become available and, substantive questions and document requests may be made available at any point during this process.

X. GENERAL TERMS & CONDITIONS

In addition to the terms and conditions stated elsewhere in this RFQ, it is subject to the terms and conditions set forth in Exhibit B hereto.

XI. ATTACHMENTS

Exhibit A – Canalside and Outer Harbor Brand Guidelines
Exhibit B – General Terms and Conditions
Exhibit C – Required Forms

Exhibit A – Canalside and Outer Harbor Brand Guidelines

Exhibit B – Schedule A, General Terms and Conditions

Exhibit C – Required Forms

Erie Canal Harbor Development Corporation

Request for Proposals Checklist

I _____, a principal of the firm _____ certify that the following information has been submitted as part of the response to this Request for Proposals.

- ☐ Submitted all required information with respect to the Proposal, including but not limited to information specifically outlined in Section V.C
- ☐ Submitted hard copy and electronic copies of the proposal (Section VIII)
- ☐ Completed and submitted State Finance Law Sections 139-j and 139-k forms (Section V.D)
- ☐ Completed and submitted ST-220-CA Form or affidavit (Section V.D)
- ☐ Copy of VendRep receipt (Section V.D)
- ☐ Completed and Equal Employment Opportunity Policy Statement (Form OCSD-1, Section V.D)
- ☐ Completed and submitted Iran Divestment Act Statement (Section V.D)
- ☐ Completed and submitted Use of NYS Business Form (Section V.D)
- ☐ Diversity Practices Questionnaire (Section V.D)

Note: Incomplete responses may not be considered by Erie Canal Harbor Development Corporation

Signed: _____ Date: _____

Name: _____

Phone: _____

E-mail: _____