

EXHIBIT A

“Request for Qualifications (RFQ) Architectural and Engineering Services.”

Erie County
Division of Real Estate & Asset Management
MICHELLE MAZZONE, Director of Real Estate

REQUEST FOR QUALIFICATIONS (RFQ)
ARCHITECTURAL AND ENGINEERING SERVICES

QUALIFICATIONS

The Division of Real Estate and Asset Management is seeking Qualifications Statements for Architectural and Engineering (herein after referred to as A/E) Services for a new building to house the Health Sciences, Wellness and other Health Science related programs at Erie Community College . You will be required to submit six (6) bound hard copies and one electronic copy on a disc of your Qualifications Statements to Michelle Mazzone, CCIM, Director of Real Estate, Division of Real Estate and Asset Management, Erie County Rath Office Building, 95 Franklin Street, Suite 1400, Buffalo, New York, 14202 on or before 1:00 PM on September 3, 2010.

Reference your submittals as **"Qualifications for New Health Sciences Building, Architectural/Engineering Services for Erie Community College, the County of Erie"**

The Statements of Qualification shall not exceed twenty-five (25) pages, double sided (printed on both sides) or fifty (50) pages, single sided (printed on one side). Sectional Dividers may be used; they will not be counted towards the maximum number of pages allowed. The proposal shall include a clear table of contents addressing all the requirements of the RFQ. These requirements will be strictly enforced.

The Division of Real Estate and Asset Management (hereinafter called REAM) reserves the right to reject any or all Statements of Qualifications. This invitation does not commit Erie County to accept any Statements of Qualifications and does not obligate the County for any costs associated with the preparation of the same.

The Erie County reserves the right to review, comment and make modifications to the proposed project team.

If you have any questions regarding this RFQ, please contact Jeffrey P. Zack, PE, Division of Real Estate & Asset Management, 716-858-8824, Monday through Friday, between 9:00 AM and 2:00 PM.

EVALUATION

Erie County will evaluate all the Statements of Qualifications to select a number of firms. The Qualifications will be comparatively evaluated based upon the requirements stated in the body of this RFQ. Inasmuch as REAM has familiarity with a considerable number of A/E firms, interviews will be held only if deemed necessary by the Director.

THE PROJECT

The selected firm will be invited by REAM to negotiate an A/E agreement for the design and construction of the "New" Health Sciences Building Erie Community College, North Campus.

Project Scope:

- The project will replace and augment the current science facilities with a new 100,000GSF +/- state-of-the-art multi-story building to serve current and future academic needs.
- The new building will house programs such as Nursing, Dental Hygiene, Dental Laboratory, Emergency Medical Technology, Dietetic Technology, Clinical Laboratory Technician, Medical Office Assistant, Mental Health Assistant, Occupational Therapy Assistant, Ophthalmic Dispensing, Radiologic Technology, Respiratory Care and Dental Assisting.

PROFESSIONAL SERVICES

The following is a general framework of services that could be provided by the Architectural/Engineering Services Consultant. Services shall not be limited by this framework. Instead, the scope of services will be tailored to the magnitude of the project, its budget, schedule and nature of work.

- Assessment of a Facility's Functional Organization and Operations
- Assessment of Existing Conditions and Infrastructure
- Assessment of Space and Functional Program Information
- Assessment of the Site's Ability to Accommodate the Proposed Project
- Project Initiation Reports (feasibility analysis, master planning, alternative conceptual design options with order of magnitude cost implications, consideration to future expansion, etc.)
- Schematic Design, Design Development
- Construction Documents
- Bidding Phase
- Contract Administration
- Construction Administration
- Coordinate construction, inspections, contractors and schedule
- Post-Commissioning Services

1. CONTACT INFORMATION

To facilitate communications regarding this RFQ, please state clearly the following:

FIRM NAME:
CONTACT PERSON NAME & ADDRESS:
ADDRESS:
TELEPHONE NUMBER:
FAX NUMBER:
E-MAIL ADDRESS:

2. STATEMENT

A statement is required of each firm submitting qualifications; it shall not exceed two (2) pages in length. This statement can be used to best describe: the firm's understanding of this undertaking, their unique qualifications and their flexibility in implementing projects of varied scope and nature.

3. GSA FORM 330

The Candidates are required to provide REAM with up-to-date and complete General Services Administration (GSA) Form SF 330.

The following http address contains a copy of the same in PDF (Adobe Acrobat) format. This is provided for the candidate's convenience and information. However, it is the responsibility of each candidate to obtain the appropriate form and to complete it. Erie County takes no legal responsibility for accuracy and availability of the Internet Address or the Form. The site belongs to and is managed by the Federal Government (GSA).

<http://www.gsa.gov/portal/forms/type/TOP>

4. MANPOWER COMMITMENT

Provide information regarding Manpower Commitment in the following order:

- a. A statement clearly indicating that your firm has the capacity to enter into the General A/E Agreement.
- b. Indicate the location of the office(s) where the work would be performed. List the current or anticipated obligations, which will require professional or technical manpower commitments from the same office that will be utilized for this project. Indicate the size of these jobs and their aggregate manpower requirements.
- c. An estimate of the lead time required by your firm to respond to a Request for Proposal from REAM.

- d. An organizational chart indicating the staff that may be assigned to the contract and their responsibilities including a list of the principles and their ownership percentage in the organization.
- e. Indicate the percent of minority personnel, at the firm and in particular on the project team.
- f. Provide a disclosure indicating, by name, any principal or staff member presently employed by your firm who was employed by the County of Erie in the year prior to the date of this RFQ. This disclosure shall also include the individual's title and the department within the County of Erie for whom the employee worked.

5. REFERENCES

The Candidates are required to provide references based on relevant past experience. Please state the following information for every reference listed.

FIRM NAME:
CONTACT PERSON NAME & ADDRESS:
ADDRESS:
TELEPHONE NUMBER:
FAX NUMBER:
E-MAIL ADDRESS:

6. SUBMITTALS

Submittals and presentation materials will be transmitted with minimum delay to all parties involved in each project (including all authorities: State agencies, County Departments, etc.). To this end, submittals shall be issued in both electronic and hardcopy formats. Describe the software to be used by your team and your firm's E-mail capability.

7. QUALITY ASSURANCE AND CONTROL

The Quality Control and Assurance of Professional Services are of importance to this Department. The firm must address their approach to Quality Control and Assurance. A detailed discussion of the methodology to be used should be included.

GENERAL INFORMATION

To be selected, the Consultant needs to be licensed and authorized by the State of New York to practice Architecture and/or Engineering.

A sample of a "General Architectural/Engineering Professional Services Agreement", County of Erie can be found on the Erie County website www.erie.gov under Department of Public Works, Division of Real Estate & Asset Management. The agreement includes the Standard Insurance Requirements.

OTHER INFORMATION REGARDING THE PROJECT

Any additional inquiries regarding this project must be made to William Reuter at (716) 851-1700. Contacts made to other staff regarding this procurement may disqualify the firm and affect future procurements with government entities in the State of New York. Please refer to the State University Construction Fund's website: (www.sucf.suny.edu/business/ppolicy.htm) or OGS' website (www.ogs.state.ny.us/About/) for more information on this law. Interested firms must include in their submittal the following forms obtained from SUNY's website <http://www.sucf.suny.edu/design/desfrm.shtml> Offerer Certification of Compliance, Offerer Disclosure of Non-Responsibility Determinations and Offerer Affirmation of Understanding.

CRITICAL DATES

The due date for the submittal of proposals is September 3, 2010 no later than 1 p.m. Proposals must be submitted in a sealed envelope bearing the title of the project and addressed to the Director of Real Estate as follows:

"Qualifications for New Health Sciences Building, Architectural/Engineering Services for Erie Community College, the County of Erie"

c/o Michelle Mazzone, CCIM
Director of Real Estate
Erie County Rath Building, Suite 1400
95 Franklin Street
Buffalo, NY 14202

This information should be placed in the center area of the envelope and must include respondent's firm name in the address in the upper left corner.

EXHIBIT B

Letter dated April 20, 2011 from the Division of Real Estate and Asset Management.



COMPTROLLER'S
RECEIVED

11 APR 21 AM 11:31

COUNTY OF ERIE

CHRIS COLLINS

COUNTY EXECUTIVE

DIVISION OF REAL ESTATE & ASSET MANAGEMENT

MICHELLE MAZZONE
DIRECTOR OF REAL ESTATE

April 20, 2011

Mr. Michael Szukala
Deputy Comptroller – Audit
Office of Erie County Comptroller
95 Franklin Street, 11th Floor
Buffalo, NY 14202

Dear Mr. Szukala:

This letter is in final response to your inquiry and correspondence dated April 14, 2011. While I am grateful your office takes all tip-line allegations seriously, my office takes seriously the accusation of bid rigging. First of all, you have no evidence to support such a serious and defamatory claim against the hardworking and dedicated employees of the County and Trustees of ECC who participated in the review process. Furthermore, again it appears that you do not have a basic understanding of the situation you desire to investigate. The intention of Erie County to enter into a design contract with Kideney Architects, P.C. is not a bid process, but rather a contract for professional services, making your allegation of bid rigging all the more ridiculous. For the purposes of your education, let me again state the facts.

As indicated in my previous correspondence, pursuant to a resolution passed by the Erie County Legislature on July 17, 2008 [COMM. 14E-19 (2008)], the office of County Executive is authorized to enter into General Architectural / Engineering and Testing Service Agreements with various pre-qualified firms, as detailed in the resolution, for construction projects with the Department of Public Works. One of the firms pre-qualified and pre-approved as part of that resolution is Kideney Architects, P.C., as indicated on the certified copy of this resolution sent to your office in 2008.

Despite the fact that the selection of Kideney did not require any additional level of approval given Resolution COMM. 14E-19 (2008), the administration established a professional process

to oversee the selection of a firm for this critical project for the purpose of actively involving ECC's Board of Trustees, leadership and appropriate staff.

It should also be reiterated that while Erie County expects to issue a design contract to Kideney, no contract has yet been issued or approved by the Erie County Legislature. Therefore it bears repeating that your inquiry, while wholly inappropriate given the established process and clear authority granted in Resolution COMM. 14E-19 (2008), is at best, premature.

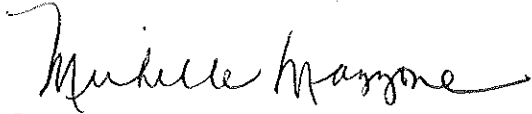
However, in the interest of full disclosure, the additional information you requested is addressed in the order in which you requested:

1. A copy of the RFQ is attached. It should be noted that it was posted on Erie County's website (www.erie.gov) and advertised in The Buffalo News.
2. To the best of my knowledge, the RFQ was not mailed/e-mailed to any parties, nor is there any requirement that it be specifically distributed. Public advertisement is sufficient.
3. To the best of my knowledge, no data was provided to the committee on any of the respondents other than the proposals they submitted, nor is such data required for the process undertaken.
4. To the best of my knowledge there are no minutes of the meetings, nor is there any requirement that minutes be taken. There were no materials retained by the committee.
5. The proposals are available for your review in my office. Please contact me at 858-7555 to set up a time. These proposals include proprietary information of all of the proposing firms and this office will not copy or distribute them.
6. To the best of my knowledge there are no minutes, score sheets or other material prepared or presented to the committee for this meeting, nor is there any requirement that such materials be created.
7. To the best of my knowledge there are no minutes, score sheets or other material prepared or presented to the committee for this meeting, nor is there any requirement that such materials be created.
8. Attached are copies of the notices sent out to the seven firms on October 12, 2010.
9. The list provided to you was comprehensive.
10. Copies attached.

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April 20, 2011

Please contact me at 858-7555 if you have any questions regarding this correspondence.

Sincerely,
County of Erie

A handwritten signature in cursive script that reads "Michelle Mazzone". The signature is written in black ink and is positioned above the typed name.

By:
Michelle Mazzone
Director of Real Estate

Enclosures (9)

Cc: Chris Collins, Erie County Executive
Martin Polowy, Esq., First Assistant County Attorney
Daniel Oliverio, Esq., Chairman, ECFA
Jack Quinn, President, Erie Community College
Frank A. Sedita III, Esq., Erie County District Attorney
William J. Hochul Jr., Esq., United States Attorney for the W.D.N.Y.

EXHIBIT C

Letter dated April 14, 2011 on "Proposed New Building on the Erie Community College North Campus".



County of Erie

MARK C. POLONCARZ
COMPTROLLER

April 14, 2011

Michelle Mazzone
Division of Real Estate and Asset Management
Room 1400
95 Franklin Street
Buffalo, New York 14202

Re: Proposed New Building on the Erie Community College North Campus

Dear Ms. Mazzone:

In regard to your letter dated April 8, 2011, a copy of which is enclosed herewith, I do not appreciate the tone nor dismissive nature of your response to our office's request for documentation pertaining to the contract awarding process for Erie Community College's ("ECC") proposed new academic building at the North Campus.

It is the long standing policy of the Comptroller's Office to investigate all claims of waste, fraud and abuse reported to our anonymous Whistleblower Tip-Line. Regardless of your opinion on this matter, we take all tip-line allegations, including those of potential bid rigging, seriously until evidence is produced to show otherwise.

I would like to remind you it is well within our office's authority as the County Auditor to request pertinent documentation from any department of the County and ECC, and we expect your full cooperation.

While your response addressed some, but not all of the questions in my original letter from April 4, 2011, a copy of which is also enclosed, in order to properly research the allegations, we request the following information:

- 1) A complete copy of the request for proposal/request for qualifications and any addendums/amendments thereto issued by ECC or Erie County (together the "RFP") for the design of the new academic building;
- 2) A list of all parties, including addresses and contact persons, the RFP was mailed/e-mailed to and all responses received to the RFP;
- 3) Any data the committee used to support its selection of Kideney or the exclusion of other firms. This includes any "scoring sheets" and any analysis performed by the committee or any designee supporting the committee's final decision;

Follow-up letter to Michelle Mazzone on missing data - ECC North Campus New Building
April 14, 2011
Page 2 of 2

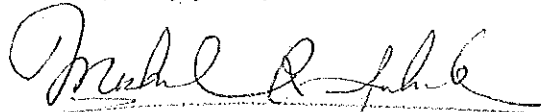
- 4) For the formal presentations held on December 10, 13 and 14, 2010, any meeting minutes or material presented to the members of the committee;
- 5) Copies of the proposals that were submitted to the committee on January 14, 2011;
- 6) For the meeting held on February 22, 2011, any minutes, score sheets or other material presented to or generated by the members of the committee;
- 7) For the meeting held on September 15, 2011, any minutes, score sheets or other material presented to or generated by the members of the committee;
- 8) Copies of the notices sent out to seven (7) firms on October 12, 2010;
- 9) If the listing of meetings provided in your April 4th, 2011 letter was not comprehensive, minutes of the committee for any meeting where the RFP was discussed; and;
- 10) Copies of any ECC or Erie County letters, e-mails or other correspondence to and from any respondents in regards to the RFP process, including, but not limited to, copies of correspondence provided to the winning and losing respondents notifying respondents of the awarding of the contract.

We require this information to be delivered to my attention at the Erie County Comptroller's Office on or before April 20, 2011 at 3:00PM.

Thank you for your timely cooperation and attention to this matter.

Please contact me at 858-8430 with any questions regarding this correspondence.

Very truly yours,



Michael R. Szukala
Deputy Comptroller - Audit

MS/nr
Enclosures

cc: Mark C. Poloncarz, Esq., Erie County Comptroller (w/encl.)
Frank A. Sedita III, Esq., Erie County District Attorney (w/encl.)
William J. Hochul Jr., Esq., United States Attorney for the W.D.N.Y. (w/encl.)
Erie County Fiscal Stability Authority (w/encl.)

EXHIBIT D

Copies of blank RFQ Evaluation Sheets and Evaluation Guidelines for the Contract Administration for DPW” for the period January 1, 2003 through April 30, 2004.

1/2

CONSULTANT DESIGN CONTRACTS
REVIEW EVALUATION SUMMARY SHEET

PROJECT: _____

NAME OF CONSULTANT: _____

RATED BY: _____

	RAW SCORE (1 - 10)	X	WEIGHT	WEIGHTED SCORES
1. OVERALL APPROACH AND UNDERSTANDING DESIGN/BUILD PROCESS			20	
2. EXPERIENCE OF KEY PERSONNEL THAT WOULD BE ASSIGNED TO PROJECT			18	
3. EXPERIENCE OF FIRM WITH SIMILAR PROJECTS			15	
4. EXPERIENCE WITH ERIE COUNTY HIGHWAY AND BRIDGE PROJECTS			12	
5. LOGISTICS AND FAMILIARITY WITH AREA			10	
6. ORGANIZATION AND SCHEDULING			10	
7. CONSTRUCTION INSPECTION EXPERIENCE			10	
8. MINORITY PARTICIPATION			5	
TOTALS				

See B-1-1
1/3

2/2

**CONSULTANT SELECTION
LOCALLY ADMINISTERED FEDERAL AID PROJECTS**

EVALUATION GUIDELINES

1. OVERALL APPROACH AND UNDERSTANDING

a. Overall Understanding of Project

- Does Consultant demonstrate an understanding of our aims and goals?
- Does Consultant have a clear understanding of what is to be produced?

b. Technical Approach

- Are methods of analysis or design approaches adequately discussed?
- Does Consultant demonstrate special insight or understanding of project issues?
- Is there a good balance of hours among projects tasks?
- Has Consultant identified important milestones and presented a realistic schedule?

2. EXPERIENCE OF KEY PERSONNEL WITH SIMILAR PROJECTS

- Are the qualifications and reputations of the firm's principals good?
- Is the Project Manager qualified, and managed similar projects before?
- Is it demonstrated that other staff has worked on similar projects before.

3. EXPERIENCE OF FIRM WITH SIMILAR PROJECTS

- Is the firm's history and general reputation a good one?
- Has enough information been provided to assess Consultant's background and ability to carry out the project?
- Is the supplied "relevant background information" appropriate?
- Has the firm been successfully involved with projects of a similar nature?
- How extensive is the list of similar projects?

4. EXPERIENCE WITH ERIE COUNTY HIGHWAY AND BRIDGE PROJECTS

5. LOGISTICS AND FAMILIARITY WITH AREA

- If Consultant is a joint venture have the team's firms worked together before?
- Is the work force too spread out to be highly effective?
- Is there a location of a Buffalo-area office, or is it discussed?
- Are there a sufficient number of key personnel available in the Buffalo area?

6. ORGANIZATION AND SCHEDULING

- Are lines of responsibility clearly defined?
- Is there evidence of in-house review by Principals or Senior staff of the project's working personnel?
- Are levels of effort by subcontractors clearly defined?

7. CONSTRUCTION INSPECTION EXPERIENCE

- Prior experience on similar projects.

8. MINORITY PARTICIPATION