



**Erie County on behalf of The Food Policy
Council of Buffalo & Erie County and The
Wellness Institute of Greater Buffalo
REQUEST FOR PROPOSAL (RFP)
TO PROVIDE STRATEGIC PLANNING**

RFP # WIFPCECH2018

Date:

**EDWARD A. RATH COUNTY OFFICE BUILDING
95 FRANKLIN STREET
BUFFALO, NEW YORK 14202**

The Food Policy Council of Buffalo & Erie County

Building Capacity for a Stronger Buffalo & Erie County Food System

Request for Proposal (RFP)

Application deadline November 2, 2018

INTRODUCTION

The Food Policy Council of Buffalo & Erie County (FPC) is seeking the services of a qualified professional to create a strategic plan that will result in the positioning of the FPC as an active advisor in planning and policy initiatives in Buffalo and Erie County. This project is part of the United Way of Buffalo & Erie County's Community Food Systems Grant Program. The Wellness Institute of Greater Buffalo¹ on behalf of the FPC was awarded a **\$30,000** grant to embark upon a multi-year strategic planning process, with the expectation of designing a plan that will allow the FPC to realize the following long-term goals:

1. Position the FPC to be an active advisor in planning and policy efforts in Buffalo and Erie County.
2. Serve as a proxy for Erie County residents to ensure their food system concerns and challenges are considered in programming, policy and planning efforts.
3. Strengthen food system connections between businesses, non-for profits, educational institutions, and consumers.

The grant is expected to be for a 15 month period commencing on **December 3, 2018** and concluding **March 31, 2020**. The project remuneration schedule is attached hereto as **Appendix A**.

PROJECT DELIVERABLES

The consultant will be charged with positioning the FPC to be an active advisor in planning and policy efforts in Buffalo and Erie County by facilitating the following items:

1. Work with the FPC to create a 3-year strategic plan to guide its work from 2019-2021.
2. Develop a City/County Food Charter for public dissemination that will help guide future food system improvements.

ROLE OF CONSULTANT

To accomplish the aforementioned goals, the key activities of the consultant and the responsibilities of the FPC members are outlined in **Appendix B**.

¹ The role of the Wellness Institute of Greater Buffalo is that of a fiscal agent in that they will receive, hold, distribute and monitor any funding received from the United Way of Buffalo & Erie County for the FPC's Community Food Systems Grant project. The Wellness Institute has a vested interest in the work of the FPC; it supports their mission of engaging the community in systems level change.

ELIGIBILITY

Any individual or consulting firm who has not had an affiliation with the FPC is invited to apply. If an individual has served on the FPC or a consulting firm has employed a member of the FPC in the 12 months immediately prior to the proposal they are not eligible.

QUALIFICATIONS

Required Qualifications:

1. Demonstrate experience in the development of a food policy council or similar advisory council;
2. Have experience leading groups through strategic plans;
3. Have extensive experience working with stakeholders including but not limited to local and state level elected officials and community groups.

Recommended Qualifications:

1. Have experience working with diverse multigenerational groups;
2. Have experience training systems leaders in policy related activities;
3. Have strong and demonstrated commitment to the following FPC goals: community engagement, sustainable practices and the role of social determinants of health (employment, housing, education, income, etc.);
4. Have a working knowledge of U.S. federal/state/local policy procedures and processes.

NOTE: Individuals or organizations that do not meet all of the required and recommended qualifications are encouraged to include partners (e.g. subcontractors) who bring specific subject matter expertise. Payments for these subcontractors would need to be included within the proposed \$27,000 budget.

HISTORY OF THE FPC

The FPC was established in 2013 as a sub-commission of the Erie County Board of Health. The mission of the FPC is to build and strengthen a sustainable and just regional food system through policy recommendations, awareness, education and advocacy. The FPC is a mixture of appointed and stakeholder seats. The appointed seats represent decision makers from government, municipal and public institutions; whereas the stakeholder seats represent all sectors of the food system and community members. Our membership distribution ensures that various local government entities work in a coordinated fashion to support the local food system.

Since its establishment, the FPC has been leading the effort in creating a more equitable and sustainable food system by:

- Promoting activities to strengthen the local food system including food production (farming), food processing, food wholesale, food distribution, food retail, and food

disposal, by providing letters of support to community partners' efforts that align with FPC goals.

- Reviewing and commenting upon laws, policies, and plans to ensure that they strengthen the local food system which creates a mechanism for bringing the voice of Buffalo and Erie County's food system stakeholders to the local government. For instance, the FPC has contributed to the Buffalo Unified Development Ordinance (AKA the Green Code) by making recommendations for changes, updates and additions to the code to ensure viability of urban food and farming production.
- Collaborating in the exploration of new, innovative solutions to improve the local food system (i.e. working with the University at Buffalo Food Lab and other grantees awarded the General Mills/ United Way Food Systems Grant).
- Advising and making recommendations to local businesses and corporations on projects/proposals that will affect the local food system, such as working with a local developer (Ciminelli Real Estate Corporation) on the creation of a new community based agrihood² to be included in their mixed used development of a property located at the edge of downtown Buffalo.
- Supporting activities that educates and informs the local public about the local food system. One example of such an activity is the Peoples Food Movement, where community members come together to envision what their food system could look like, thus providing food system education to them and bringing to our attention existing barriers to food access to be considered in future planning.
- Promoting activities that ensure that consumers in Buffalo and Erie County have access to healthful and affordable food; such as Healthy Corner Store initiative.

Given the diverse makeup of the FPC, members have experience in different sectors of the food system and collectively the FPC comes together to serve as a guiding force for advising policies and recommendations for Buffalo & Erie County.

WHY THIS WORK IS IMPORTANT TO THE FPC

The FPC is uniquely positioned, as an arm of the Erie County Board of Health, to serve as a powerful vehicle to affect positive food system changes for residents in Erie County. Moreover, there is a tremendous need in Buffalo and Erie County to address issues critical to the FPC, to include, but not limited to:

- food access;
- food insecurity;
- farmland viability;

² In the past, the term "agrihood" had negative connotations, but it has evolved into being more closely aligned to what is described as a working farm that's really connected to the residents, the local community outside the neighborhood, and connected to the larger region and food system.

- improved public health;
- resilient food systems that contribute to stronger local economies;
- barriers in permitting and licensing that discourage the development of affordable healthy food retail;
- food and nutrition education at all ages;
- environmental sustainability; and
- the development of (and support of existing) programs and policies that recognize (1) the critical intersection, and interdependent relationship, between public health, food and farming, and (2) that food and farming are major economic drivers in Western NY.

Nested in a rich agricultural region, comprised of thousands upon thousands of small family farms, there is a tremendous opportunity to bridge together Buffalo/Erie County community needs with regional assets. However, the FPC is presently limited in our ability to affect positive change, due to a lack of resources and expertise as to the best course of action. A consultant, who possesses the qualifications set forth, serves as our best chance to develop a strong FPC that plays the leading role in Buffalo and Erie County food systems development, both now and in the future.

ANTICIPATED SCHEDULE OF PROPOSAL

The following schedule is for informational purposes only. The FPC reserves the right to amend this schedule at any time.

Issue RFP:	<u>October 5, 2018</u>
Pre – Proposal Webinar:	<u>October 15, 2018</u>
	10:00 AM EST

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Requests for Clarification: October 22, 2018 5:00 PM EST
 Proposals Due: November 2, 2018 5:00PM EST
 Selection Made: November, 2018
 Contract Signed: Following all necessary County/FPC approvals

HOW TO APPLY

GENERAL REQUIREMENTS:

1. The application should be limited to 10 pages of narrative plus a budget page. In addition to the narrative and budget page, applicants should include a resume/CV for key project team members.
2. Requests for clarification of this RFP must be written and submitted to Kelly Fletcher at FPC@erie.gov. Questions may be submitted up until 5:00 PM on **Monday, October 22, 2018**. Formal written responses will be distributed by the FPC on **Thursday, October 25, 2018** by 5:00PM EST and will be available at

It is the responsibility of each respondent to determine whether any addenda have been issued and if so, download copies directly from the website. **No communications of any kind will be binding against the County/FPC, except for the formal written responses to any request for clarification.**

Proposers are prohibited from contacting any RFP Issuer employee, officer or official concerning this RFP. A proposer's failure to comply with this requirement may result in disqualification.

No oral statement of the RFP Issuer shall be effective to waive, change or otherwise modify any of the provisions of this RFP, and no proposer shall rely on any alleged oral statement.

3. Submission of the proposals shall be directed to:

Kelly Fletcher
 Erie County Department of Health
 95 Franklin Street, Rm. 950A
 Buffalo, New York 14202

All proposals must be delivered to the above office on or before Friday, November 2, 2018 at 5:00 p.m. Proposals received after the above date and time will not be considered. The County/FPC is under no obligation to return

proposals. To be considered, Respondents must submit a complete response to this RFP. Respondents not responding to all information requested in this RFP or indicating exceptions to those items not responded to may have their proposals rejected as being non-responsive.

4. One (1) original and Five (5) copies shall be submitted. Proposals MUST be signed using the attached **Appendix E: Proper Certification**. Unsigned proposals will be rejected.

The Proposer must complete the following forms for consideration:

- a. Application (Appendix “C”)
 - b. Budget (Appendix “D” – to be submitted in separate envelope)
 - c. Proposer certification (Appendix “E”)
 - d. Non-Collusion certification (Appendix “F”)
5. Proposers may be required to participate in a conference call with members of the FPC to clarify or elaborate on the written proposal.
 6. No proposal will be accepted from nor any agreement awarded to any Proposer that is in arrears upon any debt or in default of any obligation owed to the County. Additionally, no agreement will be awarded to any Proposer that has failed to satisfactorily perform pursuant to any prior agreement with the County/FPC.
 7. Information on the Standard Insurance Provisions required of agencies selected as a contractor of this service is included in this RFP. This document is for informational purposes only, and is not to be submitted by the Proposer for the purposes of this RFP.
 8. All potential contract-holders with Erie County/FPC shall agree to comply with Executive Order 13 (2014), and the Agency shall make such records available, upon request, to the County’s Division of Equal Employment Opportunity for review. All contract holders will be required to sign the Erie County Equal Pay Certification (attached). The County/FPC shall have the right, upon reasonable notice and at reasonable times, to inspect the books and records of the Agency, its offices and facilities, for the purpose of verifying information supplied in the Erie County Equal Pay Certification and for any other purpose reasonably related to confirming the Agency’s compliance with Erie County Executive Order No. 13 (2014). Violation of the provisions of Executive Order 13 (2014), which is attached hereto and made a part hereto, can constitute grounds for the immediate termination of a contract, and may constitute grounds for determining that a proposer is not qualified to participate in future county/FPC contracts.

9. Proposers who operate a Veteran-Owned Business should include the letter indicating their company is 51% or more veteran-owned with their proposal.
10. All proposers must disclose the name, title, and department of any employee or officer who was an employee or officer of Erie County and/or person(s) who served on the FPC within the 12 months immediately prior to the proposal.
11. All proposers must provide a list of at least three references from community partners and collaborators or an individual with knowledge of and experience with the specific services being offered.

STATEMENT OF RIGHTS

UNDERSTANDINGS

Please take notice, by submission of a proposal in response to this request for proposals, the Proposer agrees to and understands:

- that any proposal, attachments, additional information, etc. submitted pursuant to this Request for Proposals constitute merely a suggestion to negotiate with the County and is not a bid under Section 103 of the New York State General Municipal Law;
- submission of a proposal, attachments, and additional information shall not entitle the Proposer to enter into an agreement with the County and/or FPC for the required services;
- by submitting a proposal, the Proposer agrees and understands that the County and/or FPC is not obligated to respond to the proposal, nor is it legally bound in any manner whatsoever by submission of same;
- that any and all counter-proposals, negotiations or any communications received by a proposing entity, its officers, employees or agents from the County, its elected officials, officers, employees or agents, shall not be binding against the County, its elected officials, officers, employees or agents unless and until a formal written agreement for the services sought by this RFP is duly executed by all parties and approved by the Erie County Legislature and the Office of the Erie County Attorney.

In addition to the foregoing, by submitting a proposal, the Proposer also understands and agrees that the County and/or FPC reserves the right, and may at its sole discretion exercise, the following rights and options with respect to this Request for Proposals:

- To reject any or all proposals;
- To issue amendments to this RFP;
- To issue additional solicitations for proposals;
- To waive any irregularities or informalities in proposals received after notification to Proposers affected;

- To select any proposal as the basis for negotiations of a contract, and to negotiate with one or more of the Proposers for amendments or other modifications to their proposals;
- To conduct investigations with respect to the qualifications of each Proposer;
- To exercise its discretion and apply its judgment with respect to any aspect of this RFP, the evaluation of proposals, and the negotiations and award of any contract;
- To enter into an agreement for only portions (or not to enter into an agreement for any) of the services contemplated by the proposals with one or more of the Proposers;
- To select the proposal that best satisfies the interests of the County/FPC and not necessarily on the basis of price or any other single factor;
- To interview the Proposer(s);
- To request or obtain additional information the County and/or the FPC deems necessary to determine the ability of the Proposer;
- To modify dates;
- All proposals prepared in response to this RFP are at the sole expense of the Proposer, and with the express understanding that there will be no claim, whatsoever, for reimbursement from the County/FPC for the expenses of preparation. The County/FPC assumes no responsibility or liability of any kind for costs incurred in the preparation or submission of any proposal;
- While this is a RFP and not a bid, the County/FPC reserves the right to apply the case law under General Municipal Law § 103 regarding bidder responsibility in determining whether a Proposer is a responsible vendor for the purpose of this RFP process;
- The County/FPC is not responsible for any internal or external delivery delays which may cause any proposal to arrive beyond the stated deadline. To be considered, proposals MUST arrive at the place specified herein and be time stamped prior to the deadline.

EVALUATION CRITERIA

The following criteria, not necessarily listed in order of importance, will be used to review the proposals. The FPC reserves the right to weigh its evaluation criteria in any manner it deems appropriate:

- Proposer's demonstrated capability to provide the services.
- Evaluation of the professional qualifications, personal background and resume(s) of individuals involved in providing services.
- Proposer's experience to perform the proposed services.
 - Proposer's financial ability to provide the services.

- Evaluation of the proposer's fee submission. It should be noted that while price is not the only consideration, it is an important one.
- A determination that the proposer has submitted a complete and responsive proposal as required by this RFP.
- An evaluation of the proposer's projected approach and plans to meet the requirements of this RFP.
- The proposer's presentation at and the overall results of any interview conducted with the proposer.
- Proposers may be required to give an oral presentation to the FPC to clarify or elaborate on the written proposal.

CONTRACT

After selection of the successful Proposer, a formal written contract will be prepared by the County/FPC and will not be binding until signed by all parties and, if necessary, approved by the Erie County Legislature, the Erie County Fiscal Stability Authority and the Office of the County Attorney. **NO RIGHTS SHALL ACCRUE TO ANY PROPOSER BY THE FACT THAT A PROPOSAL HAS BEEN SELECTED BY THE COUNTY FOR SUBMISSION TO THE ERIE COUNTY LEGISLATURE AND/OR IF NECESSARY THE ERIE COUNTY FISCAL STABILITY AUTHORITY FOR APPROVAL. THE APPROVAL OF SAID LEGISLATURE AND/OR AUTHORITY MAY BE NECESSARY BEFORE A VALID AND BINDING CONTRACT MAY BE EXECUTED BY THE COUNTY.**

The proposer accepts and agrees that language in substantially the following form will be included in the contract between the proposer and the County/FPC:

INDEMNIFICATION AND INSURANCE

In addition to, and not in limitation of the insurance requirements contained herein the Proposer agrees:

(a) that except for the amount, if any, of damage contributed to, caused by or resulting from the negligence of the County, the Proposer shall indemnify and hold harmless the County, its officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorneys' fees or loss arising directly or indirectly out of the acts or omissions hereunder by the Proposer or third parties under the direction or control of the Proposer; and

(b) to provide defense for and defend, at its sole expense, any and all claims, demands or causes of action directly or indirectly arising out of this Agreement and to bear all other costs and expenses related thereto.

Upon execution of any contract between the Proposer and the County/FPC, the Proposer will be required to provide proof of the applicable insurance coverage.

Insurance coverage in amount and form shall not be deemed acceptable until approved by the County Attorney.

INTELLECTUAL PROPERTY RIGHTS

All deliverables created under this Agreement by the Proposer are to be considered “works made for hire”. If any of the deliverables do not qualify as “works made for hire”, the Proposer hereby assigns to the County/FPC all right, title and interest (including ownership of copyright) in such deliverables and such assignment allows the County/FPC to obtain in its name copyrights, registrations and similar protections which may be available. The Proposer agrees to assist the County/FPC, if required, in perfecting these rights. The Proposer shall provide the County/FPC with at least one copy of each deliverable.

The Proposer agrees to defend, indemnify, and hold harmless the County/FPC for all damages, liabilities, losses and expenses arising out of any claim that a deliverable infringes upon an intellectual property right of a third party. If such a claim is made, or appears likely to be made, the Proposer agrees to enable the County’s/FPC’s continued use of the deliverable, or to modify or replace it. If the County/FPC determines that none of these alternatives is reasonably available, the deliverable will be returned.

All records compiled by the Proposer in completing the work described in this Agreement, including but not limited to written reports, source codes, studies, drawings, blueprints, negatives of photographs, computer printouts, graphs, charts, plans, specifications and all other similar recorded data, shall become and remain the property of the County/FPC. The Proposer may retain copies of such records for its own use.

NON-COLLUSION

The Proposer, by signing the proposal, does hereby warrant and represent that any ensuing agreement has not been solicited, secured or prepared directly or indirectly, in a manner contrary to the laws of the State of New York and the County of Erie, and that said laws have not been violated and shall not be violated as they relate to the procurement or the performance of the agreement by any conduct, including the paying or the giving of any fee, commission, compensation, gift, gratuity or consideration of any kind, directly or indirectly, to any County employee, officer, official or FPC member.

CONFLICT OF INTEREST

All Proposers must disclose with their proposals the name of any officer, director or agent who is also an employee of the County and/or who serves on the FPC. Further, all Proposers must disclose the name of any County employee and/or person(s) who serves on the FPC who owns, directly or indirectly, an interest of ten percent (10%) or more in the firm or any of its subsidiaries or affiliates.

There shall be no conflicts in existence during the term of any contract with the County/FPC.

The existence of a conflict shall be grounds for termination of a contract.

COMPLIANCE WITH LAWS

By submitting a proposal, the Proposer represents and warrants that it is familiar with all federal, state and local laws and regulations and will conform to said laws and regulations. The preparation of proposals, selection of Proposers and the award of contracts are subject to provisions of all Federal, State and County laws, rules and regulations.

CONTENTS OF PROPOSAL

The New York State Freedom of Information Law as set forth in Public Officers Law, Article 6, Sections 84 et seq., mandates public access to government records. However, proposals submitted in response to this RFP may contain technical, financial background or other data, public disclosure of which could cause substantial injury to the Proposer's competitive position or constitute a trade secret. Proposers who have a good faith belief that information submitted in their proposals is protected from disclosure under the New York Freedom of Information Law shall:

- a) insert the following notice in the front of its proposal:

“NOTICE

The data on pages ___ of this proposal identified by an asterisk (*) contains technical or financial information constituting trade secrets or information the disclosure of which would result in substantial injury to the Proposer’s competitive position.

The Proposer requests that such information be used only for the evaluation of the proposal, but understands that any disclosure will be limited to the extent that the County/FPC considers proper under the law. If the County/FPC enters into an agreement with this Proposer, the County/FPC shall have the right to use or disclose such information as provided in the agreement, unless otherwise obligated by law.”

and

b) clearly identify the pages of the proposals containing such information by typing in bold face on the top of each page " *** THE PROPOSER BELIEVES THAT THIS INFORMATION IS PROTECTED FROM DISCLOSURE UNDER THE STATE FREEDOM OF INFORMATION LAW.**"

The County/FPC assumes no liability for disclosure of information so identified, provided that the County/FPC has made a good faith legal determination that the information is not protected from disclosure under applicable law or where disclosure is required to comply with an order or judgment of a court of competent jurisdiction.

The contents of the proposal which is accepted by the County/FPC, except portions "Protected from Disclosure", may become part of any agreement resulting from this RFP.

EQUAL PAY CERTIFICATION

During the term of this Contract, the Proposer shall comply with Executive Order 13 (2014), and the Proposer shall make such records available, upon request, to the County's Division of Equal Employment Opportunity for review. The County/FPC shall have the right, upon reasonable notice and at reasonable times, to inspect the books and records of the Proposer, its offices and facilities, for the purpose of verifying information supplied in the Erie County Equal Pay Certification (**Appendix "G"**) and for any other purpose reasonably related to confirming the Proposer's compliance with Erie County Executive Order No. 13 (2014). Violation of the provisions of Executive Order 13 (2014), which is attached hereto and made a part hereof, can constitute grounds for the immediate termination of this contract and may constitute grounds for determining that a proposer is not qualified to participate in future county contracts.

EFFECTIVE PERIOD OF PROPOSALS

All proposals must state the period for which the proposal shall remain in effect (i.e. how much time does the County/FPC have to accept or reject the proposal under the terms proposed). Such period shall not be less than one hundred eighty (180) days from the proposal date.