REQUEST FOR PROPOSALS (RFP) FOR ARCHITECTURAL & ENGINEERING SERVICES

PROJECT NAME: New or Expanded Buffalo Niagara Convention Center – Engineering Assessment
RFP #: 1926VF

PROJECT LOCATIONS: Expanded BNCC Site and HSBC Lot Site as noted on map below.

DUE DATE: Wednesday, May 14, 2019 at 2:00 PM

Project Summary and Background:

The Erie County Department of Environment and Planning (herein also referred to as “The County”) is soliciting proposals from Architectural & Engineering consultants to further evaluate the feasibility of two sites identified for a new or expanded Buffalo Niagara Convention Center. Both sites were identified in the Buffalo Niagara Convention Center Market and Feasibility Analysis, a study completed by HVS Convention, Sports & Entertainment Facilities in 2018. The study is available here: http://erie.gov/conventioncenter. In general, the project will include, but is not limited to, (i) assessing from an engineering perspective both sites for a state-of-the-art convention center, (ii) refining overall scopes and cost estimates based on the findings, and (iii) building upon the information obtained through the HVS study. The County’s expectation is to complete this project by December 2019.

Over the last decade, downtown Buffalo has experienced a rebirth and revitalization. New construction for the Buffalo Niagara Medical Campus, Harborcenter, Canalside and re-use of many older buildings for mixed use have lifted downtown Buffalo to levels not seen in over a half century. The number, types and location of hotels in downtown Buffalo have also changed dramatically in the past fifteen years. Because of this, Erie County determined that now is the time to consider a remodeled, expanded or new Buffalo Niagara Convention Center that could potentially contribute to the new downtown landscape.

Erie County owns and operates the Buffalo Niagara Convention Center. The existing center is a facility with a 64,410 square foot main exhibition floor and a total size of approximately 110,000 square feet. Over a number of years, improvements have been made to the existing Buffalo Niagara Convention Center (totaling in excess of $13,000,000) without changing the existing building footprint.

In 2018, Erie County commissioned the Buffalo Niagara Convention Center Market and Feasibility Analysis, which explored the feasibility of renovating, enlarging or constructing a new center. The study concluded that the existing center could not meet the future needs and that the current site does not offer the potential for expansion that is necessary. It recommends a facility with a main exhibition floor of 120,000 to 150,000 square feet and a gross square footage requirement of approximately 400,000 to 520,000.
As part of a locational analysis, the suitability of seven sites within downtown Buffalo for the potential redevelopment of the BNCC was explored. A set of 30 evaluation criteria was used to assess their relative strengths and weaknesses. This process identified the two site options most suitable for a redeveloped BNCC: 1) a central downtown site including and adjacent to the existing BNCC (“Expanded BNCC Site”), and 2) an undeveloped site closer to the waterfront (“HSBC Lot Site”). The Expanded BNCC Site consists of the “Delaware Site”, the “Statler Site”, and the “Existing BNCC Facility” as noted on the map below. The HSBC Lot Site is also defined on the map.

To determine the optimal site, additional research and analysis beyond the scope of the previous study is needed. This includes investigating the feasibility of both sites from an architectural and engineering perspective as specified in the scope of work below.

A. SCOPE OF WORK
This scope of work has been prepared as a proposal guideline. It is the respondent’s responsibility to add any other consultant services that the consultant feels would be necessary to help the county and various stakeholders choose the best location for a new convention center or to otherwise complete the project.

The scope of work may include, but is not limited, to the following:

Rath Building • 95 Franklin Street • 14th Floor • Buffalo, NY 14202 • Phone: 716-858-8301 • Fax: 716-858-8303 • www.Erie.gov
1. **Phase I - Review of Both Site Options:**

   a. The Consultant shall attend kickoff and subsequent Steering Committee meetings as necessary to discuss progress on the scope of work.

   b. The Consultant shall review with the County the HVS *Buffalo Niagara Convention Center Market and Feasibility Analysis (2018)* in relation to the two site options identified - the Expanded BNCC Site and the HSBC Lot Site. In addition, the Consultant shall review with the County a proposed concept (outside the scope of the HVS study) that involves the addition of a third floor to the existing Buffalo Niagara Convention Center.

   c. For both HVS site options, the Consultant shall complete the following:
      i. Phase I Environmental Site Assessment that complies with ASTM E1527-13.
      ii. Assessment of available information on soils and geology in regards to constructability.
      iii. Preliminary utility assessment that includes the mapping of general utility sizes and locations on the two proposed site footprints. Utilities include water, sewer, electric, natural gas, telecommunications, and other underground systems. A utility survey is not necessary for this project.
      iv. Real estate appraisal.
      v. Potential tax revenue loss.

   d. **Deliverables**
      i. Phase I interim report for review by Steering Committee (electronic copy)

2. **Phase II - Assessment of Expanded BNCC Site:**

   a. For the Expanded BNCC Site option, the Consultant shall complete the following:
      i. Coordinate with the County and Buffalo Niagara Convention Center staff, as needed, to collect and review applicable historical and existing building and operations information for the Consultant’s use. This includes building plans specific to disciplines relevant to the scope of work. Documents consisting of construction and/or as-built drawings will be provided in various formats.
      ii. Assess the structural composition of the existing Buffalo Niagara Convention Center, including the substructure, superstructure, and envelope.
      iii. Inventory existing Buffalo Niagara Convention Center building systems and operations, including interior utilities and HVAC.
      iv. Research, at a desktop level, historical and existing information on the Buffalo Niagara Convention Center to assess the extent of interior and exterior hazardous materials (lead paint, asbestos) in relation to impacts on the scope of an expansion.

   b. **Deliverables**
      i. Phase II interim report for review by Steering Committee (electronic copy)

3. **Phase III - Scopes of Services and Phasing for Both Site Options:**

   a. For both HVS site options, the Consultant shall complete the following:
      i. Based on previous phases, the Consultant shall provide a comprehensive assessment of pre-development steps, including additional studies, permits, and design.
      ii. The Consultant shall develop scopes of services for each pre-development step that may be
iii. Based on available information, calculate the order of magnitude costs of the pre-development steps.
iv. For the Expanded BNCC Site option and the proposed concept plan, assess the potential impact of construction activities on the Buffalo Niagara Convention Center business operations, and provide an estimated downtime for facility operations.

b. Deliverable
   i. Phase III interim report for review by Steering Committee (electronic copy)

4. Phase IV - Cost Estimations for Both Site Options:

   a. For both HVS site options, the Consultant shall prepare a comprehensive cost estimate by:
      i. Reviewing and updating the construction cost estimates in the HVS Buffalo Niagara Convention Center Market and Feasibility Analysis (2018) to 2019 values.
      ii. Calculating and incorporating any new cost estimates gathered as part of this project:
          1. Order of magnitude cost to demolish existing Buffalo Niagara Convention Center as part of the HSBC Lot Site option.
          2. Order of magnitude cost to relocate the historic building that is part of the Expanded BNCC Site option.
      iii. Developing comprehensive itemized cost estimates with assumptions outlined.

   b. Deliverable
      i. Phase IV interim report for review by Steering Committee (electronic copy)

5. Phase V - Overall Assessment of Both Site Options:

   a. For both HVS site options and the proposed concept plan, the Consultant shall assess the general feasibility, constructability, and implications of pursuing each based on information collected and assessed throughout this project. A summary of pros and cons for each HVS site option shall be developed.
   b. The Consultant shall provide recommendations on additional studies that may provide useful information to aid in the County decision-making process in relation to the site options.

   c. Deliverable
      i. Phase V interim report for review by Steering Committee (electronic copy)

6. Phase VI - Draft and Final Reports:

   a. The Consultant shall prepare draft and final reports that include all interim reports in one concise document. An electronic copy and ten (10) hard copies of each will be required for County use.

   b. Deliverable
      i. Ten (10) Draft and Final Reports for review by Steering Committee (hard copies and electronic copy)

B. FUNDING

The project is being funded through the use of Erie County General Obligation Bonds.
C. PROPOSAL TIME FRAMES

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

- **RFP Issued:** April 18, 2019
- **RFP Questions Due:** April 30, 2019, Close of Business
- **Responses to RFP Issued:** May 6, 2019
- **Proposals Due:** May 14, 2019, 2:00 PM (EST)

D. CONTRACT

A contract prepared by the County of Erie for the services requested in the RFP will be negotiated with the selected firm. The selected firm will be expected to enter into a contract with the County of Erie upon successful conclusion of negotiations.

E. GENERAL REQUIREMENTS

1. Requests for Information/clarification of this RFP must be in writing and submitted to Julie Barry at Julie.Barry@erie.gov no later than date listed in Section C “Proposal Time Frames”. No communications of any kind will be binding against the County, except for the formal written responses to any request for clarification. Responses to RFP questions will be issued by addendum on the Erie County website.

2. Information on the Standard Insurance Provisions required of companies selected as a contractor of this service is included as Schedule C – Erie County Standard Insurance Certificate 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.

3. All potential contract-holders with Erie County shall agree to comply with Executive Order 13 (2014), and the Company shall make such records available, upon request, to the County’s Division of Equal Employment Opportunity for review. All contract holders are required to sign the Schedule D – Erie County Equal Pay Certification (attached). The County shall have the right, upon reasonable notice and at reasonable times, to inspect the books and records of the Company, 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 Company’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 a contract, and may constitute grounds for determining that a bidder is not qualified to participate in future county contracts.

4. All Proposers must disclose the name, title, and department of any employee or officer who was an employee or officer of Erie County within the 12 months immediately prior to the proposal.

5. All Proposers must provide a list of at least 3 references from community partners and collaborators or an individual with knowledge of and experience with the specific services being offered. References are also required for inspectors being planned for this project.

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

7. Provide work which complies with professional Architectural and Engineering standards and applicable requirements of federal, state, and local law. Consultants are required to provide sealed and signed documents by a registered New York State design professional.
8. Contract for or employ at the Consultant’s expense, sub-consultant(s) to the extent deemed necessary for completion of the project. In accordance with Erie County Local Law No. 9-2005, all contracted Professional, Technical or other consultant services must include a goal of at least 15% MBE participation, directly or through subcontracts and 5% WBE participation, directly or through subcontracts. The County reserves the right to reject the use of any sub-consultant. Nothing in the foregoing procedure shall create any contractual relationship between the County and any sub-consultant employed by the Consultant under the terms of the Agreement.

9. Cooperate with other professionals employed by the County and/ or other design consultants for the design, coordination or management of this project or other work related to or affecting the project.

F. STATEMENT OF RIGHTS

1. 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 for the required services;
- by submitting a proposal, the Proposer agrees and understands that the County 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 both 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 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 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 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 for the expenses of preparation. The County assumes no responsibility or liability of any kind for costs incurred in the preparation or submission of any proposal;

While this is an RFP and not a bid, the County reserves the right to apply the case law under New York State General Municipal Law § 103 regarding bidder responsibility in determining whether a Proposer is a responsible vendor for the purpose of this RFP process; and

The County 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.

2. EVALUATION

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

- The Proposer’s demonstrated capability to provide the services.

- Evaluation of the professional qualifications, personal background and resume(s) of individuals involved in providing services.

- The Proposer’s experience in performing the proposed services.

- The Proposer’s financial ability to provide the services.

- 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 MUST sign the Proposal Certification attached hereto as Schedule A. Unsigned proposals will be rejected.

- Proposers may be required to give an oral presentation to the County to clarify or elaborate on the written proposal.

- 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.
3. **CONTRACT**

After selection of the successful Proposer, a formal written contract will be prepared by the County and will not be binding until signed by both 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.**

4. **INDEMNIFICATION AND INSURANCE**

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

“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.

(c) any infringement of any claimed copyright or patent right of designs, plans, drawings, or specifications furnished by the Proposer or its sub consultant. Nothing contained herein shall create or give to third parties any claim or right of action against the County or the Proposer beyond such as may legally exist without regard to this provision.”

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

Insurance coverage in amount and form, as outlined in **Schedule C**, shall not be deemed acceptable until approved by the County Attorney.

5. **INTELLECTUAL PROPERTY RIGHTS**

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

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 all right, title and interest (including
ownership of copyright) in such deliverables and such assignment allows the County to obtain in its name copyrights, registrations and similar protections which may be available. The Proposer agrees to assist the County, if required, in perfecting these rights. The Proposer shall provide the County with at least one copy of each deliverable.

The Proposer agrees to defend, indemnify, and hold harmless the County 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 continued use of the deliverable, or to modify or replace it. If the County 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. The Proposer may retain copies of such records for its own use.

6. 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 or official.

7. 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. Further, all Proposers must disclose the name of any County employee 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. The existence of a conflict shall be grounds for termination of a contract.

8. 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.

9. 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 considers proper under the law. If the County enters into an agreement with this Proposer, the County 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 following: "THE PROPOSER BELIEVES THAT THIS INFORMATION IS PROTECTED FROM DISCLOSURE UNDER THE STATE FREEDOM OF INFORMATION LAW."

The County assumes no liability for disclosure of information so identified, provided that the County 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, except portions "Protected from Disclosure", may become part of any agreement resulting from this RFP.

10. 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 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.

G. SELECTION CRITERIA

The Erie County Department of Environment and Planning selection committee will review the proposal submissions and/or statement of qualifications. The Qualifications will be comparatively evaluated based upon the requirements stated in Section F “Statement of Rights”, specifically Part 2 “Evaluation” and in accordance with the following criteria, listed in order of decreasing importance:

Understanding of work to be done 30%
H. PROPOSAL CONTENT

In order for Proposers to be considered for an award, the terms, conditions and instructions contained in this RFP and attachments must be met. Any proposals which do not meet these criteria may be considered non-responsive. All proposals must be limited to fifteen (15) pages total, double-sided or thirty (30) pages total, single-sided. This includes the GSA form 330 format and resumes. Front and back covers, and sectional dividers will not be counted towards the maximum number of pages allowed. The proposal shall include a clear table of contents addressing all the requirements for the RFP:

1. **RFP Coversheet:** Firm must return the completed Schedule D – “Erie County Department of Law RFP Coversheet” with their proposal.

2. **Additional Information:** Brief description of the Proposer, including its location, years in business, history and philosophy. Include an outline of the Proposer’s ownership, officers, and executive management.

3. **Contact Information:** To facilitate communications regarding this RFP, please state clearly the following:

<table>
<thead>
<tr>
<th>FIRM NAME:</th>
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<tbody>
<tr>
<td>CONTACT PERSON NAME:</td>
</tr>
<tr>
<td>ADDRESS:</td>
</tr>
<tr>
<td>TELEPHONE NUMBER:</td>
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<td>E-MAIL ADDRESS:</td>
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4. **Project Statement:** This is a statement of the firms understanding of the project scope of work, project assumptions and exclusions, and acknowledgement of any addenda issued for the RFP.

5. **Qualification Statement:** A narrative describing the Proposer’s capabilities and unique qualifications, including all pertinent information that would substantiate the Proposer’s capabilities as they pertain to the specified services of this RFP.

6. **GSA Standard Form 330:** The Candidates are required to provide an up-to-date and complete General Services Administration (GSA) Standard Form 330 Architect-Engineer Qualifications. Identify Proposer’s key contact personnel for project related matters and include respective resumes and detailed descriptions of past project roles. Indicate the location of the office(s) where the work would be performed. Provide a listing and description of similar completed projects that demonstrate the proposer’s experience.

   a. Submit Part I and Part II of the GSA Standard Form 330 based on the specific instructions, and take into account the following supplemental instructions:

      i. Section F shall present five (5) example projects which best illustrate the proposed team’s qualifications for this contract.

      ii. Section H shall present Manpower Commitment, Quality Assurance and Control, M/WBE Utilization Plan, and Additional Attachments as stated below.
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. The Erie County DEP 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 (GS).

http://www.gsa.gov/portal/forms/download/116486

7. **Manpower Commitment:** Provide information regarding the ability to meet the project schedule based on workload including an organizational chart indicating the staff that may be assigned to the contract and their responsibilities. Indicate the location of the office(s) where the work would be performed. List 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. In addition the firm needs to supply a list of contracts that are presently open with Erie County Department of Public Works, Highways Division, Building and Grounds Division and Department of Environment and Planning.

   a. Provide a disclosure indicating, by name, any principal or staff member presently employed by your firm and/or who was employed by the County of Erie in the year prior to the date of this RFP. This disclosure shall also include the individual’s name, title and the department within the County of Erie for whom the employee worked. Further, disclose the name of any County employee who owns, directly or indirectly, an interest of ten percent (10%) or more in the firm or any of its subsidiaries or affiliates.

8. **References:** Provide references as noted in Section E “General Requirements” based on relevant past experience. Information is to project name and location, brief description of project, completion date, firm/organization name, contact person, address, phone number and email address.

9. **Quality Assurance and Control:** A detailed discussion of the methodology used by the firm to assure quality control and assurance is to be provided.

10. **M/WBE Utilization Plan:** A plan shall be submitted with this proposal stating how the firm intends to meet the following criteria:

   a. The County of Erie has Minority Business Enterprise (MBE) and Women’s Business Enterprise (WBE) participation goals as stated in Section E “General Requirements”. The County of Erie is committed to M/WBE goals and a good faith effort is expected to be put forth to achieve these goals. Indicate the names of all proposed sub-consultant(s), and state if they are a Minority Business Enterprise (MBE) or Women Business Enterprise (WBE). For those firms proposed to be utilized as M/WBE firms on this particular project, indicate the percentage of the total value of the contract that all MBE’s are proposed to be awarded, and the percentage of the total value of the contract that all WBE’s are proposed to be awarded. Contract amounts are not to be disclosed in the Qualifications.

   b. Certified Minority Business Enterprise/ Women’s Business Enterprise (MBE/WBE) proposers should include the Erie County MBE/WBE Certification letter with their proposal.

11. Include the signed **Schedule A – Proposer Certification**.

12. Include the signed **Schedule B – Erie County Equal Pay Certification**.

13. Include proof of Insurances as required in **Schedule C**.

14. Include completed **Schedule D – Erie County Department of Law Cover Sheet**.

15. List of Officers and Board of Directors.
16. Include proposers submitting proposals must include a rate card depicting titles and hourly rates of the personnel planned to fulfill the needs of this contract as part of **Schedule E – Rates of Service**. These rates are to be loaded rates including overhead and profit costs.

17. **Second Sealed Envelope Contents (hard copy only):**

   a. The cost proposal form shall be completed and signed. A list of all assumptions and exclusions that are pertinent to the lump sum fee is to be provided with the proposal (there will be no reimbursables).
I. PROPOSAL SUBMISSION

Submission of the proposals shall be directed to:

Julie Barry  
Erie County Department of Environment and Planning  
95 Franklin Street, 10th Floor  
Buffalo, New York 14202

Reference your submission as “Proposal for General Architectural/Engineering Services: New or Expanded Buffalo Niagara Convention Center – Engineering Assessment”.

Please submit six (6) bound hard copies and one (1) electronic PDF copy of your proposal package on or before the date and time listed in Section C “Proposal Time Frames” with the required content as described Section H “Proposal Content” of this document. Proposal shall be submitted in a separately sealed envelope along with the RFP. Open proposals submitted within the RFP will not be considered. The County is under no obligation to return proposals.

For consideration the Consultant must submit both the qualification statements and proposal form. Proposal forms shall be submitted in a separately sealed envelope along with the RFP. Open proposals submitted within the RFP will not be considered.

J. INTERVIEWS

The County reserves the right to determine whether interviews will be necessary in the selection of a Consultant. If required, the proposed lead principal as well as other key personnel proposed to provide services must be present and participate in the interview.

Attachments:  
Proposal Form  
Schedule A – Proposer Certification  
Schedule B – Erie County Equal Pay Certification  
Schedule C – Erie County Standard Insurance Certificate  
Schedule D – Erie County Department of Law Cover Sheet  
Schedule E – Rates of Service
REQUEST FOR PROPOSAL FOR PROFESSIONAL SERVICES

PROJECT TITLE: New or Expanded Buffalo Niagara Convention Center – Engineering Assessment
RFP #: 1926VF
DATE: April 18, 2019
PROPOSAL DUE DATE: Wednesday, May 14, 2019 by 2:00PM

TO: Julie Barry, Deputy Commissioner
Erie County DEP
95 Franklin Street, 10th Floor
Buffalo, NY 14202

PROJECT LOCATIONS:
Expanded BNCC Site and HSBC Lot Sites

PROPOSAL FORM:
A. Please provide fees per Phase as shown below, which includes but is not limited to all labor, material, profit and overhead to provide the services identified within this Request For Proposal (RFP).

Phases I: Review of Both Sites
Phase II: Assessment of BNCC Expanded Site
Phase III: Scopes of Services and Phasing
Phase IV: Cost Estimations
Phase V: Overall Assessment
Phase VI: Draft and Final Reports

TOTAL FEE (Phases I through VI) ____________________________________________________________

*Consultant is to provide a list of all assumptions and exclusions that are pertinent to the fees provided

B. Please provide an estimate for the durations (in weeks) for Phases I - VI:_______________________________

C. Certification: Proposal must be signed by an officer or employee having authority to legally bind the proposer.

FIRM NAME: _________________________________________________________________________________________________
STREET ADDRESS: ___________________________________________________________________________________________
CITY & STATE, ZIP: __________________________________________________________________________________________

PRINT NAME OF AUTHORIZED REPRESENTATIVE: ___________________________________________________________
SIGNATURE OF AUTHORIZED REPRESENTATIVE: __________________________________________________________
TITLE: __________________________________________________________________________________________________
DATE: __________________________________________________________________________________________________
TELEPHONE: ____________________ FAX: ________________ TOLL FREE: _________________________________________
E-MAIL ADDRESS: _______________________ INTERNET URL: ___________________________________________________
TAXPAYER IDENTIFICATION NUMBER: _________________________________________________________________

Proposal Form
SCHEDULE A

PROPOSER CERTIFICATION

The undersigned agrees and understands that this proposal and all attachments, additional information, etc. submitted herewith constitute merely an offer to negotiate with the County of Erie (the “County”) and is NOT A BID. Submission of this proposal, attachments, and additional information shall not obligate or entitle the proposing entity to enter into a service agreement with the County for the required services. The undersigned agrees and understands that the County is not obligated to respond to this proposal nor is it legally bound in any manner whatsoever by the submission of same. Further, the undersigned agrees and understands that any and all proposals and negotiations shall not be binding or valid against the County, its directors, officers, employees or agents unless an agreement is signed by a duly authorized County officer and, if necessary, approved by the Erie County Legislature, the Office of the County Attorney and/or the Erie County Fiscal Stability Authority.

It is understood and agreed that the County reserves the right to reject consideration of any and all proposals including, but not limited to, proposals which are conditional or incomplete. It is further understood and agreed that the County reserves all rights specified in the Request for Proposals (RFP).

It is understood and agreed that the undersigned, prior to entering into an agreement with Erie County, will provide proof of insurance in accordance with the instructions herein.

It is represented and warranted by those submitting this proposal that except as disclosed in the proposal, no officer or employee of the County is directly or indirectly a party to or in any other manner interested in this proposal or any subsequent service agreement that may be entered into.

Proposer Company Name

By: ____________________________

Name and Title

Date: ____________________________
SCHEDULE B

ERIE COUNTY EQUAL PAY CERTIFICATION

In order to comply with Executive Order 13 dated November 6, 2014, we hereby certify that we are in compliance with federal law, including the Equal Pay Act of 1963, Title VII of the Civil Rights Act of 1964, Federal Executive Order 11246 of September 24, 1965 and New York State Labor Law Section 194 (together “Equal Pay Law”). We understand that this certification is a material component of this contract. Violation of the provisions of Executive Order 13, 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 bidder is not qualified to participate in future county contracts.

We have evaluated wages and benefits to ensure compliance with the Equal Pay Law. We certify that we have not been the subject of an adverse finding under the Equal Pay Law within the previous five years and, in the alternative, if we were the subject of an adverse finding under the Equal Pay Law within the previous five years, we have annexed a detailed description of the finding(s). In addition, we have annexed a detailed description of any currently pending claims under the Equal Pay Law in which we are involved.

____________________________________
Signature

Verification

A) OWNER/PARTNERSHIP

STATE OF ____________ )
COUNTY OF ____________ ) SS:

___________________________________________, being duly sworn, states he or she is the owner of (or a partner in)
___________________________________________, and is making the foregoing Certification and that the statements and
representations made in the Certification are true to his or her own knowledge.

Sworn to before me this ______Day of ____________, 20__

__________________________
Notary

B) CORPORATE

STATE OF ____________ )
COUNTY OF ____________ ) SS:

___________________________________________, being duly sworn, states that he or she is the
Name of Corporate Officer

___________________________________________, of ____________________________________,
Title of Corporate Officer ___________________________, Name of Corporation
the enterprise making the foregoing Certification, that he or she has read the Certification and knows its contents, that the
statements and representations made in the Certification are true to his or her own knowledge, and that the Certification is
made at the direction of the Board of Directors of the Corporation.

Sworn to before me this ______Day of ____________, 20__

__________________________
Notary
SCHEDULE C

INSTRUCTIONS FOR COUNTY OF ERIE STANDARD INSURANCE CERTIFICATE

I. Insurance shall be procured and certificates delivered before commencement of work or delivery of merchandise or equipment.

II. CERTIFICATES OF INSURANCE
   A. Shall be made to the "County of Erie, 95 Franklin St, Buffalo NY, 14202."
   B. Coverage must comply with all specifications of the contract.
   C. Must be executed by an insurance company, agency or broker, which is licensed by the Insurance Department of the State of New York. If executed by a broker, notarized copy of authorization to bind or certify coverage must be attached.

III. Forward the completed certificate to: County of Erie, (Department or Division) responsible for entering into the agreement for construction, purchase, lease or service.

IV. Minimum coverage with limits are as follows:

<table>
<thead>
<tr>
<th>Vendor Classification</th>
<th>A - Construction and Maintenance</th>
<th>B - Purchase or Lease of Merchandise or Equipment</th>
<th>C - Professional Services</th>
<th>D - Property Leased To Others Or Use Of Facilities Or Grounds</th>
<th>E - Concessionaire Services</th>
<th>F - Livery Services</th>
<th>G - All Purposes Public Entity Contracts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial Gen. Liab.</td>
<td>$1,000,000 per occ.</td>
<td>$1,000,000 CSL</td>
<td>$1,000,000 CSL</td>
<td>$1,000,000 CSL</td>
<td>$1,000,000 CSL</td>
<td>$1,000,000 CSL</td>
<td>$1,000,000 CSL</td>
</tr>
<tr>
<td>General Aggregate</td>
<td>$2,000,000</td>
<td></td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>Product Line</td>
<td>$2,000,000</td>
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<tr>
<td>Blanket Broad Form</td>
<td>INCLUDE</td>
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<td></td>
</tr>
<tr>
<td>Contract Liability</td>
<td>Not Excluded or Limited</td>
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<tr>
<td>Bread Form P.D.</td>
<td>INCLUDE</td>
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<tr>
<td>A.U.I.</td>
<td>INCLUDE</td>
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</tr>
<tr>
<td>Liquor Liability</td>
<td>INCLUDE</td>
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</tr>
<tr>
<td>Auto Liab.</td>
<td>$1,000,000 CSL</td>
<td></td>
<td>$1,000,000 CSL</td>
<td>$1,000,000 CSL</td>
<td>$1,000,000 CSL</td>
<td>$1,000,000 CSL</td>
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<tr>
<td>Owned</td>
<td>INCLUDE</td>
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<td>Hired</td>
<td>INCLUDE</td>
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</tr>
<tr>
<td>Non-Owned</td>
<td>INCLUDE</td>
<td></td>
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</tr>
<tr>
<td>Excess Umbrella Liab.</td>
<td>$5,000,000</td>
<td>$1,000,000</td>
<td>$1,000,000</td>
<td>$1,000,000</td>
<td>$1,000,000</td>
<td>$1,000,000</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Workers' Compensation</td>
<td>STATUTORY</td>
<td>STATUTORY</td>
<td>STATUTORY</td>
<td>STATUTORY</td>
<td>STATUTORY</td>
<td>STATUTORY</td>
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<tr>
<td>&amp; Employer's Liability</td>
<td>STATUTORY</td>
<td>STATUTORY</td>
<td>STATUTORY</td>
<td>STATUTORY</td>
<td>STATUTORY</td>
<td>STATUTORY</td>
<td>STATUTORY</td>
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<tr>
<td>Disability Benefits</td>
<td>STATUTORY</td>
<td>STATUTORY</td>
<td>STATUTORY</td>
<td>STATUTORY</td>
<td>STATUTORY</td>
<td>STATUTORY</td>
<td>STATUTORY</td>
</tr>
<tr>
<td>Professional Liability</td>
<td>$5,000,000</td>
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</tr>
</tbody>
</table>

V. Construction contracts require excess Umbrella Liability limits of $5,000,000.

VI. Coverage must be provided on a primary-non-contributory basis.

VII. Designated Construction Project General Aggregate Limit Per Location Endorsement CG 25 03 is Required.

VIII. In the event the concessionaire is required to have a N.Y.S. license to dispense alcoholic beverages an endorsement for liquor liability is required.

IX. Transportation of people in buses, vans or station wagons requires $5,000,000 excess liability.

X. Workers Compensation: State Workers' Compensation Board form DB-155 is required for proof of compliance with the New York State Disability Benefits Law.

Locations of operation shall be "All locations in Erie County, New York."

For those entities who request permits, licenses, or contracts are required to provide either an Affidavit of Exemption (BP-1) or Certificate of Insurance 10-2-2, Certificate of Self Insurance 20-12, DB-155, or a Certificate of Affidavit CE-203 to evidence exemption of coverage by statute. It will be necessary to require alternate coverage and limits which will be defined in the bid specifications, contract, lease or agreement.

The alternative specifications should be evidenced on the certificate in lieu of the standards printed above.

XI. The "ACORD" form certificate may be used in place of the County of Erie Standard Insurance Certificate, provided that all of the above referenced requirements are incorporated into the "ACORD" form certificate.
<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of Organization:</td>
<td></td>
</tr>
<tr>
<td>Organizational Mailing Address:</td>
<td></td>
</tr>
<tr>
<td>President/CEO:</td>
<td></td>
</tr>
<tr>
<td>President’s/CEO’s Phone Number:</td>
<td></td>
</tr>
<tr>
<td>President’s/CEO’s Email:</td>
<td></td>
</tr>
<tr>
<td>Project Contact Person:</td>
<td></td>
</tr>
<tr>
<td>Project Contact Person’s Phone Number:</td>
<td></td>
</tr>
<tr>
<td>Project Contact Person’s Email:</td>
<td></td>
</tr>
<tr>
<td>Company Website:</td>
<td></td>
</tr>
<tr>
<td>Federal Employer ID# (FEIN):</td>
<td></td>
</tr>
<tr>
<td>Is company debarred/suspended from receiving funds/doing business with the Federal government?</td>
<td></td>
</tr>
<tr>
<td>Please provide DUNS #, if available:</td>
<td></td>
</tr>
<tr>
<td>Is respondent a non-profit or unit of government?</td>
<td></td>
</tr>
<tr>
<td>If non-profit, please provide 501(c)(3) not-for-profit entity ID # and date established as such:</td>
<td></td>
</tr>
<tr>
<td>If non-profit, please provide roster of respondent’s volunteer board:</td>
<td></td>
</tr>
<tr>
<td>Is company a Certified Minority Business Enterprise/</td>
<td></td>
</tr>
<tr>
<td>Women’s Business Enterprise (MBE/WBE)?</td>
<td></td>
</tr>
<tr>
<td>Is company a Veteran-Owned Business?</td>
<td></td>
</tr>
<tr>
<td>Name, title, and department of any employee or officer who was an employee or officer of Erie County within the 12 months immediately prior to the proposal:</td>
<td></td>
</tr>
</tbody>
</table>
SCHEDULE E

RATES OF SERVICE

Proposers submitting proposals must include a rate card depicting titles and hourly rates of the personnel planned to fulfill the needs of this contract.