

# Request for Proposals

---

**Buffalo Urban Development Corporation**

Design Services and Permitting / Grant Support for:

**Ralph Wilson Park 'Segment #3' Shoreline**

**RFP Issue: February 16, 2024**

**Questions Due: 4:00 P.M. on February 27, 2024**

**Proposals Due: 1:00 P.M. on March 12, 2024**



**Contents**

1.0 Introduction ..... Page 3

2.0 Project Overview..... Page 3

3.0 Background ..... Page 4

4.0 Scope of Work ..... Page 5

5.0 Project Timeline ..... Page 6

6.0 Compliance with Funding Sources ..... Page 6

7.0 Proposal Format/Requirements ..... Page 7

8.0 Submission Instructions ..... Page 8

9.0 Selection Process ..... Page 8

10.0 General Requirements..... Page 9

## 1.0 Introduction

Buffalo Urban Development Corporation (BUDC) is the City of Buffalo's not-for-profit local development corporation, reclaiming distressed land and buildings for future development. Mayor Byron W. Brown is the Chairman of the Board which oversees BUDC. As a local development corporation, BUDC seeks to create an environment conducive to private investment, provide oversight and visioning for projects of regional significance, serve as a liaison among various public and private stakeholders, serve as a conduit for public funding of significant projects, and serve as a real estate holding company for certain public-sector projects.

The mission of BUDC is to support the urban economic development efforts of the region through the acquisition, remediation, and management of distressed properties, and to engage in related real estate development activities for the purpose of attracting and/or retaining new and existing businesses to the City as part of the region. The mission of BUDC also includes supporting the revitalization of downtown Buffalo by serving as the lead management entity for Buffalo Building Reuse Project (BBRP) initiatives, working in collaboration with the City of Buffalo, including the coordination of financial assistance for downtown adaptive re-use projects, public right-of-way improvements, and the Ralph C. Wilson Jr. Centennial Park project.

## 2.0 Project Overview

In 2018, Mayor Byron W. Brown and the Ralph C. Wilson Jr. Foundation announced a \$50 million funding commitment to transform approximately 100 acres of the current Lasalle Park into the Ralph C. Wilson Jr. Centennial Park. This reimagined park is intended to provide access to world-class park amenities and Lake Erie to the underserved local community and the entire region. Details about the overall project can be found in the RWP Conservancy's website; <https://rwparkbuffalo.org/>.

This RFP is for a portion of the park's shoreline identified below as 'Segment #3':



**RFP: Consulting Services for  
Ralph Wilson Park, Shoreline Segment #3**

Segment #3 is the last portion of the RWP shoreline in need of rehabilitation. A recent stand-alone USACE project addressed the shoreline north of Segment #3 and the ongoing RWP project is addressing the necessary rehabilitation for the shoreline south of Segment #3.

BUDC is soliciting proposals from design and engineering consulting firms to develop Construction Documents for Segment #3 and to support the grant / permitting process. The selected firm will need to evaluate design standards developed for the shoreline projects north and south of Segment #3 and determine/develop shoreline design requirements for this project. The intent of this project is to 'fill in the gap' between the shoreline projects to the north and south so the consultant should review reference documents for those projects and determine the scope which is required to bridge the two projects (including meeting their respective top of wall elevations, adjacent grading etc.).

The following reference documents are available to RFP respondents. Requests should be made in writing to Cristina Cordero at [c.cordero@gardinerusa.com](mailto:c.cordero@gardinerusa.com).

- DHSES grant application and reference documentation
- USACE Shoreline Design Report (structural + resiliency design parameters)
- USACE as-builts
- USACE site investigations
- RWP Shoreline Design Report (structural + resiliency design parameters)
- RWP Construction Drawings
- RWP site investigations
- WSP Shoreline Report (as-builts for original shoreline design + condition assessment)
- Buffalo Water Berm Project Bid Drawings (Buffalo Water noted all their underground pipe and utility information is included within these drawings. Respondents should review, additional questions related to intake pipeline from Lake Erie, any operative outfalls, CSO's, adjacent clear well and other BW infrastructure should be submitted in writing for coordination with BW).

**Note team agreed to make all materials available to RFP respondents (incl ACOE material)**

### **3.0 Ralph Wilson Park Background**

The creation of the Ralph C. Wilson Jr. Centennial Park aligns with Mayor Byron W. Brown's continuous goals of increasing employment opportunities for City of Buffalo residents, promoting general diversity, community project involvement and increasing the utilization of Minority and Women Business Owned Enterprises in major development projects.

The Imagine LaSalle effort, the starting point for development of the park vision, was made possible through the generosity of the Ralph C. Wilson, Jr. Foundation in partnership with the Community Foundation for Greater Buffalo. The University at Buffalo School of Architecture and Planning and one of its research centers, the UB Regional Institute (UBRI), led the early community engagement process to ensure broad and meaningful community input to shape the park's future. The recently established Ralph Wilson Conservancy took over the community engagement process as well as long term maintenance planning for the park. The City of Buffalo is an active project partner and owner of the

project property and has contracted with a contract manager at risk for the construction of the project. The City of Buffalo is represented by the City's Division of Parks and Recreation. The Buffalo Urban Development Corporation (BUDC) is the lead management entity for the project that does not have an ownership interest in the project property. The successful firm will be required to enter into a contract with BUDC upon being awarded the work that is being solicited under this RFP. Other project partners include but are not limited to the City's Department of Community Services and Recreational Programming, and the Mayor's Office of Strategic Planning.

The project represents a complete park renovation, providing transformative recreational opportunities for Buffalo.

#### **4.0 Scope of Work**

For the proposal submittal, the following is a description of the suggested scope of services to be performed and completed by a firm that is awarded the work:

##### **Project Initiation**

- The design consultant/team shall review reference materials and conduct a site visit(s) as needed to develop recommended design standards for this project. The recommendation should be formally submitted to the City of Buffalo for approval.
- Design consultant/team shall organize pre-design meetings with all involved parties as needed to confirm grant requirements, permitting requirements etc.

##### **Subsurface Investigation**

- If after review of the existing site investigation data the consultant determines additional site investigation is required for development of the Segment #3 design, the proposal should include a fully developed site investigation scope of work. The City of Buffalo will use this scope of work to procure the additional site investigation required.

##### **Design**

- The design consultant/team should develop 100% Construction Drawings (or bid set). Once the bidding process is completed, the consultant should update the 100% CD's / bid set as needed and format into an 'Issued for Construction' set. The design consultant/team should establish the design milestones as needed to secure City of Buffalo, Buffalo Water and permitting agency feedback. It is suggested that design milestones are minimized as much as possible to achieve a compressed design timeline.
- A design timeline of 3-4 months is envisioned (from project initiation to 100% CD's). RFP respondents should submit a proposed design schedule showing start of design (assume April 1<sup>st</sup>), by when any additional investigation information would be required, and intermediate milestones as deemed necessary by the consultant.
- The above schedule should allow for one cost estimate milestone (cost estimating will be completed by others). The cost estimate milestone should be early enough to adjust design direction if the project is found to be overbudget. For scheduling purposes RFP respondents can assume cost estimating and associated review will be completed in 2 weeks.
- The above schedule should accommodate development of permit documents on an advanced track (permit process should be started as soon as possible, before the completion of 100% Construction Documents as allowed by permitting agencies)

### **Permitting**

The City of Buffalo has identified required permitting coordination with the following partners;

- Joint Application (DOS)
- Joint Application (DEC)
- Joint Application (USACE)
- Buffalo Water / City of Buffalo
- The design consultant/team shall identify additional needs and lead the development of materials for the above permits/coordination.

### **Bidding & Negotiation**

- The design consultant/team shall review bid packages developed by others, participate in descope meetings as needed and aid in the analysis of all bids received.

### **Final Deliverables and Grant Funding Requirements**

- The design consultant should develop a final deliverable pack according to the requirements of the DHSES funding (including environmental considerations, see DHSES reference documents).
- The City of Buffalo does not anticipate intermediate milestone review as a requirement by the funder, but the RFP respondents should review all DHSES paperwork and confirm this.

### **Construction Administration**

- These services will be negotiated at a later time.

**The Scope of Work has been prepared as a proposal guideline. It is the respondent's responsibility to add any other design consultant/team service necessary to complete the project.**

## **5.0 Project Timeline**

The expected duration of this project from Project Initiation to completion of 100% Construction Documents / DHSES Deliverable Pack is 3-4 months. Any and all proposals should include a timeline with major milestones identified.

## **6.0 Compliance with Funding Sources**

This Segment #3 scope is being funded by a grant made available to the City of Buffalo from the New York State Division of Homeland Security and Emergency Services (DHSES) through the Federal Emergency Management Agency (FEMA) with matching funds from the Ralph C. Wilson, Jr. Foundation (Wilson Foundation). As the Segment #3 scope will be partially funded with federal funds from FEMA and Wilson Foundation funds it is subject to the Federal laws and regulations associated with that program and any requirements from the Wilson Foundation. Accordingly, the selected consultant will need to adhere to requirements from the funding sources. The selected consultant will also need to support grant reporting to FEMA and DHSES as applicable. As indicated in Section 2.0 above, the DHSES grant application and reference documentation is available to respondents upon request.

## 7.0 Proposal Format/Requirements

Submissions must include the following information in a brief and concise format. While there is no page limit for proposals, they should be concise. BUDC reserves the right to request additional information during the review of proposals and to reject any and all submissions.

### Cover Letter

The cover letter should include the official name of the firm submitting the proposal, mailing address, e-mail address, telephone number, and primary contact name. The letter must be signed by an official authorized to bind the proposer contractually and contain a statement that the proposal is firm for ninety (90) days. An unsigned letter, or one signed by an individual not authorized to bind the consultant, may be disqualified.

### Minority and Women Business Enterprise and Service-Disabled Veteran-Owned Businesses Interest

BUDC and the City of Buffalo seek to encourage meaningful partnerships with and participation from NYS-certified Minority and Women-Owned Business Enterprises (M/WBE) and Service-Disabled Veteran-Owned Businesses (SDVOB) at all project levels. For purposes of this solicitation, the City of Buffalo hereby establishes an overall goal of (a) 25% for Minority-Owned Business Enterprises (“MBE”) participation, 5% for Women-Owned Business Enterprises (“WBE”) participation, and 5% for Service-Disabled Veteran-Owned Businesses (SDVOB) participation for third-party vendors and services utilized during the life of this contract. The vendor must document good faith efforts to provide meaningful participation by MWBE’s and SDVOB’s subcontractors or suppliers in the performance of the contract and agrees that the BUDC may withhold payment pending receipt of the required MWBE documentation. M/WBEs companies are encouraged to respond.

### Understanding and Approach

Respondents to this RFP should include a brief narrative explaining their understanding and approach to this project and the requested scope of work. The understanding and approach should outline the proposed scope of work, specific phases and tasks, and the deliverables and products to be provided.

### Firm Profile, Experience of Firm/Project Team, and References

Firms or their principals responding to this RFP must be licensed to practice in New York State. Proposals should include a firm profile, an organizational chart identifying the project manager and team members with their titles, resumes from key personnel, and references from at least 3 clients for whom the consultant has performed services within the past 3 years. All proposed sub-consultants must also be identified, along with their project managers and key personnel.

The project team should have a full range of relevant planning, design, construction, and project management experience. Primary personnel in each of the noted disciplines must be identified by name and office location, with resumes included, and should demonstrate satisfactory experience and depth in each of the required disciplines. The role of your organization should be highlighted in any references to experience on prior projects and initiatives.

### Fee Proposal

The proposal should include a proposed fee for all services delineated by phase and task as outlined in the consultant's proposed scope of work. The fee proposal should include the hourly rate of each staff member who will work on a task and their number of hours by phase and task. The consultant contract will be a lump sum or an agreed maximum. No part of the fee for other services will be based on a cost-

plus-a-percentage-of-cost or a cost using a multiplier. The consultant shall include a sum for project expenses.

### **Attachments**

Please include completed copies of Attachments A–C as an addendum to your proposal.

## **8.0 Submission Instructions**

Gardiner & Theobald Inc. (G&T) is assisting BUDC with administration of the RFP process. BUDC has contracted with G&T to serve as its contract manager for the Project and leads coordination of the overall project and associated cost management.

### **RFP Questions**

Any questions regarding this RFP should be made in writing to Cristina Cordero at [c.cordero@gardinerusa.com](mailto:c.cordero@gardinerusa.com) no later than February 27, 2024, at 4:00 P.M. No requests for oral interpretations via the telephone will be accepted.

### **RFP Submission**

The RFP response must be submitted electronically via e-mail to the contacts included below no later than 1:00 P.M. on March 12, 2024.

- Rebecca Gandour, Executive Vice President  
Buffalo Urban Development Corporation  
[rgandour@buffalourbandevelopment.com](mailto:rgandour@buffalourbandevelopment.com)
- Cristina Cordero, Senior Associate Director  
Gardiner & Theobald  
[c.cordero@gardinerusa.com](mailto:c.cordero@gardinerusa.com)
- Kevin Gulvin, Cost Director  
Gardiner & Theobald  
[k.gulvin@gardinerusa.com](mailto:k.gulvin@gardinerusa.com)

## **9.0 Selection Process**

A detailed evaluation of proposals will be conducted by BUDC. To select the most advantageous proposal for consulting services related to the scope of work contained in the RFP, comparative judgments of technical factors, in addition to price, will be necessary.

Evaluation will be based on the following criteria;

1. Responsiveness to the provisions and requirements of this RFP. (25 Points.)
2. Overall approach and methodology, as well as demonstrated understanding of the objectives for the project. (25 Points.)
3. The thoroughness of the proposal and clarity of the services to be provided. (5 Points.)
4. Ability, capacity, and skill of the consultant to perform the services requested in this RFP. (25 Points.)
5. Quality of performance of previous contracts or services as demonstrated through your references. (5 Points.)



6. Equity practices. (5 Points.)
7. Fee proposal. (10 Points.)

Based on the received proposals, BUDC will shortlist/select the responsible firm whose proposal is most advantageous to BUDC, with price and other factors considered. Interviews may be required.

BUDC does not assume the responsibility or liability for costs incurred by firms responding to this RFP or any subsequent requests for interviews, additional information, submissions, etc. before issuance of a contract.

**BUDC RESERVES THE RIGHT TO REJECT ANY OR ALL PROPOSALS, AND THE RIGHT TO WAIVE ANY INFORMALITIES THEREIN.**

**10.0 General Requirements**

According to State Finance Law §§139-j and 139-k, this Request for Proposals imposes certain restrictions on communications between Respondents and BUDC during the procurement process. Respondents are prohibited from making contacts (whether oral, written, or electronic) with any BUDC personnel or BUDC Board member other than the designated BUDC staff member (unless the contact is otherwise permitted under State Finance Law §139-j(3)(a)). In addition, Respondents are hereby notified that any contact with any BUDC personnel, BUDC Board member, or the designated BUDC staff member which a reasonable person would infer is intended to influence the award of the contract under this Request for Proposals is prohibited. These prohibitions apply from the Respondent's earliest notice of BUDC's intent to solicit proposals through the final award and approval of the procurement contract ("Restricted Period"). For this Request for Proposals, the designated BUDC staff member is Rebecca Gandour, [rgandour@buffalourbandevelopment.com](mailto:rgandour@buffalourbandevelopment.com).

**Respondent's Affirmation of Understanding of and Agreement Pursuant to State Finance Law §139-j(3) and §139-j(6)(b)**

BUDC is required to obtain written affirmations from all Respondents as to the Respondent's understanding of, and agreement to comply with BUDC's procedures relating to permissible contacts (described in paragraph 1 above). The affirmation must be provided to BUDC when the Respondent submits its qualification statement. The form of affirmation to be completed and submitted by the Respondent is included herein as Exhibit A - Attachment A – Affirmation of Understanding Agreement.

**Respondent's Certification of Compliance with State Finance Law §139-k(5)**

State Finance Law §139-k(5) requires Respondents to provide written certification that all information provided to BUDC with respect to State Finance Law §139-k is complete, true and accurate. The certification must be provided to BUDC when Respondent submits its qualification statement. The form of certification to be completed and submitted by the Respondent is included herein as Exhibit A – Attachment B– Offeror/Respondent Certification.

**Respondent Disclosure of Prior Non-Responsibility Determinations**

State Finance Law §139-k(2) obligates BUDC to obtain specific information regarding prior non-responsibility determinations with respect to State Finance Law §139-j. In accordance with State Finance Law §139-k, each Respondent must disclose whether there has been a finding of non-responsibility made

**RFP: Consulting Services for  
Ralph Wilson Park, Shoreline Segment #3**

within the previous four (4) years by any Governmental Entity due to: (a) a violation of State Finance Law §139-j or (b) the intentional provision of false or incomplete information to a Governmental Entity. State Finance Law §139-j sets forth detailed requirements about the restrictions on contacts during the procurement process. A violation of State Finance Law §139-j includes, but is not limited to, an impermissible contact during the Restricted Period (for example, contacting a person or entity other than the designated contact person, when such contact does not fall within one of the exemptions).

As part of its responsibility determination, State Finance Law §139-k(3) mandates consideration of whether a Respondent fails to timely disclose accurate or complete information regarding the above non-responsibility determination. In accordance with the law, no procurement contract shall be awarded to any Respondent that fails to timely disclose accurate or complete information under this section, unless a finding is made that the award of the procurement contract to the Respondent is necessary to protect public property or public health and safety, and that the Respondent is the only source capable of supplying the required article of procurement within the necessary timeframe. Exhibit A – Attachment C – Offeror Disclosure of Prior Non-Responsibility must be completed by the Respondent and submitted to BUDC at the time of Respondent's submission of its qualification statement.

New York State Finance Law §139-k (5) provides that every procurement contract award subject to the provisions of State Finance Law §§139-k and 139-j shall contain a provision authorizing termination of the contract in the event that the certification provided by the Respondent that is awarded the contract is found to be intentionally false or intentionally incomplete. The following provision is hereby incorporated by reference and included in the contract that is awarded (if one is awarded) pursuant to this Request for Proposal.

**EXHIBIT A-ATTACHMENT A**

**Affirmation of Understanding & Agreement pursuant to State Finance Law §139-j (3) and §139-j (6) (b)**

I affirm that I understand and agree to comply with the procedures of the BUDC relative to permissible contacts as required by State Finance Law §139-j (3) and §139-j (6) (b).

By: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Contractor Name: \_\_\_\_\_

Contractor Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**EXHIBIT A-ATTACHMENT B**

Offerer/Respondent Certification:

**I certify that all information provided to the BUDC with respect to State Finance Law §139-k is complete, true and accurate.**

By: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Contractor Name: \_\_\_\_\_

Contractor Address: \_\_\_\_\_

\_\_\_\_\_

---

**EXHIBIT A-ATTACHMENT C**

**Offerer Disclosure of Prior Non-Responsibility Determinations**

Name of Individual or Entity Seeking to Enter into the Procurement Contract:

\_\_\_\_\_

Address:

\_\_\_\_\_  
\_\_\_\_\_

Name and Title of Person Submitting this Form:

Date: \_\_\_\_\_

1. Has any Governmental Entity made a finding of non-responsibility regarding the individual or entity seeking to enter into the Procurement Contract in the previous four years? (Please circle):

No Yes

If yes, please answer the next questions:

2. Was the basis for the finding of non-responsibility due to a violation of State Finance Law §139-j (Please circle):

No Yes

3. Was the basis for the finding of non-responsibility due to the intentional provision of false or incomplete information to a Governmental Entity? (Please circle):

No Yes

4. If you answered yes to any of the above questions, please provide details regarding the finding of non-responsibility below.

Governmental Entity:

\_\_\_\_\_

Date of Finding of Non-responsibility:

\_\_\_\_\_

Basis of Finding of Non-Responsibility:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

---

---

(Add additional pages as necessary)

5. Has any Governmental Entity or other governmental agency terminated or withheld a Procurement Contract with the above-named individual or entity due to the intentional provision of false or incomplete information? (Please circle):

No                      Yes

6. If yes, please provide details below.

Governmental Entity:

---

Date of Termination or Withholding of Contract:

---

Basis of Termination or Withholding:

---

---

---

---

---

---

---

---

---

---

(Add additional pages as necessary)

Offerer certifies that all information provided to the BUDC with respect to State Finance Law §139-k is complete, true and accurate.

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Signature

Name: \_\_\_\_\_ Title: \_\_\_\_\_