

## Buffalo Urban Development Corporation

95 Perry Street

Suite 404

Buffalo, New York 14203

phone: 716-856-6525

fax: 716-856-6754

web: [buffalourbandevelopment.com](http://buffalourbandevelopment.com)



### **Buffalo Urban Development Corporation** **Board of Directors Meeting**

***Date: Tuesday, February 25, 2020 Time: Noon***

***Place: BUDC/ECIDA Offices, 95 Perry Street, 5<sup>th</sup> Floor Conference Room  
Buffalo, New York 14203***

#### **1.0 CALL TO ORDER**

#### **2.0 READING OF THE MINUTES** *(Action) (Enclosure)*

#### **3.0 MONTHLY FINANCIAL REPORTS**

3.1 683 Northland Master Tenant, LLC Financial Statements *(Information) (Handout)*

3.2 BUDC Consolidated Financial Statements *(Action) (Handout)*

3.3 Corporate Lines of Credit – BUDC & 683 Northland LLC *(Action) (Handout)*

#### **4.0 NEW BUSINESS**

4.1 BLCP – Uniland Development Co. Amendment to Land Sale Agreement *(Act.) (Enclosure)*

4.2 Ralph C. Wilson, Jr. Centennial Park – Additional Due Diligence *(Action) (Enclosure)*

4.3 683 WTC, LLC – Documenting Inter-company Loan Transaction *(Action) (Enclosure)*

4.4 541 E. Delavan – 34 Group Phase 1C Core & Shell Bids (Roofing, Masonry, Excavation Underpinning, and Framing & Sheathing) *(Action) (Enclosure)*

4.5 541 E. Delavan – Apollo Steel Change Order *(Action) (Enclosure)*

4.6 683 Northland Phase 2B (NWTC Expansion Space) – Gilbane C. O. *(Action) (Enclosure)*

4.7 Northland Beltline Corridor Project Update *(Information) (Handout)*

4.8 Buffalo Building Reuse Project Update *(Information)*

4.9 Waterfront-RCWJ Centennial Park Project Update *(Information)*

4.10 Buffalo Lakeside Commerce Park Project Update *(Information)*

4.11 Information Package *(Information) (Handout)*

#### **5.0 LATE FILES**

#### **6.0 TABLED ITEMS**

#### **7.0 EXECUTIVE SESSION**

#### **8.0 ADJOURNMENT** *(Action)*

**Minutes of the Meeting  
of the  
Board of Directors  
Buffalo Urban Development Corporation**

95 Perry Street  
Buffalo, New York 14203  
January 28, 2020  
12:00 p.m.

**1.0 Call to Order**

Directors Present:

Hon. Byron W. Brown (Chair)  
James W. Comerford  
Janique S. Curry  
Dennis W. Elsenbeck  
Michael J. Finn  
Darby Fishkin  
Dottie Gallagher  
Thomas Halligan  
Amanda Mays  
Brendan R. Mehaffy  
Dennis M. Penman (Vice Chair)  
Craig A. Slater

Directors Absent:

Trina Burruss  
Thomas R. Hersey, Jr.  
Thomas A. Kucharski  
Kimberley A. Minkel  
David J. Nasca  
Darius G. Pridgen  
Maria R. Whyte

Officers Present:

Peter M. Cammarata, President  
David A. Stebbins, Executive Vice President  
Brandye Merriweather, Vice President  
Mollie M. Profic, Treasurer  
Kevin J. Zanner, Secretary  
Atiqah Abidi, Assistant Treasurer

Others Present: Evan Y. Bussiere, Esq., Hurwitz & Fine, P.C.; John Cleary, Gilbane Building Company; Jonathan Epstein, *The Buffalo News*; James Fink, *Buffalo Business First*; Earl Good, President, Retech Systems LLC; Rebecca Gandour, City of Buffalo Office of Strategic Planning; Garrett Gruendike, Gilbane Building Company; Arthur Hall, BUDC; Kelsey Hanks; Ryall Ledyard, Cushman & Wakefield; and Tom Mancuso, Mancuso Business Development Group.

**Roll Call** – The meeting was called to order at 12:20 p.m. The Secretary called the roll of directors and a quorum was determined to be present.

- 2.0 Presentation of the Minutes** – The minutes of the November 26, 2019 meeting of the Board of Directors were presented. Mr. Comerford made a motion to approve the meeting minutes. The motion was seconded by Ms. Gallagher and unanimously carried (12-0-0).

- 3.0 Monthly Financial Reports** – Ms. Profic reported that Freed Maxick is working on the 2019 year-end audit, and that accordingly, monthly financial reports will not be presented this month. Ms. Profic also reported that the Audit and Finance Committee will meet in February to discuss establishing a

revolving line of credit for BUDC. The line of credit would be used to bridge upfront project costs that are reimbursed from the Restore NY grant program and other reimbursement-based funding sources.

#### **4.0 New Business**

**4.1 Northland Central – Areas 4, 5 & 8 Lease Approval** – Mr. Cammarata presented his January 28, 2020 memorandum regarding a proposed lease of Areas 4, 5 and 8 (40,397 square feet) at 683 Northland to Retech Systems LLC, a California advanced manufacturing company that will relocate to Buffalo. Mr. Cammarata showed the Board the areas to be leased on a map of Northland Central and reviewed the terms of the lease as set forth in the memorandum. The Real Estate Committee reviewed the lease terms at the December 10, 2019 and January 21, 2020 meetings and is recommending Board approval of the lease. Mayor Brown thanked Retech President Earl Good for Retech's investment in the City of Buffalo and expressed his appreciation to BUDC staff and the Board for their efforts in helping bring Retech to Northland. Mayor Brown also thanked Governor Cuomo and Empire State Development for their continued support. Mr. Mehaffy noted that up to 100 new jobs may be created as a result of this project. Mr. Elsenbeck stated that BUDC is helping to build an advanced manufacturing base and that Northland Central is strategically aligned to attract advanced manufacturing companies. Mr. Cammarata noted that Northland Central is 93% leased with the Retech tenancy. There being no further discussion, Mr. Penman made a motion to approve the lease with Retech Systems LLC consistent with the terms outlined in the January 28, 2020 memorandum and to authorize the President or Executive Vice President to execute the lease on behalf of 683 Northland Master Tenant, LLC. The motion was seconded by Ms. Curry and unanimously carried (12-0-0).

**4.2 683 Northland Phase 2.1 – NWTC Equipment Purchases Update** – Mr. Stebbins reviewed a handout regarding senior lab equipment purchases for the NWTC. He noted that pricing for the photovoltaic and wind lab equipment has not been finalized, though the estimated cost is expected to be approximately \$100,000. Once these final equipment purchases are made there will be approximately \$660,000 of the six million dollar ESD equipment grant that will be utilized for construction costs at Northland Central.

**4.3 683 Northland Phase 3 – Gilbane Change Order – Tenant Improvements** – Mr. Stebbins presented his January 28, 2020 memorandum regarding work required to complete tenant improvements for the 1981 building. The work includes exterior improvements, floor slab replacement and electrical work relating to the crane. The amount of the change order is \$537,523.67, which would be funded from the six million dollar ESD equipment grant. Mr. Stebbins indicated that the floor slab replacement work was competitively bid and that the Real Estate Committee reviewed the change order at its January 21, 2020 meeting and is recommending Board approval. In response to a question from Ms. Gallagher, Mr. Stebbins confirmed that this work is for the Retech space. Mr. Slater made a motion to amend the existing construction management agreement with Gilbane Building Company to include the cost of concrete flooring, upgrading electrical service, repairing the overhead crane and other minor improvements for Areas 4 and 5 at a cost of \$537,523.67 and to authorize the President or Executive Vice President to execute and deliver the amendment to the construction management agreement on behalf of 683 Northland LLC. The motion was seconded by Ms. Gallagher and carried with eleven affirmative votes (11-0-1). Ms. Mays abstained from the vote.

**4.4 Land Exchange Transaction – NorDel II & Plesh Contract Packaging** – Mr. Stebbins presented his January 28, 2020 memorandum regarding a land exchange transaction involving multiple parcels of real property located adjacent to 683 Northland that are owned by Plesh Contract Packaging, Inc. and BUDC's subsidiary company NorDel II, LLC. Mr. Stebbins explained the purpose of the land exchange, noting that the parcels to be acquired from Plesh will be used to create a parking area for the tenant of the 1981 building and that there was not another adjacent area available for this purpose. He noted that all parcels to be exchanged were appraised and the appraised values were nearly equitable, with the Plesh parcels valued \$6,000 more than the

NorDel parcels. Mr. Stebbins also noted that the Real Estate Committee reviewed the proposed land exchange at its December 10, 2019 meeting and is recommending Board approval. Ms. Gallagher made a motion (i) to approve the exchange of the NorDel parcels for the Plesh parcels, (ii) that the Board determine that there is no reasonable alternative to the proposed transaction that would accomplish the same purpose as the exchange, and (iii) to authorize the President or Executive Vice President to execute and deliver a Land Exchange Agreement on behalf of NorDel II, LLC and to take any and all actions that are necessary or appropriate in connection with the land exchange and closing of the transaction. The motion was seconded by Ms. Fishkin and unanimously carried (12-0-0). Mr. Finn left the meeting after the presentation of this item.

- 4.5 Northland Corridor Strategic Energy Concept – Dennis Elsenbeck** – Mr. Elsenbeck gave a presentation and provided handouts regarding the Northland Strategic Energy Concept. He highlighted the community solar and micro-grid plans for the Northland Corridor and discussed the need for increased energy capacity in the corridor. Mr. Elsenbeck also discussed the partnership with Eaton Corporation and Eaton's plans to develop an experience center in the corridor. Mr. Stebbins noted that BUDC's request for proposals for the project has been released and responses are due by the close of business today. A recommendation will be presented at the March Board meeting.
- 4.6 612 Northland / AKAG – Construction Update** – Mr. Cammarata presented an update regarding 612 Northland. Albright-Knox has occupied the space, and over twelve-hundred people visited during the first week. The members-only event and the public event that was held two days later generated strong positive feedback. Mr. Cammarata thanked Mr. Comerford and his staff for quickly processing the permits needed for the AKAG tenancy to commence on schedule. Mayor Brown left the meeting after the presentation of this item. Mr. Penman chaired the remainder of the meeting.
- 4.7 Northland Beltline Corridor Project Update** – Mr. Hall circulated the Northland newsletter and a handout outlining the progress of the construction projects at 612 Northland, 537 and 541 E. Delavan Avenue. Mr. Hall then discussed progress on the Brownfield Opportunity Area (BOA) and noted that there will be a public meeting on February 20, 2020 to discuss the BOA project. He also reported on BUDC hosting an Urban Manufacturing Alliance gathering at the NWTC in late May. BUDC is seeking sponsors for the conference. Ms. Fishkin left the meeting after the presentation of this item.
- 4.8 Buffalo Building Reuse Project Update** – Ms. Merriweather presented an update regarding Buffalo Building Reuse Project matters. She reported on the Smart Cities technology initiative and efforts to create a modern technology eco-system in the downtown area. Ms. Merriweather also reported on the Congress for New Urbanism conference that is scheduled to take place in late February. The conference will examine the impact of new transportation technology on the City of Buffalo. She then updated the Board regarding the January 16<sup>th</sup> meeting of the waterfront projects coordination committee. Updates to waterfront stakeholders regarding the DL&W Terminal project, Amtrak project and One Seneca Tower projects were presented at the meeting. Ms. Merriweather also reported on progress on the entertainment district project, including a recent National Grid grant award for the project in the amount of \$250,000. She completed her report with an update on the Queen City Pop-up program. Two participants in the holiday session of the program (The Black Bohemian and Buffalo Women's Consortium) have decided to lease space at the Market Arcade.
- 4.9 Waterfront-RCWJ Centennial Park Project Update** – Mr. Stebbins reported that MVVA has completed its schematic design work and is working on the cost estimate for the project. Design work for the pedestrian bridge is underway. He also reported on a \$2.5 million grant that was awarded to Buffalo Niagara Waterkeeper for the project from the NYS Environmental Facilities Corporation.

**4.10 Buffalo Lakeside Commerce Park Project Update** – Mr. Cammarata noted that three land sale agreements for parcels in the park are currently in their respective due diligence periods.

**4.11 Information Package** – Mr. Cammarata reviewed with the Board the informational, marketing and media materials that were included in the monthly information package.

**5.0 Late Files** – None.

**6.0 Tabled Items** – None.

**7.0 Executive Session** – None.

**8.0 Adjournment** – Upon motion made by Mr. Comerford, seconded by Ms. Mays and unanimously carried, the January 28, 2020 meeting of the Board of Directors was adjourned at 1:25 p.m.

Respectfully submitted,

  
Kevin J. Zanner, Secretary

## Buffalo Urban Development Corporation

95 Perry Street

Suite 404

Buffalo, New York 14203

phone: 716-856-6525

fax: 716-856-6754

web: [buffalourbandevelopment.com](http://buffalourbandevelopment.com)



### Item 4.1

## MEMORANDUM

**TO: BUDC Board of Directors**

**FROM: Peter M. Cammarata, President**

**SUBJECT: Buffalo Lakeside Commerce Park – Land Sale to Uniland Development**

**DATE: February 25, 2020**

---

At the March 26, 2019 meeting of the Board of Directors, the Board approved the sale of 255 Ship Canal Parkway to Uniland Development Company (“Uniland”) at a sale price of \$25,019 per acre. 255 Ship Canal Parkway is an approximately 20.34-acre site, situated on the eastern side of Buffalo Lakeside Commerce Park between the CertainTeed and Sonwil Distribution facilities. A portion of the site was the former location of the Shenango Steel Mold facility, and the rear (east) portion of the facility has been used to deposit spoils from infrastructure construction at BLCP. The former Shenango Steel site was the subject of a New York State Superfund cleanup conducted by the New York State Department of Environmental Conservation in the 1990’s. The site has direct access to the CSX Rail Main Line.

A Land Sale Agreement between BUDC and Uniland was executed on April 16, 2019. The Land Sale Agreement provides for a 180-day due diligence period, which could be extended by Uniland for six additional one-month periods. Beginning in the fourth month of the due diligence period, Uniland also began paying BUDC a monthly exclusivity fee of \$2,000.

In conducting its due diligence, Uniland has encountered unanticipated issues including soil conditions that may require deep foundations and a structural slab for building construction. They have also been made aware of potential difficulty with utilizing the NYS Brownfield Cleanup Program for the entire site due to the former Shenango Steel Superfund cleanup project. In view of these challenges, Uniland submitted a written request that BUDC grant an extension of the due diligence period through August 31, 2020 and for BUDC to waive the exclusivity fee requirement during that extended due diligence period.

A Uniland representative will be present at the Board meeting should the Board have any questions regarding this request. This item was reviewed with members of the Real Estate Committee that were present at the Committee’s February 18<sup>th</sup> meeting, but no action was taken due to the lack of a quorum.

### Action:

We are requesting that the Board of Directors approve an amendment to the Land Sale Agreement to extend the due diligence period to August 31, 2020 and to waive the exclusivity fee requirement during the extended due diligence period.



**Item 4.2**

**MEMORANDUM**

**TO: BUDC Board of Directors**

**FROM: David Stebbins, Executive Vice President**

**SUBJECT: Ralph C. Wilson, Jr. Centennial Park – Additional Due Diligence**

**DATE: February 25, 2020**

---

Since the engagement of Gardiner & Theobald (G&T) by BUDC and the Centennial Park Team in November 2019, they have undertaken a thorough review of critical early action and due diligence work that is required to keep the project on schedule and within budget. Among the items identified by G&T are additional hydrological analysis to support design and regulatory approvals for the proposed shoreline improvements, sourcing and analyzing fill material for the project, and completing the required State Environmental Quality Review Act (SEQRA) National Environmental Policy Act (NEPA) processes to allow approvals from a range of Federal, State and Local agencies. G&T also assessed which partners and existing contractors/consultants were most appropriate to perform these due diligence activities. Much of the hydrological analysis was assigned to consultants contracted by Buffalo Niagara Waterkeeper, with their consent. G&T's assessment determined that BUDC's Due Diligence consultant, Wendel Companies, was best positioned to perform the following activities:

1. Preparation of materials, packaging information from various sources and managing the process of completing the SEQRA and NEPA review processes;
2. Managing and subcontracting an environmental and geotechnical consultant that could assess fill material brought to the site in support of the project.

In response to G&T's request and scope of work, Wendel has prepared a Proposal to perform this work. As part of their proposal, Wendel sought competitive proposals from three (3) subconsultants for environmental and geotechnical services; SJB was determined to be the lowest cost subconsultant. A copy of the G&T recommendation and Wendel Proposal are attached to this memo. The total proposed Not-to-Exceed cost of the Wendel Proposal is \$84,000. All allowances within their proposal are presented as Time & Material (T&M) Not-to-Exceed costs. Wendel's original contract was approved by the Board of Directors at its May 28, 2019 meeting. The total current contract with Wendel is \$165,000. If this proposal is approved, the total contract will be for a Not-to-Exceed amount of \$249,000. The entire cost of this contract will be paid from a Ralph C. Wilson Jr. Foundation grant to BUDC.

This proposal was reviewed with the Downtown Committee at its February 19, 2020 meeting, but no action was taken due to a lack of a quorum.

## **ACTION**

I am requesting Board authorization to amend the agreement with Wendel Companies for additional Due Diligence Services for the Ralph C. Wilson, Jr. Centennial Park project for the Not-to-Exceed amount of \$84,000, which will be paid through the grant award from the Ralph C. Wilson Foundation previously accepted by the Board; and to authorize the BUDC President or BUDC Executive Vice President to take such actions as are necessary to implement this authorization.





Dave Stebbins  
Executive Vice President  
Buffalo Urban Development Corporation  
95 Perry Street, Suite 404  
Buffalo, NY 14203-3030

Job # 892070  
*Sent - via e-mail*  
February 18, 2020

**Re: Wendel Additional Scope, Proposal Recommendation to BUDC**

Dear David,

Please see attached the Wendel proposal for additional services for the Ralph C Wilson Jr Centennial Park project. This scope was developed in coordination with G&T and BUDC to address SEQR / NEPA Services and Environmental Consultant Services. These additional services will be amendment #2 to BUDC's base contract dated June 2019. The requirements for that base contract (including MWBE, prevailing wages etc.) will continue to be applicable to these additional services.

We were able to identify a clear scope for the SEQR process in coordination with the City of Buffalo so a lump sum was negotiated for this scope. At this time, NEPA requirements have been identified in relation to the ACOE however, the agency has confirmed that they will complete NEPA internally by referencing the same SEQR package. Because the SEQR/NEPA processes are critical path items for the project, an allowance (NTE) has been included to cover any additional SEQR/NEPA scope we identify at a later date due to new requirements from funding or regulatory agencies.

G&T has also identified a need for additional environmental scope since MVVA's team does not include an environmental consultant. We currently anticipate this scope will be needed to support fill sourcing and placement on site as well as the associated regulatory coordination with NYSDEC. Because the amount of fill sites and test result packages to be evaluated can change and the amount of placement packages to be developed by the MVVA team cannot yet be identified, we have also developed an allowance (NTE) for this scope.

Wendel has been providing due diligence, geotechnical and environmental scope for the project under BUDC since June 2019. The Wendel team has also provided similar scopes under contracts with other team consultants and city agencies working on scopes in LaSalle Park. Because Wendel has completed most of the site investigation which will be referenced for the SEQR/NEPA processes and due their knowledge of the site through their engagement with different stakeholders, we believe Wendel to be an appropriate single source selection. G&T has reviewed their scope and find that their proposed fee is competitive. Furthermore, Wendel was required to provide 3 proposals for their Environmental sub-consultant. G&T has evaluated these for selection based on content and lowest hourly rates. Back-up information on this process is included within the attachments for this recommendation, SJB has been selected.

Lastly, all allowances within this proposal are meant to be 'not to exceed' (NTE) amounts which will cover scope that is yet to be refined in order to move the project forward on schedule. All work billed for on an hourly or T&M basis will be reviewed by G&T. Scope, timesheets and back-up will be verified prior to invoice approval.

Attachments;

- Wendel Proposal
- Environmental Consultant Leveling
- Environmental Consultant Proposals

Yours Sincerely,

A handwritten signature in blue ink, appearing to read 'CC' or 'Cordero', is positioned above the printed name.

**Cristina Cordero**  
*Senior Project Manager*  
**Gardiner & Theobald, Inc.**

February 18, 2020

# LASALLE PARK REDEVELOPMENT (RALPH C. WILSON JR. CENTENNIAL PARK)

---

## Additional Owner Provided Services: SEQR/NEPA Support & Environmental Services

David Stebbins, AICP  
Executive Vice President  
Buffalo Urban Development Corporation  
95 Perry Street, Suite 404  
Buffalo, NY 14203



ARCHITECTURE | ENGINEERING | PLANNING | ENERGY EFFICIENCY | CONSTRUCTION MANAGEMENT

**SUBJECT: LASALLE PARK REDEVELOPMENT  
RALPH C WILSON JR CENTENNIAL PARK  
ADDITIONAL SERVICES - SEQR/NEPA SUPPORT & ENVIRONMENTAL  
SERVICES**

Dear Mr. Stebbins:

We are pleased to submit this proposal for additional services professional services associated with the RCWJCP (LaSalle Park Redevelopment) project in Buffalo, NY. We have structured this proposal based on our discussions with your organization, Gardiner & Theobald (GT), and the City of Buffalo to cover additional requested services not included in our current authorized scope of work.

---

**A. SCOPE OF WORK**

---

Wendel will perform the following tasks in order to support the SEQR/NEPA process and provide environmental services for development of the Ralph C. Wilson Jr. Centennial Park Project. Our services are based on our understanding of the current scope of work reflected in the 100% schematic design documents that have been prepared:

**1. SEQR Support**

Wendel will provide the following tasks to support the State Environmental Quality Review (SEQR):

- a) Wendel will finalize Part 1 of the Full Environmental Assessment Form (FEAF) (NOTE: some information to be provided by City of Buffalo and/or MMVA.) Confirm with the City of Buffalo that Part 1 accurately portrays the nature and scope of the project. We will also finalize the draft part 2 of the FEAF based on our knowledge of the project and using the EAF Mapper. We will then verify with the City whether the draft Part 2 appropriately identifies areas where potential large impacts may occur (this will guide the documentation provided as Part 3, see task “e”).

Based on FEAF parts 1 and 2, and a draft outline of part 3 (to be fully developed in task “e”), we will meet with the City so that the City can verify whether any additional investigations may be required in order to adequately evaluate potential environmental impacts. This proposal assumes that the studies conducted as part of the design process will provide sufficient information to document most or all of the potential impacts. It is our understanding that GT will confirm this assumption prior to starting this work. Any needed special studies/ investigations are outside the scope of this proposal.

- b) Wendel will prepare the materials required to initiate the SEQR Coordinated Review Process. This will include the complete Part 1 of the FEAF (approved by the City), the park master plan, and a narrative description of the project and proposed improvements. GT (assisted by Wendel) will generate the distribution list (list of Involved/Interested Agencies) in coordination with the City of Buffalo. Wendel will compile the materials and provide them to the City of Buffalo to mail to the Involved/Interested agencies. The City can add a standard cover sheet to the mailing based on their practices.

- c) Upon completion of the 30-day review period, the City of Buffalo City Council will establish itself as SEQR Lead Agency (occurs at a public meeting). It is assumed that no other funding or approval agency will object to the City serving as Lead Agency.
- d) Wendel will work with the City of Buffalo to finalize Part 2 of the FEAF, incorporating feedback received during the 30-day review process.
- e) Wendel will prepare a document (outline completed in task “a”) to serve as Part 3 documentation of the FEAF, using the relevant documents and narratives. The intent of the documentation is to demonstrate, by category, that either no adverse impacts are anticipated, or that any potential impacts would be appropriately addressed, through project changes, mitigations, etc., and the action will not result in any “significant environmental impact.” The discussion will identify the nature and extent of potential impacts (none, small or potentially large) by category and document that any impacts are not significant. Following the format of Part 2, the following factors will be discussed:
  - i. Impacts to Land
  - ii. Geological Features
  - iii. Surface Water
  - iv. Groundwater
  - v. Flooding
  - vi. Air
  - vii. Plants and Animals
  - viii. Agricultural Resources
  - ix. Aesthetic Resources
  - x. Historic and Archeological Resources
  - xi. Open Space and Recreation
  - xii. Critical Environmental Areas
  - xiii. Transportation
  - xiv. Energy
  - xv. Noise, Odor, Light
  - xvi. Human Health
  - xvii. Consistency with Community Plans
- f) Wendel will complete the City of Buffalo’s Coastal Assessment Form, and provide a supplemental narrative to document responses.
- g) Wendel will review the expanded part 3 of the FEAF with the City of Buffalo to verify that the project can proceed to a Negative Declaration. If the City requests additional studies, Wendel would need to meet with the project team to discuss next steps (would require a change-order). If requested, Wendel can prepare the Negative Declaration resolution for the City, referencing parts 1, 2 and 3 of the FEAF and the attachments and studies, reports, etc.

## 2. NEPA Support

At this time it is our understanding that the Army Corps of Engineers (ACOE) is the only agency that would require a review against the National Environmental Policy Act, (NEPA). Discussions with the ACOE indicate that the materials and discussions provided for SEQR will provide sufficient information for the Corps to complete their required NEPA review. In the event that NEPA is required by other federal agencies or funding sources, Wendel will assist with materials required to complete that review on a time and expense basis. A request for NEPA could come from an entity such as the Great Lakes Commission who is providing grant funding.



### 3. Environmental Services

Wendel will secure the services of a sub-consultant to provide on-call environmental services to support the project. The initial tasks of the environmental consultant will be to review potential source material to be used for import (fill).

Project background:

- The City has indicated fill sourced from approximately 5 sites, (locations TBD).
- Environmental assessment of the source material will be provided by the source contractor and reviewed/coordinated with the City's environmental consultant.
- Geotechnical assessment of the source material will be provided by the source contractor and reviewed/coordinated with MVVA's geotechnical engineer.
- Environmental assessment for potential source material will be completed prior to MVVA's team performing a geotechnical assessment.
- The City is targeting permanent placement of fill when it's imported to the site, in lieu of stockpiling.

In general, the environmental scope will include the following:

1. Assist the City with determination of appropriate classification of fill material suitable for the RCWJCP project in conformance with the City of Buffalo and NYSDEC requirements (6 NYCRR Parts 360 and 375).
2. Visit source sites for visual analysis
3. On-site sample collection at the source (assumed source contractor will perform excavation as needed)
4. Evaluation of lab analysis for each source sample
5. Preparation of test results report/memorandum for source material
6. Environmental support for development of fill placement; drawings and spec package to be developed by the MVVA team
7. Contact and coordination with NYSDEC
8. Site visits during fill transportation and placement at the project site

### 4. Additional Project Management and Meeting Attendance

Wendel will provide additional Project Management services to support the owner provided services. It is assumed that the following efforts will be required:

1. Coordination with the various Owner Provided Due Diligence documents and services between the Owner, MVVA design team, agencies and stakeholders
2. Management and coordination of the SEQR & NEPA process
3. Management and coordination of the environmental sub-consultant

Wendel is assuming there will be eight (8) coordination and stakeholder meetings for project management and to support SEQR.

---

## B. ASSUMPTIONS AND EXCLUSIONS

---

- 1) Any required studies (e.g. traffic, threatened and endangered species, etc.) would be completed under separate authorizations.

- 2) Geotechnical assessment to be completed by MVVA.
- 3) The schedule assumes timely participation and cooperation of the City of Buffalo.
- 4) Any and all work not specifically included in the above “scope of work” is excluded.

---

#### C. SCHEDULE:

---

Wendel is prepared to begin work immediately upon receipt of the signed proposal. The goal is for submission to occur within 45 days (9 weeks) with a target milestone of June 2020. We assume that NEPA will be progressed over the same timeline.

---

#### D. PROPOSAL FEE:

---

The services described above shall be provided for the following Lump fees. OWNER shall pay WENDEL for services outlined in this Agreement for each work TASK on the basis as follows.

PROPOSAL FEE		
Task	Proposed Fee	
Wendel	Fee	Fee Type
1. SEQR Support	\$12,200	Lump Sum
2. NEPA Support	\$3,300	Time + Expense NTE
3. Environmental Services	\$40,000	Time + Expense NTE
4. Additional Project Management and Meeting Attendance	\$29,100	Lump Sum
<b>TOTAL</b>	<b>\$ 84,600</b>	

---

**E. TERMS:**


---

We would be pleased to answer questions you may have or to clarify the various points above. If this proposal is acceptable to you, please indicate your acceptance/notice-to-proceed by signing both originals and returning one fully executed original to our office.

Respectfully Submitted,



Dean Gowen, RLA, ASLA  
Senior Associate Principal



Thomas Reynolds, PE, LEED AP  
Associate Principal, Project Manager

Should Wendel's proposal be accepted, Wendel WD Architecture, Engineering, Surveying & Landscape Architecture P.C., a New York State licensed architecture and engineering firm that is part of a consolidated group of Wendel Companies, will contract to undertake this work as an amendment to our current services agreement. Our letterhead and plans will still prominently say "Wendel" and we will refer to ourselves as Wendel throughout the project.

Wendel WD Architecture, Engineering, Surveying and Landscape Architecture, P.C. (Wendel) is hereby authorized to proceed with the services described herein as additional services under the terms described in the agreement with Buffalo Urban Development Corporation dated June, 2019.

**ACCEPTANCE / AUTHORIZATION:**

Accepted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

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

**RETURN TO:**

Wendel  
237 Main Street, Suite 500  
Buffalo, NY 14203



**Wendel Proposal, Amendment #2 to June 2019 Base BUDC Contract**  
On-call Environmental Sub-Consultant Leveling (Contract will include hours as NTE  
Scope and Hourly Rates

Scope	Staff Title	Hourly Rate	Staff Title	Hourly Rate	Staff Title	Hourly Rate	Scope Clarification
Project Manager / Main Contact for NYSDEC Calls (Permitting and Regulatory Discussions)	Project Manager	\$75.00	Environmental Health & Safety Manager	\$125.00	Assistant Project Manager	\$80.00	Scope Description: Initial discussions for the project
Geologist Site Visit (on-site visual geotechnical analysis)	Environmental Geologist	\$45.00	Environmental Inspector/Consultant	\$75.00	Professional Geologist	\$130.00	SJB: Site visits will be charged at the hourly rate, portal to portal, from our Hamburg, NY location. SJB's approach will be that this on-site, visual analysis will only be necessary when samples for lab testing were collected by the supplier. If SJB collects the samples as the representative of the RCW/ICP Team, the fill source visual analysis will be completed during the sample collection process. Siema: Did not provide feedback on daily minimum and sample collection NM: Daily minimum is 4hrs, geologist may also collect samples
Sample Collection On-Site	Environmental Geologist or Technician	\$45.00	Environmental Inspector/Consultant	\$75.00	Technician	\$70.00	Scope Description: Assume sample collection only, fill site contractor will assist with excavation as needed SJB: Site visits will be charged at the hourly rate, portal to portal, from our Hamburg, NY location. Siema: Did not provide feedback on daily minimum NM: Daily minimum is 4hrs
Evaluation of Test Results	Environmental Geologist	\$45.00	Environmental Health & Safety Manager	\$110.00	Assistant Project Manager	\$80.00	Scope Description: Received from the fill site or completed by RCW/ICP team
Preparation of Test Results Report/Memo	Project Manager	\$75.00	Environmental Inspector/Consultant	\$75.00	Assistant Project Manager	\$80.00	Siema: Plus EH&SM (\$125/hr, Steven L. Drodowski) Review time
Environmental Support for development of fill placement drawing and spec package to be developed by NYVA team	Environmental Geologist	\$45.00	Project Designer	\$95.00	Project Manager		Siema: Plus EH&SM (\$125/hr, Steven L. Drodowski) Review time NM: Left Mary Susak a VM to request rate
Project Manager / Main Contact for NYSDEC Calls (Permitting and Regulatory Discussions)	Project Manager	\$75.00	Environmental Health & Safety Manager	\$125.00	Assistant Project Manager	\$80.00	Scope Description: On-going permitting, test tracking during transportation to and placement of material in the park
Site Visits required during fill transportation and placement	Environmental Technician	\$45.00	Environmental Inspector/Consultant	\$75.00	Assistant Project Manager	\$80.00	Scope Description: Any on-going visits required to the fill site and the placement site during fill transportation (Lasalle Park) Siema: Plus EH&SM (\$125/hr, Steven L. Drodowski) Review time

**Proposed Budget with Selected Sub-Consultant Rates**

Scope	Staff Title	Hourly Rate	Proposed NTE Hours	Subtotals
Project Manager / Main Contact for NYSDEC Calls (Permitting and Regulatory Discussions)	Project Manager	\$75.00	20	\$1,500.00
Geologist Site Visit (on-site visual geotechnical analysis)	Environmental Geologist	\$45.00	40	\$1,800.00
Sample Collection On-Site	Environmental Geologist or Technician	\$45.00	40	\$1,800.00
Evaluation of Test Results	Environmental Geologist	\$45.00	120	\$5,400.00
Preparation of Test Results Report/Memo	Project Manager	\$75.00	120	\$9,000.00
Environmental Support for development of fill placement drawing and spec package to be developed by NYVA team	Environmental Geologist	\$45.00	160	\$7,200.00
Project Manager / Main Contact for NYSDEC Calls (Permitting and Regulatory Discussions)	Project Manager	\$75.00	40	\$3,000.00
Site Visits required during fill transportation and placement	Environmental Technician	\$45.00	40	\$1,800.00
Staff Hours Subtotal:				\$31,500.00
Reimbursable Expenses Budget for Additional Lab Testing by Environmental Sub-consultant (Laboratory Costs):				\$8,500.00
Total Environmental Sub-consultant On-Call/NTE Contract Value:				\$40,000.00

## Buffalo Urban Development Corporation

95 Perry Street

Suite 404

Buffalo, New York 14203

phone: 716-856-6525

fax: 716-856-6754

web: [buffalourbandevelopment.com](http://buffalourbandevelopment.com)



### Item 4.3

## MEMORANDUM

**TO:** Buffalo Urban Development Corporation Board of Directors

**FROM:** Mollie Profic, Treasurer

**SUBJECT:** 683 WTC, LLC - Documenting Inter-company Loan Transaction

**DATE:** February 25, 2020

---

Over the last several weeks, BUDC executive staff has determined, in consultation with BUDC's auditors (Freed Maxick), tax credits counsel (Cannon Heyman & Weiss, LLP) and general counsel (Hurwitz & Fine, P.C.), that additional documentation for Phase II of the 683 Northland project is required in order to fully document the tax credits financial model for the project.

As background, BUDC is the 95% owner of 683 Northland through its wholly-owned subsidiary company, 683 WTC, LLC. The remaining 5% owner is Buffalo Brownfield Restoration Corporation, which owns its project interest through its wholly-owned subsidiary company, BBRC Land Company I, LLC. The organizational chart attached to this memorandum shows this ownership structure, which was recommended by BUDC's tax credits consulting team as necessary in order for BUDC (a not-for-profit corporation) to create a for-profit structure that would be eligible for tax credits.

The Board approved the tax credits transaction and financial model in December of 2017, which included both Phase I and Phase II of the project. At the time of closing, inter-company grant and loan documents relating to Phase I were executed. However, because Phase II of the project had not yet been designed and final costs were estimates, the inter-company grant and loan documents for Phase II were not executed at that time.

The additional documentation required for Phase II consists of a promissory note from 683 WTC, LLC to BUDC in the amount of \$23,750,000.00 (the "Phase II Note") and a sub-recipient agreement between BUDC and Buffalo Brownfield

Restoration Corporation (BBRC) for a grant from BUDC to BBRC in the amount of \$1,250,000.00 (the “Phase II Subrecipient Agreement”). Similar to the Phase I note, the Phase II Note will be a thirty-year term note with interest at 1%, with the principal and all outstanding interest due at the end of the term.

The execution of these documents does not create any additional financial obligations for BUDC or its affiliates, as these obligations were already set forth in the approved financial model. Having the documents in place will satisfy the requirement for complete documentation relating to Phase II of the project.

This item was reviewed with members of the Real Estate Committee at its February 18<sup>th</sup> meeting, but no action was taken due to the lack of a quorum.

**ACTION:** We are requesting that the BUDC Board of Directors approve: (i) the execution and delivery by 683 WTC, LLC of the Phase II Note; (ii) the execution and delivery of the Phase II Subrecipient Agreement between BUDC and BBRC; and (iii) to authorize the President or Executive Vice President to execute such other documents or instruments and take such actions as may be necessary in connection with the transactions outlined in this memorandum.

**Item 4.4****MEMORANDUM**

**TO: BUDC Board of Directors**

**FROM: David A. Stebbins, Executive Vice President**

**SUBJECT: 541 E. Delavan Avenue – Phase 1C Proposals**

**DATE: February 25, 2020**

On January 16, 2020, the 34 Group released bid documents for the Phase 1C work at 541 E. Delavan Avenue on behalf of NorDel I, LLC. This work is for the balance of the Phase 1 work planned for the restoration and renovation of the Eastern Plant Building on the former Houdaille Manufacturing site. Goals of 25% MBE and a 5% WBE are included as bid requirements. A copy of the Bid Notice is attached. The Phase 1B work was divided into five (5) separate contracts:

1. Roofing, including drains, terminations and access;
2. Framing & Sheathing to accommodate roof work;
3. Masonry reconstruction, especially along the parapets; and
4. Excavation & Underpinning.

Proposals were received on February 7, 2020. Watts and 34 Group met with and de-scoped each of the qualified bidders. A copy of the recommendation memorandum is attached. The lowest responsible bidder for each work item is:

<b><u>Work</u></b>	<b><u>Company</u></b>	<b><u>Base Bid</u></b>	<b><u>Alternates</u></b>	<b><u>Total</u></b>
Roofing	Jos. A. Sanders & Sons, Inc. (WBE)	\$829,765	- 0 -	\$ 829,765
Framing & Sheathing	Datz Dat! Construction, Inc. (MBE)	\$97,000	- 0 -	\$ 97,000
Masonry	Thomas Johnson, Inc.	\$85,000	\$156,000	\$ 242,000
Excavation & Underpinning	DMyles, Inc. (MBE)	\$143,840	- 0 -	<u>\$ 143,840</u>
<b>TOTAL</b>				<b>\$1,312,605</b>

The proposed contract award amounts are below budget for this portion of the project. The work is to be funded by a Restore NY 5 grant, with a 10% local match from the Buffalo Brownfields Redevelopment Fund (BBRF). Each recommended bidder has submitted an MWBE Utilization Plan. Staff is recommending acceptance of these bid proposals as presented above.

These proposals were reviewed with the Real Estate Committee at its February 18, 2020 meeting, but no action was taken due to a lack of a quorum.

**ACTION:**

We are requesting that the Board take the following actions:

1. Approve the following contracts for Phase1C renovations to 541 E. Delavan Avenue:

• Roofing	Jos. A Sanders & Sons, Inc. (WBE)	\$ 829,765
• Framing & Sheathing	Datz Dat! Construction, Inc. (MBE)	\$ 97,000
• Masonry	Thomas Johnson, Inc.	\$ 242,000
• Excavation	DMyles, Inc (MBE)	<u>\$ 143,840</u>
• & Underpinning		
<b>TOTAL</b>		<b>\$1,312,605</b>

2. Approve the use of the Buffalo Brownfields Redevelopment Fund for the ten percent (10%) match, or up to \$131,261; and
3. Authorize the President or Executive Vice President to execute contracts with each of these contractors on behalf of NorDel I, LLC and take such actions as are reasonably necessary in connection with this work.



## Meeting Minutes

**Project:** 541 East Delavan – Phase 1C  
**Subject:** Bid Review  
**Attendees:** Daniel Chorley – Watts  
Dave Dittmar – 34 Group  
Dave Stebbins - BUDC  
Peter Cammarata - BUDC  
  
**CC:** Marie Carone, Rob Sanders  
**Date:** February 13, 2020; 1:00 PM  
**Place:** 34 Group Construction Trailer

### Phase 1C Bid Review:

See attached estimate prepared by Watts/34 Group for comparison to base bids

#### 1. EDP1.03 - Roofing

- a. Base Bids (not including alternates):
  - i. Sanders: \$829,765
  - ii. Jameson: \$1,004,575
  - iii. M. Peterson: \$436,378
- b. Sanders and Jameson have been interviewed. Both are capable of meeting MWBE goals
  - i. Sanders is a WBE and will self-perform about 75% of contract.
    - 1. 5% will go to WBE supplier
    - 2. 20% will go to an MBE supplier
- c. M. Peterson was not interviewed. Their number is significantly lower and it is not believed they could provide specified materials for bid amount. Furthermore Peterson is not a certified roofing installer and would require a certified sub-contractor to attain the roofing warranty.
- d. The attached estimate shows that Sanders bid came in below Watts' & 34 Group's estimated value.
- e. **Watts & 34 Group recommend award to Sanders.**
  - i. Dave & Peter agreed with the recommendation.

#### 2. EDP1.06 – Framing & Sheathing

- a. Base Bids:
  - i. Datz Dat: \$97,000
- b. Datz Dat has been interviewed. Neither Dave nor Dan have directly worked with Datz Dat but have been told of past difficulties staffing projects and meeting deadlines.
  - i. Those concerns were raised during the interview and Datz Dat was confident in their ability and availability of personnel to perform work.
- c. Datz Dat will self-perform all work as an MBE. They have a workforce of 89% minority.
  - i. Will utilize steel supplier to meet minimum WBE requirement.
- d. Datz Dat's price came in approximately 4% above the estimated value prepared by Watts & 34 Group.

- e. Watts & 34 Group recommend award to Datz Dat.
  - i. Dave & Peter agreed with the recommendation.

### 3. EDP1.04 – Masonry

- a. Base Bid
  - i. T. Johnson: \$85,000 (not including alternates):
    - 1. With alternates: \$242,000
- b. T. Johnson was interviewed and had good understanding of project scope. During the meeting they suggested multiple areas where cost savings could be realized in the field.
- c. They are not an MWBE company but will meet the 20/10 goals through suppliers and teaming with Iroquois Bar for labor.
- d. T. Johnson's bid number is significantly higher than the estimate prepared by Watts and 34 Group.
  - i. Upon closer review, it's believed the estimate doesn't adequately account for the small and remote work areas included in this project. There are not large areas of 'production' in this project.
  - ii. Furthermore T. Johnson was utilized at 683 Northland and performed well with no issues.
- e. Watts & 34 Group recommend award to T. Johnson.
  - i. Dave & Peter agreed with the recommendation.

### 4. EDP1.05 – Excavation & Underpinning (see post-script below)

- a. Base Bids:
  - i. Rodriguez: \$230,686 with a \$5,800 credit per column
  - ii. D. Myles: \$143,840 with a \$500 credit per column
  - iii. Bucket Pro: \$225,525 with a \$6,280 credit per column
  - iv. Peterson: \$441,350 with a \$15,762 credit per column
- b. Rodriguez and Bucket Pro have been interviewed. D. Myles will be interviewed Friday morning (2/14). Peterson will not be interviewed.
  - i. Rodriguez had a good understanding of scope. Their original credit per column was \$2,687. After further discussion, Rodriguez agreed to raise this to approximately \$5,800 (final number to be determined).
  - ii. Bucket Pro's initial bid did not include appropriate shoring. They were given the day and revised their bid (as shown above).
- c. Rodriguez is an MBE company and would perform the excavation and underpinning scope of work which is 20% of the contract. They will utilize a WBE supplier to meet the 20/10 goals.
- d. Watts and 34 Group recommend test pits be performed by the selected bidder once the contract is awarded. This will allow the contractor to understand the exact number of columns to be underpinned. This will provide potential for efficiencies in shoring design and erection which could lead to further savings.
- e. **(See post-script below)** Pending findings from the interview with D. Myles, Watts and 34 Group recommend Rodriguez for the following reasons:
  - i. Had a strong understanding of the project scope, order of operations, etc.
  - ii. Rodriguez is an MBE company.
  - iii. Rodriguez has successfully performed work at 612 & 683 Northland.

5. Post-Script – Contractor Interview with D.Myles on Friday, 14<sup>th</sup> @ 8:00 AM

- a. D. Myles primarily does paving and excavation work. They teamed with Pinto Construction who is an experienced contractor. They will utilize Nussbaumer & Clarke for engineering of the shoring.
- b. D. Myles was interviewed and questioned on their understanding of the project given concerns over how low their bid was compared to others.
  - i. D. Myles and Pinto were confident in their understanding of the project scope and the necessary work required to complete the project.
- c. D. Myles is an MBE company and will be self-performing approximately 40% of the work.
  - i. Nussbaumer & Clarke are a WBE and will be providing 14% of contract.
  - ii. Upstate Steel & Bison Scaffold will also be utilized for material supply. Both companies are WBEs and will (in total) be providing 21% of the contract.
  - iii. Total participation will be approximately 40% Minority & 35% Women
- d. D. Myles agreed with the strategy to perform test pits as early as possible to determine extent of engineering, shoring and underpinning.
  - i. They stated that additional savings could be realized once the full extent of work is understood.
- e. Watts & 34 Group found the answers and information provided by D. Myles satisfactory and found no reason to exclude their bid.
  - i. D. Myles bid of \$143,840 is lower than Watts'/34 Group's estimate of the work.
- f. Watts & 34 Group recommend award to D. Myles.

6. **EDP1.05 - Bid Reconciliation:**

- a. Following interviews, Watts and 34 Group reviewed the cost breakdowns from D. Myles and Rodriguez to understand where the cost discrepancy lies in their bids.
- b. It was determined the difference in price is carried fully in the engineering & shoring scope:
  - i. Rodriguez Cost for Engineering & Shoring Portion: \$177,498
  - ii. D. Myles Cost for Engineering & Shoring Portion: \$70,715
    - 1. Difference = \$106,783
- c. Interviews found the difference rest on means-and-methods between contractors.
  - i. Rodriguez (through Apollo Steel) would be custom fabricating steel shoring devices. Cost for the steel, fabrication, erection, etc. were reflected in the price.
  - ii. D. Myles will utilize primarily rental scaffold shoring. Savings are realized as materials are rented rather than purchased and custom fabricated.

This constitutes the writer's understanding of the major items of discussion. If you have any questions or comments, please do not hesitate to call.

Prepared by: Daniel Chorley

WATTS ARCHITECTURE & ENGINEERING





Estimate

**541 East Delavan - Core & Shell - Phase 1C**

Summary	Estimate Totals		Bid Totals	% Difference	Bidder
EDP1.03 - ROOFING	\$939,480		\$829,765	88.32%	Sanders Roofing
EDP1.04 - MASONRY	\$171,504		\$242,000	141.10%	Thomas Johnson
EDP1.05 - EXCAVATION, SHORING & CONCRETE WORK/ REINFORCEMENT	\$182,066		\$143,840	79.00%	D. Myles
EDP1.06 - LIGHT GAUGE FRAMING & SHEATHING	\$96,706		\$97,000	100.30%	Datz Dat
Grand Totals	\$1,389,756		\$1,312,605	94%	



Estimate

02/14/20

541 East Delavan - Core & Shell - Phase 1C

EDP1.03 - ROOFING

Description	Quantity	Unit	Material	Labor	Unit Total	Total
PVC Roof Membrane - Fully Adhered w/ Flashings & Blocking	42200	SF	\$11.50	\$7.00	\$18.00	\$759,600
Roof Drains	21	EA			\$800.00	\$16,800
Allowance of 100 personnel hours	100	HOURS		\$65.00	\$65.00	\$6,500
Subtotal						\$782,900
Estimating Contingency 5.0%						\$39,145
General Conditions 5.0%						\$39,145
Overhead & Profit 10.0%						\$78,290
<b>Base Bid Total</b>						<b>\$939,480</b>



Estimate

02/14/20

541 East Delavan - Core &amp; Shell - Phase 1C

**EDP1.04 - MASONRY - BASE BID**

Description	Quantity	Unit	Material	Labor	Unit Total	Total
Cleaning & Graffiti Removal	860	SF	\$0.55	\$4.94	\$5.49	\$4,721
Masonry Repointing	430	SF	\$3.90	\$38.75	\$42.65	\$18,340
Masonry Replace/Reconstruct (includes sawing, removal & replace)	65	LF	\$15.00	\$156.25	\$171.25	\$11,131
Masonry Reconstruction - Single Wythe	20	SF	\$4.65	\$32.38	\$37.03	\$741
CMU Infills w/ Accessories	6	SF	\$6.95	\$20.63	\$27.58	\$165
Cast Stone Sills	100	SF	\$36.00	\$19.38	\$55.38	\$5,538
Sills Backer Rod & Sealant	100	LF	\$1.25	\$3.44	\$4.69	\$469
Lifts & Scaffold	1	LS			\$4,000.00	\$4,000
Allowance of 100 personnel hours	100	HOURS		\$65.00	\$65.00	\$6,500
Subtotal						\$51,605
Estimating Contingency						5.0% \$2,580
General Conditions						5.0% \$2,580
Overhead & Profit						10.0% \$5,161
<b>Base Bid Total</b>						<b>\$61,926</b>

**EDP1.04 - MASONRY - ALLOWANCE #1**

Description	Quantity	Unit	Material	Labor	Unit Total	Total
Lifts & Scaffold	1	LS			\$4,000.00	\$4,000
Masonry Reconstruction - Parapet Walls - Cavity Construction	360	SF	\$7.25	\$32.00	\$39.25	\$14,130
Masonry Reconstruction - Parapet Walls - 3-wythe	102	SF	\$13.75	\$58.00	\$71.75	\$7,319
Cast Stone Coping (includes anchors & flashing)	205	LF	\$62.00	\$24.00	\$86.00	\$17,630
Coping Backer Rod & Sealant	100	LF	\$1.25	\$2.75	\$4.00	\$400
Spray-Applied Insulation - Closed Cell, 3" Thick	240	SF	\$1.75	\$1.25	\$3.00	\$720
Misc. Flashings & Accessories	1	LS			\$2,500.00	\$2,500
Expansion/Control Joints	1	ALLOW			\$2,000.00	\$2,000
Subtotal						\$48,699
Estimating Contingency						5.0% \$2,435
General Conditions						5.0% \$2,435
Overhead & Profit						10.0% \$4,870
<b>Allowance #1 Total</b>						<b>\$58,438</b>

EDP1.04 - MASONRY - ALLOWANCE #1B							
Description	Quantity	Unit	Material	Labor	Unit Total		Total
Mineral Coating	860	SF	\$2.35	\$0.62	\$2.97		\$2,554
			Subtotal	\$2,554			
			Estimating Contingency	5.0%			\$128
			General Conditions	5.0%			\$128
			Overhead & Profit	10.0%			\$255
			Allowance #1B Total	\$3,065			
EDP1.04 - MASONRY - ALLOWANCE #2							
Description	Quantity	Unit	Material	Labor	Unit Total		Total
Masonry Reconstruction - Single Wythe	1000	SF	\$4.95	\$25.90	\$30.85		\$30,850
Expansion/Control Joints	1	ALLOW			\$2,000.00		\$2,000
Masonry Accessories	1	ALLOW			\$2,000.00		\$2,000
Spray-Applied Insulation - Closed Cell, 3" Thick	404	SF	\$1.75	\$1.25	\$3.00		\$1,212
Lifts & Scaffold	1	LS			\$4,000.00		\$4,000
			Subtotal	\$40,062			
			Estimating Contingency	5.0%			\$2,003
			General Conditions	5.0%			\$2,003
			Overhead & Profit	10.0%			\$4,006
			Allowance #2 Total	\$48,074			
				Grand Total	\$171,504		



Estimate

02/14/20

541 East Delavan - Core &amp; Shell - Phase 1C

**EDP1.05 - EXCAVATION, SHORING & CONCRETE WORK/REINFORCEMENT**

Description	Quantity	Unit	Material	Labor	Unit Total	Total
<b>Shoring</b>						
12' tall lt. shoring posts, rent/mo	32	EA	\$92.00	\$16.55	\$108.55	\$3,474
12' tall hvy. shoring posts, rent/mo	18	EA	\$101.00	\$16.55	\$117.55	\$2,116
25' tall 4-leg shoring tower, rent/mo	14	EA	\$150.00	\$250.00	\$400.00	\$5,600
Wood timber cribbing	106	EA	\$145.00	\$85.00	\$230.00	\$24,380
Wide flange shoring beamx12'	16	EA	\$735.00	\$157.32	\$892.32	\$14,277
Wide flange shoring beamx4'	42	EA	\$245.00	\$52.44	\$297.44	\$12,492
Wide flange shoring beamx16'	9	EA	\$980.00	\$209.76	\$1,189.76	\$10,708
Wide flange shoring beamx20'	3	EA	\$1,225.00	\$262.20	\$1,487.20	\$4,462
Engineering & Drawings	1	ALLOW			\$12,000.00	\$12,000
Excavation Per Column	28	EA	\$0.00	\$250.00	\$250.00	\$7,000
Backfill Per Column	28	EA	\$98.00	\$147.00	\$245.00	\$6,860
Formwork	28	EA	\$34.83	\$114.21	\$149.04	\$4,173
Concrete	28	EA	\$436.72	\$151.12	\$587.84	\$16,460
Reinforcement	28	EA	\$27.12	\$95.04	\$122.16	\$3,420
Prep, Epoxy & concrete	28	EA	\$100.00	\$250.00	\$350.00	\$9,800
Lift & Equipment	1	ALLOW			\$8,000.00	\$8,000
Allowance of 100 personnel hours	100	HOURS		\$65.00	\$65.00	\$6,500
Subtotal						\$151,722
Estimating Contingency					5.0%	\$7,586
General Conditions					5.0%	\$7,586
Overhead & Profit					10.0%	\$15,172
<b>Base Bid Total</b>						<b>\$182,066</b>



Estimate

02/14/20

541 East Delavan - Core & Shell - Phase 1C

**EDP1.06 - LIGHT GAUGE FRAMING & SHEATHING**

Description	Quantity	Unit	Material	Labor	Unit Total	Total
3-5/8" Cold Formed Mtl Framing	4600	SF	\$3.95	\$4.50	\$8.45	\$38,870
Sheathing (Varies)	4600	SF	\$1.35	\$1.55	\$2.90	\$13,340
Mineral Wool Insulation	4600	SF	\$1.10	\$0.35	\$1.45	\$6,670
Weather Barrier	4600	SF	\$0.35	\$0.30	\$0.65	\$2,990
Misc. Blocking	2000	LF	\$1.05	\$1.55	\$2.60	\$5,200
Temporary Stairs	14	RISER	\$115.00	\$22.00	\$137.00	\$1,918
Bolts/Fasteners	1	LS			\$1,200.00	\$1,200
Painting	1	ALLOW			\$2,500.00	\$2,500
Sealants	1	LS			\$400.00	\$400
Scaffold/Lifts	1	LS			\$1,000.00	\$1,000
Allowance of 100 personnel hours	100	HOURS		\$65.00	\$65.00	\$6,500
Subtotal						\$80,588
Estimating Contingency 5.0%						\$4,029
General Conditions 5.0%						\$4,029
Overhead & Profit 10.0%						\$8,059
<b>Base Bid Total</b>						<b>\$96,706</b>



**Item 4.5**

**MEMORANDUM**

**TO: BUDC Board of Directors**

**FROM: Peter M. Cammarata, President**

**SUBJECT: 541 E. Delavan Avenue Phase 1 – Apollo Steel Change Order**

**DATE: February 25, 2020**

---

The Board approved a construction contract with Apollo Steel Corporation for the 541 E. Delavan Avenue renovation project at its September 24, 2019 meeting. The value of that contract was estimated at \$901,635 for structural steel reinforcement and steel decking for the roof.

After the award and execution of this contract and during the final demolition phase of the project, significant structural deficiencies were discovered in several places along the perimeter of the building, including the south, southwest and northwest corners of the building and the window lintels along the north façade. In response to an Architects Supplemental Instructions (ASI) issued by Watts Architecture and Engineering, Apollo Steel Corporation submitted a proposal to:

- |   |                  |
|---|------------------|
| 1. Provide a credit for reduced foundation work (ASI-02):                 | (\$6,991)        |
| 2. Reconstruction of the South, Southwest and Northwest corners (ASI-03): | \$159,800        |
| 3. Replacement of Steel lintels on north façade (ASI-04):                 | <u>\$ 22,736</u> |
| <b>TOTAL</b>  | <b>\$175,545</b> |

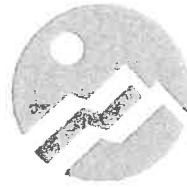
This requested Change Order has been reviewed by the 34 Group and Watts Architecture & Engineering and has been recommended for approval. A copy of their review minutes is attached. Funding for this Change Order will be taken from the project's general construction budget, which is eligible for reimbursement from the New York State Restore V NY Grant. The value of the Apollo Steel contract after this Change Order will be \$1,077,180.

This proposal was reviewed with the Real Estate Committee at its February 18, 2020 meeting, but no action was taken due to the lack of a quorum.

**ACTION:**

We are requesting Board authorization to amend the existing construction contract with Apollo Steel Corporation for additional structural steel reconstruction and replacement work at 541 E. Delavan Avenue for an net, additional change order cost of \$175,545; and for the President or Executive Vice President to execute and deliver the amendment to the construction contract on behalf of NorDel I, LLC.





## Meeting Minutes

**Project:** 541 East Delavan – Phase 1B  
**Subject:** ASI Review  
**Attendees:** Daniel Chorley – Watts | Dave Stebbins - BUDC  
Dave Dittmar – 34 Group | Peter Cammarata - BUDC  
**CC:** Marie Carone, Rob Sanders  
**Date:** February 13, 2020; 1:30 PM  
**Place:** 34 Group Construction Trailer

### Phase 1B ASI Review:

See attached Apollo Steel pricing & estimates prepared by Watts/34 Group for comparison.

1. **ASI-02 – Credit for reduced foundation work at column G3 – Credit of \$6,991.**
  - a. Background: Column G3 requires jacking, shoring and a new foundation. After bid, a revised design was issued that simplifies construction & lessens materials.
  - b. This credit is recommended for approval.
2. **ASI-03 – Reconstruction at South, Southwest & Northwest - Add of \$159,800**
  - a. Background: During Phase 1A abatement & demolition, the southwest corner (load-bearing masonry construction) was found to be unstable with exterior walls pulling-away from the rest of the structure. It was decided to demolish while the contractor was onsite. On the northwest corner, steel roof framing was found bearing on deteriorated masonry and was removed (temporarily) for protection of workers.
    - i. Under ASI-03, the southwest corner will be reconstructed with a steel frame to match the rest of the building.
    - ii. Removal of the masonry required reinforcement of existing steel members to carry lateral loading along the south façade.
    - iii. The northwest corner steel will be reinstalled. Masonry supporting this steel will be repaired/reconstructed under Phase 1C base-bid.
  - b. Note that this work is necessary for the full roof package (Phase 1C) to be installed. Without this work, only partial sections of roof could be installed on the west and south ends of the building.
  - c. This work is recommended for approval.
3. **ASI-04 – Replacement of steel lintels on north façade – Add of \$22,736**
  - a. Background: The existing masonry parapet on the north façade was partially removed under Phase 1A. This uncovered existing steel members spanning the window openings that were found to be severely rusted and in need of replacement.
  - b. Note this work must be performed if Alternate #1 in the masonry bid package is to be performed.
  - c. This work is recommended for approval.

This constitutes the writer's understanding of the major items of discussion. If you have any questions or comments, please do not hesitate to call.

Prepared by: Daniel Chorley  
WATTS ARCHITECTURE & ENGINEERING





ASI Estimate Comparison				
541 East Delavan - Core & Shell - Phase 1B				
Summary	Estimate Totals		Bid Totals	% Difference
ASI-02	(\$6,050)		(\$6,991)	115.55%
ASI-03	\$149,519		\$159,800	106.88%
ASI-04	\$28,683		\$22,736	79.27%
Grand Totals	\$172,152		\$175,545	102%



ASI Estimate Comparison

02/10/20

541 East Delavan - Core & Shell - Phase 1B

ASI 02 - CREDIT FOR FOUNDATION REVISION AT COLUMN G3

Description	Quantity	Unit	Material	Labor	Unit Total		Total
Reduced Steel Beams	900	LBS	\$0.00		-\$4.50		(\$4,050)
Reduced Shoring & Fabrication	1	LS			-\$1,500.00		(\$1,500)
Simplified/Reduced Formwork & Concrete	1	LS			-\$500.00		(\$500)
			Subtotal				-\$6,050
			Bid Total				-\$6,050


**ASI Estimate Comparison**

02/10/20

**541 East Delavan - Core & Shell - Phase 1B**
**ASI 03 - STRUCTURAL STEEL AT SOUTH FAÇADE, SOUTHWEST CORNER & NORTHWEST CORNER**

Description	Quantity	Unit	Material	Labor	Unit Total	Total
Remove Columns & Footings	2	EA	\$315.00	\$675.00	\$990.00	\$1,980
Remove Existing Beams	12	EA	\$250.00	\$900.00	\$1,150.00	\$13,800
<b>Shoring</b>						
25' tall 4-legged shoring tower, rental/mo	3	EA	\$150.00	\$250.00	\$400.00	\$1,200
Wide flange shoring beamx25'	2	EA	\$1,535.00	\$330.00	\$1,865.00	\$3,730
Wide flange shoring beamx5'	9	EA	\$310.00	\$70.00	\$380.00	\$3,420
Wood timber cribbing	14	EA	\$145.00	\$85.00	\$230.00	\$3,220
12' tall shoring posts, rental/mo	2	EA	\$95.00	\$20.00	\$115.00	\$230
Wide flange shoring Beamx12'	1	EA	\$735.00	\$160.00	\$895.00	\$895
Engineering (for shoring)	1	ALLOW			\$1,000.00	\$1,000
Steel - W16x26	1950	LBS			\$4.50	\$8,775
Steel - W12x19	4750	LBS			\$4.50	\$21,375
Steel - MC12x14.3	1430	LBS			\$4.50	\$6,435
Steel - W16x40	1000	LBS			\$4.50	\$4,500
Steel - W16x40	800	LBS			\$4.50	\$3,600
Steel - W16x26	1040	LBS			\$4.50	\$4,680
Steel - W16x36	720	LBS			\$4.50	\$3,240
Steel - W12x16	1440	LBS			\$4.50	\$6,480
Steel - W12x16	552	LBS			\$4.50	\$2,484
Steel - W12x22	1100	LBS			\$4.50	\$4,950
Steel - HSS4x4x1/4	202	LBS			\$4.50	\$909
Steel - HSS4x4x1/4	211	LBS			\$4.50	\$950
Steel - HSS4x4x1/4	189	LBS			\$4.50	\$851
Steel - HSS4x4x1/4	204	LBS			\$4.50	\$918
Steel - LL4x3x1/4	69	LBS			\$4.50	\$311
Steel - LL4x3x1/4	70	LBS			\$4.50	\$315
Steel - W12x50	1300	LBS			\$4.50	\$5,850
Steel - W10x39	1014	LBS			\$4.50	\$4,563
Steel - W8x24	624	LBS			\$4.50	\$2,808
Excavation Per Column	10	CY	\$0.00	\$70.00	\$70.00	\$700
Backfill Per Column	7.5	CY	\$40.00	\$60.00	\$100.00	\$750
Conc. Footings (incl. form & bar)	2	CY	\$227.00	\$128.00	\$355.00	\$710
Conc. Piers (incl. form & bar)	0.22	CY	\$895.00	\$1,250.00	\$2,145.00	\$472
Equipment	1	ALLOW			\$5,000.00	\$5,000
Lifts	1	ALLOW			\$3,500.00	\$3,500
Subtotal						\$124,599
Estimating Contingency						5.0% \$6,230
General Conditions						5.0% \$6,230
Overhead & Profit						10.0% \$12,460
<b>Bid Total</b>						<b>\$149,519</b>



ASI Estimate Comparison

02/10/20

541 East Delavan - Core & Shell - Phase 1B

**ASI 04 - NORTH FAÇADE LINTEL REPLACEMENT**

Description	Quantity	Unit	Material	Labor	Unit Total	Total
Remove Existing Beams	4	EA	\$0.00	\$750.00	\$750.00	\$3,000
Remove Existing Lintels	18	EA	\$0.00	\$100.00	\$100.00	\$1,800
Steel - W16x36	2980	LBS			\$4.50	\$13,410
Steel - PL3/8x12	1265	LBS			\$4.50	\$5,693
Subtotal						\$23,903
Estimating Contingency						5.0% \$1,195
General Conditions						5.0% \$1,195
Overhead & Profit						10.0% \$2,390
<b>Bid Total</b>						<b>\$28,683</b>



4800 Wilton Ave, Niagara Falls, NY 14304

Phone: 716-283-8758

Fax: 716-283-1136

JOB # 1978 East Delevan

Apollo Internal Change Order # ASI # 2

Client Change Order/PCO/ASI #

Description of Work

Alternate foundation design at column G3

#### A. LABOR

Labor Classification	Straight Time Rate	Hours	Over Time Rate	Hours	COST
Iron Worker General Foreman	\$ 156.00	-	\$ 210.00	-	\$ -
Iron Worker Foreman	\$ 110.79	-	\$ 145.76	-	\$ -
Iron Worker	\$ 105.97	-	\$ 134.81	-	\$ -
Operator	\$ 114.88	-	\$ 172.90	-	\$ -
<b>TOTAL LABOR COST</b>					\$ -

#### B. MATERIAL

Material Description	Unit	Quantity	Unit Cost	Fabrication Hrs.	Material Cost
Alt foundation at G3		1	\$ 13,870.00	0	\$ 13,870.00
shoring material		1	\$ 4,000.00	0	\$ 4,000.00
Steel credit for W12x40 beams		1	\$ (1,440.00)	-6	\$ (1,974.00)
			\$ -	0	\$ -
			\$ -	0	\$ -
			\$ -		\$ -
			\$ -		\$ -
			\$ -		\$ -
PE Stamp and Calculations		4	\$ 125.00		\$ 500.00
Field Measuring		4	\$ 85.00		\$ 340.00
Detailing		4	\$ 68.00		\$ 272.00
Shop Priming		0	\$ 50.00		\$ -
Galvanizing		0	\$ -		\$ -
Delivery to, Pick-up from Galv.			\$ -		\$ -
Delivery		0	\$ 125.00		\$ -
			\$ -		\$ -
			\$ -		\$ -
<b>TOTAL MATERIAL COST</b>					\$ 17,008.00

#### C. RENTAL EQUIPMENT

tall		600 per day	\$ -
scissors lift		200 per day	\$ -
JLG lift	\$ -	600 per day	\$ -
<b>TOTAL RENTAL EQUIPMENT COST</b>			\$ -

#### D. SUMMARY

		Overhead	Profit	
1. Field Labor	\$ -	0%	0%	\$ -
2. Material	\$ 17,008.00	10%	5%	\$ 19,644.24
3. Apollo Owned Equipment	\$ -	0%	0%	\$ -
4. Rental Equipment	\$ -	10%	5%	\$ -
Credit for foundation budget carried at bid				\$ (26,635.00)
6. Bond Rate, Per \$1000	RATE	\$ -	\$ -	\$ -
<b>TOTAL COST PROPOSAL</b>				\$ (6,990.76)



4800 Wilton Ave, Niagara Falls, NY 14304

Phone: 716-283-8758

Fax: 716-283-1136

JOB # 1978 East Delevan

Apollo Internal Change Order # ASI # 3

Client Change Order/PCO/ASI #

Description of Work

Steel work at the south, southwest and northwest façade

#### A. LABOR

Labor Classification	Straight Time Rate	Hours	Over Time Rate	Hours	COST
Iron Worker General Foreman	\$ 156.00	-	\$ 210.00	-	\$ -
Iron Worker Foreman	\$ 110.79	120.00	\$ 145.76	-	\$ 13,294.80
Iron Worker	\$ 105.97	360.00	\$ 134.81	-	\$ 38,149.20
Operator	\$ 114.88	40.00	\$ 172.90	-	\$ 4,595.20
<b>TOTAL LABOR COST</b>					<b>\$ 56,039.20</b>

#### B. MATERIAL

Material Description	Unit	Quantity	Unit Cost	Fabrication Hrs.	Material Cost
New steel	lb	30000	\$ 0.70	160	\$ 35,240.00
bolts	ea	540	\$ 2.00	0	\$ 1,080.00
anchor bolts	ea	12	\$ 5.00	0	\$ 60.00
New foundations		1	\$ 15,994.00	0	\$ 15,994.00
new bearing plate		1	\$ 800.00	0	\$ 800.00
shoring material		3	\$ 4,000.00		\$ 12,000.00
			\$ -		\$ -
			\$ -		\$ -
			\$ -		\$ -
PE Stamp and Calculations			\$ 125.00		\$ -
Field Measuring		16	\$ 85.00		\$ 1,360.00
Detailing		32	\$ 68.00		\$ 2,176.00
Shop Priming		15	\$ 50.00		\$ 750.00
Galvanizing			\$ -		\$ -
Delivery to, Pick-up from Galv.			\$ -		\$ -
Delivery		8	\$ 125.00		\$ 1,000.00
			\$ -		\$ -
			\$ -		\$ -
<b>TOTAL MATERIAL COST</b>					<b>\$ 70,460.00</b>

#### C. RENTAL EQUIPMENT

lull			\$ 2,700.00
scissors lift			\$ -
JLG lift	\$ -		\$ 3,600.00
<b>TOTAL RENTAL EQUIPMENT COST</b>			<b>\$ 6,300.00</b>

#### D. SUMMARY

		Overhead	Profit	
1. Field Labor	\$ 56,039.20	0%	0%	\$ 56,039.20
2. Material	\$ 70,460.00	10%	5%	\$ 81,381.30
3. Apollo Owned Equipment	\$ 15,102.50	0%	0%	\$ 15,102.50
4. Rental Equipment	\$ 6,300.00	10%	5%	\$ 7,276.50
Credit for foundation budget carried at bid				\$ -
	RATE	\$ -	\$ -	\$ -
<b>TOTAL COST PROPOSAL</b>				<b>\$ 159,799.50</b>

**APOLLO STEEL CORPORATION**  
**4800 WILTON AVENUE**  
**NIAGARA FALLS NY 14304**

**MINIMUM: ONE DAY RENTAL.**

39



4800 Wilton Ave, Niagara Falls, NY 14304

Phone: 716-283-8758

Fax: 716-283-1136

JOB # 1978 East Delevan

Apollo Internal Change Order # ASI#4

Client Change Order/PCO/ASI #

Description of Work

Replacement of Intels at the North Façade

#### A. LABOR

Labor Classification	Straight Time Rate	Hours	Over Time Rate	Hours	COST
Iron Worker General Foreman	\$ 156.00	-	\$ 210.00	-	\$ -
Iron Worker Foreman	\$ 110.79	24.00	\$ 145.76	-	\$ 2,658.96
Iron Worker	\$ 105.97	48.00	\$ 134.81	-	\$ 5,086.56
Operator	\$ 114.88	16.00	\$ 172.90	-	\$ 1,838.08
<b>TOTAL LABOR COST</b>					<b>\$ 9,583.60</b>

#### B. MATERIAL

Material Description	Unit	Quantity	Unit Cost	Fabrication Hrs.	Material Cost
Beams with Plate	ea	4	\$ 1,154.00	16	\$ 6,040.00
			\$ -	0	\$ -
			\$ -	0	\$ -
			\$ -	0	\$ -
			\$ -	0	\$ -
			\$ -		\$ -
			\$ -		\$ -
			\$ -		\$ -
			\$ -		\$ -
PE Stamp and Calculations			\$ -		\$ -
Field Measuring			\$ -		\$ -
Detailing		8	\$ 68.00		\$ 544.00
Shop Priming		4	\$ 50.00		\$ 200.00
Galvanizing			\$ -		\$ -
Delivery to, Pick-up from Galv.			\$ -		\$ -
Delivery		3	\$ 125.00		\$ 375.00
			\$ -		\$ -
			\$ -		\$ -
<b>TOTAL MATERIAL COST</b>					<b>\$ 7,159.00</b>

#### C. RENTAL EQUIPMENT

lull		600 per day	\$ -
scissors lift		200 per day	\$ -
JLG lift	\$ 1,800.00	600 per day	\$ -
<b>TOTAL RENTAL EQUIPMENT COST</b>			<b>\$ 1,800.00</b>

#### D. SUMMARY

		Overhead	Profit	
1. Field Labor	\$ 9,583.60	0%	0%	\$ 9,583.60
2. Material	\$ 7,159.00	10%	5%	\$ 8,268.65
3. Apollo Owned Equipment	\$ 2,804.50	0%	0%	\$ 2,804.50
4. Rental Equipment	\$ 1,800.00	10%	5%	\$ 2,079.00
5. Tax	RATE	0.00%		\$ -
6. Bond Rate, Per \$1000	RATE	\$ -	\$ -	\$ -
<b>TOTAL COST PROPOSAL</b>				<b>\$ 22,735.75</b>



## LIST OF EQUIPMENT RATES

APOLLO STEEL CORPORATION  
4800 WILTON AVENUE  
NIAGARA FALLS NY 14304

EXPIRES ON: 04/30/2019

MINIMUM: ONE DAY RENTAL

EQUIPMENT DESCRIPTION (SIZE, MODEL, ETC.)	QTY	DAILY	COST TOTAL
38 TON TRUCK CRANE (OPERATOR EXTRA W/ABOVE) (FUEL EXTRA W/ABOVE)	2	\$1,240.00	\$2,480.00
F550 FORD BOOM TRUCK		\$537.00	\$0.00
F550 FORD GOOSENECK TRUCK		\$447.50	\$0.00
GOOSENECK TRAILER		\$288.75	\$0.00
AC150 LIFT TRUCK 15000#		\$322.25	\$0.00
STRETCH TRAILERS		\$348.25	\$0.00
FLAT TRAILERS		\$278.00	\$0.00
SAWZALL		\$13.25	\$0.00
BAND SAW		\$23.50	\$0.00
ELECTRIC SCISSOR LIFT		\$132.75	\$0.00
BALKENCAR LIFT TRUCK 6000#		\$282.75	\$0.00
BALKENCAR LIFT TRUCK 8000#		\$280.25	\$0.00
PICK-UP TRUCK	3	\$71.00	\$213.00
ALL TERRAIN FORK LIFT		\$262.50	\$0.00
TORCH SETS		\$50.00	\$0.00
EXTRA HOSE PER 100'		\$10.00	\$0.00
FIRE BLANKETS		\$98.50	\$0.00
ROD OVEN		\$19.75	\$0.00
2 WAY RADIO		\$20.00	\$0.00
ELECTRIC 350 LINCOLN INVERTOR-WELDER		\$45.75	\$0.00
DIESEL WELDER (250) w/ 50' LEAD & GR		\$221.00	\$0.00
EXTRA CABLE EACH 50 FEET		\$12.25	\$0.00
MIG WELDER		\$168.00	\$0.00
JOB TRAILER/SHANTY		\$13.25	\$0.00
LIFE LINE RETRACTOR		\$18.75	\$0.00
ELECTRIC HOIST		\$109.50	\$0.00
RIGGING WAGON		\$32.75	\$0.00
8" METAL CUTTING SAW		\$27.25	\$0.00
AIR COMPRESSOR (185 CFM)		\$169.00	\$0.00
AIR COMPRESSOR (165 CFM)		\$137.50	\$0.00
PNEUMATIC OR AIR DRILL		\$25.75	\$0.00
HOUGHEN ROTABROACH DRILL		\$43.00	\$0.00
GAS DEMOLITION SAW		\$107.50	\$0.00
CIRCULAR SAW		\$44.25	\$0.00
PLASMA ARC		\$169.75	\$0.00
AIR ARC		\$28.25	\$0.00
AIR CHIPPER/NEEDLE GUN	1	\$31.00	\$31.00
1 1/2 TON PNEUMATIC CHAIN FALL		\$74.50	\$0.00
1/2 TON ELECTRIC CHAIN FALL		\$45.25	\$0.00
1 TON ELECTRIC CHAIN FALL		\$80.25	\$0.00
Line A Total			\$2,724.00

EQUIPMENT DESCRIPTION (SIZE, MODEL, ETC.)	QTY	DAILY	COST TOTAL
AIR TUGGER (5 TON MIN CAP)		\$199.00	\$0.00
COMPRESSOR HOSE - 50'		\$8.00	\$0.00
AIR HOSE 1 TON		\$25.25	\$0.00
CORDLESS IMPACT		\$27.25	\$0.00
AIR IMPACT WRENCH		\$49.25	\$0.00
1" ROTOHAMMER		\$27.25	\$0.00
1/2" ELECTRIC IMPACT	2	\$27.25	\$0.00
3/4" ELECTRIC IMPACT		\$40.25	\$80.50
PORTA POWER (COMPLETE W/PUMP & HOSE)		\$75.50	\$0.00
3/8 DRILL MOTOR		\$25.25	\$0.00
SCREW GUN		\$25.25	\$0.00
4" GRINDER		\$17.50	\$0.00
7" - 9" GRINDER		\$21.25	\$0.00
BRIDGE CLAMPS		\$7.25	\$0.00
BEAM CLAMPS		\$10.00	\$0.00
HYDRAULIC JACK		\$80.00	\$0.00
TECH MAN DOLLY (PAIR)		\$59.00	\$0.00
TOE JACK		\$91.75	\$0.00
COMPUTER OFFICE		\$32.75	\$0.00
5 TON CASTERS		\$25.25	\$0.00
GERMAN COME-A-LONG		\$67.75	\$0.00
**1 TON CHAIN FALL		\$25.25	\$0.00
**1 TON COME-A-LONG		\$25.25	\$0.00
400 WATT METAL HALL WOBBLER LITE		\$125.00	\$0.00
**ADD \$25.25 PER TON PER DAY			
Straight Time			
APOLLO STEEL TRUCK DRIVER PER HOUR		\$85.25	\$0.00
APOLLO STEEL SHOPMAN (ALL INCLUSIVE PER HOUR)		\$106.50	\$0.00
Overtime			
APOLLO STEEL TRUCK DRIVER PER HOUR		\$115.50	\$0.00
APOLLO STEEL SHOPMAN (ALL INCLUSIVE PER HOUR)		\$144.00	\$0.00
NOTE:			
•ALL DAILY RATES ARE FOR A MINIMUM CHARGE OF 8 HOURS			
•A CONTINUOUS 24 HOUR WORK DAY CONSTITUTES 3 DAY RATES			
•FUEL AND CONSUMABLES BILLED SEPARATELY			
Line B Total			\$80.50

LINE A &amp; B TOTAL \$2,804.50



**Item 4.6**

**MEMORANDUM**

**TO: BUDC Board of Directors**

**FROM: David A. Stebbins, Executive Vice President**

**SUBJECT: 683 Northland Phase 2B: Gilbane C.O. NWTC Expansion Construction**

**DATE: February 25, 2020**

---

The Northland Workforce Training Center (NWTC) expanded into additional space at 683 Northland to accommodate the second/senior year of students for the Fall of 2019 and the growth of students in the electrical training component of the curriculum. As previously reported to the Board, the NWTC has entered into a sublease with 683 Northland Master Tenant LLC for an additional 9,505 square feet of space in the area referred to as Area 3 or the “Grey Shed” which includes \$914,861.93 in funding for construction of the leasehold improvements, which are being provided by Empire State Development (ESD) directly to NWTC.

At the April 30, 2019 meeting, the Board of Directors approved an Amendment to the Gilbane Building Company’s GMP contract for this Sub-Project in the amount of \$871,297.08. In order to ensure delivery of the space in time for the start of classes on August 26, 2019, the Board also approved a \$46,235.68 Change Order at its October 2019 meeting for additional work to meet unexpected conditions and for expediting completion. The attached Change Order proposal from Gilbane is for final cleaning work that was required prior to occupancy. The delay in submitting this final change order was due to delays in obtaining final work tickets from subcontractors as well as Gilbane’s time to review hours and costs. The total cost of this extra work was \$15,967.22. A copy of the proposed Change Order is attached to this memorandum. If approved, this Change Order would bring the total cost of this expansion construction to \$933,499.98. Costs in excess of the ESD Expansion grant allocation can be reimbursed from the Six million dollar ESD equipment Grant. The original estimated cost of this work was \$991,097.10.

This proposal was reviewed with the Real Estate Committee at its February 18, 2020, but no action was taken due to the lack of a quorum.

**ACTION:**

We are requesting Board authorization to amend the existing construction management agreement with Gilbane Building Company to cover the extra costs associated with the expansion of the Northland Workforce Training Center into 9,505 square feet of space in Area 3 (Grey Shed) in 683 Northland Avenue at a cost of \$15,967.22; and to authorize the President or Executive Vice President to execute and deliver the amendment to the construction management agreement on behalf of 683 Northland LLC.

**Owner Change Order (OCO)  
Draft**



Project Name: Northland Corridor  
Redevelopment And Workforce  
Training Center

OCO:OCO-0035

Gilbane Job No.: J07451.000

PCI:OS-00073

Alternate Tracking #:

Attention:

Date Issued: 2/17/2020 9:22:11 AM

Owner: 683 Northland, LLC c/o BUDC

Address: 95 Perry Street  
Suite 404  
Buffalo, NY 14203 US

Architect: Watts Architecture & Engineering, D.P.C., Edward Watts,  
Jr.

Gilbane Building Company submits herein a request for Change Order in the total amount indicated below for Work included in the Gilbane Building Company Potential Change Items (PCI) identified below. Contractor's quotations have been reviewed and found to be fair and reasonable for the work involved. Refer to the attached documentation for specific pricing information. Upon Owner approval, Gilbane Building Company will incorporate this amount in a final Owner Change Order document, which when executed by all parties, will change the Contract Sum and Contract Time as applicable.

Scope Of Changes: Area 4 Final Cleaning for Occupancy

Description: Final Cleaning for Area 4 Occupancy schedule.

Additional Description

**Attachments:**

Number	Title	PCI	Change Date	Revision
<a href="#">Sort Attachments</a>				

Job	PCI Code	Phase Code	Description	Subcontractor	Basis	Amount	Accept
J07451.080		01.02B.120000.X	Final Cleaning	34 Group, Inc.	Final	\$23,268.22	<input type="radio"/> Yes <input type="radio"/> No
J07451.080		01.02B.120000.X	Final Cleaning		Estimate	\$0.00	<input type="radio"/> Yes <input type="radio"/> No
J07451.080		01.02B.120000.X	Final Cleaning		Estimate	\$0.00	<input type="radio"/> Yes <input type="radio"/> No
J07451.080		92.925.890343.Z	Temporary Protection			-\$8,000.00	<input type="radio"/> Yes <input type="radio"/> No
J07451.080		99.970.950050.Z	Gen & Excess Liability Insurance		Final	\$211.00	<input type="radio"/> Yes <input type="radio"/> No
J07451.080		99.975.996000.Z	Contractor Default Insurance		Final	\$183.00	<input type="radio"/> Yes <input type="radio"/> No
J07451.080		99.999.999000.Z	Fee		Final	\$305.00	<input type="radio"/> Yes <input type="radio"/> No
TOTAL FOR PCI No. OS-00073					\$15,967.22		

**Submitted  
Amt:**

**\$15,967.22**

**App Amt:**

**\$15,967.22**