City of Buffalo

Sale of
201 Ellicott Street
Buffalo, New York

Issued: Friday, May 8th, 2015
Registration Deadline: Wednesday, June 17th, 2015
Proposal Submission Deadline: Wednesday, July 29th, 2015
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I. Purpose and Scope of Proposal

201 Ellicott Street is owned by the City of Buffalo (“City”) and is currently used as a surface parking lot. Downtown Buffalo is experiencing tremendous growth with an increase in demand for both apartment and condominium residential units. There is also a greater demand for retail offerings with the influx of new residents to downtown as well as a growing workforce population. This growth provides the opportunity to put 201 Ellicott Street to a higher and better use.

Mayor Byron W. Brown’s Office of Strategic Planning is seeking proposals for a full line grocery store and a mixed-use development project that includes a significant residential element (with a possibility for condominiums), commercial elements and a required parking ramp. A proposed office use will only be considered if it results in new jobs for downtown or a type of office space not currently available in the downtown market.

Compliance with the proposed City of Buffalo Green Code Unified Development Ordinance is expected, including but not limited to setback, height, transparency, pedestrian access and other building design standards; landscape, storm water management, outdoor lighting, parking (for both vehicles and bicycles), transportation demand management, signage and other site design standards. The proposed zoning under the Green Code UDO is N-1C (mixed-use core) which regulates mixed-uses. More details can be found at www.buffalogreencode.com or by contacting, John Fell, Senior Planner, City of Buffalo, (716) 851-4533, jfell@city-buffalo.com.
II. Context

Buffalo has one of the lowest effective tax rates in New York State, one of the strongest municipal bond ratings and fiscal health, and the City continues to revamp its development framework to better encourage investment and expedite the approval process. Adding to the positive environment for investment, New York Governor Andrew Cuomo committed $1 Billion to the Buffalo area to further economic development.

Buffalo is growing at record pace with more than $5 Billion in real estate investment since 2012, most of which is occurring downtown. Three main developments are at the heart of Buffalo’s economic revitalization: Canalside, Buffalo Niagara Medical Campus, and the Larkin District. Canalside is a $250 million mixed-use entertainment destination on the Inner Harbor featuring the $172 million HARBORCENTER project. The HARBORCENTER project converted another City-owned surface parking lot into a world class hockey facility with hotel, retail and parking amenities in less than 2 years. The Buffalo Niagara Medical Campus has thus far had a $1.5 Billion real estate impact on the region, and is expected to expand its employment to 20,000 professionals in the next few years. The Larkin District, formerly an abandoned industrial complex, is now a thriving public space and private sector business area. These new areas of development build off Buffalo’s Central Business District, which is anchored by major employers such as M&T Bank, HSBC Bank, Delaware North Companies, Inc., Blue Cross Blue Shield of Western New York, Catholic Health, Hodgson Russ LLP, Phillips Lytle LLP, Erie Community College, and soon, IBM.
Buffalo offers a positive atmosphere for its expanding residential population and millions of visitors each year. There are numerous entertainment amenities including theaters, galleries, restaurants, bars, retail establishments, and professional sports teams including the Buffalo Bills and the Buffalo Sabres.

Buffalo’s Theatre District is home to the historic 3,000 seat Shea’s Performing Arts Center, the 710 Main Theatre (formerly Studio Arena), Alleyway Theatre, the Irish Classical Theatre, Main Street Cabaret, Road Less Traveled Productions and a recently announced AMC movie theatre.

In 2014, 18 distinctive new restaurants opened downtown, many centrally located near hotels that provide more than 1,800 visitor rooms.

With a 97% occupancy rate for rental apartment units, downtown is the fastest growing residential area in the city. By 2018, there will be an additional 2,000 new residential units to accommodate downtown’s growing workforce.
The current downtown workforce population of 58,000 will increase to 70,000 workers in just four years.

Buffalo’s rich history and focus on preservation is evident in projects like the Hotel @ The Lafayette, the Planing Mill and the Tishman Building. These historic structures have been transformed into mixed-use buildings, while maintaining Buffalo’s famous historic character.

See Exhibit A for additional general information on the City of Buffalo.

Courtesy: Buffalo Niagara Enterprise
III. Location and Description of Property

The Property consists of a 107,936 sq.ft. (2.54 ± acres) surface parking lot located at 201 Ellicott Street (SBL No. 111.13-13-1) bounded by Ellicott, Oak, Clinton and Eagle Streets. Title to the Property is currently held by the City of Buffalo.

The parcel is two blocks east of the Lafayette Square station of the Light Rail Rapid Transit (LRRT) Line which travels the length of Main Street in the City. Main Street at grade is a fare-free zone. The Main Street corridor, also known as the Knowledge Corridor, has the region’s highest transit ridership and largest concentrations of employment, population and university/college enrollment. Estimated annual ridership from April 1, 2011 to March 31, 2012 totaled 7,093,198 with estimated weekday ridership at 23,847 over the same time period.

The parcel is one block south of Broadway, a major bus route and east-west connector in the City. The eastern edge of the Property abuts Oak Street, a heavily trafficked thoroughfare which maintains an annual average daily traffic (AADT) of 16,051. Oak Street connects to the Rte. 33, the I-190 thruway and other major arterials. There are two alternate high traffic roadways: Elm Street and Ellicott Street which have an AADT of 15,082 and 4,500 respectively. The parcel is less than four miles from the Peace Bridge, an international bridge connecting Canada and the United States.

The parcel is adjacent to the Niagara Frontier Transpiration Authority (NFTA) Bus Terminal. The bus terminal is a hub for local, regional and national bus transportation. Coach USA, Greyhound, Megabus and other national companies provide service throughout the day and night.
IV. Existing Conditions

1. Parking

The City-owned parking lot currently provides 380 spaces and is managed by Buffalo Civic Auto Ramps (BCAR), a non-profit corporation. A majority of the spaces are reserved monthly by tenants of the Hotel @ the Lafayette and M&T Bank employees.

The City intends to place institutional controls over the parking component to protect the availability of parking spaces for current users and for the public generally through either a public-private partnership or as the owner and or funder of a parking ramp structure to be integrated into the proposed development. Any proposal must show a proposed parking plan that meets current and future parking demand.

For information on parking please contact;

Kevin Helfer, Commissioner of Parking
(716) 851-5182
khelfer@city-buffalo.com

or

Buffalo Civic Auto Ramps
(716) 849-5812

2. National Fuel Regulator Substation

A National Fuel Gas regulator substation is located on the Property and is reserved through a permanent easement. Photographs of the substation are attached in Exhibit B. Proposals should comply with the requirements of the easement or alternative arrangements may be made with
National Fuel. A copy of the easement will be made available to registered parties. See Section VI, Instructions for Developer’s Proposals, for registration instructions.

For additional details please contact National Fuel.
James Burbige, Engineering Department
(716) 857-7537
BurbigeJ@natfuel.com

V. Real Property Taxes

SBL 111.13-13-1 Current Assessment $2,158,700

VI. Instructions for Developer’s Proposals

Six (6) copies of the proposal must be submitted in an 8 ½”x11” bound document format as well as an electronic file on disc or flash drive. If submitted under separate cover, appended studies and graphics should be clearly labeled to identify the project and developer.

Proposals must be received by registered mail or hand delivered and registered at the reception desk at the address below by 12:00 p.m., Wednesday, July 29, 2015.

Brendan R. Mehaffy, Executive Director
Mayor’s Office of Strategic Planning
920 City Hall
Buffalo, New York 14202

All questions or inquiries regarding the RFP must be submitted in writing to Rebecca Gandour, Director of Development at rgandour@city-buffalo.com. Questions and inquiries will be accepted from all interested parties until Friday, June 12, 2015 at 12:00 p.m. Questions and responses will be posted on a continuing basis at www.city-buffalo.com/201Ellicott. No response will be provided to non-registered parties for questions and inquiries received after this time.

To register, interested parties must send a letter by 12:00 p.m., Wednesday, June 17, 2015 to:

Brendan R. Mehaffy, Executive Director
Mayor’s Office of Strategic Planning
920 City Hall
Buffalo, New York 14202

The letter must include a brief statement of interest, name of the firm, and contact information for a primary contact person. A non-refundable registration fee of $300.00 made payable to the “City of Buffalo” must also be included with the letter. Registration letters and payment must be received in the Mayor’s Office of Strategic Planning no later than Wednesday, June 17, 2015 at 12:00 p.m. (EST).
Registered parties can continue to submit questions and inquiries to Rebecca Gandour, Director of Development at rgandour@city-buffalo.com. Answers to questions and inquiries submitted by Wednesday, July 22, 2015 will be shared on a continuing basis with all registered entrants by e-mail. Depending on the volume and complexity of questions, the Mayor’s Office of Strategic Planning cannot guarantee that questions and inquiries submitted after July 22, 2015 at 12:00 p.m. will be responded to prior to the proposal submission deadline of Wednesday, July 29, 2015.

VII. Proposal Schedule

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<tr>
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<td>Request for Proposal Issue Date</td>
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<tr>
<td>June 12, 2015</td>
<td>Deadline for Written Inquires for Non-Registered Interested Parties</td>
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<tr>
<td>June 17, 2015</td>
<td>Registration Deadline – Any Party interested in submitting a proposal must register by June 17, 2015</td>
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<tr>
<td>July 22, 2015</td>
<td>Deadline for Written Inquires for Registered Parties</td>
</tr>
<tr>
<td>July 29, 2015</td>
<td>Proposal Submission Deadline – Any Party submitting a proposal must have registered by June 17, 2015</td>
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Notwithstanding anything contained in this Request for Proposals which could be construed to the contrary, the City reserves the unilateral right to amend this Request for Proposals at any time prior to the proposal submission deadline. Amendments will be posted on the City’s website. Parties interested in submitting proposals are responsible for providing accurate contact information to the City. City reserves the right to waive irregularities and or minor non-compliance in submitted proposals. City reserves the right to unilaterally cancel this Request for Proposals and or cancel all project objectives at any time up to the time a contract is awarded.
VIII. Proposal Requirements

Proposals must include the following information in a brief and concise format. The City of Buffalo reserves the right to request additional information during the evaluation of responses and to reject any and all proposals.

1. Project Narrative

A project narrative should accompany the proposal with the following information:

a. A brief description of the project;
b. A brief history of the developer which lists principals with at least 20% owner interest in the company;
c. A listing of team members, including the primary contact person and each team member’s responsibilities with respect to the development project;
d. A summary of the developer’s qualifications and past experience relevant to the proposed development project;
e. The developer’s experience in working and partnering with communities as well as both public and private partners. In addition, it should detail previous success in engaging the participation of adjoining neighborhoods and communities in the development process; and
f. Identify how the developer would ensure meaningful participation from certified Minority and Women-Owned Business Enterprises (M/WBE) and minority and women workforce participation at all project levels, including, financing, management, design, and construction; and

g. Public vs. private parking and accommodation of existing 380 public parking spaces users.

2. Preliminary Design Submission

a. Perspective renderings giving an architectural and urban design sense as the setting for the proposed development;
b. Site plan (to scale) showing building elements, surrounding structures, open space, building access, parking, streets, sidewalks, and street trees, traffic flows and lanes;
c. Building elevations (to scale);
d. Floor plans (to scale);
   i. For typical floor plans—provide only one (1);
   ii. Non-typical floor plans—provide as required;
   iii. Plans shall show such detail as to indicate, stairwells, elevators, access to the garage, mechanical room, refuse storage, etc.;
   iv. For projects proposing residential units, detail should indicate bedrooms, bathrooms, kitchens, etc.;

e. Primary material elements to be used in the building’s façade; and
f. Program Summary Tabulation, including: gross square foot ("GSF") floor areas, parking spaces, parking ratios per unit/use, unit count and use categories by floor and totals, and
total floor area ratio. Include amenities provided as part of the project (i.e. types of interior finishes, open floor plans, ceiling heights, balconies, etc.).

3. Proposed Development Financing

a. **Entity**: Indicate type of entity in which the real property interest will be vested; whether existing or to be formed; prior experience in projects of this nature; principles and financial statements;

b. **Equity**: Indicate type, amount, and source of other equity to be provided to undertake project proposal;

c. **Interim Financing**: Type if available, copies of commitments;

d. **Permanent Financing**: Type and commitment.

e. **Project Financing Plan**: Include construction cost estimate as applicable for all phases of the project (including bonds); architectural costs; construction carrying costs (interest; real estate taxes and insurance; financing costs, discounts and processing fees); legal, organizational accounting and title costs; marketing and rent up costs; contingency; developer fees; and the total of all the above. In order to fully evaluate the feasibility of the project costs for construction, detailed order of magnitude costs for major categories must be provided. Include assumptions for cost, source of funding, operating revenue and expenses, vacancies and the like. Also, there should be two contingencies, one for the project hard costs and one for architecture and engineering costs;

f. **Debt and Equity Structure**: Include total project cost, equity position, applicable debt structure, and debt service requirements; and

g. **Public Funding**: Identify any proposed or anticipated public funding requests including any request for infrastructure improvements, property tax exemptions, sales tax exemptions on building materials, and PILOT Agreements.

4. Approach to Development Issues

a. In the proposal, developer should explain their general approach to developing the Property including:

   i. Outlining a plan to work and partner with the surrounding community, including collaboration with both public and private institutions, if applicable;

   ii. Discussion of market conditions that support the proposed uses;

   iii. Compatibility with surrounding building uses;

   iv. The incorporation of sustainable design and development principles into the project; and

   v. Demonstrating a detailed knowledge of the district in which the Property is located and how the proposed project will add to the character of the district.
5. Project Schedule

Provide a schedule for the overall project detailing such milestones as design development, financing commitments, construction, project completion, etc. Schedule is an important consideration in the selection of a developer for the site. Every effort should be made to develop the most accurate estimate for development.

6. Sale Price

Unless otherwise permitted by law, the City of Buffalo is required to dispose of real property at the highest marketable value and that requirement should be considered by the developer in preparing the development costs. Proposals must clearly state the offer/bid for the Property and ownership structure for the proposed project.

Other financial assumptions should be considered in preparation:

a) An acceptable appraisal establishing a sale price must be prepared (paid for by developer) if an acceptable proposal is selected, however, the developer must include an estimated purchase offer or lease payment amount in the proposal;
b) Timeline for construction and permanent financing commitments;
c) A proposal for a public parking ramp;
d) The determination for eligibility for various incentive programs is the responsibility of the developer;
e) Sale of the Property is subject to City of Buffalo Common Council approval; and
f) Performance Bonds will be required during the development period in an amount sufficient to secure performance. Liquidated damages will be assessed upon failure to meet substantial project completion milestones.

7. Project Impacts

Include projected jobs and average wage structure for living and non-living wages that would be generated by the proposed development, both during renovations/construction and permanent (i.e., in the first three [3] years of operation). Include specific supporting data to indicate how the project will contribute to the economic benefit of the community (net new jobs, tax revenues, spending, and economic activity). Discussion should also focus on the developer’s commitment to green development.

IX. Developer Financial Information

As part of the review process, the developer must be prepared to submit financial information.

NOTE:
The release of this financial information will be restricted subject to the City’s compliance with the Freedom of Information Law and other State and Federal statutes.
The developer must be prepared to provide the following within a week of a request from the City of Buffalo:

1. **Current financial statements**: Developer should submit a current financial statement plus a financial statement for the previous two years. In the case of newly formed development entities, the proposal should include a financial statement of the general partners or corporate affiliate(s), prepared by a Certified Public Accountant and including the most recent audit of all parties. The statement should show the assets, liabilities, and net worth of the developer;

2. **Other disclosures**: Include any prior negative financial history involving the developer and/or its owners, partners, shareholders and board members. Upon request, the developer must address the following questions:

   a. Has the developer or any of the affiliated individuals listed defaulted on a real estate obligation? If so, please explain;
   b. Has the developer or any of the affiliated individuals listed been delinquent on a commercial or housing development debt? If so, please explain;
   c. Has the developer or any of the affiliated individuals listed been the defendant in any legal suit or action brought by a governmental entity or affiliated agency? If so, please explain;
   d. Has the developer or any of the affiliated individual’s listed declared bankruptcy or made compromised settlements with creditors? If so, please explain;
   e. Are there any current legal proceedings or judgments recorded against the developer or any of the affiliated individuals listed? If so, please explain; and
   f. Has the developer ever been debarred or prohibited from bidding on work by any state or federal agencies such as the U.S. Department of Housing and Urban Development, U.S. Small Business Administration, Erie County, or the Dormitory Authority of New York State? If so, please explain.

**X. Contracting with Women and Minority Business Enterprises**

In accordance with Mayor Byron W. Brown’s commitment to inclusive economic development, and Governor Cuomo’s Executive Order No. 8 establishing a policy to promote equal opportunity in contracting for all persons, without discrimination for minority group members and women and business enterprises owned by them, and to eradicate the barriers that have impaired access by minority and women-owned business enterprises to State contracting opportunities, the City of Buffalo seeks to encourage meaningful partnerships with and participation from certified Minority and Women-Owned Business Enterprises (M/WBE) at all project levels.

For purposes of this solicitation, the City of Buffalo hereby establishes Minority Business Enterprise (MBE) and minority workforce utilization goals of 25% and Women Business Enterprise (WBE) and women workforce utilization goals of 5% during the complete development of the project, which includes the pre-construction, construction and operation-maintenance phases. The developer as well as contractors must document good faith efforts to provide meaningful participation by M/WBEs as subcontractors or suppliers in the performance of the contract.
XI. References

Provide three (3) references from projects previously undertaken by the developer.

XII. Reservations

1. The City reserves the right to stop the selection process at any time with or without cause. The City also reserves the right to reject any or all proposals submitted.
2. The City reserves the right to seek additional information from respondents and related entities.
3. All decisions related to this RFP are subject to all applicable federal, state and local laws and regulations, and the policies and procedures of the City of Buffalo.
4. All costs associated with the preparation of the proposal, as well as any other related materials, shall be borne by the respondent.

XIII. Evaluation Criteria

The City will consider entering into an agreement for the transfer of the Property to the applicant whose proposals best meet the following selection criteria and offers the greatest prospects of successful completion:

1. Completeness of the Application Proposal: All required documents have been submitted and the project is presented in a clear and concise manner;
2. Experience and Qualifications: Respondent and any affiliated partners have successfully completed project(s) similar in size and scope or have completed similar project(s) but smaller in size and scope or have otherwise demonstrated capability to complete a project as solicited in this RFP;
3. Consistency with Local Plans
4. Community Impact: The extent to which the project will be an asset to neighborhoods, the City and the region;
5. Creative Design Proposal: Provides for the creative and architecturally appropriate concept and incorporates sustainable design and development principles into the project;
6. MBE/WBE Participation Proposal: Includes participation of certified Minority and Women Business Enterprises;
7. Project Budget: Budget is complete, and all sources and uses of funds are clearly defined and documented with evidence of commitments; costs are limited to amounts or percentages specified in the request for proposals;
8. Cost Effectiveness: Proposed costs are reasonable; and
9. Project Readiness: The likelihood of timely progress toward closing on a property transfer agreement leading to the positive redevelopment of the site. The City of Buffalo is looking for projects that will begin construction in the spring of 2016.
10. Sale Price
XIV. General Requirements

1. Non-Discrimination

The successful developer(s) shall not discriminate against any employee or applicant for employment because of race, color, creed, religion, ancestry, sex, national origin, affection preference, disability, age, marital status or status with regard to public assistance or as a disabled veteran or veteran of the Vietnam era. Such prohibition against discrimination shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation and selection for training, including apprenticeship.

The successful developer(s) shall agree to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the City, setting forth this nondiscrimination clause. In addition, the developer(s) shall, in all solicitations or advertisements for employees placed by or on behalf of the developer(s), state that all qualified applicants will receive consideration for employment without regard to race, creed, religion, ancestry, sex, national origin, affectional preference, disability, age, marital status or status with regard to public assistance or status as disabled veteran or veteran of the Vietnam era, and comply in all other aspects with the requirements of the Buffalo City Code and Ordinances.


Any developer(s) awarded a contract pursuant to the RFP are required to abide by the regulations of the Americans with Disabilities Act of 1990 (ADA) which prohibits discrimination against individuals with disabilities. The contractor will not discriminate against any employee or applicant for employment because of their disability and will take affirmative action to ensure that all employment practices are free from such discrimination. Such employment practices include but are not limited to the following: hiring, promotion, demotion, transfer, recruitment or recruitment advertising, layoff, discharge, compensation and fringe benefits, classification, referral and training. The ADA also requires vendors associated with the City of Buffalo to provide qualified applicants and employees with disabilities with reasonable accommodation that does not impose undue hardship. Developer(s) also agree to post in a conspicuous place, accessible to employees and applicants, notices of their policy on non-discrimination.

In the event of the contractor's noncompliance with the non-discrimination clauses in the contract, the contract may be canceled, terminated, or suspended, in whole or in part, and the contractor may be declared ineligible by the Buffalo Common Council from any further participation in City contracts in addition to other remedies as provided by law.
3. Applicable Law

The laws of the State of New York shall govern all interpretations of the awarded contract, and the appropriate venue and jurisdiction for any litigation which may arise thereunder will be in courts located within the City of Buffalo, County of Erie and State of New York, regardless of the place of business, residence or incorporation of the developer. Each party agrees that all claims and matters shall be heard and determined in such court and each party waives any right to object to such filing on venue, forum non-conveniens or similar grounds.

4. Conflict and Priority

In the event that a conflict is found between provisions in any contract arising from this RFP, the successful developer’s proposal or the City’s RFP, the provisions in the following rank order shall take precedence: 1) Contract; 2) RFP; and 3) developer’s proposal.

5. Ownership of Materials

All finished or unfinished documents, data, studies, surveys, maps, models, photographs, reports or other materials resulting from any contract arising from this RFP shall be the property of the City. The City may use, extend, or enlarge any document produced under the contract without the consent, permission of, or further compensation to the developer.

6. Disclaimer

This RFP and the process it describes are proprietary to the City and are for the sole and exclusive benefit of the City. This RFP is not binding on the City. No other party, including any developer responding to this RFP or further developers to any RFP that may be issued by the City, is intended to be granted any rights hereunder. Any response to this RFP, including written documents and verbal communication, with the exception in only certain instances of materials marked as trade secrets or confidential, may be subject to public disclosure by the City, or any authorized agent of the City. Any materials submitted or ideas elicited in response to this RFP shall be the sole and absolute property of the City with the City having title thereto and unrestricted use thereof.

7. Publicity

All publicity (including, but not limited to, news releases, news conferences, and commercial advertising) relating to this RFP and/or the services or products sought by this RFP and/or any contract awarded pursuant to this RFP shall require the prior written approval of the City.
8. Freedom of Information Law

The City of Buffalo is subject to the provisions of Article 6 Section 89 of New York State Public Officer’s Law, entitled the Freedom of Information Law. All proposals, in their entirety, submitted in response to this Request for Proposal shall constitute a record subject to public disclosure pursuant to the Freedom of Information Law. It is the sole responsibility of each Developer to this Request for Proposal to identify those portions deemed to constitute a “trade secret” or proprietary information of the commercial enterprise. Any such information shall be clearly marked “CONFIDENTIAL”. The phrase trade secret is more extensively defined to include a formula, process, device or compilation of information used in one’s business which confers a competitive advantage over those in similar businesses who do not know it or use it. The subject of the trade secret must not be of public knowledge or of a general knowledge in the trade or business. A corresponding letter, on company letterhead, must be provided describing the factors and extent to which the disclosure of the “CONFIDENTIAL” information would cause substantial injury to the competitive position of the commercial enterprise. The entire proposal shall not be marked “CONFIDENTIAL”. Any portion of the proposal that is not clearly identified as “CONFIDENTIAL” may be disclosed pursuant to the Freedom of Information Law. THE CITY OF BUFFALO DOES NOT ASSUME ANY RESPONSIBILITY WHATSOEVER TO ANY OFFEROR IN THE DISCLOSURE OF RECORDS PURSUANT TO THE FREEDOM OF INFORMATION LAW, COURT ORDER, OR ANY OTHER METHOD OF DISCLOSURE PROVIDED FOR UNDER THE LAW.

9. Conflicts of Interest

Confidentiality and lack of potential conflicts of interest is vital to maintaining the integrity of every contract entered into with the City. Therefore, each Developer must disclose any perceived, potential or actual conflicts of interests and/or relationships/connections. Such relationships may include, but are not limited to, connections to persons and organizations within the City of Buffalo through:

1. Professional or Political associations
2. Political donations
3. Blood or Marriage
4. Friendships
5. City of Buffalo employees who currently work for your company, or come to work for your company during the RFP process, and after (should you receive a contract from the City of Buffalo) as employees or consultants
6. Union Affiliations/Memberships
7. Board Member

Each Proposer further agrees that no member of the governing body, officer, employee or agent of the City shall have any pecuniary interest or otherwise, direct or indirect, in the any contract arising from this RFP.
10. Statement of Compliance and Conflicts of Interest

Your signature below denotes that your organization, company or corporation and/or the officers, directors, employees or agents thereof have reviewed and agreed to comply with State Finance Law §139-k. No past or present lobbyist, employee, officer or board member of your organization, company or corporation may contact any past or present City of Buffalo Employee, Union Leader, Elected Official (City or otherwise) in an attempt to influence the outcome of the RFP decision.

Additionally, any potential or identified conflicts of interest shall be disclosed. As conflicts are discovered, they must be disclosed in writing, to the designated contact person identified in the RFP, during the entire RFP, award, contract negotiation, ratification, and execution process and even after contract award.

Conflict or Potential Conflict:

Signature: ____________________________________________

Company: ____________________________________________

Title: ________________________________________________

Date: ________________________________________________
NON-COLLUSION CERTIFICATION

By submission of this proposal, each respondent and each person signing on behalf of any respondent certifies, and in the case of a joint proposal, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of their knowledge and belief:

(1) The prices in this proposal have been arrived at independently without collusion, consultation, communication, or agreement for the purpose of restricting competition, as to any matter relating to such prices with any other respondent or with any competitor;

(2) Unless otherwise required by law, the prices which have been quoted in this proposal have not been knowingly disclosed by the respondent and will not knowingly be disclosed by the respondent prior to opening, directly or indirectly, to any other respondent or to any competitor;

(3) No attempt has been made or will be made by the respondent to induce any other person, partnership or corporation to submit a proposal for the purpose of restricting competition.

FIRM OR CORPORATION NAME

PRINCIPAL ADDRESS

STREET

CITY STATE ZIP CODE

SIGNATURE OF INDIVIDUAL, PARTNERS OR OFFICERS

____________________________________  __________________________________

(SIGNATURE) (TITLE) (TYPE OR PRINT NAME ABOVE)

____________________________________  __________________________________

(SIGNATURE) (TITLE) (TYPE OR PRINT NAME ABOVE)
RESPONDENT AFFIRMATIVE ACTION STATEMENT

The______________________________

(Company Name)

hereby states that we will make good faith efforts to ensure a diverse workforce and minority business participation for this proposal in accordance with the City of Buffalo Charter, Chapter 96, Bonds and Contracts.

We will work toward a minority workforce goal of 25%, and woman workforce goal of 5%. In addition, we will work toward a business utilization goal for minority business enterprise of 25% and woman business enterprise of 5%.

____________________________________________________

(Signature of Authorized representative of Respondent)

Date________________________________________

PROPOSALS FAILING TO INCLUDE OR COMPLETE ANY OF THE ABOVE ITEMS WILL BE CONSIDERED NON-RESPONSIVE AND WILL NOT BE ACCEPTED.

EEO-2
Exhibit A – Buffalo is on the Move
Silver bullets don’t bring shine back — but years of hard work can, and nowhere is this more evident than in the City of Buffalo. Here, a spirit of collaboration emanates from a shared vision, with strategic goals for business and community development that are fueled by wind, water and more than $5 billion in economic development projects announced, under construction or complete since 2012.

A returned focus on the vitality of urban neighborhoods has triggered widespread revitalization that has involved public improvements, private development and resident-driven initiatives aimed to strengthen the city as the vibrant hub of the region. A new Buffalo is rapidly taking shape: It’s a city enjoying success today and positioned for long-term growth tomorrow in advanced manufacturing, life sciences and biotechnologies, finance, education, advanced agriculture—all within one of the most affordable and enjoyable regions of the country.

A Vision for the Future, Realized Today

A driving force behind the region’s remarkable resurgence has been the Buffalo Niagara Medical Campus (BNMC). Conceived in 2003 with a 20-year master plan focused on bioinformatics, life sciences, clinical care, innovation, and research, the BNMC’s goals were achieved in only eight years — thanks to collaborative public-private partnerships supported by essential seed funding and streamlined processes to get new projects off the ground.

As a result, state-of-the-art, multidisciplinary entities are having a tremendous impact on Buffalo Niagara’s economy:

- more than $1.5 billion invested, including the relocation of the highly ranked University at Buffalo medical school and the John R. Oishei Children’s Hospital to the BNMC
- 5,000 jobs created or relocated to this innovation hub since 2003
- another 5,000-7,000 more jobs on BNMC expected in the next few years

A More Diversified Region, a More Secure Future

While the success of the BNMC has been unprecedented, the City of Buffalo’s business, government, education, non-profit and philanthropic leaders learned long ago that economic diversification is critical for sustained strength. That’s why Buffalo’s growth isn’t limited to one economic engine. Instead, a high level of creative cooperation is resulting in a total evolution of the region’s economy, with another almost $3 billion in projects underway in the City of Buffalo’s central business district and the waterfront. These projects will result in 12,000 new jobs for the downtown area within four years.

From California’s Silicon Valley to Canada, and from life sciences technology to shipping, businesses like Sentient, Welded Tube of Canada, SORAA and Silevo are relocating and expanding here because Buffalo offers everything they need to succeed: a skilled and
dedicated workforce, highly competitive commercial and industrial real estate costs, low-cost energy, research and development partnerships, proximity to numerous major North American cities and a vast transportation network for imports, exports and cross-continental shipping. The city also offers reasonable business development costs and easy access to major markets like New York, Chicago, Boston and Toronto without the hassles or high costs of locating in major metropolitan areas.

The city’s slow-but-steady growth over the last decade also meant that while other areas experienced “boom and bust” economies, Buffalo’s housing market continued to strengthen and our employment rates remained stable. Commercial property tax rates have been reduced nearly twenty-eight percent since 2006. In addition, our strong bi-national business ties and our proximity to Canada’s largest city benefited our city in everything from retail to restaurants to manufacturing.

And, thanks to our geography—within the largest freshwater basin in the world and surrounded by two Great Lakes and the mighty Niagara River—the region is uniquely positioned to support forward-looking energy production, like wind and solar energy, and to supply inexpensive hydroelectric power to new and expanding manufacturers in Buffalo.

City Growth Accelerated by Strong Leadership

In 2012, Buffalo Niagara Partnership, at the request of Mayor Byron W. Brown, formed the Buffalo Building Reuse Project (BBRP). This initiative developed strategies that are driving investment in the adaptive reuse of Downtown’s underutilized buildings. Mayor Byron Brown has committed $11.25 million in infrastructure and project assistance to Downtown Buffalo and an additional $8.8 million to bring two way traffic back to the 600 block of Main Street.

Also in 2012, New York State pledged $1 billion in state funding for growth in key industries and to leverage an additional $5 billion in private investment. This unprecedented state commitment to the continued revitalization of the western New York economy means that new and relocating businesses get the support they need for companies to take root and grow. Investments from the “Buffalo Billion” are decided through collaborations like the Western New York Regional Economic Development Council, with input from the Buffalo Niagara Enterprise (BNE), City of Buffalo and other partners and will continue to be for several years to come.

An Abundance of Cultural and Natural Assets

Along with significant business investment has been the tangential redevelopment of dozens of historically significant and architecturally outstanding buildings by Frank Lloyd Wright, H.H. Richardson, Louis Sullivan and Louise Blanchard Bethune, to name a few. Long overlooked and underused, today these gems are revitalized as high-end luxury condominiums, affordable and attractive student housing, Class A office space, hotels, legal and financial services offices, high-tech incubators and shared workspace setups, restaurants, retail and more.

In the last decade, brownfield redevelopment and innovative reuse projects have also led to renewed access to the waterfront, including Canalside – a waterfront park and public space at the original terminus of the Erie Canal. Here, hundreds of thousands of people gather throughout the year to enjoy concerts, festivals, boating, special events at the historic grain silos and more.

Buffalo Niagara: Brighter than Ever

A new wave of Buffalo natives and newcomers are leveraging our city’s affordability: It enables entrepreneurial risk; it enables creative change-makers to have a role in our collective success; and it enables our region’s influx of New Americans to find a welcoming home and create new professional opportunities here. Together, we’re enjoying a multi-generational and multi-cultural spirit of progress unlike any in our city’s history.

Buffalo Niagara::Where Life Works.

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Exhibit B – National Fuel Regulator Substation