

## **Erie County Industrial Development Agency**

### **REQUEST FOR PROPOSALS**

#### **1. Analysis and Study of 2008 Adaptive Reuse Program and Policy**

Proposals are being solicited from Consulting firms (consultant) to provide services for analyzing the 2008 Erie County Industrial Development Agency's Adaptive Reuse Program and Policy and make recommendations regarding future program and policy modifications, if necessary ("Study").

The project is being funded by the Erie County Industrial Development Agency (ECIDA).

Firms are encouraged to include Minority and Women Owned Business Enterprises (M/WBE) in their teams in order to meet ECIDA's goals of 15% MBE and 5% WBE participation.

The Study is intended to provide an analysis of the results and impacts of the ECIDA's Adaptive Reuse Program and Policy, benchmark current (2016) conditions in the County which will impact the goals and objectives of the Adaptive Reuse Program, and to make recommendations regarding future direction of the program and policy.

THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY RESERVES THE RIGHT TO REJECT ANY OR ALL SUBMISSIONS AND TO WAIVE ANY INFORMALITIES THEREIN.

#### **2. BACKGROUND AND GENERAL DESCRIPTION OF THE PROJECT:**

The Erie County Industrial Development Agency (ECIDA) and affiliated development companies offer a variety of financing and various assistance services designed to encourage economic growth and development in Erie County. In 2008, the ECIDA Board adopted a policy designed to encourage the adaptive reuse and redevelopment of abandoned, underutilized and blighted structures within Erie County. The policy created a set of criteria and factors that the ECIDA Board would consider in providing IDA incentives, primarily, sales tax, mortgage tax and property tax abatements to adaptive reuse projects (a copy of the policy is attached).

Since the program's inception the ECIDA has provided assistance to over 48 Adaptive Reuse projects, resulting in the redevelopment of approx. 2.5 million sq. ft. of space and leveraging over \$420,000,000 in private investment. The goals of the policy and the program were multiple but included some specific objectives, including:

- Promoting infill development that utilizes existing public infrastructure, controlling costs for local government support of infrastructure, commonly referred to as "Smart Growth Principles".

- Centralize investment in developed and urban areas in alignment with the recommendations prescribed in the Framework for Regional Growth.
- Creating new economic activity at difficult sites and buildings, helping to eliminate neighborhood slum and blight, and public safety concerns associated with abandoned buildings.
- Promoting a green redevelopment strategy, recycling existing buildings and sites
- Helping to maintain neighborhood fabric and historic heritage.
- Enhancing property values and property assessments for Adaptive Reuse projects and neighboring facilities and neighborhoods.
- Resolving economic viability issues for the adaptive reuse of legacy buildings that would otherwise be uneconomical due to additional costs associated with redevelopment.

The program also was created to help address specific concerns which existed with regard to the abundance of vacant commercial office space in the central business district of the City of Buffalo, and the desire to create a residential neighborhood through the conversion of some of this vacant space. This was one of the objectives of the Framework for Regional Growth and more fully documented in the Queen City Hub and the 2012 Buffalo Building Reuse Plan.

The consultant will be responsible for generating the Study to achieve the specific items in the Scope of Work.

### **3. SCOPE OF WORK**

**The following is a description of the Services to be performed and completed by the successful Firm:**

**a. Project Initiation** (*Tasks include, but are not limited to*):

- The CONSULTANT shall meet with ECIDA staff, partner stakeholders and review available documents to develop an understanding of ECIDA's organization, operating environment, mix of services and programs, accomplishments, and clientele groups.
- The CONSULTANT shall meet with the Steering Committee (Various Economic Development Partners of ECIDA and those involved in Adaptive Reuse redevelopment in Erie County) to discuss project scope.
- The CONSULTANT shall conduct site visit(s) to become familiar with the general economic conditions of the county, including key projects, project developers and areas or neighborhoods which have seen a significant amount of adaptive reuse investment and areas which have a demonstrated need but have not seen adaptive reuse project investment.
- The CONSULTANT shall become familiar with all necessary state laws, ECIDA policies, agreements and documents relating to the adaptive reuse policy and program.
- The CONSULTANT shall organize progress meetings with involved parties (including the Steering Committee).
- The CONSULTANT shall perform all work necessary to meet the project time-line as outlined in the Project Schedule.

## **b. Components of the Study**

### **a. Evaluate Program/Project Results** *(Tasks include, but are not limited to):*

- Review the objectives of the Adaptive Reuse Program and Policy as outlined in Section 2
- Review and analyze the adaptive reuse projects to determine the extent to which they have met or advanced the objectives of the program.
- CONSULTANT shall work with ECIDA staff and partners to gather specific data sets, develop metrics and analytics to measure the effectiveness of the program. These may include, but not be limited to:
  - Amount of private sector investment leveraged, impact on project and adjacent property values, elimination of slum and blight, public safety/crime impacts, historic building or neighborhoods, job creation, economic impact of project construction including direct construction jobs and project end uses, impact on City of Buffalo residential and office markets, analyze project pro-forma to benchmark market supported return on investment, etc.

### **b. Evaluate Current Conditions** *(Tasks include, but are not limited to):*

- Analyze the commercial and residential market in Erie County and specifically for downtown Buffalo to understand the market forces impacting adaptive reuse project demand and needs.
- Review the objectives of the Adaptive Reuse Program to determine if they are still valid given current conditions.
- Review other incentive programs impact on Adaptive Reuse Program, these would include, NYS Historic Tax Credits, 485-a Real Property Tax Abatement, New Market Tax Credits etc.
- Evaluate the availability of commercial financing for adaptive reuse projects, focusing on financing shortfalls associated with low appraised values for adaptive reuse projects
- Evaluate program impact on affordable housing needs and supply
- Estimate future demand for commercial and residential adaptive reuse projects in the County and specifically the City of Buffalo over the next 5 and 10 year periods.
- Develop a profile of building conditions of project that have utilized the program, and estimate potential demand for adaptive reuse program
- Analyze the effects the current economic and market conditions have had on overall adaptive reuse project redevelopment costs.

**c. Recommend Changes to Adaptive Reuse Program/Policy** (*Tasks include but are not limited to*):

- After completing components *a* and *b* above the CONSULTANT shall work with the ECIDA and its partner stakeholders to recommend changes, enhancements or modifications to the Adaptive Reuse Program or Policy.
- The CONSULTANT shall research national best practices to help inform any suggested changes or modifications.
- The CONSULTANT shall review the existing program and policy to determine if changes are needed given the history of the program results or new or different conditions in the County or City of Buffalo. These may include targeting the program to specific areas of need or identifying specific projects.
- The CONSULTANT shall review the role of affordable housing needs in adaptive reuse projects with residential components and make recommendations regarding program or policy implications.
- The CONSULTANT shall review the availability and the impacts of transit oriented development principles and make recommendations regarding program or policy implications.
- The CONSULTANT shall study the need and opportunity to expand the program into areas which have not seen adaptive reuse investment such as Town, Village Centers and Commercial Corridors throughout Erie County and the City of Buffalo
- The CONSULTANT shall review regional planning and strategy documents such as: One Region Forward, Initiatives for a Smart Economy, WNY Regional Economic Development Strategic Plan, Comprehensive Economic Development Strategy, Analysis of Impediments to a Fair Housing Choice etc., to ensure Adaptive Reuse Program and Policy alignment with these initiatives and serves as an effective economic development tool to implement such strategies.

**c. Deliverables**

- The CONSULTANT shall provide written meeting minutes to the ECIDA for all meetings conducted during the study.
- The CONSULTANT shall prepare a written report outlining the findings and recommendations of the study. Such report shall include all data, analysis and metrics developed to support the study findings.
- The CONSULTANT shall provide a presentation using PowerPoint or a similar presentation program, highlighting the major findings and study recommendations.
- The CONSULTANT shall be available to present the report findings at a meeting to ECIDA and their partner organizations
- The CONSULTANT shall provide 10 written (hard) copies of the final report findings and an electronic copy in a format suitable to the ECIDA.
- All payment applications made by the CONSULTANT and any sub-consultants must be submitted to the ECIDA in a format acceptable to the ECIDA for reimbursement of funds.

This Scope of Work has been prepared as a proposal guideline. It is the respondent's responsibility to add or remove any Scope items that the consultant feels would be duplicative or necessary to complete the project.

#### **4. GENERAL PROPOSAL REQUIREMENTS:**

##### **a. Experience of Firm/Project Team**

Firms, or their principals responding to this RFP should include an organizational chart, identifying the project manager and team members, with their titles. All proposed sub-consultants must also be identified, along with their project managers and key personnel.

##### **b. Experience, Depth and Breadth of Personnel**

The project team should have a full-range of relevant economic development, real estate, planning and adaptive reuse expertise. Specifically identify primary personnel experience and expertise in the areas as noted below: Key personnel must be identified by name and office location, with resumes included, and should demonstrate experience in the past 10 years in the areas noted below. This should also include identifying the firm's or person's role within any project and the year(s) in which the work took place.

- Economic development, redevelopment, urban redevelopment, and or experience analyzing program effectiveness or public policy formation experience, with particular emphasis on adaptive reuse programs or policy in the past 10 years.
- General real estate knowledge, site planning, in particular as it relates to adaptive reuse redevelopment.
- Knowledge of tax incentives, tax credits and project financing for adaptive reuse or similar projects
- Experience in adaptive reuse, redevelopment or revitalization projects in the past 10 years.
- Knowledge of real estate, housing and commercial property values and market demand for Erie County and various sub-markets, especially the City of Buffalo.
- Background in similar projects of this nature.

##### **Approach and Methodology**

Respondents to this RFP should include a brief narrative explaining their approach. The narrative should outline the products and tasks to be provided in response to the recommended Scope of Work outlined above.

##### **c. Cost and Budget**

Approximately \$40,000 is available for this study. The CONSULTANT contract will be a fixed-price or lump sum cost contract. Therefore, all proposals must contain a Lump Sum

Cost Proposal for the scope of services delineated, inclusive of all expenses (there will be no reimbursables). Proposals must include a breakdown by cost and total work hours for the categories outlined. Submit cost proposal in a separate sealed envelope along with the proposal for services.

For the purposes of the proposal submittal, the following categories should be delineated in a **Fee Chart**, showing a lump sum amount for each category:

- **Evaluate Program/Project Results**
- **Evaluate Current Conditions**
- **Recommend Changes to Adaptive Reuse Program/Policy**
- **Deliverables/Final Report**

**d. Hourly Personnel Rates**

As a supplement, a schedule of billable rates for all key personnel (Principal-in-Charge, Project Manager, primary personnel for each design discipline, etc.) must be included in the proposal. Proposals must also include the ranges of billable rates for technical staff and support personnel.

**e. Schedule**

The anticipated schedule for the project is:

RFP Due Date	July 22, 2016
Contract Award	August 1, 2016
Interim Progress Report	September 16, 2016
Final Report Deliverables	November 1, 2016

**5. SUBMISSION OF PROPOSALS:**

There is no restriction on the length of a proposal; however, respondents are encouraged to be as concise as possible. **Six (6) written copies** of the proposal and an electronic copy must be submitted, **no later than 2:00 PM, July 22, 2016 to:**

**John Cappellino**  
**Erie County Industrial Development Agency**  
**95 Perry Street, Suite 403**  
**Buffalo, New York, 14203**

## 6. **SCORING, RANKING AND SELECTION PROCESS:**

ECIDA may short list from the proposals and interviews may be required. Award of a contract is expected to be made on or about \_\_\_\_\_, 2016. Scoring and ranking will include the following factors:

### **1. Background of Firm**

- |   |    |       |
|---|----|-------|
| • Experience and performance of firm          | 10 | _____ |
| • Specific experience on this type of project | 15 | _____ |
| • Staff assigned to project                   | 10 | _____ |
| • Local presence for firm                     | 10 | _____ |
| • M/WBE participation                         | 10 | _____ |

### **2. Approach to project**

- |   |    |       |
|---|----|-------|
| • Understanding of owner's program and intent | 15 | _____ |
| • Understanding of tasks                      | 15 | _____ |
| • Schedule                                    | 10 | _____ |
| • Other factors                               | 5  | _____ |

**Total**

\_\_\_\_\_

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

Requests for RFP interpretations should be made electronically to John Cappellino at, [jcappell@ecidany.com](mailto:jcappell@ecidany.com) or in writing to the Erie County Industrial Development Agency, 95 Perry Street, Suite 403, Buffalo, NY 14203. John Cappellino shall serve as the designated staff contact under the Permissible Contacts provision. No requests for oral interpretations via telephone will be accepted.

Exhibit A  
**Procurement Forms (These Forms Must be submitted with proposal)**

**NEW YORK STATE FINANCE LAW REQUIREMENTS**

**Permissible Contacts**

Pursuant to State Finance Law §§139-j and 139-k, this Solicitation/Request for Proposal includes and imposes certain restrictions on communications between the ECIDA and an Offerer/bidder during the procurement process. An Offerer/bidder is restricted from making contacts from the earliest notice of intent to solicit Request for Proposals through the final award and approval of the Procurement Contract by the ECIDA and, if applicable, Office of the State Comptroller (“restricted period”) to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law §139-j(3)(a). Designated staff, as of the date hereof, is identified on page 7 of this solicitation. ECIDA employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the Offerer/bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a 4-year period, the Offerer/bidder is barred from obtaining governmental Procurement Contracts. Further information about these requirements can be found at <http://www.ogs.state.ny.us/aboutOgs/regulations/defaultAdvisoryCouncil.html>.

**Offer/Bidder’s Affirmation of Understanding of and Agreement pursuant to State Finance Law §139-j (3) and §139-j (6) (b)**

State Finance Law §139-j(6)(b) requires that the ECIDA seek written affirmations from all Offerers/Bidders as to the Offerer’s/Bidder’s understanding of and agreement to comply with the ECIDA’s procedures relating to permissible contacts (described above) during a Governmental Procurement pursuant to subdivision three of this section. It is recommended that this affirmation be provided to the ECIDA as early as possible in the procurement process, such as when the Offerer/bidder submits its proposal or bid. Attachment A may be used to satisfy this requirement.

**Offer’s/Bidder’s Certification of Compliance with State Finance Law §139-k(5)**

New York State Finance Law §139-k(5) requires that every Procurement Contract award subject to the provisions of State Finance Law §§139-k or 139-j shall contain a certification by the Offerer/Bidder that all information provided to the ECIDA with respect to State Finance Law §139-k is complete, true and accurate. It is recommended that the certification be provided to the ECIDA as early as possible in the process, such as when an Offerer/Bidder submits its proposal, bid or other form of offer. Attachment B may be used to satisfy this requirement.

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

New York State Finance Law §139-k (2) obligates the ECIDA to obtain specific information regarding prior non-responsibility determinations with respect to State Finance Law §139-j. This information must be collected in addition to the information that is separately obtained pursuant to State Finance Law §163(9). In accordance with State Finance Law §139-k, an Offerer/bidder must disclose whether there has been a finding of non-responsibility made within the previous



four (4) years by any Governmental Entity due to: (a) a violation of State Finance Law §139-j or (b) the intentional provision of false or incomplete information to a Governmental Entity. The terms “Offerer” and “Governmental Entity” are defined in State Finance Law § 139-k (1). State Finance Law §139-j sets forth detailed requirements about the restrictions on Contacts during the procurement process. A violation of State Finance Law §139-j includes, but is not limited to, an impermissible Contact during the restricted period (for example, contacting a person or entity other than the designated contact person, when such Contact does not fall within one of the exemptions).

As part of its responsibility determination, State Finance Law §139-k (3) mandates consideration of whether an Offerer/bidder fails to timely disclose accurate or complete information regarding the above non-responsibility determination. In accordance with the law, no Procurement Contract shall be awarded to any Offerer/bidder that fails to timely disclose accurate or complete information under this section, unless a finding is made that the award of the Procurement Contract to the Offerer/bidder is necessary to protect public property or public health safety, and that the Offerer/bidder is the only source capable of supplying the required Article of Procurement within the necessary timeframe. See State Finance Law §§139-j (10) (b) and 139-k (3).

The ECIDA must include a disclosure request regarding prior non-responsibility determinations in accordance with State Finance Law §139-k in its solicitation of proposals or bid documents or specifications or contract documents, as applicable, for procurement contracts. Attachment C entitled “Offerer Disclosure of Prior Non-Responsibility Determinations” must be completed by the Offer/Bidder and submitted to the ECIDA.

### **Public Disclosure**

Responses submitted under this Request for Proposals are subject to public disclosure under the New York State Freedom of Information Law. If the respondent does not want certain data disclosed for any purpose other than for the evaluation of the submitted proposal, the respondent must prominently identify sections or pages of the response which they wish to have restricted. Such sections shall be restricted from disclosure, if allowed by law.

### **Contract Termination Provision**

New York State Finance Law §139-k (5) provides that every procurement contract award subject to the provisions of State Finance Law §§139-k and 139-j contain a provision authorizing the ECIDA to terminate the contract in the event that the certification is found to be intentionally false or intentionally incomplete. This statutory contract language authorizes, but does not mandate, termination. “Governmental Entity” and “procurement contract” are defined in State Finance Law §139-k (1). If a contract is terminated in accordance with State Finance Law §139-k (5), the ECIDA is required to include a statement in the procurement record describing the basis for any action taken under the termination provision.

#### **ECIDA Termination Provision**

Pursuant to New York State Finance Law §139-k(5), the ECIDA reserves the right to terminate any contract in the event it is found that the certification filed by the Offer/Bidder in accordance with New York State Finance Law §139k was intentionally false or intentionally incomplete. Upon such finding, the ECIDA may exercise its termination rights by providing written notification to the Offer/Bidder in accordance with the written notification terms of this contract.

## ATTACHMENT A

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

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

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

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

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

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

\_\_\_\_\_

\_\_\_\_\_

## ATTACHMENT B

Offerer/Bidder Certification:

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

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

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

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

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

\_\_\_\_\_

\_\_\_\_\_

## ATTACHMENT C

### Offerer Disclosure of Prior Non-Responsibility Determinations

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

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Address:

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Name and Title of Person Submitting this Form:

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

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

No

Yes

If yes, please answer the next questions:

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

No

Yes

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

No

Yes

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

Governmental Entity:

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Date of Finding of Non-responsibility:

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Basis of Finding of Non-Responsibility:

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(Add additional pages as necessary)

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

No

Yes

6. If yes, please provide details below.

Governmental Entity:

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Date of Termination or Withholding of Contract:

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Basis of Termination or Withholding:

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(Add additional pages as necessary)

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

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

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