



Request for Proposals

Erie County Agribusiness Park Road Construction

Proposals must be submitted no later than
1:00 pm on Monday, March 11th, 2024, to:
ILDC/ECIDA, 95 Perry Street, Suite 403, Buffalo, New York 14203

I. RFP OVERVIEW

Proposals are being solicited from qualified Engineering firms to provide Engineering Documents (Engineer's Report, Design Plans, and Specifications) along with construction administration and resident engineer services during construction for work on the Erie County Agribusiness Park in Evans, New York.

The Erie County Agribusiness Park project involves the redevelopment of a 242-acre former airport and surrounding acreage, located at 1526 Eden Evans Center Road in the Town of Evans, into a site capable of buildout into agriculturally-related commercial and light industrial uses.

To facilitate this development, the Buffalo and Erie County Industrial Land Development Corporation (ILDC) partnering with Erie County seeks to construct approximately 325 feet of new roadway extending north from Eden Evans Center Road to connect with a former north-south aircraft runway that will be converted to a new road with utility infrastructure capable of supporting the future buildout of development parcels for Agribusiness Park tenants. The former runway is approximately 3,200 feet long, though this project will only involve conversion of approximately 1,200 feet (see Exhibit 2). The road, shown on the Erie County Agribusiness Park Master Plan (Exhibit 1) will serve as the site's main access route, providing truck and vehicle access to the site including any future service roads and development parcels. Conversion into a road capable of servicing the future Park will involve some combination of demolition and resurfacing of the former runway. It will also involve the addition of storm sewer infrastructure for the road itself, and sanitary sewer, natural gas, telecommunications, and other infrastructure deemed appropriate to meet the needs of future tenants of the Park, and meet the standards of a public right-of-way. The plans must carefully follow all specifications of the Town of Evans which will take ownership of the improvements. The Town of Evans Code requirements, can be found here: <https://ecode360.com/EV0044#EV0044>

The project will also require the demolition of four one-story metal buildings, totaling approximately 14,700 sf, which were used by the former airport for various purposes including warehousing and offices.

The Buffalo and Erie County Industrial Land Development Corporation (ILDC), the land development affiliate of the Erie County Industrial Development Agency (ECIDA) is seeking qualified firms to provide Engineering Documents, (design plans and specifications) along with construction administration and resident engineer services during construction of the above-noted project. The ILDC encourages submissions from Minority and Women-Owned Business Enterprises (M/WBE).

THE ILDC RESERVES THE RIGHT TO REJECT ANY OR ALL PROPOSALS AND THE RIGHT TO WAIVE ANY INFORMALITIES THEREIN.

II. PROJECT LOCATION

The Project Site is located at 1526 Eden Evans Center Road in the Town of Evans, on the north side of the roadway. The Project Site lies east of Delamater Road and a pair of parallel-running railroad tracks, and west of Southwestern Boulevard (Route 20). It is approximately one mile west of Exit 57A (Eden-

Angola exit) of the New York State Thruway (see Figure 1).

The Project Site is comprised of a single 242-acre parcel (S.B.L 221.00-4-46), which is currently owned by the ILDC.

The Project Site is bounded on the west by a single-family residence. There are two residential parcels along the frontage of the property that are not part of the Project Site (see Figure 1). The Norfolk Southern railroad runs along the rear western boundary of the property. Other surrounding land uses are agricultural, wooded, or undeveloped land.

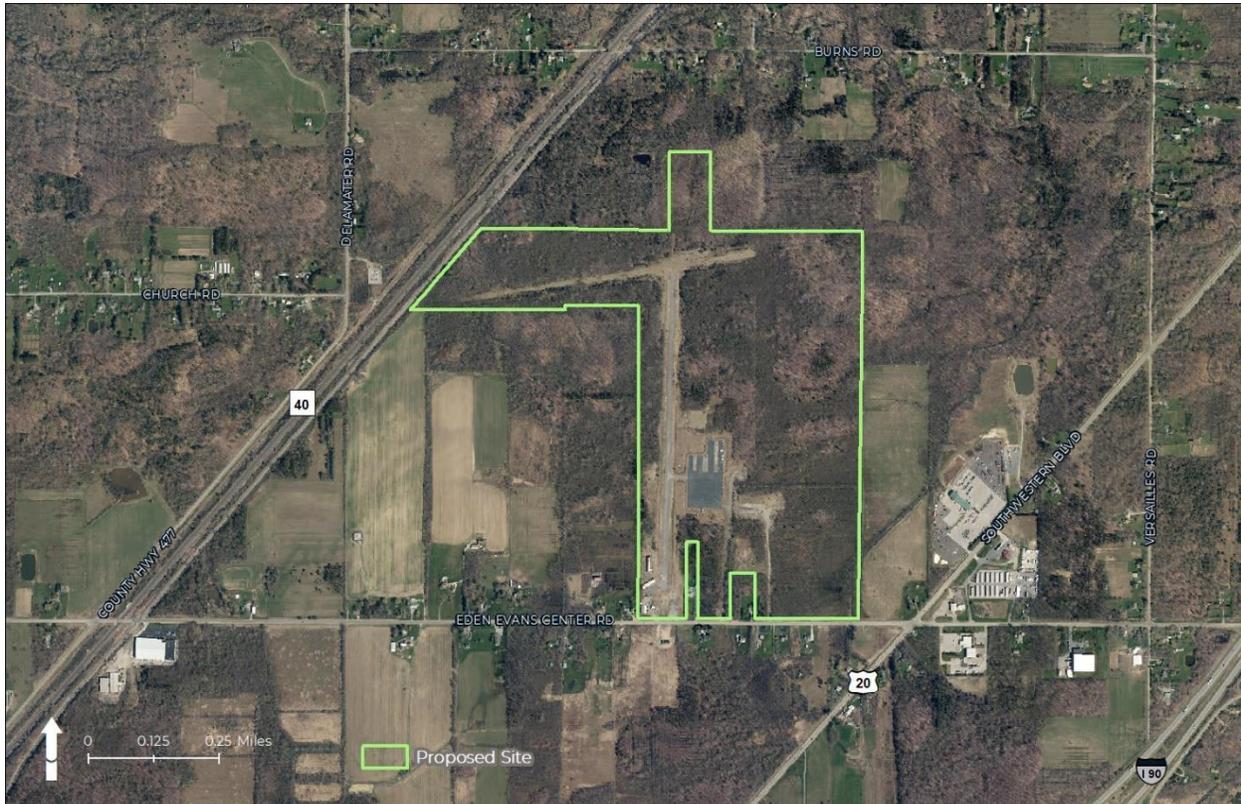


Figure 1: Project Site Location, Town of Evans, NY

III. GENERAL DESCRIPTION

A. Background

The primary purpose of the Erie County Agribusiness Park project is to establish a light industrial agricultural business park in support of agricultural and farming activities in the region. Implementation of the Project will achieve a stated goal of Erie County's Agricultural and Farmland Protection Plan, which calls for the establishment of a shovel-ready agribusiness park to attract food and agricultural processing businesses to the region to expand available markets for local farms. The project will help retain agricultural jobs and enterprises in the region while creating new job opportunities at the businesses established at the agricultural business park.

The Project Site was formerly operated as the Evans-Angola Airport. A paved runway and several buildings remain on the Project Site. These buildings include former airplane hangars and offices. The former runway runs north-south along the westerly portion of site. A paved area along the east side of the old runway was previously used as an aircraft apron. To the east of the paved apron area is a paved access road that runs south and connects to Eden Evans Center Road. A previous fill area exists to the east of this access road. A large, cleared area at the north end of the paved runway runs east-west and was operated as part of an old turf runway. Recently a new water storage tower was constructed on the northern side of the site. The remainder of the Project Site is wooded.

This project will include design of the phase 1 road, which will result in the new road connection to Eden Evans Center Road and conversion of the runway likely back to the aircraft apron (large paved area).

Project stakeholders include: Buffalo and Erie County Industrial Land Development Corporation (ILDC) which owns the land, Erie County, Empire State Development (ESD), and the Town of Evans. The ILDC will be managing the contractual requirements.

IV. GENERAL PROPOSAL REQUIREMENTS:

Proposals must address each of the following items:

A. Approach and Methodology

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

B. Scope of Services

This Scope of Services has been prepared as a proposal guideline. See attached Schedule “A” and “A-1.”

C. Work Schedule and Task Breakdown by Personnel

Proposals should include a schedule for each major component of the work and a detailed breakdown of hours for assigned personnel for each proposed task included in the Scope of Services. The estimated number of personnel hours for specific, key personnel assigned to each task should be presented as part of the task breakdown.

D. Experience of Firm/Project Team

Firms, or their principals responding to this RFP, must be licensed to practice engineering in New York State. Proposals 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. As part of the proposal, teams should provide a detailed case study of a project that best demonstrates their capacity to complete this project successfully or otherwise highlights the team's strengths. In selecting this project, the team should

consider: plans that have been successfully implemented, at least in part; projects where the individual team members have worked together; projects with innovative approaches or design features applicable to this site; and/or projects demonstrating an excellence of design that will serve as a legacy for both the design team and the sponsors.

E. Key Personnel

The project team should have a full range of relevant design and engineering expertise. Primary personnel in each of the noted disciplines must be identified by name and office location, with resumes included, and should demonstrate satisfactory experience and depth in each of the required disciplines. Resumes for key personnel should be included as part of the RFP response.

F. Cost and Budget

The design consultant contract will be a fixed price or lump sum cost contract. Therefore, all proposals must contain a separately sealed Lump Sum Cost proposal for the scope of services delineated, inclusive of all expenses (there will be no reimbursables). Proposals must include a breakdown of the costs by the tasks, hours, and hourly rates as outlined in the Schedule. **Submit cost proposal in a separate sealed envelope along with the proposal for services.**

1. Composition of Cost Proposal

- a. Schedule A tasks I – III must include a lump sum amount and a schedule of billable rates for all key personnel. Proposals must also include the ranges of billable rates for technical staff and support personnel.
- b. Schedule A tasks IV and V must include an estimate of total number of hours required to complete each task, along with a schedule of billable rates for all key personnel and the ranges of billable rates for technical staff and support personnel.

G. Personnel Allocation

The proposals must include a breakdown of personnel hours per task including hourly rates, with key personnel manpower allocations. General support staff hours and rates allocations may be listed generically by task.

H. Minority and Women-Owned Business Enterprise Utilization

The ILDC strongly encourages participation by Minority and Women Owned Business Enterprises (M/WBE) as part of the team submitting qualifications for this work. All proposals must submit a statement indicating that the firm submitting the proposal will work toward a business utilization goal of 30% M/WBE participation goal..

I. Clarifications

Any requests for RFP clarification or interpretations should be made in writing to ILDC no later than the close of business on Monday, **February 26th, 2024** attn. Andrew Federick; or e-mail to

afederick@ecidany.com). No requests for oral clarification or interpretations via telephone will be accepted.

SUBMISSION OF PROPOSALS

Firms are required to complete Forms 1-3 and include them in their proposal. Eight (8) copies, and a PDF of the Proposal must be submitted with a cost proposal in a separately sealed envelope labeled with the proposer's name, due date, and proposal name "Agribusiness Park Access Road Engineering and Design", no later than 1:00 pm on Monday, **March 11th, 2024**, to:

ECIDA/ILDC, Attn: Andrew Federick
95 Perry Street, Suite 403, Buffalo, New York 14203

If you are planning on dropping off proposals, please call the office at 716-856-6525 to make arrangements. An electronic copy should be emailed to Andrew Federick at: afederick@ecidany.com. ECIDA's email server does have a limit of 10Mb, so documents larger than 10Mb will not be able to be received via email but can be received via Dropbox or ShareFile. If you plan on sending your response by email, ECIDA is not responsible for ensuring receipt of your proposal, please call or email to confirm receipt. You may contact the ECIDA/ILDC offices at 716-856-6525 or Andrew Federick via email at afederick@ecidany.com.

Designated Individuals - Procurement Lobbying Law

Andrew Federick, Property and Business Development Officer, 716-856-6525,

Pursuant to State Finance Law §§139-j and 139-k, this Request for Proposal includes and imposes certain restrictions on communications between ECIDA members (including employees and Board members) and a Bidder during the procurement process. A Bidder is restricted from making contacts from the earliest notice of intent to solicit Request for Proposals through final award and approval of the Procurement Contract by the ECIDA ("restricted period") to other than the above Designated Individuals unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law §139-j(3)(a). ECIDA members (including employees and Board members) are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the 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 Bidder is debarred from obtaining governmental Procurement Contracts.

Bidders are required to complete Forms 1, 2, and 3 regarding their understanding and agreement to comply with the non-collusion requirements, disclosure of prior non-responsibility determinations and procedures on procurement lobbying restrictions regarding permissible contacts in the restricted period in accordance with State Finance Law §§139-j and 139-k.

Informational Meeting

A virtual informational meeting will be held on **Monday, February 26th, 2024 at 1:00 pm** to address any general questions that potential respondents may have regarding this RFP. Potential respondents should contact the agency via email (afederick@ecidany.com) to receive log-in information to the virtual meeting.

Documents supporting this RFP will be posted to the website listed below.

https://www.ecidany.com/requests_for_proposals

J. SELECTION PROCESS:

ILDC will either select a firm or develop a list of consultants to be interviewed based on the attached ranking sheet.

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

THE ILDC RESERVES THE RIGHT TO REJECT ANY ORAL PROPOSALS, AND THE RIGHT TO WAIVE ANY INFORMALITIES THEREIN.

PROPOSAL REVIEW RATING SHEET

FIRMS

ITEMS	Points				
A. Approach & Methodology	5				
B. Evaluation of Scope of Services	15				
C. Time of Completion (Schedule)	10				
D. Experience	20				
E. Special Expertise – Personnel	25				
G. Personnel hours	20				
H. MWBE	5				
TOTAL SCORE	100				
Final Rank					

Form 1: Non-Collusive Proposal Certification

By submission of this proposal, each Bidder and each person signing on behalf of any Bidder 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:

- a) 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 Bidder or with any competitor;
- b) Unless otherwise required by law, the prices which have been quoted in this proposal have not been knowingly disclosed by the Bidder and will not knowingly be disclosed by the Bidder prior to opening, directly or indirectly, to any other Bidder or to any competitor; and
- c) No attempt has been made or will be made by the Bidder to induce any other person, partnership, or corporation to submit or not to submit a proposal for the purpose of restricting competition.

SUBMITTAL OF PROPOSAL

The undersigned submits the following proposal, which is in conformity with the intent of the RFP. The Bidder agrees that should it be awarded a contract on the proposal through the issuance of a contract from the Erie County Industrial Development Agency, it will provide the services in strict compliance with the contract documents for the compensation stipulated herein. The Bidder agrees that its proposal shall remain effective for a period of 90 days from the formal proposal receipt date.

Bidder

Name

Signature

Title

Date

Form 2: Permissible Contacts

Bidder affirms that it understands and agrees 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) – see page 1 & 2 for further information.

By: _____ Date: _____

Name: _____

Title: _____

Bidder: _____

Bidder Address: _____

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

No

Yes

6. If yes, please provide details below.

Governmental Entity: _____

Date of Termination or Withholding of Contract: _____

Basis of Termination or Withholding: _____

(Add additional pages as necessary)

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

By: _____ Date: _____

Name: _____

Title: _____

SCHEDULE "A"

SCOPE OF SERVICES

General

The scope for this proposal is to provide engineering documents (Engineer's Report, Design Drawings and Specifications) to construct a new public roadway and related improvements to be dedicated to the Town of Evans, to service the Erie County Agribusiness Park, including future interior roads and development parcels from Eden Evans Center Road. The new public roadway will consist of:

- New construction of approximately 325 feet of road extending north from Eden Evans Center Road to connect with the former airport runway;
- Conversion of a portion (approximately 1,200 feet) of the former airport runway, via a combination of demolition and resurfacing;
- Design of appropriate utility infrastructure which will include: storm sewer, sanitary sewer, , and other infrastructure deemed appropriate to facilitate the development of the site, and accommodation for water and electrical infrastructure that already exists on site and natural gas and telecommunications to be added at a future date; and
- Additional amenities necessary to meet the needs of the future public right-of-way, potentially including street lighting, ADA-compliant sidewalks, or other items deemed appropriate.

The project will also require the demolition of three one-story metal clad buildings (see Exhibit 2), totaling approximately 10,440 sf, which were used by the former airport for various purposes including warehousing and offices. The Consultant will provide all services necessary for the demolition of the buildings, including:

- Completion of asbestos survey and hazardous materials assessment;
- Acquisition of all municipal or agency approvals and permits;
- Preparation of demolition plans and bid documents; and
- Assist the ILDC with bidding and award of contract to a qualified contractor.

The following reports will be made available upon commencement of the project: Phase I and Phase 2 Environmental Site Assessment (ESA), runway borings, GEIS and survey of property.

The information provided in Schedule "A" provides general guidelines for a typical highway construction project. For the purposes of this Schedule, the words or abbreviations listed shall have the definitions following; other terms not specifically defined shall be as commonly defined in the profession.

<u>ILDC:</u>	<u>Industrial Land Development Corporation</u>
<u>ECIDA:</u>	<u>Erie County Industrial Development Agency</u>
<u>DEC/NYSDEC:</u>	<u>New York State Department of Environmental Conservation</u>
<u>NYSDOT:</u>	<u>New York State Department of Transportation</u>
<u>ESD:</u>	<u>Empire State Development</u>

The design of this project shall be consistent with the guidelines and requirements of the Town of Evans, ESD, and County of Erie for the construction of roadways and related improvements. Road improvements shall be designed to standards for typical life, use, and capacity for an industrial park setting.

The design drawings for the project shall be prepared utilizing the latest version of AutoCAD. At the completion of both the design phase and construction phase of the project, the Engineer will be required to provide design documents that display the improvements at that stage of the project. One full set of hard copies and a copy of the AutoCAD design file on flash drive will be provided to each of the ILDC, Town of Evans, and County of Erie.

The Engineer shall field verify all dimensions, elevations, and layouts prior to start of design work.

Respondents are advised that the selected firm must be prepared to perform all services necessary for the successful completion of this project. The right to amend the scope of the work and subdivide or combine work is retained. The right to reject any or all proposals is also retained.

Note that the text below presents general guidelines; however, certain items may not be applicable to this work. The Respondent shall detail their anticipated scope of services in their proposal using these general guidelines.

IA. Preliminary Design Phase

1. Evaluate the existing conditions of the project site.
2. Consult with the Town of Evans to obtain the Town's design standards for road and related improvement projects.
3. The Engineer shall conduct a thorough walkthrough of the project area to determine the location of right-of-way for the proposed public road and improvements taking into consideration the location of future road corridors and buildable parcels as outlined in the Erie County Agribusiness Park Master Plan (available at https://www.ecidany.com/requests_for_proposals).
4. As part of preparation for a preliminary site plan, the Engineer shall review Master Plan mapping and road layouts, as shown on Exhibits 1 and 2. Actual location and width of the right of way is among the issues to be considered by the Engineer, along with the placement of potential placement curbing, sidewalks and lighting. Preliminary layout of the project should, at a minimum, show the location of road and proposed utility infrastructure.
5. Demolition plan studies for the three buildings to be demolished should include but not be limited to an asbestos survey, hazardous materials assessment, and any other studies deemed necessary.
6. The Engineer shall prepare an Engineer's Report which shall establish the criteria for design and include a cost estimate for the project.
7. Make revision to preliminary layout and report after review by ILDC, County of Erie, ESD, and the Town of Evans.
8. The Engineer shall forward reports to all appropriate state and local agencies to obtain their approval.

9. The Engineer shall provide a minimum eight (8) copies of the design report.

IB. Facilities Planning Phase

Where required:

1. Review the GEIS prepared for the property to determine if the proposed project is covered under the existing GEIS and if not prepare a SEQR application to meet the requirements of 6NYCRR, Part 617 State Environmental Quality Review. The road was included in the GEIS. Supplementary documents would likely only be needed if there were significant deviations from the Master Plan.
2. Considering the selected road corridor and/or location of proposed improvements, complete a thorough review of the area disclosing the potential location of any wetlands, foundations, hazardous waste sites, and/or landfill areas. Prepare the necessary applications to the State/Federal Agencies for the purposes of construction through these areas. For example, a sediment and erosion plan along with stormwater pollution prevention plan (SWPPP) may be required by NYSDEC.

II. Design Phase

1. Topographical maps shall be prepared in such a manner as to accurately define and locate existing buildings, structures, elevations, property lines, all utilities, site piping, roadways, R.O.W. limits, trees, shrubbery, etc. Utilizing information from the latest County of Erie Tax Maps, the Engineer shall identify by name and SBL number (Section, Block, Lot) the property owner(s) in the areas directly affected by or immediately adjacent to the location of the proposed improvements.
2. Analyze existing boring information available from previous borings.
3. Obtain additional soil borings where the Engineer determines a need. Soil borings shall be witnessed by the Engineer and a copy of logs shall be included with final bid plan sets.
4. The Engineer shall analyze the soils information and other subsurface investigations, and his/her findings shall be contained in a bound report. Lab tests on undisturbed samples shall be performed if soft or potential compressible subsoils are encountered below the location of the proposed roadway and improvements. All construction documents released for bid shall identify that these documents are available for inspection.
5. Prepare final plans and specifications in such a manner which satisfies the approved contract limits developed during the Preliminary Design Phase of the Agreement. All contract specifications shall be prepared to comply fully with the requirements of New York State Municipal Law, ILDC, ESD, County of Erie and Town of Evans.
6. Standard contract documents and detail sheets shall be utilized in the preparation of the project's contract bid documents in compliance with ILDC, County of Erie, Town of Evans, and ESD where appropriate.
7. Engineer shall utilize appropriate horizontal and vertical survey grade datum, based on appropriate standard coordinate system.

8. Prepare a shop drawing submittal schedule. The schedule shall list all items which will require a shop drawing submittal/approval. The shop drawing schedule should be submitted with the final plans and specifications.
9. Prepare final plans and specifications for bidding (Drawing Scale shall be 1" = 50' H, 1" = 5' V). The drawings shall be clear and legible and prepared on a "D" sized 24" x 36" paper.
10. Make application and obtain or cause to be obtained all the necessary permit requirements from the Army Corps of Engineers, NYSDEC, Highway Departments, EPA, utilities, and other public agencies. The ILDC is to be copied on any correspondence related to permits.
11. Prepare detailed cost estimates based upon final plans and specifications. Such cost estimates shall be made available to the ILDC, ESD, County of Erie and Town of Evans upon completion of design. The estimate shall be broken down in a manner which individually lists bid items. Cost estimates shall be updated one (1) week prior to advertising the project for construction bids.
12. Prepare a design report including all forms required for local governmental approval and regulatory requirements. Forward plans, specifications, and design report to all appropriate regulatory and approval entities. Note: provide 50% and 90% design for review and comments.
13. Assist ILDC in securing approval of final plans and specifications by Town of Evans, County of Erie, ESD, and other affected controlling agencies.
14. Make modifications to plans and specifications based upon review by required approval/regulatory entities.
15. Modify planimetric maps (Scale 1" = 200') showing the final layout of facilities and property lines.
16. Update topography and utility information prior to bidding.
17. Added special design consideration for the proposed facilities are as follows:
 - a. Refer to **Schedule "A-1," Project Specific Requirements**
18. Upon completion of the design phase and obtaining approval from all appropriate regulatory entities, furnish the ILDC, Erie County, ESD, and Town of Evans with copy of AutoCAD and PDF of the approved design file on a flash drive with the electronic file copy of the bid specifications.
19. Provide six (6) bound hard copies of final contract book and drawings to ILDC for use and execution of Contracts after bid.

III. Bidding Phase

1. A. The Engineer will be responsible for the distribution of plans and specifications during the bid period. **Twelve (12) bid sets of plans and specifications** for this contract shall be provided by the Engineer. Each bid set of documents shall include a separately bound bid proposal section for each prime contract. Additional copies if needed shall be supplied at cost.

B. The Engineer will be responsible to provide the bid documents (plans and specifications) in PDF format for **online bidding via the ILDC's web site.**

2. Assist the ILDC in securing bids for this project and make a written recommendation with regard to the award of each construction contract. Prepare and process all contract addenda that may be necessary during the bid period. A representative of the Engineer, familiar with the project's design, shall be present at and prepare agendas and meeting minutes for the Pre-Bid and Pre-Construction Meetings. The Consultant will prepare a bid tabulation and bid analysis and provide to the ILDC.
3. MWBE Outreach. In accordance with ESD requirements, the Consultant shall demonstrate efforts to achieve MWBE contract goals, including:
 - Outreach to MWBEs, including the retainment of mail, email, and phone calls records;
 - Retainment of written responses by MWBEs to the grantee/vendor's outreach;
 - Copies of search(es) of the directory and advertisements for participation by MWBEs in appropriate general circulation, trade, and minority or women-oriented publications;
 - Evidence of MWBEs attendance at any pre-bid, pre-award, or other meetings, including dates and location; and
4. Assist the ILDC as an expert witness in litigation arising from Project design, development, or construction.

IV. General Services During Construction Engineering

Price Proposal: Responding firms must include billable rates for key personnel and an estimate of the number of hours required to complete this task.

The Consultant shall provide the following general services during construction engineering:

1. Obtain a bar-chart construction schedule from the contractor(s) which shall indicate their complete operation as it pertains to this project. Review said schedule and affix with a stamp indicating the Engineer's approval/disapproval.
2. Consultant's Project Engineering team shall provide weekly construction observations and will create and maintain and shop drawing submittal schedule, while processing shop drawing submittals.
3. Consultant will review and provide written recommendations on contractor's request for substitutions. Written letter(s) of recommendation of substitution acceptance or rejection will be provided to document all such requests.
4. Consultant will prepare and manage an assembly of all guaranties and warranties and similar items required by the contract documents.
5. Consultant will review the contractor's application for payment and verify progress of the project as it relates to the payment applications.
6. Consultant will review and make written recommendation(s) regarding claims and will also advise Erie County in regard to change orders, including providing change order review, recommendation, preparation, and processing.
7. Consultant will coordinate, schedule, attend, and facilitate progress meetings, every two weeks and prepare agendas and minutes.
8. Consultants will prepare responses to request for information and distribute as necessary.

9. Consultant will issue supplemental drawings and sketches, as necessary, to clarify design and intent and to coordinate and document field changes.
10. Consultant will attend up to three (3) other project-related meetings as requested by ILDC and/or as dictated by the project's progress/needs and provide minutes thereof.
11. Consultant will prepare necessary close-out documents and secure copies of lien releases, claims, etc. to properly document and close the construction of the project.
12. Consultant will provide two (2) sets of as-built drawings, stamped "Record" and signed. AutoCAD drawing files of the as-built drawings will be provided to ILDC.
13. Consultant will certify that the project has been built, and are operating, in accordance with the Planning documents, Design Report, and the plans/specifications for this Project.
14. Consultant will make recommendations to ILDC pertaining to special consultants.
15. Consultant will cooperate with local municipal representatives.

V. Construction Inspection Services

Price Proposal: Responding firms must include billable rates for key personnel and an estimate of the number of hours required to complete this task.

1. The Consultant shall provide construction inspection services and appoint a full- or part-time on-site Resident Engineer and/or assistants to coordinate the construction activities. These individuals will inspect the construction for conformance with the plans and specifications and monitor the Contractor's performance pursuant to approved construction schedule. The Consultant will determine whether full- or part-time inspection services are necessary. Cost proposals should provide hourly rates for construction inspections and an estimate on the number of hours required.
2. The Consultant shall provide the following general services during full-time construction inspection:
 - a. Consultant shall act as liaison for ILDC, between ILDC and contractor, to coordinate contractor activities and provide full-time, on-site construction inspection services to verify that the contractor's work is in conformance with the plans, specifications, and permits.
 - b. Consultant shall monitor and approve construction schedule, including providing written warning(s) to contractor(s) regarding their failure(s) to meet or maintain the approved construction schedule.
 - c. Consultant shall maintain the shop drawing submittal schedule. Approved shop drawings shall be duly recorded on the schedule with a copy of the approved drawing placed in a construction file for future reference.
 - d. Consultant will oversee the regulation of the of the site(s) and construction area(s) in regards to staging areas, traffic control, parking, material storages, etc.
 - e. Consultant will monitor contractor's methods to ensure activities are conducted within the appropriate right-of-way(s) and easement areas, and to ensure compliance with plans, specifications, and applicable permits.
 - f. Consultant shall inspect material deliveries for compliance with approved shop drawings
 - g. Consultant will perform and document spot grade checks on the completed enhancements to verify line and grade results.
 - h. Consultant will prepare daily inspection reports, detailing the contractor's performance, to be submitted in summary form monthly.
 - i. Consultant will hold and chair every-other-week progress meetings.

- j. Consultant will monitor all contractor clean-up activities and coordinate these activities with the provisions presented in the contract documents.
- k. Consultant will prepare a punch list, and coordinate with, and monitor, the contractor to effect prompt completion and/or correction.

SCHEDULE "A-1"

PROJECT SPECIFIC REQUIREMENTS

1. GENERAL PROVISIONS

A. Engineer Licensed

The Engineer represents that it is licensed and authorized to practice engineering in the State of New York, and there shall be attached to the plans and specifications a licensed engineer's seal and a licensed surveyor's seal where applicable.

B. Plans and Files

1. All approved original drawings prepared by the Engineer shall become the property of ILDC. The Engineer shall retain one set of reproducible mylars.
2. Plans are to be prepared utilizing AutoCAD 2000 or newer. Other computer software enhancements of AutoCAD, (e.g. DCA) shall be subject to prior approval.

C. Assistance and Exchange Data

1. The ILDC shall provide available data to the Engineer in connection with its performance under this Agreement. It is the responsibility of the Engineer to contact the Town of Evans and the ILDC to collect all relevant data and requirements for the design of the roadway and related improvements.

The Engineer shall have the duty to make independent inquiry as to the reasonable correctness of such data if the correctness thereof appears doubtful on its face to the Engineer.

2. Information provided to the Engineer for the project shall be held in confidence by the Engineer and used only for the project that is the subject of this Agreement. Sharing of information provided by the ILDC and the Town of Evans for this project with subcontractors, other consultants, manufacturers and potential suppliers or vendors shall not be done without the express advance written authorization.

D. Design/Construction Survey

All members of the survey crew engaged in work on this project shall be paid in accordance with the New York State Wage Rate Schedule. The Engineer and its subcontractors will be required to furnish the ILDC with duplicate copies of their certified payrolls. Payrolls displaying the survey man-hours are to be submitted on U.S. Department of Labor Payroll Form WH-347.

E. Progress Reports

During the project and at the request of ILDC, the Engineer shall provide progress reports.

F. Release of Data

All plans, estimates and other data prepared under this Agreement shall be released only to ILDC. The Engineer shall hold in confidence the plans and related information prepared under this agreement and shall advise its subcontractors of this requirement. Release of plans, estimates, and other data to third parties shall be subject to written approval by ILDC. The Engineer shall keep a record of its release of plans and related information and make available such record upon request by ILDC.

H. Time Extension

Each and every obligation of the Engineer under this Agreement shall be subject to the following force majeure clause: If, because of an act of God, war, strike, riot, catastrophe or other condition, including official action or delay of governmental bodies, delay of contractors or any other condition beyond the control of the Engineer, the Engineer cannot comply with the obligations or schedules in this Agreement, the Engineer may apply in writing to ILDC for an extension or modification of such obligations or schedules within a reasonable time after it obtains knowledge of such facts.

I. Compliance with Laws

The Engineer specifically agrees to comply fully with the rules and regulations as stated in OSHA 29 CFR, Parts 1910, as it may be amended. The Engineer shall have in-place and will implement a Confined Space Program for its activities which adheres fully with these requirements. The Engineer will be solely responsible for its established Confined Space Program and the coordination of such with its subcontractors.

The Engineer shall comply with the provisions of the Shield Act, codified at General Business Law § 899-aa of the laws of the State of New York.

J. Minority Business Enterprise (MBE) and Women Business Enterprise (WBE) Participation

Please note that this project has a contractual 30% M/WBE goal, as stipulated in the funding agreement with ESD. The consultant engineer agrees to make a good faith effort to secure MBE/WBE subcontractors to meet the goals as listed in Section IV.H. of this RFP. Upon receiving the Notice to Proceed, the Engineer shall submit, to ILDC, an MBE/WBE Utilization Plan which identifies those MBE/WBE subcontractors who were contacted and/or secured for this project.

SCHEDULE "B"

TIME OF COMPLETION

A. Time Schedule

The Engineer shall complete the work as listed in Schedule A and A-1 of this Agreement or, as follows:

1. Preliminary Design - 2 Months
2. Final Design - 2 Months
3. Construction - as set by ILDC