

## **Annual Reports & Policies (Separate Package)**

- a. 2024 - Mission Statement, Performance Measures and Results (Pages 2-16)
- b. 2025 - Mission Statement and Performance Measures (Pages 17-25)
- c. 2024 - Public Authorities Report (Pages 26-80)
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**Erie County Industrial Development Agency (ECIDA)  
Buffalo & Erie County Industrial Land Development Corp. (ILDC)  
Buffalo & Erie County Regional Development Corporation (RDC)**

***2024 Mission Statement and Performance Measurements***

***Approval Date of Goals: March 27, 2024***

***Approval Date of Results: March 26, 2025***

**Purpose:**

The Public Authorities Law requires public authorities to develop and adopt a mission statement and to develop performance measures to assist them in determining how well they are carrying out their mission. The Authorities Budget Office (ABO) requires that all public authorities utilize the following format to annually review their mission statement and performance measures and publish a measurement report. This report is designed to satisfy these requirements.

Please note: The ECIDA publishes an annual report outlining detailed project information and accomplishments called “Year in Review.” The Year in Review is on the ECIDA’s website at <https://www.ecidany.com> under “About Us” then “Annual Reports”.

**Mission Statement:**

The mission of the Erie County IDA and its affiliates is to provide the resources that encourage investment, innovation, workforce development and international trade resulting in a successful business climate focused on growth, economic stability, job creation and retention for businesses and individuals which improves the quality of life for the residents of the region.

## **Performance Goals, Measures & Results:**

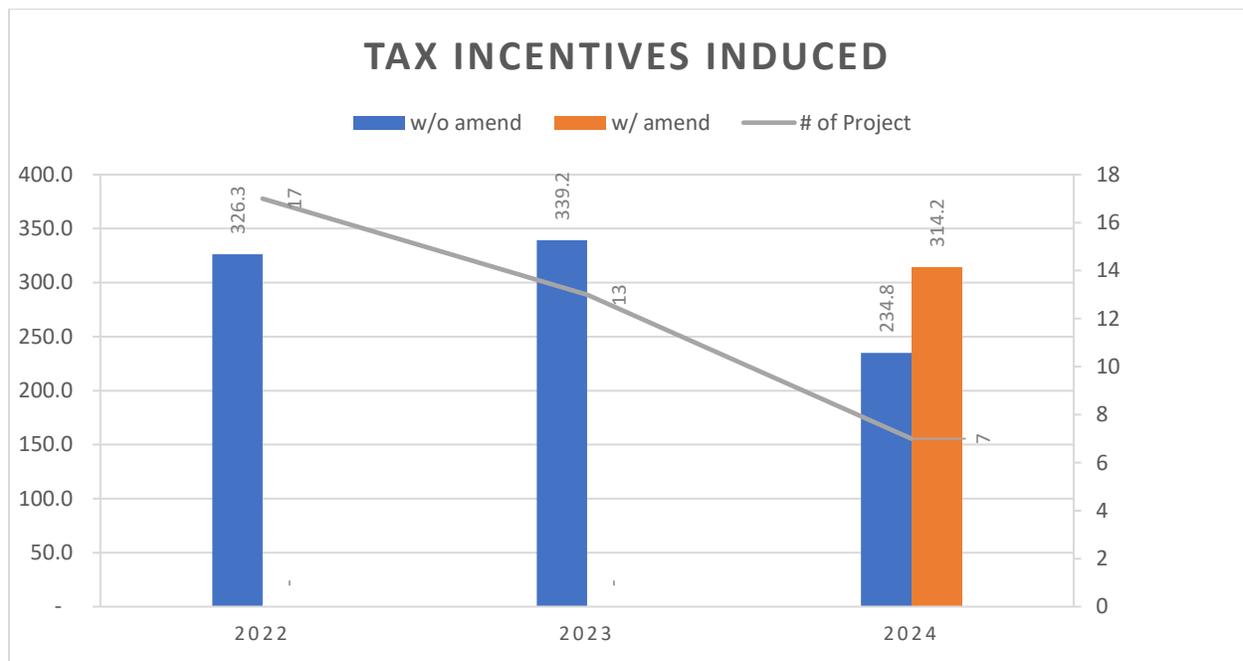
### ***Goal 1: To promote private investment & innovation:***

Objective 1A: ECIDA: Encourage private sector investment by providing incentives and other economic development services to spur eligible development projects.

Measurement: Value of new private investments from tax incentives

Metric: \$ 275 - \$ 300 M in private investment from approved tax incentives.

Results: A total of 7 tax incentive projects were approved by the ECIDA Board of Directors in 2024. This included 2 amendatory. The total private investment amount for these projects totaled over \$314.2 M.



Objective 1B: RDC: Provide “gap financing” to spur the creation of new businesses and private-sector investment in working capital, machinery and equipment.

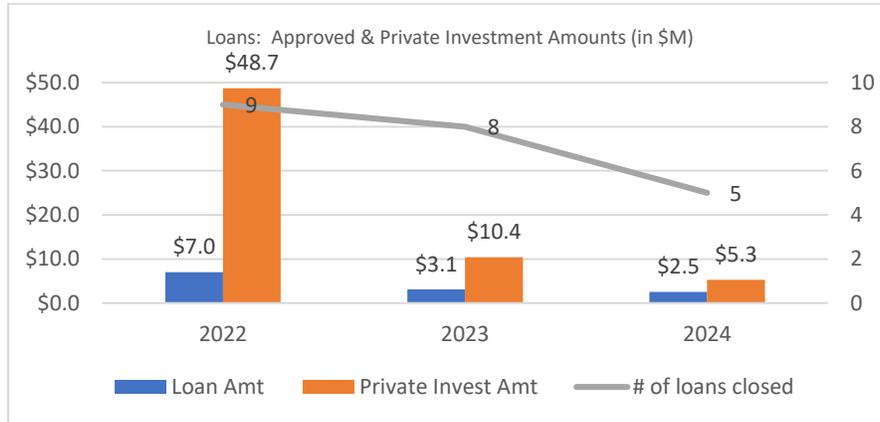
Measurement: Number of loans, \$ amount of loans and amount of private investment for loans approved

Metric: 8 - 10 business loans totaling \$ 3 M with private investment = \$6 M.

Results: RDC approved 5 Loans from the Legacy Fund for \$2.45 M with \$5.32 M in private investment. Overall demand for loans was lighter than

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expected in 2024 as interest rates and inflation remained stubbornly high, costs for material have steadily increased and the shortage of labor in many industries has negatively affected many businesses.



NOTE: Several large RDC loans paid off early in 2024 due to mergers, refinancing of debt and the acceleration of loan payments - freeing up funds / increasing the RDC's lending capacity in in 2024. By the end of 2024, the RDC had over \$6.5M to lend to Erie County businesses.

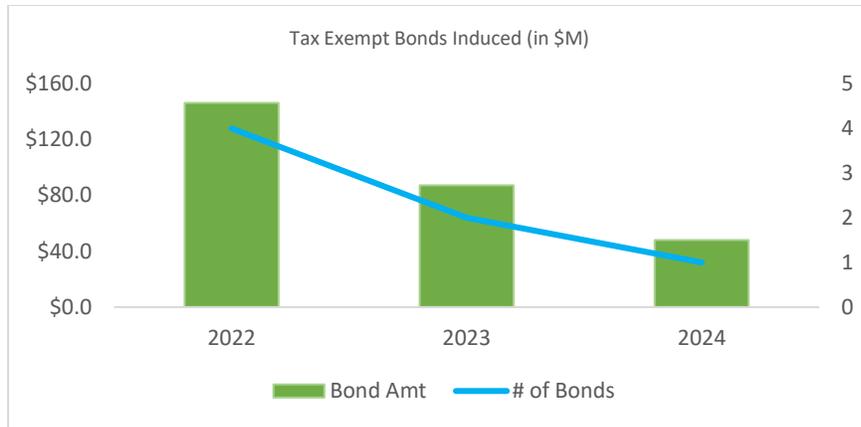
Objective 1C: ECIDA & ILDC: Assist non-profit and other eligible borrowers to obtain low-interest, tax-exempt bond financing.

Measurement: Value of private investments from low-interest financing provided to non-profit organizations and qualified private activity bond projects.

Metric: 1 - 2 tax exempt bonds totaling \$30 – \$35 M. NYS Housing and Community Renewal regulations for affordable housing projects that utilize 4% state and federal Low Income Housing Tax Credits(LIHTC) remain in affect impacting the ECIDA – restricting bond activity to only new construction. Since the Agency historically uses our bond cap to finance affordable housing rehabilitation projects these regulations negatively impact our ability to meet our performance goal. Efforts through our Statewide Organization, continue to address the new regulations to allow rehabilitation projects to utilize both IDA bonds and 4% LIHTC allocations.

Results: The ILDC Board of Directors approved a \$48 M taxable bond for D'Youville University. This \$48 M taxable bond financing will cover startup costs to establish the osteopathic medicine program which excludes facility funding.

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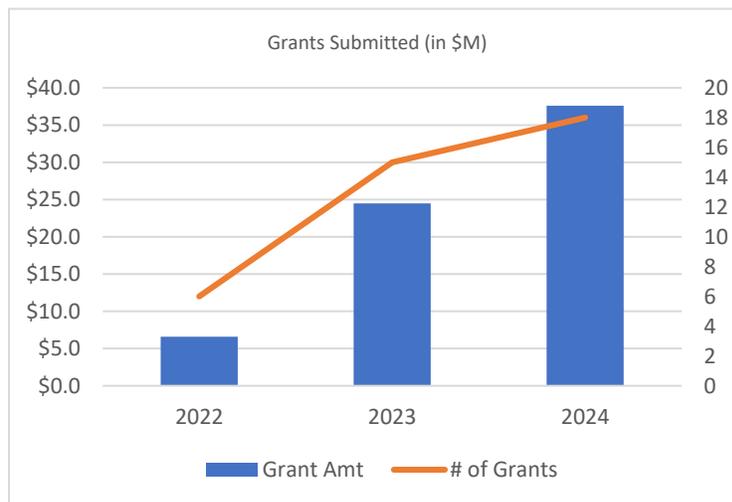
**Objective 1D: ECIDA & ILDC: Pursue state, federal and private (grant) funding opportunities to support priority projects and leverage private investment. Administer projects that have received grant funding.**

**Measurement:** Number and \$ amount of grant applications submitted. Number and \$ amount of grant funds under administration.

**Metric:** 4-5 grants submitted for \$2 - \$2.5 M. 4 - 6 grants totaling \$7 M under administration.

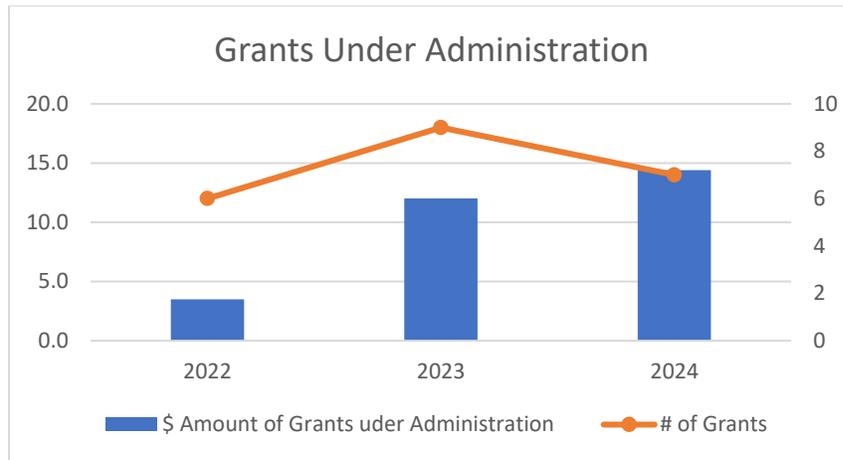
**Results:** A total of 18 grant applications were submitted in 2024 totaling \$37.6 M resulting (as of 3/12/25) in:

- 6 funded (\$15.4 M)
- 7 pending (\$15.5 M)
- 5 declined (\$6.8 M)



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There are 7 active grants totaling \$14.4 M under administration



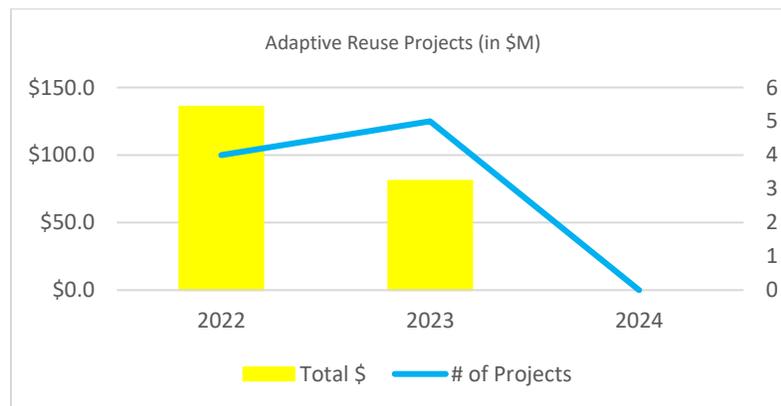
**Goal 2:** To support business formation, job growth, and economic expansion targeting economically challenged and disadvantaged communities:

**Objective 2A:** ECIDA & ILDC: Support the re-investment in vacant, abandoned, and underutilized buildings.

**Measurement:** Number and investment value of adaptive re-use building projects

**Metric:** 4 - 5 adaptive reuse projects approved totaling \$75 - \$100 M.

**Result:** No Adaptive Reuse Projects were approved in 2024. Higher interest rates and construction costs have impacted / delayed several prospective projects however interest remains strong in the program.



Objective 2B: ECIDA ILDC & RDC: Support the creation and growth of small business and minority & women-owned businesses (MWBE).

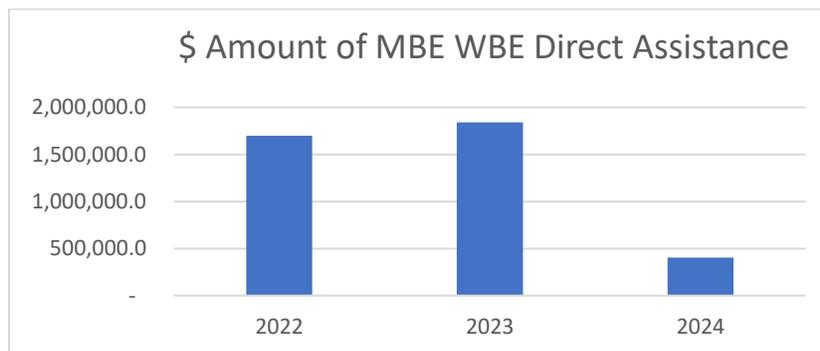
Measurement: Number and \$ amount of direct assistance through Agency product offerings to MWBEs (i.e. business loans, tax incentives). Procurement goal \$ amount and % spent with MWBE vendors for both operational and other purchases.

Metric: Direct Assistance: \$400,000 in direct assistance to 5 – 7 MWBEs.

Vendor Operational Purchases of \$18,000 / 30% MWBE (i.e. office supplies, catering, equipment leasing).

Other Purchases: Meet 100% of the following: 1) Professional services including 30% MWBE for engineering/design, 2) Construction service that includes 30% MWBE for contract utilization and 3) RFPs and/or bids scoring – that includes MWBE utilization and/or D&I initiatives valued at 10% of the scoring index

Results: Direct Assistance: Assistance totaling \$402,500 was provided to 3+ MWBEs: a \$100,000 line of credit\* was approved for an MBE and 2 loans totaling \$300,000 were approved for WBEs. In addition, the ECIDA provided a \$2,500 SBA sponsorship for Straight Talk that provides technical assistance to MWBE businesses,



Vendor Operational Purchases: Purchases of \$30,000 (18% MWBE) were made from known M/WBEs out of total purchases = \$171,000 (major categories of total purchases were printing/marketing, office supplies/equipment, and IT services/hardware). A breakout of the \$30,000 in purchases included \$19,000 (11.1%) from WBEs, \$6,000 (3.5%) from MBEs, and \$5,000 (3.2%) from MWBEs. This represents an increase in annual spend of \$2,200 (WBEs) and \$1,800 (MBE). The Agency also made purchases from four new M/WBE vendors.

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Other Purchases:

Professional Services (engineering / design) utilization payments totaling **\$240,948** were made to certified MWBE/SDVOB in 2024. These payments are tracked on an ongoing basis to monitor the 30% contract utilization goal for open contacts.

Construction Services utilization payments totaling **\$488,162** were made to certified MWBE/SDVOB in 2024. These payments are tracked on an ongoing basis to monitor the 30% contract utilization goal for open contacts

Five RFP / Bids were issued in 2024 – **100%** included a scoring value = 10% to be attributed to MWBE utilization and/or DEI initiatives. RFPs included: ECIDA (& affiliates) Legal Services (1), Engineering Services (2) and Construction Services (2).

Note: Professional Service and Construction RFPs included work for projects located at: the Erie County AgriBusiness Park, 3445 River Rd and railroad sites managed by the ECIDA/ILDC. These awarded RFPs totaled \$617,000 with \$204,000 (33%) to be spent with MWBE/SDVBOs.

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Objective 2C: ECIDA, ILDC & RDC: Support diversity, equity & inclusion with a focus on staff development

Measurement: Provide training opportunities re: Racial Equity

Metric: Provide two or more continued educational / training opportunities for staff on DEI

Results: Three DEI related continuing education / training opportunities were offered to and attended by staff during 2024.

- 100% Staff participation for “Diversity in the Workplace” training as part of NYS Sexual Harassment Training held on September 16th.
  - 4 Staff members participate in BNP DEI Symposium on June 13<sup>th</sup>
  - 1 staff member participated in the Diversity & Inclusion session as part of the Amherst Chamber’s Emerging Business Leaders (EBL) Program - August 16th
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Objective 2D: ECIDA: Increase opportunities for minorities and women to experience economic progress through tax incentive programs.

Measurement: Implementation of ECIDA Economic Inclusion Program (EIP) PILOT

Metric: 1 – 2 eligible projects (project includes property tax benefit, location reasonably accessible to minority workforce) opt into the program.

Results: In 2024, seven projects were approved for tax incentives with three (3) projects qualifying for participation in the EIP. Two of the three projects opted into the program:

- First project to meet Tier 1 criteria: % MWBE goals for construction, Applicant Job Creation Goals and two EIP Policy Goals.\*
- Second project to meet Tier 2 criteria: % MWBE goals for construction, Applicant Job Creation & Workforce Retention Goals, and one EIP Policy Goal.\*

\* EIP Policy Goals focus on procurement, DEI practices, DEI training and mentorship

Objective 2E: ECIDA: Support the creation and retention of jobs at all salary levels.

Measurement: Average \$ of jobs to be retained & created. For informational purposes include salary info re: management, professional, administrative, production, independent contractor and other

Metric\*: Average salary for retained and created jobs at \$ 50K - \$55K

Results: In 2024, the average salary for the 699 FT Jobs (461 retained, 238 new) = \$70,693. The average salary for the 96 PT Jobs (47 retained, 49 new) = \$31,255 The total annual payroll amount = \$52 M.

| 2024 Full Time         |           |                          |                           |
|------------------------|-----------|--------------------------|---------------------------|
| Category               | # of Jobs | Average Salary w/ Fringe | Average Salary w/o Fringe |
| Management             | 91        | \$ 125,470               | \$ 99,651                 |
| Professional           | 71        | \$ 116,681               | \$ 92,521                 |
| Administrative         | 70        | \$ 68,196                | \$ 57,649                 |
| Production             | 466       | \$ 82,581                | \$ 64,502                 |
| Independent Contractor | 0         | \$ -                     | \$ -                      |
| Other                  | 1         | \$ 58,000                | \$ 45,000                 |

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| 2024 Part Time         |           |                          |                           |
|------------------------|-----------|--------------------------|---------------------------|
| Category               | # of Jobs | Average Salary w/ Fringe | Average Salary w/o Fringe |
| Management             | 0         | \$ -                     | \$ -                      |
| Professional           | 0         | \$ -                     | \$ -                      |
| Administrative         | 0         | \$ -                     | \$ -                      |
| Production             | 96        | \$ 33,115                | \$ 31,255                 |
| Independent Contractor | 0         | \$ -                     | \$ -                      |
| Other                  | 0         | \$ -                     | \$ -                      |

\*average salary metric is based on historical data with consideration given to market adjustments (i.e. inflation, cost of living) and comparisons to County/ City of Buffalo living wage data. (note: include avg salaries in job categories and the total payroll amount).

Objective 2F: ECIDA, RDC & ILDC: Reach out to Erie County businesses to inform them of ECIDA and other business support services available.

Measurement: Number of business outreach attempts (including marketing communication efforts)

Metric: 290 business outreach contacts, 900,000 marketing impressions through paid advertising. \* Adjusted metric. Increase and report on targeted business outreach efforts (i.e. through Chambers of Commerce) to reach small and medium-sized businesses seeking financing when traditional options become less available.

Results: 365 business outreach contacts included: 160 Business Development (direct), 152 Professional Partners (direct) and 53 Events (participation).

Marketing & Communications activity included targeted paid advertising campaigns on business radio and in print, totaling 3,912,724 impressions. Radio advertising and WBEN Facebook/Meta post engagement were the main drivers in exceeding the 2024 goals for impressions. Direct mailings of the ECIDA holiday calendar and Year in Review reached approximately 1,100 business contacts. ECIDA social media Facebook/Meta posts resulted in approximately 10,000 impressions on 33 organic and shared posts.

Efforts made to reach small and medium-sized businesses by ECIDA staff members included:

- 14 Chamber of Commerce events: Amherst (including Emerging Business Leaders program), Buffalo Niagara Partnership, Cheektowaga, Lancaster, West Seneca, Tonawanda and Southtowns.

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- 22 Business Events: the Exchange at Beverly Gray, Black Developers, BNMA, Business First Roundtable, Canadian Consulate Business Day, Canisius Women’s Business Center, the Construction Exchange, LISC, NAACP Business Task Force, NYSCAR, SBA Straight Talk

Objective 2G: ILDC: Support reinvestment in vacant and abandoned brownfield properties for the purpose of creating shovel-ready sites, new investment, and jobs.

Measurement: Number of acres of land redeveloped / in the process of redevelopment and public/private investment amounts

Metric: 350 acres of land under management

Results: The Erie County Industrial Development Agency (ECIDA), through its development arm the Industrial Land Development Corporation (ILDC), currently is managing approximately 486 acres of land. Land under redevelopment efforts include 1) 240 acres at Renaissance Commerce Park and 2) 240 acres at the Erie County Agribusiness Park. 3) 6 acres at 3445 River Road. In 2024 ILDC executed a long-term lease agreement with MRB Group for the development of a single storage Battery Storage Facility. The ILDC’s Business and Property Development team assist companies seeking to identify suitable commercial real estate options specific to the Renaissance Commerce Park and Erie County Agribusiness Park. Business and developer interest in the parks remains high, as demonstrated in the lead generation information listed below, as is the activity on the site via several ongoing infrastructure projects.

## 2024 Highlights

| Site                      | Activities   |
|---------------------------|--|
| Renaissance Commerce Park | <ul style="list-style-type: none"> <li>• Completed and Closed on a Sale of Parcel #8 to Surco Sourcing for the Construction of a Warehouse</li> <li>• Uniland 2 Steelworkers Way Facility Completed and Opened with 60% of Space Leased</li> <li>• Completed the Installation of Water and Sewer Lines on the North End of the Property</li> <li>• Conducted and completed a Request for Proposal Process for the Redevelopment of Parcels #2 and #3 into Light Manufacturing Space</li> <li>• Completed 90% of the Design and Engineering of the Odell St. and Ridge Rd. Project</li> <li>• Completed 80% of the Design and Engineering for the WYE Yard Rail Relocation Project</li> <li>• Completed Process with Empire State Development to Establish the Property as a FAST NY Shovel Ready Certified Site</li> <li>• Completed the Construction of the Second Phase of Steelworkers Way</li> <li>• Awarded \$1,750,000 from Empire State Development for the Construction Phase of the WYE Yard Rail Relocation Project</li> </ul> |

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|                                |  |
|--------------------------------|--|
|                                | <ul style="list-style-type: none"> <li>One of Fifteen Properties in New York State Included in a Site Asset Analysis by NYSERDA and Global Location Strategies for Clean Energy Sector Projects – Property Received High Marks from Analysis</li> </ul>  |
| Erie County Agri-business Park | <ul style="list-style-type: none"> <li>Completed Property Master Plan and SEQR Process</li> <li>Awarded Contract to LiRo Engineers, Inc. for the Design and Engineering of Phase 1 of the Ag Park Access Road <ul style="list-style-type: none"> <li>Completed 90% of Design and Engineering of Project</li> <li>Completed Demolition of Three Existing Buildings on Site to Make Room for Access Road</li> </ul> </li> <li>Designed and Integrated Ag Park Logo via 19 Ideas</li> </ul> |
| 3445 River Road                | <ul style="list-style-type: none"> <li>Executed Long Term Lease Agreement with MN8 Group for the Development of a Battery Storage Facility <ul style="list-style-type: none"> <li>Received First Installment Payment from Company</li> </ul> </li> </ul>   |

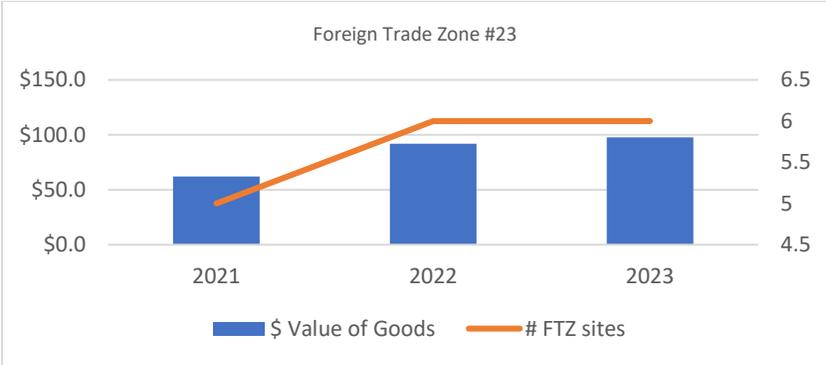
**Goal 3: To encourage international trade:**

Objective 3A: ECIDA: Promote & support the use of Erie County’s foreign trade zone (FTZ) to assist businesses in remaining globally competitive by reducing, eliminating, or deferring import duties.

Measurement: Value of goods moving through FTZ #23 and # of FTZ activated sites

Metric: A total of 6 FTZ sites with goods valued at \$92 M moving through the zone.

Results: For year-end 2023, a total of 6 Active FTZ Sites with goods valued at over \$97.6M moved through the zone. This represents an increase of nearly \$5.6M from the prior year (2022). The increase in FTZ activity was primarily driven by the Cummins Engine and Sucrose Sourcing sites. FTZ #23 collected duties/tariffs on merchandise moved through the zone of \$11,841,459 , up \$607,249 from 2022.



\*(note: due to the timing of the Annual Federal FTZ Reporting (June) – the prior year’s results are listed)

#### **Goal 4: Regional & Business Resiliency:**

Objective 4A: ECIDA, RDC, ILDC: Assist businesses throughout Erie County.

Measurement: Provide a roadmap for business resiliency.

Metric: Prepare an annual CEDS Performance Report for submission to U.S. EDA to communicate Erie County's major accomplishments in economic and community development. Convene CEDS Implementation Committee (public and private partners) 3x per year to share and collect data and information regarding implementation of regional goals.

Results: CEDS Annual Report was prepared and completed in the 1st quarter of 2024 (reflecting 2023 results). A request for updates to the 2024 CEDS initiatives will be sent to CEDS committee members to gauge the progress being made. Also, in 2024 ECIDA staff members initiated a re-launch of quarterly Economic Development focused meetings (beginning in 1st Q 2025) whereby regional stakeholders (including CEDS participants) will meet to share information about resources & programs, including CEDS initiatives and to foster collaboration for future endeavors.

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Objective 4B: ECIDA RDC, ILDC: Support Small Businesses in Erie County Consortium Communities whose owners have low to moderate household incomes.

Measurement: Provide administrative support for the Erie County Microenterprise Loan and other programs funded by Community Development Block Grant funds

Metric: Approve 6-8 loans for \$200,000, which represents the funds available for lending from the Erie County Microenterprise Loan program. The ECIDA will continue to service, support and market the lending program to the eligible consortium communities.

Results: ECIDA oversaw the approval of two (2) micro enterprise loans totaling \$70,000 with \$32,000 in private investment. The ILDC received 5 applications for review during 2024. Application volume was down in 2024 due to the economic uncertainty both locally and nationally (election year), high cost of goods and labor, and a tight labor market.

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**Goal 5: To safeguard the public’s investment by ensuring compliance and transparency with ECIDA Policies & Procedures, NYS Tax, EDA and ABO requirements:**

Objective 5A: ECIDA: Client compliance with material terms including local labor, employment retention & creation, investment, pay equity and unpaid real property tax policies.

Measurement: Collection and analysis of quarterly employment & local labor reports for all active projects, review of investment verifications, facilitate completion of pay equity audits by Erie County Department of Public Advocacy payments through the Erie County Commissioner of Real Property Services

Metric: 100% compliance

Results: In 2024, two projects obtained a local labor waiver. Two out of three projects have successfully completed their Pay Equity audits with no adverse findings, while the third project's Pay Equity audit is still in progress. 100% compliance unpaid real property tax policies and investment confirmations. Compliance with employment retention and creation will be assessed in Quarter 1, pending the receipt and analysis of annual surveys.

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Objective 5B: ECIDA: Client compliance with the NYS Sales and Use Tax program.

Measurement: Monitor and review of clients’ ST-340 reporting forms against the amount of the sales tax savings approved by the Board of Directors to ensure that the amount of the sales tax savings that clients report does not exceed the board approved amounts.

Metric: 100% client compliance

Results: One client exceeded their sales tax benefit – the overage has been collected/remitted to NYS.

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Objective 5C: ECIDA, RDC & ILDC: Compliance with ABO’s deadlines and regulatory requirements.

Measurement: Timely and accurate filing of the annual PARIS reports, budgets and financial audits

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Metric: 100% compliance

Results: The Agency is on track to meet filing requirements of the ABO's 3/31/25 reporting deadline.

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Objective 5D: ECIDA, RDC & ILDC: Board Member compliance with ABO regulatory requirements.

Measurement: Board completion of the annual Board of Directors Self Evaluation, execution of the Acknowledgement of Fiduciary Duties & Responsibilities forms, and completion of the required ABO board member training

Metric: 100% compliance

Results: 17 out of 19 ECIDA & RDC Board Members and 6 out 7 ILDC Board Members have completed their board member training. There is one vacancy on the board. The Agency is on track to meet the ABO's reporting deadline of 3/31/25.

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Objective 5E: ECIDA, ILDC & RDC: Ensure proper controls and safeguards over the financial reporting and assets of the organizations.

Measurement: Annual independent audit reports of all entities.

Metric: Audit opinions and management letter.

Results: ECIDA, RDC, and ILDC all received an unmodified opinion on their respective audited financial statements, indicating that the statements are fairly presented in all material respects. There were no management letter comments for the year ended December 31, 2024.

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Objective 5F: RDC: Ensure proper controls and safeguards over the administration of the CARES Act revolving loan fund (RLF).

Measurement: Obtain the highest rating from the U.S. Dept of Commerce: Economic Development Administration (EDA) on the quality / health of the RLF administered by the RDC

Metric: Receive an "A" rating from the EDA.

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Results: For the year ended December 31, 2023, a Level B risk rating was assigned to the CARES Act RLF. 37 out of a possible 45 points were earned. This resulted in an increase in reporting frequency to EDA, semi-annual instead of annual. Maximum points were earned for overall RLF management, while areas such as loan write-off ratio (written off loans divided by total inactive loans) and the capital base index (original loan funds divided by current loan funds) were scored lower. This was mainly a result of one loan written off, combined with most loans paying very low interest. Certain risk metrics (default rate, default rate over time, net RLF income, and leverage ratio) are still suspended by EDA in response to the coronavirus pandemic. The risk rating for the year ended December 31, 2024 is expected to be known mid-2025.

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### **Governance Certification**

1. Have the board members acknowledged that they have read and understood the mission of the public authority?

Board of Directors response: Yes

2. Who has the power to appoint the management of the public authority?

Board of Directors response: The Board of Directors

3. If the Board appoints management, do you have a policy you follow when appointing the management of the public authority?

Board of Directors response: The Board has not adopted a written policy. However, the Board follows prudent and reasonable practices to appoint responsible individuals.

4. Briefly describe the role of the Board and the role of management in the implementation of the mission.

Board of Directors response: The role of the Board regarding the implementation of the public authority's mission is to provide strategic guidance, oversight, mission authorization, policy setting and validation of the authority's mission, performance measurements and results. The role of management is to collaborate with the Board in strategy development and to implement established programs, processes, activities and policies to achieve the public authority's mission.

5. Has the Board acknowledged that they have read and understood the responses to each of these questions?

Board of Directors response: Yes

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**Erie County Industrial Development Agency (ECIDA)  
Buffalo & Erie County Industrial Land Development Corp. (ILDC)  
Buffalo & Erie County Regional Development Corporation (RDC)**

***2025 Mission Statement and Performance Measurements***

***Approval Date of Goals: March 26, 2025***

***Approval Date of Results: Anticipated March 2026***

**Purpose:**

The Public Authorities Law requires public authorities to develop and adopt a mission statement and to develop performance measures to assist them in determining how well they are carrying out their mission. The Authorities Budget Office (ABO) requires that all public authorities utilize the following format to annually review their mission statement and performance measures and publish a measurement report. This report is designed to satisfy these requirements.

Please note: The ECIDA publishes an annual report outlining detailed project information and accomplishments called “Year in Review.” The Year in Review is on the ECIDA’s website at <https://www.ecidany.com> under “About Us” then “Annual Reports”.

**Mission Statement:**

The mission of the Erie County IDA and its affiliates is to provide the resources that encourage investment, innovation, workforce development and international trade resulting in a successful business climate focused on growth, economic stability, job creation and retention for businesses and individuals which improves the quality of life for the residents of the region.

**Performance Goals, Measures & Results:**

***Goal 1: To promote private investment & innovation:***

Objective 1A: ECIDA: Encourage private sector investment by providing incentives and other economic development services to spur eligible development projects.

Measurement: Value of new private investments from tax incentives

Metric: \$ 300 - \$ 325 M in private investment from approved tax incentives.

Results:

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Objective 1B: RDC: Provide “gap financing” to spur the creation of new businesses and private-sector investment in working capital, machinery and equipment.

Measurement: Number of loans, \$ amount of loans and amount of private investment for loans approved

Metric: 8 - 10 business loans totaling \$ 3 M with private investment = \$6 M.

Results:

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Objective 1C: ECIDA & ILDC: Assist non-profit and other eligible borrowers to obtain low-interest, tax-exempt bond financing.

Measurement: Value of private investments from low-interest financing provided to non-profit organizations and qualified private activity bond projects. Continue to monitor NYS Housing and Community Renewal regulations for affordable housing projects that utilize 4% state and federal Low Income Housing Tax Credits(LIHTC) restricting bond activity to only new construction and its impact on this objective.

Metric: 1 -2 tax exempt bonds totaling \$30 M – \$35 M.

Results:

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Objective 1D: ECIDA & ILDC: Pursue state, federal and private (grant) funding opportunities to support priority projects and leverage private investment. Administer projects that have received grant funding.

Measurement: Number and \$ amount of grant applications submitted. Number and \$ amount of grant funds under administration.

Metric: 5-7 grants submitted for \$6M - \$7M. 7-10 grants totaling \$15M under administration.

Results:

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**Goal 2: To support business formation, job growth, and economic expansion targeting economically challenged and disadvantaged communities:**

Objective 2A: ECIDA & ILDC: Support the re-investment in vacant, abandoned, and underutilized buildings.

Measurement: Number and investment value of adaptive re-use building projects

Metric: 3 - 4 adaptive reuse projects approved totaling \$50 - \$75 M.

Results:

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Objective 2B: ECIDA ILDC & RDC: Support the creation and growth of small business, as well as minority-owned, women-owned and service-disabled veteran owned businesses (collectively MWBE/SDVOB).

Measurement: Number and \$ amount of direct assistance through Agency's product offerings to MWBE/SDVOB (i.e. business loans, tax incentives). Procurement goal \$ amount and % spent with MWBE/SDVOB vendors for both operational (ECIDA) and other purchases.

Metric: Direct assistance: \$400,000 direct assistance to 5 – 7 MWBE/SDVOBs.

Purchases: Meet 100% of the following:

- 1) RFPs and/or bids – RFPs and/or bids issued to contain a score category (with a score value = 10%), whereby the MWBE/SDVOB utilization and/or D&I initiatives = 30% of contract total.

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*2) Tracking / Reporting of \$ value of purchases to monitor adherence to 30% MWBE/SDVOB utilization for ECIDA purchases (including but not limited to: office supplies, catering and equipment leasing) as well as for Land Development services: Professional & Construction*

Results:

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Objective 2C: ECIDA, ILDC & RDC: Support diversity, equity & inclusion with a focus on staff development

Measurement: Provide training opportunities re: Racial Equity

Metric: Provide two or more continued educational / training opportunities for staff on DEI

Results:

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Objective 2D: ECIDA: Increase opportunities for minorities and women to experience economic progress through tax incentive programs.

Measurement: Implementation of ECIDA Economic Inclusion PILOT

Metric: 1 – 2 eligible projects (project includes property tax benefit, location reasonably accessible to minority workforce) opt into the program.

Results:

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Objective 2E: ECIDA: Support the creation and retention of jobs at all salary levels.

Measurement: Average \$ of jobs to be retained & created. For informational purposes include salary info re: management, professional, administrative, production, independent contractor and other

Metric: Average salary for retained and created jobs at \$ 50K - \$55K

Results:

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revised 3/13/2025

Objective 2F: ECIDA, RDC & ILDC: Reach out to Erie County businesses to inform them of ECIDA and other business support services available.

Measurement: Number of business outreach attempts (including marketing communication efforts)

Metric: 290 business outreach contacts, 2,000,000 marketing impressions through paid advertising.

Results:

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Objective 2G: ILDC: Support reinvestment in vacant and abandoned brownfield properties for the purpose of creating shovel-ready sites, new investment, and jobs.

Measurement: Number of acres of land redeveloped / in the process of redevelopment and public/private investment amounts

Metric: 350 acres of land under management

Results:

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**Goal 3: To encourage international trade:**

Objective 3A: ECIDA: Promote & support the use of Erie County's foreign trade zone (FTZ) to assist businesses in remaining globally competitive by reducing, eliminating, or deferring import duties.

Measurement: Value of goods moving through FTZ #23 and # of FTZ activated sites

Metric: A total of 6 FTZ sites with goods valued at \$100 M moving through the zone.

Results:

\*(note: due to the timing of the Annual Federal FTZ Reporting (June) – the prior year's results are listed)

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revised 3/13/2025

**Goal 4: Regional & Business Resiliency:**

Objective 4A: ECIDA, RDC, ILDC: Assist businesses throughout Erie County.

Measurement: Provide a roadmap for business resiliency.

Metric: *Convene CEDS Implementation Committee (public & private partners) annually (in Q4) to share and collect data/information regarding the progress of regional goals and accomplishments in economic and community development. Prepare an annual CEDS Performance Report as an addendum to the 2022-2026 CEDS for submission to the EDA.*

Results:

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Objective 4B: ECIDA RDC, ILDC: Support Small Businesses in Erie County Consortium Communities whose owners have low to moderate household incomes.

Measurement: Provide administrative support for the Erie County Microenterprise Loan & other programs funded by Community Development Block Grant funds

Metric: Administer the underwriting process leading to the approval of 6-8 loans for \$200,000, which represents the funds available for lending from the Erie County Microenterprise Loan program. The ECIDA will continue to service, support and market the lending program to the eligible consortium communities.

Results:

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**Goal 5: To safeguard the public’s investment by ensuring compliance and transparency with ECIDA Policies & Procedures, NYS Tax, EDA and ABO requirements:**

Objective 5A: ECIDA: Client compliance with material terms including local labor, employment retention & creation, investment, pay equity and unpaid real property tax policies.

Measurement: Collection and analysis of quarterly employment & local labor reports for all active projects, review of investment verifications, facilitate completion of pay equity audits by Erie County Department of Public Advocacy payments through the Erie County Commissioner of Real Property Services

Metric: 100% compliance

Results:

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Objective 5B: ECIDA: Client compliance with the NYS Sales and Use Tax program.

Measurement: Monitor and review of clients’ ST-340 reporting forms against the amount of the sales tax savings approved by the Board of Directors to ensure that the amount of the sales tax savings that clients report does not exceed the board approved amounts.

Metric: 100% client compliance

Results:

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Objective 5C: ECIDA, RDC & ILDC: Compliance with ABO’s deadlines and regulatory requirements.

Measurement: Timely and accurate filing of the annual PARIS reports, budgets and financial audits

Metric: 100% compliance

Results:

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Objective 5D: ECIDA, RDC & ILDC: Board Member compliance with ABO regulatory requirements.

Measurement: Board completion of the annual Board of Directors Self Evaluation, execution of the Acknowledgement of Fiduciary Duties & Responsibilities forms, and completion of the required ABO board member training

Metric: 100% compliance

Results:

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Objective 5E: ECIDA, ILDC & RDC: Ensure proper controls and safeguards over the financial reporting and assets of the organizations.

Measurement: Annual independent audit reports of all entities.

Metric: Audit opinions and management letter.

Results:

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Objective 5F: RDC: Ensure proper controls and safeguards over the administration of the CARES Act revolving loan fund (RLF).

Measurement: Obtain the highest rating from the U.S. Dept of Commerce: Economic Development Administration (EDA) on the quality / health of the RLF administered by the RDC

Metric: Receive an "A" rating from the EDA.

Results:

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## **Governance Certification**

1. Have the board members acknowledged that they have read and understood the mission of the public authority?

Board of Directors response: Yes

2. Who has the power to appoint the management of the public authority?

Board of Directors response: The Board of Directors

3. If the Board appoints management, do you have a policy you follow when appointing the management of the public authority?

Board of Directors response: The Board has not adopted a written policy. However, the Board follows prudent and reasonable practices to appoint responsible individuals.

4. Briefly describe the role of the Board and the role of management in the implementation of the mission.

Board of Directors response: The role of the Board regarding the implementation of the public authority's mission is to provide strategic guidance, oversight, mission authorization, policy setting and validation of the authority's mission, performance measurements and results. The role of management is to collaborate with the Board in strategy development and to implement established programs, processes, activities and policies to achieve the public authority's mission.

5. Has the Board acknowledged that they have read and understood the responses to each of these questions?

Board of Directors response: Yes

**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
BUFFALO & ERIE COUNTY REGIONAL DEVELOPMENT CORP  
BUFFALO & ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORP**

**2024 ANNUAL REPORT**  
**(For purposes of Section 2800(2) of the Public Authorities Law)**

### **Description of the Agency:**

The Erie County Industrial Development Agency (ECIDA) is a public benefit corporation that provides tax incentives, financing programs, export assistance, land development and other economic development services to the City of Buffalo and Erie County, New York.

ECIDA has two affiliated not-for-profit organizations as follows:

- 1) **Buffalo and Erie County Regional Development Corporation (RDC).** This is a lending corporation that administers two revolving loan funds (RLFs). The first was capitalized by an Economic Development Administration (EDA) grant with matching funds from the City of Buffalo. The EDA released its federal interest in this original ("Legacy") RLF in 2021. The second RLF was capitalized by a 2020 EDA grant as part of the Coronavirus Aid, Relief, and Economic Security (CARES) Act.
- 2) **Buffalo and Erie County Industrial Land Development Corporation (ILDC).** The ILDC takes ownership of distressed properties to remediate and return them to productive use. The ILDC was restructured in 2009 to allow it to issue tax-exempt interest debt on behalf of Erie County to assist local not-for-profit organizations finance development projects at a lower cost. On behalf of Erie County, the ILDC also administers the Erie County Business Development Fund, a micro-loan program funded from HUD Community Development Block Grant sources.

These corporations are related since they are managed by the same personnel. The ECIDA and RDC share the same Board of Directors as their oversight body. The ILDC board is comprised of five members, three of whom are ECIDA Board members. None of these corporations is owned by another corporation.

### **Purpose of the Annual Reports**

As an industrial development agency, ECIDA and its affiliates are required to comply with New York State's Public Authorities Law. Under this Law, the ECIDA and its affiliates are required to submit a comprehensive annual report that includes information on:

1. Operations and accomplishments
2. Financial reports
3. Mission statement and measurements
4. Bonds and notes outstanding
5. Compensation (for those with a salary in excess of \$100,000)
6. Projects undertaken during the year
7. Property Report
8. Code of Ethics
9. An assessment of internal control structure and effectiveness
10. Legislation that forms the statutory basis of the authority

11. Board structure
12. By-Laws
13. Listing of material changes in operations and programs during the reporting year
14. Four-year financial plan
15. Board Performance Evaluations
16. Assets/Services bought or sold without competitive bidding
17. Description of material pending litigation

In compliance with the Public Authorities Law, the following required information is presented for the fiscal year ended December 31, 2024.

### **1. Operations & Accomplishments:**

A report on the 2024 operations and accomplishments of the ECIDA and its affiliates is posted on the ECIDA's website at <http://www.ecidany.com/about-us/corporate-reports>.

### **2. Financial Reports:**

#### **i) Audited Financial Statements:**

The audited financial statements for the ECIDA and its affiliates are posted on the ECIDA's website at <http://www.ecidany.com/about-us/corporate-reports> while the financial statement certification is included on page 9.

The financial statements are audited on an annual basis by independent auditors, Lumsden McCormick, LLP. In their opinion, the financial statements present fairly, in all material respects, the financial position of the ECIDA and its affiliates as of December 31, 2024, and the changes in financial position and cash flows for the year then ended in conformity with accounting principles generally accepted in the United States of America.

#### **ii) Grants & Subsidy Programs:**

The ECIDA and its affiliates are recipients of various pass-through Federal, State and local grant programs that are utilized for land development, loan, and other economic development programs. Details of the various grants are outlined in the notes to the audited financial statements.

In accomplishing its mission, ECIDA does not receive any operational funding or subsidies from Federal, State, County or local sources. Instead, ECIDA relies primarily upon administrative fees charged to those businesses that utilize its products and services.

#### **iii) Operating & Financial Risks:**

The following outline some of the operating and financial risks that impact the ECIDA and its affiliates:

- New York State Legislation – The New York State Legislature can impose various restrictions on the ability of Industrial Development Agencies to provide tax incentives which could significantly impact the revenue of the ECIDA.

- Collectability of loans receivable – The RDC and ILDC operate various revolving loan programs and as such their financial results are impacted by the collectability of the related loans.
- Litigation – To provide various tax incentives or grants, ECIDA takes a leasehold or ownership interest in various properties and is at times brought into various lawsuits that could impact ECIDA’s financial results or affect insurability.
- Regulations – The ECIDA, RDC and ILDC are subject to various regulations including those imposed by the NYS Authorities Budget Office and the Federal Economic Development Administration. These regulations may increase the cost of compliance or impact the financial position of the Agency.
- Local economic conditions – Since ECIDA relies upon fees generated from various projects that it assists, a reduction in the number and/or size of those projects would significantly impact the Agency’s revenues.

The ECIDA mitigates a portion of the above risks through prudent financial management, external legal guidance and comprehensive insurance coverage.

**iv) Current bond ratings:**

The ECIDA and ILDC act as conduits for tax-exempt bond financings by various not-for-profit and other eligible borrowers. As conduit bond issuers, ECIDA and ILDC do not issue bonds on their own behalf and therefore are not rated by municipal bond rating agencies.

**v) Long-term liabilities including leases and employee benefit plans:**

The ECIDA has long-term liabilities that are recorded on its financial statements related to funds held on behalf of others under certain fiduciary arrangements as outlined in the notes to the ECIDA audited financial statements. ECIDA does not have any long-term liabilities under employee benefit plans as ECIDA employees are not covered by any defined benefit pension plans or provided with any post-retirement benefits.

The ECIDA (as lessee) has a lease for its office space and three minor long-term leases for office equipment. The office lease is recognized as a right-to-use lease asset and lease liability in the audited financial statements.

**3. Mission Statement & Performance Measurements:**

The ECIDA’s Mission Statement & Measurements Report for 2024 is included in Attachment 1. This document was reviewed and approved by the Board at the March 27, 2024 Board meeting.

**4. Schedule of Bonds and Notes Outstanding:**

Attachment 2 summarizes ECIDA’s and ILDC’s bonds and notes outstanding at December 31, 2024. The indebtedness shown on these schedules is conduit debt and is not an obligation of ECIDA, ILDC, Erie County or New York State. Neither the ECIDA nor the ILDC records the assets or liabilities resulting from completed bond and note

issues in their accounts since their primary function is to facilitate the financing between the borrowing companies and the bond and note holders.

**5. Compensation Schedule:**

See Attachment 3 for a list of ECIDA employees who had a salary exceeding \$100,000 during 2024. Attachment 3A is a summary of benefits provided to those staff as per the New York State Public Authorities Reporting Information System (PARIS). Biographies for these individuals are posted on the ECIDA website at <http://www.ecidany.com/staff-directory>. Salaries and benefit information for other ECIDA staff are also reported under the PARIS system.

None of the directors of ECIDA or its affiliates receive any compensation for their services as directors. None of the officers of ECIDA or its affiliates receive any compensation for their services as officers beyond their compensation as employees. None of the ECIDA affiliates had any employees during 2024.

**6. Projects Undertaken by the Corporation during 2024:**

Attachment 4 details the tax-exempt bonds and tax abatements that were approved during 2024. Attachments 4A and 4B detail the loans that were funded in 2024 by the RDC and ILDC, respectively.

**7. Listing of Certain Property of the Corporation:**

Attachment 5 provides information regarding the real property holdings of the ECIDA and its affiliates. This listing excludes the hundreds of properties in which the ECIDA has technical title in order to convey certain tax or other benefits. The properties presented are those where the ECIDA and its affiliates have “real” beneficial ownership.

**8. Code of Ethics:**

The Corporation’s Code of Ethics is posted on the ECIDA’s website at <http://www.ecidany.com/about-us-corporate-policies>.

**9. Assessment of the Effectiveness of Internal Control Structure and Procedures:**

Management’s Assessment of the Effectiveness of Internal Controls of the ECIDA, RDC and ILDC is posted on the ECIDA’s website at <https://www.ecidany.com/about-us-corporate-reports>.

The ECIDA, RDC and ILDC’s independent auditors have conducted an audit of the internal control over financial reporting and their report is included in the audited financial statements posted on the ECIDA’s website at <https://www.ecidany.com/about-us-corporate-reports>.

**10. Legislation that forms the Statutory Basis of the Authority:**

## ECIDA

Industrial development agencies (“IDAs”) are formed under Article 18-A of New York State General Municipal Law, as public benefit corporations. IDAs were created to actively promote, encourage, attract and develop job and recreational opportunities and economically-sound commerce and industry in cities, towns, villages and counties throughout New York State (the “State”). IDAs are empowered to provide financial assistance to private entities through tax incentives in order to promote the economic welfare, prosperity and recreational opportunities for residents of a municipality (“Benefited Municipality”).

Section 891a of the General Municipal Law outlines the composition of the Erie County IDA membership and additional powers granted to the ECIDA. A copy of this specific legislation can be found at the following address:

[http://public.leginfo.state.ny.us/LAWSSEAF.cgi?QUERYTYPE=LAWS+&QUERYDATA=\\$\\$GMU891-A\\$\\$@TXGMU0891-A+&LIST=LAW+&BROWSER=EXPLORER+&TOKEN=35134270+&TARGET=VIEW](http://public.leginfo.state.ny.us/LAWSSEAF.cgi?QUERYTYPE=LAWS+&QUERYDATA=$$GMU891-A$$@TXGMU0891-A+&LIST=LAW+&BROWSER=EXPLORER+&TOKEN=35134270+&TARGET=VIEW)

## RDC & ILDC

The RDC & ILDC are local development corporations which are formed and empowered to conduct certain projects pursuant to Not-For-Profit Corporation Law §1411. Distinguished from IDAs (which exist as public benefit corporations), LDCs are established as charitable corporations that are empowered to construct, acquire, rehabilitate and improve for use by others, industrial or manufacturing plants in the territory in which its operations are principally to be conducted (“Benefited Territory”) and to make loans. LDCs can provide financial assistance for the construction, acquisition, rehabilitation, improvement and maintenance of facilities for others in its Benefited Territory. Specific LDC powers include the ability to: (i) disseminate information and furnish advice, technical assistance and liaison services to Federal, State and local authorities; (ii) to acquire by purchase, lease, gift, bequest, devise or otherwise, real or personal property; and (iii) to borrow money and to issue negotiable bonds, notes and other obligations. LDCs are empowered to sell, lease, mortgage or otherwise dispose of or encumber facilities or any real or personal property or any interest therein.

A copy of this specific legislation can be found at the following address:

[http://public.leginfo.state.ny.us/LAWSSEAF.cgi?QUERYTYPE=LAWS+&QUERYDATA=\\$\\$NPC1411\\$\\$@TXNPC01411+&LIST=LAW+&BROWSER=EXPLORER+&TOKEN=35134270+&TARGET=VIEW](http://public.leginfo.state.ny.us/LAWSSEAF.cgi?QUERYTYPE=LAWS+&QUERYDATA=$$NPC1411$$@TXNPC01411+&LIST=LAW+&BROWSER=EXPLORER+&TOKEN=35134270+&TARGET=VIEW)

## **11. Description of the Authority and its Board Structure:**

### **i) Names of Committees and Committee Members:**

The ECIDA and its affiliates operate several committees as outlined on the ECIDA website at <http://www.ecidany.com/about-us-board-committees>. Attachment 6 outlines the committee members.

**ii) Lists of Board Meetings & Attendance:**

A list of the various Board meetings and Board attendance is outlined on Attachment 7.

**iii) Description of major authority units, subsidiaries:**

The ECIDA and its affiliates do not have any subsidiaries.

**iv) Number of Employees:**

The ECIDA had 18 full-time employees during 2024.

**v) Organizational Chart:**

The ECIDA's organizational chart is posted on the ECIDA's website at: [https://www.ecidany.com/documents/Press\\_Room\\_Organizational%20Chart%20-%20as%20of%20June%202019.pdf](https://www.ecidany.com/documents/Press_Room_Organizational%20Chart%20-%20as%20of%20June%202019.pdf)

**12. Bylaws:**

The Bylaws for the ECIDA and its affiliates are posted on the ECIDA's website at <http://www.ecidany.com/about-us-corporate-policies>.

**13. Listing of Material Changes in Operations and Programs:**

ECIDA, through its development arm ILDC, continued its redevelopment work at Renaissance Commerce Park with the sale of a parcel to Sucro Sourcing, who plans to build a new warehouse on the site in 2025. Additionally, Uniland Development completed and opened their second industrial warehouse, logistics and light manufacturing space with 60% of the building already leased creating dozens of new jobs on the site. On the horizon is the development of a light manufacturing space just south of the Dona St. extension headed by J.G. Petrucci Company, Inc. who was chosen as the designated developer for the project through an RFP process late in 2024. Infrastructure work at the site remains a top priority for redevelopment. In 2024 a new water and sewer line was completed on the north end of the property and design and engineering continued for two new roads (Odell St. and Ridge Rd.). Significant design and engineering for the WYE Yard Rail Relocation Project was also completed, which will open up a 40-acre parcel for redevelopment on the site. The WYE Yard project received a grant from New York State for \$1,750,000 to help with the construction phase of the project slated for 2025.

The ILDC's work on the redevelopment of the Erie County Agribusiness Park entered a new stage in 2024 with the completion and approval of the site's master plan and Generic Environmental Impact Statement. Upon completion of the master plan the ILDC began infrastructure work on the site with the hiring of LiRo Engineers to conduct the design and engineering of the access road project for the property, including the demolition of

three small metal buildings on the site to make way for the road. The ILDC also started the marketing of the property by designing and integrating a logo for the park.

The RDC continued to operate two revolving loan funds (RLFs) in 2024, providing favorable terms to businesses who may not qualify for traditional lending from banks. By the end of 2024, the funds available for lending from the RLFs accelerated to approximately \$6,000,000, primarily due to several larger loans paying off early. During 2024, the RDC officially introduced its line of credit (LOC) product to businesses located in Erie County and approved one LOC to a minority contractor. Due to the closure of the Sumitomo Rubber Company that caused over 1,500 employees to be displaced, the RDC Board approved a new loan program that offers special lending terms to assist former Sumitomo employees with low-cost capital to start their own businesses.

The ECIDA Board approved 7 tax incentive projects with total private investment of over \$314,000,000 expected. 2 of these projects opted into the Economic Inclusion Program (EIP) PILOT, which is designed to increase MWBE contract and hiring opportunities on projects that receive ECIDA PILOT benefits.

#### **14. Four-Year Financial Plan:**

A copy of the four-year financial plan is posted on the ECIDA's website at <https://www.ecidany.com/about-us-corporate-reports>.

#### **15. Board Performance Evaluations:**

The ECIDA, RDC and ILDC Boards of Directors conducted a Board Performance Evaluation in 2024 and forwarded the results to the Authorities Budget Office. The surveys are not subject to disclosure under article six of Public Officers Law.

#### **16. Assets/Services bought or sold without competitive bidding:**

Attachments 8, 8A, and 8B are Procurement Reports that are filed using PARIS for the ECIDA, RDC, and ILDC respectively. These reports outline the assets and services purchased through competitive and non-competitive bidding for all procurements in excess of \$5,000.

#### **17. Description of material pending litigation:**

The audited financial statements for the ECIDA, RDC, and ILDC outline any material pending litigation. The audited financial statements are posted on the ECIDA's website at <http://www.ecidany.com/about-us-corporate-reports>.

## **Certification Pursuant to Section 2800(3) of the Public Authorities Law**

Pursuant to Section 2800 (3) of the Public Authorities Law, each of the undersigned officers of Erie County Industrial Development Agency, Buffalo and Erie County Regional Development Corporation, and the Buffalo and Erie County Industrial Land Development Corporation does hereby certify with respect to the annual financial report of the Corporation (the "Annual Financial Report") posted on the ECIDA's website at <http://www.ecidany.com/about-us-corporate-reports> that based on the officer's knowledge:

1. The information provided in the Annual Financial Report is accurate, correct and does not contain any untrue statement of material fact;
2. Does not omit any material fact which, if omitted, would cause the financial statements contained in the Annual Financial Report to be misleading in light of the circumstances under which such statements are made; and
3. Fairly presents in all material respects the financial condition and results of operations of the Corporation as of, and for, the periods presented in such financial statements.

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John Cappellino  
President & CEO

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Mollie Profie  
Vice President/CFO

Attachment 1

2024 Mission Statement and Performance Measures with Results

is included elsewhere in this package and not repeated to reduce size.

ECIDA Bonds

ATTACHMENT 2

| Id    | Trustee                               | ProjectName  | Bond Amount   | Year Start Balance 2024 | Year End Balance 2024 | Principal Paid 2024 | Interest Rate | Bond/Loan Number          | Bond Maturity |
|-------|---------------------------------------|--|---------------|-------------------------|-----------------------|---------------------|---------------|---------------------------|---------------|
| 2360  | New York Housing Finance Agency       | 2009 Shoreline Apartments LLC  | \$9,000,000   | \$ 1,044,869            | \$ 989,912            | \$ 54,957           | 0.055         | 5003                      | 11/30/41      |
| 2516  | Bank of New York Mellon               | Our Lady of Victory Renaissance Corporation  | \$11,860,000  | \$ 6,275,000            | \$ 5,715,000          | \$ 560,000          | Variable      |                           | 4/1/32        |
| 2591  | M&T Bank                              | Canisius High School   | \$22,250,000  | \$ 9,475,000            | \$ 8,765,000          | \$ 710,000          | var           | 1012768                   | 2/1/38        |
| 10194 | M&T Bank                              | Joint Schools Construction Board 2013 Refund of 2009A Bonds                                | \$62,540,000  | \$ 59,935,000           | \$ -                  | \$ 59,935,000       | var           | 254                       | 5/1/28        |
| 10291 | M&T Bank                              | Joint Schools Construction Board (Refund of 2007A & 2008A bonds) - Series 2015A            | \$236,975,000 | \$ 120,385,000          | \$ 98,785,000         | \$ 21,600,000       | var.          | H378                      | 2029          |
| 10342 | M&T Bank                              | Joint Schools Construction Board Series 2016A (Refund of 2009A Bonds)                      | \$133,580,000 | \$ 84,405,000           | \$ 67,725,000         | \$ 16,680,000       | 2.17          | 118534-000                | 2031          |
| 10404 | Zions Bancorporation                  | Marina Vista   | \$13,300,000  | \$ 12,571,935           | \$ 12,368,666         | \$ 203,268          | fixed         | CPC7068801, 7916          | 1/1/37        |
| 10504 | U.S. Bank National Association        | Related Affordable/Elmwood Square Apartments   | \$8,590,000   | \$ 8,534,149.62         | \$ 8,396,281          | \$ 137,869          | 1.846%, Fixed | 234450000                 | 2038          |
| 10621 | M&T Bank                              | Joint Schools Construction Board/City School District of the City of Buffalo -2021 series  | \$109,135,000 | \$ 95,955,000           | \$ 80,320,000         | \$ 15,635,000       | Fixed         | 21A & 21B                 | 2032          |
| 10730 | M&T Bank                              | Joint Schools Construction Board/City School District of the City of Buffalo - 2022 series | \$71,150,000  | \$ 51,945,000           | \$ 33,225,000         | \$ 18,720,000       | Fixed         | 156152-000                | 2026          |
| 10758 | Huntington National Bank              | OAHS Tonawanda TC, LLC (Tonawanda Towers)  | \$ 11,090,000 | \$ 11,090,000           | \$ 11,090,000         | \$ -                | Fixed         | Account number 5082001861 | 10/1/2062     |
| 10764 | Wilmington Trust National Association | Ellicott Park Townhomes Community Partners, LP   | \$33,000,000  | \$ 32,935,000           | \$ 32,765,000         | \$ 170,000          | 5.45% fixed   | 161477-000                | 4/1/2067      |
| 10809 | U.S. Bank National Association        | Westchester Park Perservation LP   | \$22,310,000  | \$ 22,310,000           | \$ 22,200,000         | \$ 110,000          | 4.23% fixed   | 248174000                 | 2041          |
| 10813 | M&T Bank                              | Joint Schools Construction Board/City School District of the City of Buffalo - 2023A       | \$57,270,000  | \$ 57,270,000           | \$ 57,270,000         | \$ -                | 5.0% fixed    | 166740-000                | 2028          |
|       |                                       |  |               | \$ 574,130,953          | \$ 439,614,859        |                     |               |                           |               |

ILDC Bonds

ATTACHMENT 2

| ID    | Bank                         | Project Name   | ADDF | Total Amount      | Year Start Balance 2021 | Year End Balance 2021 | YTD Total Paid 2021 | Interest Rate                                  | Loan Number             |
|-------|------------------------------|--|------|-------------------|-------------------------|-----------------------|---------------------|--|-------------------------|
| 2758  | UMB Bank                     | Enterprise Charter School  | No   | \$7,345,000.00    | \$5,895,000.00          | \$5,715,000.00        | \$180,000.00        | 7.5  | 1032851                 |
| 10111 | M&T Bank                     | Cantalcian Center for Learning-Series A  | No   | \$9,525,000       | \$4,440,000             | \$3,955,833.00        | \$484,167.00        | var.   | 1034105                 |
| 10278 | The Bank of New York Mellon  | Catholic Health System   | No   | \$93,800,000      | \$68,500,000.00         | \$63,795,000.00       | \$4,705,000.00      | 5  |                         |
| 10290 | The Bank of New York Mellon  | Orchard Park CCRC, Inc. a/k/a Fox Run  | No   | \$44,490,000      | \$34,055,000            | \$32,485,000.00       | \$1,570,000.00      | 1-5%   | ORCHRD PARK15           |
| 10296 | M&T Bank                     | Canisius College of Buffalo, New York - Refund of 2004-2005 DASNY Bonds - Series 2015A | No   | \$30,760,000.00   | \$18,865,000.00         | \$17,865,000.00       | \$1,000,000.00      | Bank Purchase Rate: 5.1780%                    | 3233822                 |
| 10296 | M&T Bank                     | Canisius College of Buffalo, New York - Refund of 2004-2005 DASNY Bonds - Series 2015B | No   | \$16,195,000.00   | \$16,195,000.00         | \$16,195,000.00       | \$0.00              | Bank Purchase Rate: 5.2756%                    | 3233830                 |
| 10338 | M&T Bank                     | 854 Ellicott Street, LLC   | No   | \$44,328,500      | \$39,055,046.90         | \$38,054,669.90       | \$1,000,377.00      | 2.95   | 99-6641368-3            |
| 10371 | M&T Bank                     | Tapestry Charter School  | No   | \$33,900,000.00   | \$31,645,000.00         | \$31,115,000.00       | \$530,000.00        | Series A - 3.875% & 5.00%<br>Series B - 6.00 % | 123350-000 & 123351-000 |
| 10375 | U.S. Bank                    | Charter School for Applied Technologies  | No   | \$22,995,000.00   | \$17,285,000.00         | \$16,180,000.00       | \$1,105,000.00      | Varies: 4.25%-5.00%                            | 220612000               |
| 10399 | Wilmington Trust             | Global Concepts Charter School   | No   | \$6,185,000.00    | \$5,045,000.00          | \$4,785,000.00        | \$260,000.00        | 4 & 5%   | 131876-000              |
| 10470 | U.S. Bank                    | D'Youville College   | No   | \$48,205,000.00   | \$45,615,000.00         | \$44,675,000.00       | \$940,000.00        | Variable                                       | 234594000               |
| 10713 | Key Government Finance, Inc. | 134 High Street, LLC, Series 2022  |      | \$19,635,847.21   | \$18,269,755.69         | \$17,494,290.11       | \$775,465.58        | 2.92%  | 2002880080              |
| 10827 | D'Youville University        |  | No   | \$44,935,000.00   |                         | \$44,935,000.00       |                     | 8.38%  |                         |
|       |                              |  |      | \$ 422,299,347.21 | \$ 304,864,802.59       | \$ 337,249,793.01     |                     |  |                         |

**Erie County Industrial Development Agency  
 Compensation Schedule  
 Year Ended: December 31, 2024**

The following employees had a base salary greater than \$100,000 in 2024:

| Name              | Title                            | Salary     | Performance Compensation | Payroll Taxes* | Benefits | Total      |
|-------------------|----------------------------------|------------|--------------------------|----------------|----------|------------|
| John Cappellino   | President & CEO                  | \$ 205,000 | -                        | 13,762         | 43,232   | \$ 261,994 |
| Elizabeth O'Keefe | Vice President - Operations      | \$ 124,800 | -                        | 9,883          | 24,650   | \$ 159,333 |
| Mollie Profic     | Vice President & CFO             | \$ 120,229 | -                        | 9,534          | 40,941   | \$ 170,704 |
| Grant Lesswing    | Director of Business Development | \$ 111,095 | -                        | 8,835          | 31,788   | \$ 151,718 |

\* Represents Employer's Share of FICA taxes (Social Security & Medicare) & NYS Unemployment Insurance taxes

ATTACHMENT 3A



Annual Report for Erie County Industrial Development Agency

Fiscal Year Ending: 12/31/2024

Run Date: 03/12/2025  
 Status: UNSUBMITTED  
 Certified Date: N/A

| Name                 | Title              | Severance Package | Payment For Unused Leave | Club Memberships | Use of Corporate Credit Cards | Personal Loans | Auto | Transportation Allowance | Housing Allowance | Spousal / Life Insurance | Tuition Assistance | Multi-Year Employment | None of these benefits | Other |
|----------------------|--------------------|-------------------|--------------------------|------------------|-------------------------------|----------------|------|--------------------------|-------------------|--------------------------|--------------------|-----------------------|------------------------|-------|
| Nellis, Glenn        | Board of Directors |                   |                          |                  |                               |                |      |                          |                   |                          |                    |                       | X                      |       |
| Nowak, Brian         | Board of Directors |                   |                          |                  |                               |                |      |                          |                   |                          |                    |                       | X                      |       |
| Poloncarz, Mark      | Board of Directors |                   |                          |                  |                               |                |      |                          |                   |                          |                    |                       | X                      |       |
| Scanlon, Christopher | Board of Directors |                   |                          |                  |                               |                |      |                          |                   |                          |                    |                       | X                      |       |
| Schoetz, Kenneth     | Board of Directors |                   |                          |                  |                               |                |      |                          |                   |                          |                    |                       | X                      |       |
| Vacant               | Board of Directors |                   |                          |                  |                               |                |      |                          |                   |                          |                    |                       | X                      |       |

| Staff Name         | Title                                    | Severance Package | Payment For Unused Leave | Club Memberships | Use of Corporate Credit Cards | Personal Loans | Auto | Transportation Allowance | Housing Allowance | Spousal / Life Insurance | Tuition Assistance | Multi-Year Employment | None of these benefits | Other |
|--------------------|--|-------------------|--------------------------|------------------|-------------------------------|----------------|------|--------------------------|-------------------|--------------------------|--------------------|-----------------------|------------------------|-------|
| Cappellino, John   | President & CEO                          |                   |                          |                  |                               |                |      |                          |                   |                          |                    |                       | X                      |       |
| Lesswing, Grant    | Director of Business Development         |                   |                          |                  |                               |                |      |                          |                   |                          |                    |                       | X                      |       |
| O'Keefe, Elizabeth | Vice President of Operations             |                   |                          |                  |                               |                |      |                          |                   |                          |                    |                       | X                      |       |
| Profic, Mollie     | Vice President & Chief Financial Officer |                   |                          |                  |                               |                |      |                          |                   |                          |                    |                       | X                      |       |

**Erie County Industrial Development Agency**

Projects Undertaken by the Corporation

Year Ended: December 31, 2024

| Company                             | Projected<br>Year 2<br>Jobs | Net Jobs<br>Projected to<br>be Created | Lease Project<br>Amount | Tax Exempt<br>Bond Amount | Date Approved |
|-------------------------------------|-----------------------------|--|-------------------------|---------------------------|---------------|
| 1 Upstate Niagara Cooperative, Inc. | 370                         | 130                                    | \$ 150,000,000          |                           | 9/25/2024     |
| 2 3200 Clinton Street, LLC          | 55                          | 55                                     | 46,530,000              |                           | 8/28/2024     |
| 3 Laborers Way 1*                   | 37                          | 37                                     | \$ 45,290,000           |                           | 9/25/2024     |
| 4 BPS Commissary Kitchen*           | 41                          | 8                                      | 34,135,084              |                           | 3/27/2024     |
| 5 SL Evans                          | 0                           | 0                                      | 20,769,000              |                           | 3/27/2024     |
| 6 Pfannenberg, Inc.                 | 147                         | 24                                     | 11,500,000              |                           | 12/18/2024    |
| 7 Hanes Supply, Inc.                | 100                         | 13                                     | 6,000,000               |                           | 10/23/2024    |
| <b>Total:</b>                       | <b>749</b>                  | <b>266</b>                             | <b>\$ 314,224,084</b>   | <b>\$ -</b>               |               |

\*Indicates an amendatory project.



**Buffalo & Erie County Industrial Land Development Corporation**

Projects Undertaken by the Corporation (Loans)

Year Ended: December 31, 2024

| <u>Company</u>                                  | <u>Loan Amount</u> | <u>Date Closed</u> |
|---|--------------------|--------------------|
| 1 Todd Rosser d/b/a Rosser's Ridge Maple & More | \$ 35,000          | 3/6/2024           |
| Total   | <u>\$ 35,000</u>   |                    |

**Erie County Industrial Development Agency**  
 Property Report  
 Year Ended: December 31, 2024

Table 1. The following is a listing of all real property owned by the ECIDA and its affiliates at December 31, 2024.

| Owner | Address and Location of Property                                   | Full Description of Property                       | Estimated FMV of Property* |
|-------|--|--|----------------------------|
| ECIDA | Gateway Trade Center - N.W. Hamburg Turnpike, Lackawanna, NY 14218 | Commercial warehouse                               | \$ 1,215,000               |
| ECIDA | 143 Genesee Street, Buffalo, NY 14203                              | 12,803 square foot office facility                 | 1,852,033                  |
| ILDC  | 3445 River Road, Tonawanda, NY 14150                               | Vacant land  | 20,000                     |
| ILDC  | 1526 Eden Evans Center Road, Evans, NY 14006                       | 237.99 acres of land w/4 commercial buildings      | 703,506                    |
| ILDC  | 2303 Hamburg Turnpike, Lackawanna, NY 14218                        | 142.91 acres of vacant land w/19,368 s.f. building | \$ 1,120,331               |

Table 2. The following is a listing of personal property (with a fair market value ("FMV") in excess of \$5,000) and all real property that was disposed of during 2024.

| Owner | Address and Location of Property                    | Full Description of Property            | Estimated FMV* of Property | Name & Address of Purchaser  | Date of Sale | Price Received |
|-------|---|---|----------------------------|--|--------------|----------------|
| ILDC  | Part of 2303 Hamburg Turnpike, Lackawanna, NY 14218 | 9.98 acres of vacant land (Parcel I-10) | \$ 499,000                 | Sucro Real Estate NY, LLC<br>2020 Ponce de Leon Blvd, Ste 1204<br>Coral Gables, FL 33134 | 12/17/2024   | \$548,900      |

Table 3. The following is a listing of all real property that was acquired during 2024.

| Owner | Address and Location of Property | Full Description of Property | Estimated FMV* of Property | Name & Address of Seller | Date of Purchase | Price Paid |
|-------|----------------------------------|------------------------------|----------------------------|--------------------------|------------------|------------|
|       |                                  |                              |                            |                          |                  |            |

Please note that the above listing excludes the hundreds of properties in which the ECIDA has technical title in order to convey certain tax or other benefits. The properties presented are those where the ECIDA has "real" beneficial ownership.

\* Based on assessed value (adjusted for tax equalization rate if applicable) or appraisal, if available.

**ECIDA/RDC/ILDC Board Committees  
(As of 12/31/24)**

**Attachment #6**

Key: E= ECIDA, R=RDC, I=ILDC

| Name                | Executive | Governance | Compensation | Finance & Audit | Nominating | Policy | Loan | Loan Write-Off |
|---------------------|-----------|------------|--------------|-----------------|------------|--------|------|----------------|
| Denise Abbott       |           |            |              |                 |            |        |      |                |
| Thomas Baines*      |           | ERI        |              |                 |            | ER     | ER   |                |
| April Baskin *      |           |            |              |                 |            |        |      |                |
| A.J. Baynes *       |           |            |              |                 |            | ER     |      |                |
| Penny Beckwith*     |           |            |              |                 |            | ER     |      |                |
| Mark Blue           |           |            | E            | ERI             |            |        |      | ERI            |
| Patrick Boyle       |           |            |              |                 |            | ER     |      |                |
| Allison DeHonney*   |           |            |              | ERI             |            |        |      |                |
| Thomas Emmerling    |           |            |              | ERI             |            |        |      |                |
| Joseph Emminger     | ER        |            |              | ERI             |            |        |      |                |
| Zachary Evans*      |           | ERI        |              |                 | ERI        |        | ER   |                |
| Dottie Gallagher    |           |            |              |                 |            | ER     |      |                |
| Rebecca Gandour*    |           |            | E            |                 |            |        |      |                |
| Hon. John Gilmour   |           | ERI        |              |                 |            |        | ER   |                |
| Tyra Johnson-Hux    |           | ERI        |              |                 |            |        |      |                |
| Gregory Inglut*     |           |            |              |                 |            |        |      | ERI            |
| Brian Kulpa         |           | ERI        |              |                 |            | ER     |      |                |
| Nancy LaTulip*      |           |            |              |                 |            |        |      |                |
| Richard Lipsitz     | ER        |            |              |                 |            |        | ER   |                |
| Dr. Susan McCartney |           |            | E            |                 | ERI        | ER     |      |                |
| Brenda McDuffie     | ER        | ERI        | E            |                 |            | ER     |      |                |
| David McKinley*     |           |            |              |                 |            | ER     |      |                |
| Glenn Nellis        | ER        |            |              | ERI             |            |        | ER   |                |
| Brian Nowak         |           |            |              | ERI             |            |        |      |                |
| Mark Poloncarz      | ER        |            | E            |                 |            |        |      | ERI            |
| Kenneth Schoetz     | ER        | ERI        | E            |                 | ERI        |        |      |                |
| Laura Smith*        |           |            |              |                 | ERI        |        |      | ERI            |
| David State*        |           | ERI        |              |                 |            | ER     |      |                |
| Christopher Scanlon | ER        | ERI        |              |                 |            | ER     |      |                |
| Lavon Stephens*     |           |            |              |                 |            |        |      |                |
| Michael Szukala*    |           |            |              |                 |            | ER     |      |                |
| Michael Taylor*     |           |            |              | ERI             |            |        | ER   |                |

ECIDA/RDC/ILDC Board Committees  
(As of 12/31/24)

Attachment #6

Key: E= ECIDA, R=RDC, I=ILDC

| Name               | Executive | Governance | Compensation | Finance & Audit | Nominating | Policy | Loan | Loan Write-Off |
|--------------------|-----------|------------|--------------|-----------------|------------|--------|------|----------------|
| William Witzleben* |           |            |              | ERI             |            |        |      | ERI            |
| Royce Woods*       |           |            |              |                 |            |        | ER   |                |

\* Non-Board members

2024 ECIDA AND AFFILIATES BOARD MEMBER MEETING LIST

Attachment #7

X = ATTENDED

| Board | Member                    | Jan        | Feb        | Mar | Apr        | May | Jun | Jul        | Aug | Sep | Oct      | Nov        | Dec      | Notes   |
|-------|---------------------------|------------|------------|-----|------------|-----|-----|------------|-----|-----|----------|------------|----------|---|
| ECIDA | Denise Abbott             | No Meeting | No Meeting | X   | No Meeting | X   |     | No Meeting | X   | X   | 10/23/24 | No Meeting | 12/18/24 |   |
|       | Rev. Mark Blue            |            |            | X   |            |     | X   |            | X   | X   |          |            | X        |   |
|       | Patrick Boyle             |            |            |     |            |     | X   |            | X   | X   |          |            | X        |   |
|       | Hon. Byron Brown          |            |            |     |            | X   |     |            |     | X   |          |            | X        | Term Begin: 6/26/2024<br>Term End: 10/14/2024   |
|       | James Doherty             |            |            |     |            |     | X   |            |     |     |          |            |          |   |
|       | Thomas Emmerling          |            |            |     |            |     |     |            |     |     |          |            |          |   |
|       | Hon. Joseph Emminger      |            |            | X   |            | X   |     |            | X   | X   |          |            |          | Term Begin: 8/28/2024   |
|       | Dottie Gallagher          |            |            | X   |            |     |     |            |     |     |          |            |          |   |
|       | Hon. John Gilmour         |            |            |     |            |     |     |            |     |     |          |            |          |   |
|       | Michael Hughes            |            |            | X   |            |     |     |            | X   | X   |          |            | X        | Term Begin: 9/25/2024; Term End: 12/31/2024   |
|       | Hon. Howard Johnson       |            |            | X   |            |     | X   |            | X   | X   |          |            | X        | Term End: 12/31/2024  |
|       | Tyra Johnson              |            |            | X   |            |     | X   |            |     |     |          |            |          | Term End: 7/5/2024  |
|       | Hon. Brian Kulpa          |            |            | X   |            |     | X   |            | X   | X   |          |            | X        |   |
|       | Richard Lipsitz Jr.       |            |            | X   |            |     | X   |            | X   | X   |          |            | X        |   |
|       | Denise McCowan            |            |            | X   |            |     | X   |            | X   | X   |          |            | X        |   |
|       | Brenda McDuffie           |            |            | X   |            |     | X   |            | X   | X   |          |            | X        | Term End: 5/31/2024   |
|       | Hon. Glenn Nellis         |            |            | X   |            |     | X   |            | X   | X   |          |            | X        |   |
|       | Hon. Brian Nowak          |            |            | X   |            |     | X   |            | X   | X   |          |            | X        |   |
|       | Hon. Mark Poloncarz       |            |            | X   |            |     | X   |            | X   | X   |          |            | X        | Term Begin: 1/1/2024  |
|       | Hon. Christopher Scantlon |            |            |     |            |     |     |            |     |     |          |            |          | Term Begin: 1/27/2024; Hon. Scantlon was elected Council President on January 2, 2024, and served until becoming Interim Mayor on October 15, 2024. |
|       | Kenneth Schoetz           |            |            | X   |            |     | X   |            | X   | X   |          |            |          |   |
|       | Paul Vukelic              |            |            | X   |            |     | X   |            | X   | X   |          |            | X        | Term End: 7/31/2024   |
| Board | Member                    | Jan        | Feb        | Mar | Apr        | May | Jun | Jul        | Aug | Sep | Oct      | Nov        | Dec      | Notes   |
| RDC   | Denise Abbott             | No Meeting | No Meeting | X   | No Meeting | X   |     | No Meeting | X   | X   | 10/23/24 | No Meeting | 12/18/24 |   |
|       | Rev. Mark Blue            |            |            | X   |            |     |     |            | X   | X   |          |            | X        |   |
|       | Patrick Boyle             |            |            |     |            |     |     |            | X   | X   |          |            | X        |   |
|       | Hon. Byron Brown          |            |            |     |            | X   |     |            |     | X   |          |            | X        | Term Begin: 6/26/2024<br>Term End: 10/14/2024   |
|       | James Doherty             |            |            |     |            |     |     |            |     |     |          |            |          |   |
|       | Thomas Emmerling          |            |            |     |            |     |     |            |     |     |          |            |          |   |
|       | Hon. Joseph Emminger      |            |            | X   |            | X   |     |            | X   | X   |          |            |          | Term Begin: 8/28/2024   |
|       | Dottie Gallagher          |            |            | X   |            |     |     |            |     |     |          |            |          |   |
|       | Hon. John Gilmour         |            |            |     |            |     |     |            |     |     |          |            |          |   |
|       | Michael Hughes            |            |            | X   |            |     |     |            | X   | X   |          |            | X        | Term Begin: 9/25/2024; Term End: 12/31/2024   |
|       | Hon. Howard Johnson       |            |            | X   |            |     | X   |            | X   | X   |          |            | X        | Term End: 12/31/2024  |
|       | Tyra Johnson              |            |            | X   |            |     | X   |            |     |     |          |            |          | Term End: 7/5/2024  |
|       | Hon. Brian Kulpa          |            |            | X   |            |     | X   |            | X   | X   |          |            | X        |   |
|       | Richard Lipsitz Jr.       |            |            | X   |            |     | X   |            | X   | X   |          |            | X        |   |
|       | Denise McCowan            |            |            | X   |            |     | X   |            | X   | X   |          |            | X        |   |
|       | Brenda McDuffie           |            |            | X   |            |     | X   |            | X   | X   |          |            | X        | Term End: 5/31/2024   |

2024 ECIDA AND AFFILIATES BOARD MEMBER MEETING LIST

Attachment #7

X = ATTENDED

| Board | Member                   | Jan        | Feb        | Mar     | Apr        | May     | Jun        | Jul         | Aug        | Sep     | Oct      | Nov        | Dec        | Notes  |
|-------|--------------------------|------------|------------|---------|------------|---------|------------|-------------|------------|---------|----------|------------|------------|--|
| RDC   | RDC                      | No Meeting | No Meeting | 3/27/24 | No Meeting | 5/29/24 | No Meeting | Not Meeting | 9/28/24    | 9/25/24 | 10/23/24 | No Meeting | 12/18/24   |  |
|       | Hon. Glenn Nellis        |            |            | X       |            | X       |            |             | X          | X       | X        |            | X          |  |
|       | Hon. Brian Nowak         |            |            | X       |            | X       |            |             | X          | X       | X        |            |            |  |
|       | Hon. Mark Poloncarz      |            |            |         |            |         |            |             | X          | X       |          |            | X          | Term Begin: 1/1/2024..   |
|       | Hon. Christopher Scanlon |            |            |         |            |         |            |             |            |         |          |            |            | Term Begin: 1/27/2024; Hon. Scanlon was elected Council President on January 2, 2024, and served until becoming Interim Mayor on October 15, 2024. |
|       | Kenneth Schoetz          |            |            | X       |            | X       |            |             | X          | X       | X        |            |            |  |
|       | Paul Vukelic             |            |            | X       |            | X       |            |             | X          | X       | X        |            | X          | Term End: 7/31/2024  |
| Board | Member                   | Jan        | Feb        | Mar     | Apr        | May     | Jun        | Jul         | Aug        | Sep     | Oct      | Nov        | Dec        | Notes  |
| ILDC  | ILDC                     | No Meeting | 2/28/24    | 3/27/24 | No Meeting | 5/29/24 | 6/25/24    | No Meeting  | No Meeting | 9/25/24 | 10/23/24 | No Meeting | No Meeting |  |
|       | Denise Abbott            |            |            | X       |            | X       |            |             |            | X       | X        |            |            |  |
|       | Hon. April Baskin        |            | X          |         |            |         |            |             |            |         |          |            |            | Term End: 12/31/2024   |
|       | Hon. Byron Brown         |            | X          |         |            | X       |            |             |            |         |          |            |            | Term End: 10/14/2024   |
|       | Daniel Coastle           |            | X          | X       |            | X       | X          |             |            | X       | X        | X          |            |  |
|       | Hon. Howard Johnson      |            | X          | X       |            | X       | X          |             |            |         |          |            |            | Term End: 7/5/2024   |
|       | Hon. John Gilmour        |            |            |         |            |         |            |             |            | X       | X        | X          |            | Term Begin: 9/25/2024; Term End: 12/31/2024  |
|       | Richard Lipsitz          |            |            | X       |            | X       | X          |             |            | X       | X        | X          |            |  |
|       | Hon. Mark Poloncarz      |            |            |         |            | X       | X          |             |            | X       | X        | X          |            |  |
|       | Hon. Christopher Scanlon |            |            |         |            |         |            |             |            |         | X        | X          |            | Term Begin: 10/15/2024   |



Procurement Report for Erie County Industrial Development Agency

Fiscal Year Ending: 12/31/2024

Run Date: 02/19/2025  
 Status: UNSUBMITTED  
 Certified Date : N/A

**Procurement Information:**

| Question  | Response |    | URL (if Applicable)   |
|---|----------|----|---|
|   | Yes      | No |   |
| 1. Does the Authority have procurement guidelines?  | Yes      |    |   |
| 2. Are the procurement guidelines reviewed annually, amended if needed, and approved by the Board?  | Yes      |    | <a href="https://www.ecidany.com/about-us-corporate-policies">https://www.ecidany.com/about-us-corporate-policies</a> |
| 3. Does the Authority allow for exceptions to the procurement guidelines?   | No       |    |   |
| 4. Does the Authority assign credit cards to employees for travel and/or business purchases?  | No       |    |   |
| 5. Does the Authority require prospective bidders to sign a non-collusion agreement?  | Yes      |    |   |
| 6. Does the Authority incorporate a summary of its procurement policies and prohibitions in its solicitation of proposals, bid documents, or specifications for procurement contracts?  | Yes      |    |   |
| 7. Did the Authority designate a person or persons to serve as the authorized contact on a specific procurement, in accordance with Section 139-[2](a) of the State Finance Law, "The Procurement Lobbying Act"?  | Yes      |    |   |
| 8. Did the Authority determine that a vendor had impermissible contact during a procurement or attempted to influence the procurement during the reporting period, in accordance with Section 139-[10] of the State Finance Law?                            | No       |    |   |
| 8a. If Yes, was a record made of this impermissible contact?  |          |    |   |
| 9. Does the Authority have a process to review and investigate allegations of impermissible contact during a procurement, and to impose sanctions in instances where violations have occurred, in accordance with Section 139-[9] of the State Finance Law? | Yes      |    |   |

Procurement Report for Erie County Industrial Development Agency

Fiscal Year Ending: 12/31/2024

Run Date: 02/19/2025  
 Status: UNSUBMITTED  
 Certified Date: N/A

Procurement Transactions Listing:

|           |  |  |                                |   |
|-----------|--|--|--------------------------------|---|
| <b>1.</b> | <b>Vendor Name</b>   | 360 PSG.com                                    | <b>Address Line1</b>           | 678 Sheridan Drive                                |
|           | <b>Type of Procurement</b>                                       | Technology - Consulting/Development or Support | <b>Address Line2</b>           |   |
|           | <b>Award Process</b>   | Authority Contract - Competitive Bid           | <b>City</b>                    | TONAWANDA   |
|           | <b>Award Date</b>  | 9/21/2010                                      | <b>State</b>                   | NY  |
|           | <b>End Date</b>  |  | <b>Postal Code</b>             | 14150   |
|           | <b>Fair Market Value</b>   |  | <b>Plus 4</b>                  |   |
|           | <b>Amount</b>  | \$11,982.50                                    | <b>Province/Region</b>         | United States                                     |
|           | <b>Amount Expended For Fiscal Year</b>                           | \$11,982.50                                    | <b>Country</b>                 | United States                                     |
|           | <b>Explain why the Fair Market Value Is Less than the Amount</b> |  | <b>Procurement Description</b> | Website maintenance, employment survey updates    |
| <b>2.</b> | <b>Vendor Name</b>   | Audacy Operations, Inc.                        | <b>Address Line1</b>           | 500 Corporate Parkway                             |
|           | <b>Type of Procurement</b>                                       | Other Professional Services                    | <b>Address Line2</b>           | Suite 200   |
|           | <b>Award Process</b>   | Non Contract Procurement/Purchase Order        | <b>City</b>                    | BUFFALO   |
|           | <b>Award Date</b>  |  | <b>State</b>                   | NY  |
|           | <b>End Date</b>  |  | <b>Postal Code</b>             | 14226   |
|           | <b>Fair Market Value</b>   |  | <b>Plus 4</b>                  |   |
|           | <b>Amount</b>  |  | <b>Province/Region</b>         | United States                                     |
|           | <b>Amount Expended For Fiscal Year</b>                           | \$38,912.50                                    | <b>Country</b>                 | United States                                     |
|           | <b>Explain why the Fair Market Value Is Less than the Amount</b> |  | <b>Procurement Description</b> | Targeted local radio and social media advertising |

Procurement Report for Erie County Industrial Development Agency

Fiscal Year Ending: 12/31/2024

Run Date: 02/19/2025  
Status: UNSUBMITTED  
Certified Date : N/A

|  |   |                                |  |
|--|---|--------------------------------|--|
| <b>3. Vendor Name</b>  | Buffalo Business First                  | <b>Address Line1</b>           | 465 Main Street  |
| <b>Type of Procurement</b>                                       | Other                                   | <b>Address Line2</b>           |  |
| <b>Award Process</b>   | Non Contract Procurement/Purchase Order | <b>City</b>                    | BUFFALO  |
| <b>Award Date</b>  |   | <b>State</b>                   | NY   |
| <b>End Date</b>  |   | <b>Postal Code</b>             | 14203  |
| <b>Fair Market Value</b>   |   | <b>Plus 4</b>                  |  |
| <b>Amount</b>  |   | <b>Province/Region</b>         | United States  |
| <b>Amount Expended For Fiscal Year</b>                           | \$30,105.00                             | <b>Country</b>                 | United States  |
| <b>Explain why the Fair Market Value is Less than the Amount</b> |   | <b>Procurement Description</b> | Targeted advertising campaigns in local weekly business publication and event sponsorships |

|  |   |                                |  |
|--|---|--------------------------------|--|
| <b>4. Vendor Name</b>  | Buffalo Niagara Manufacturing Alliance  | <b>Address Line1</b>           | 683 Northland Avenue                   |
| <b>Type of Procurement</b>                                       | Other                                   | <b>Address Line2</b>           |  |
| <b>Award Process</b>   | Non Contract Procurement/Purchase Order | <b>City</b>                    | BUFFALO                                |
| <b>Award Date</b>  |   | <b>State</b>                   | NY                                     |
| <b>End Date</b>  |   | <b>Postal Code</b>             | 14211                                  |
| <b>Fair Market Value</b>   |   | <b>Plus 4</b>                  |  |
| <b>Amount</b>  |   | <b>Province/Region</b>         | United States                          |
| <b>Amount Expended For Fiscal Year</b>                           | \$9,000.00                              | <b>Country</b>                 | United States                          |
| <b>Explain why the Fair Market Value is Less than the Amount</b> |   | <b>Procurement Description</b> | Annual sponsorship and membership dues |

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|  |   |                                |  |
|--|---|--------------------------------|--|
| <b>5. Vendor Name</b>  | Buffalo Niagara Partnership             | <b>Address Line1</b>           | 79 Perry Street  |
| <b>Type of Procurement</b>                                       | Other                                   | <b>Address Line2</b>           |  |
| <b>Award Process</b>   | Non Contract Procurement/Purchase Order | <b>City</b>                    | BUFFALO  |
| <b>Award Date</b>  |   | <b>State</b>                   | NY   |
| <b>End Date</b>  |   | <b>Postal Code</b>             | 14203  |
| <b>Fair Market Value</b>   |   | <b>Plus 4</b>                  |  |
| <b>Amount</b>  |   | <b>Province/Region</b>         | United States  |
| <b>Amount Expended For Fiscal Year</b>                           | \$17,899.00                             | <b>Country</b>                 | United States  |
| <b>Explain why the Fair Market Value is Less than the Amount</b> |   | <b>Procurement Description</b> | Sponsorship for DEI Assessment, annual membership, event registrations |

|  |   |                                |  |
|--|---|--------------------------------|--|
| <b>6. Vendor Name</b>  | Buffalo Southern Railroad               | <b>Address Line1</b>           | 8600 Depot Street                                  |
| <b>Type of Procurement</b>                                       | Commodities/Supplies                    | <b>Address Line2</b>           |  |
| <b>Award Process</b>   | Non Contract Procurement/Purchase Order | <b>City</b>                    | EDEN   |
| <b>Award Date</b>  |   | <b>State</b>                   | NY   |
| <b>End Date</b>  |   | <b>Postal Code</b>             | 14057  |
| <b>Fair Market Value</b>   |   | <b>Plus 4</b>                  |  |
| <b>Amount</b>  |   | <b>Province/Region</b>         | United States                                      |
| <b>Amount Expended For Fiscal Year</b>                           | \$107,458.01                            | <b>Country</b>                 | United States                                      |
| <b>Explain why the Fair Market Value is Less than the Amount</b> |   | <b>Procurement Description</b> | Capital improvements at various railroad crossings |

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|           |  |   |                                |   |
|-----------|--|---|--------------------------------|---|
| <b>7.</b> | <b>Vendor Name</b>   | Buffalo Urban Development Corporation   | <b>Address Line1</b>           | 95 Perry Street                                 |
|           | <b>Type of Procurement</b>                                       | Other                                   | <b>Address Line2</b>           | Suite 404                                       |
|           | <b>Award Process</b>   | Non Contract Procurement/Purchase Order | <b>City</b>                    | BUFFALO   |
|           | <b>Award Date</b>  |   | <b>State</b>                   | NY  |
|           | <b>End Date</b>  |   | <b>Postal Code</b>             | 14203   |
|           | <b>Fair Market Value</b>   |   | <b>Plus 4</b>                  |   |
|           | <b>Amount</b>  |   | <b>Province/Region</b>         | United States                                   |
|           | <b>Amount Expended For Fiscal Year</b>                           | \$100,000.00                            | <b>Country</b>                 | United States                                   |
|           | <b>Explain why the Fair Market Value is Less than the Amount</b> |   | <b>Procurement Description</b> | Support for Buffalo's Race for Place initiative |

|           |  |   |                                |   |
|-----------|--|---|--------------------------------|---|
| <b>8.</b> | <b>Vendor Name</b>   | Buffalo Urban League                    | <b>Address Line1</b>           | 15 Genesee Street                                 |
|           | <b>Type of Procurement</b>                                       | Other                                   | <b>Address Line2</b>           |   |
|           | <b>Award Process</b>   | Non Contract Procurement/Purchase Order | <b>City</b>                    | BUFFALO   |
|           | <b>Award Date</b>  |   | <b>State</b>                   | NY  |
|           | <b>End Date</b>  |   | <b>Postal Code</b>             | 14203   |
|           | <b>Fair Market Value</b>   |   | <b>Plus 4</b>                  |   |
|           | <b>Amount</b>  |   | <b>Province/Region</b>         | United States                                     |
|           | <b>Amount Expended For Fiscal Year</b>                           | \$26,000.00                             | <b>Country</b>                 | United States                                     |
|           | <b>Explain why the Fair Market Value is Less than the Amount</b> |   | <b>Procurement Description</b> | Support for ULJ Advisory Panel, event sponsorship |

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|--|--------------------------------------|--------------------------------|--|
| <b>9. Vendor Name</b>  | C&S Engineers                        | <b>Address Line1</b>           | 141 Elm Street, Suite 100  |
| <b>Type of Procurement</b>                                       | Consulting Services                  | <b>Address Line2</b>           |  |
| <b>Award Process</b>   | Authority Contract - Competitive Bid | <b>City</b>                    | BUFFALO  |
| <b>Award Date</b>  | 3/8/2021                             | <b>State</b>                   | NY   |
| <b>End Date</b>  |                                      | <b>Postal Code</b>             | 14203  |
| <b>Fair Market Value</b>   |                                      | <b>Plus 4</b>                  |  |
| <b>Amount</b>  | \$745,502.80                         | <b>Province/Region</b>         | United States  |
| <b>Amount Expended For Fiscal Year</b>                           | \$157,242.42                         | <b>Country</b>                 | United States  |
| <b>Explain why the Fair Market Value is Less than the Amount</b> |                                      | <b>Procurement Description</b> | Planning, environmental, financial and design services for public sanitary sewer and water line extensions at Renaissance Commerce Park. |

|  |                                      |                                |  |
|--|--------------------------------------|--------------------------------|--|
| <b>10. Vendor Name</b>   | C&S Engineers                        | <b>Address Line1</b>           | 141 Elm Street, Suite 100  |
| <b>Type of Procurement</b>                                       | Consulting Services                  | <b>Address Line2</b>           |  |
| <b>Award Process</b>   | Authority Contract - Competitive Bid | <b>City</b>                    | BUFFALO  |
| <b>Award Date</b>  | 10/25/2023                           | <b>State</b>                   | NY   |
| <b>End Date</b>  |                                      | <b>Postal Code</b>             | 14203  |
| <b>Fair Market Value</b>   |                                      | <b>Plus 4</b>                  |  |
| <b>Amount</b>  | \$578,455.00                         | <b>Province/Region</b>         | United States  |
| <b>Amount Expended For Fiscal Year</b>                           | \$310,500.55                         | <b>Country</b>                 | United States  |
| <b>Explain why the Fair Market Value is Less than the Amount</b> |                                      | <b>Procurement Description</b> | Design and engineering services for removal of rail on the former WYE Yard and reconstruction on the POCO Yard at Renaissance Commerce Park. |

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|  |                                      |                                |  |
|--|--------------------------------------|--------------------------------|--|
| <b>11. Vendor Name</b>   | C&S Engineers                        | <b>Address Line1</b>           | 141 Elm Street, Suite 100  |
| <b>Type of Procurement</b>                                       | Consulting Services                  | <b>Address Line2</b>           |  |
| <b>Award Process</b>   | Authority Contract - Competitive Bid | <b>City</b>                    | BUFFALO  |
| <b>Award Date</b>  | 11/29/2023                           | <b>State</b>                   | NY   |
| <b>End Date</b>  |                                      | <b>Postal Code</b>             | 14203  |
| <b>Fair Market Value</b>   |                                      | <b>Plus 4</b>                  |  |
| <b>Amount</b>  | \$181,740.00                         | <b>Province/Region</b>         |  |
| <b>Amount Expended For Fiscal Year</b>                           | \$64,145.47                          | <b>Country</b>                 | United States  |
| <b>Explain why the Fair Market Value is Less than the Amount</b> |                                      | <b>Procurement Description</b> | Site planning, design, construction administration, and inspections related to Buffalo Southern Railroad (BSOR) Improvement Project. |

|  |  |                                |   |
|--|--|--------------------------------|---|
| <b>12. Vendor Name</b>   | Copier Fax Business Technologies, Inc. | <b>Address Line1</b>           | 4 Peuquet Parkway   |
| <b>Type of Procurement</b>                                       | Commodities/Supplies                   | <b>Address Line2</b>           |   |
| <b>Award Process</b>   | Authority Contract - Competitive Bid   | <b>City</b>                    | TONAWANDA   |
| <b>Award Date</b>  | 2/27/2023                              | <b>State</b>                   | NY  |
| <b>End Date</b>  | 2/27/2028                              | <b>Postal Code</b>             | 14150   |
| <b>Fair Market Value</b>   |  | <b>Plus 4</b>                  |   |
| <b>Amount</b>  | \$15,490.80                            | <b>Province/Region</b>         |   |
| <b>Amount Expended For Fiscal Year</b>                           | \$15,490.80                            | <b>Country</b>                 | United States   |
| <b>Explain why the Fair Market Value is Less than the Amount</b> |  | <b>Procurement Description</b> | DocuWare annual maintenance charges (\$7,550.00), and copier supplies/usage (\$7,940.80). |

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|  |   |                                |                                |
|--|---|--------------------------------|--------------------------------|
| <b>13. Vendor Name</b>   | Crown Castle Fiber LLC                  | <b>Address Line1</b>           | PO Box 28730                   |
| <b>Type of Procurement</b>                                       | Telecommunication Equipment or Services | <b>Address Line2</b>           |                                |
| <b>Award Process</b>   | Purchased Under State Contract          | <b>City</b>                    | NEW YORK                       |
| <b>Award Date</b>  |   | <b>State</b>                   | NY                             |
| <b>End Date</b>  |   | <b>Postal Code</b>             | 10087                          |
| <b>Fair Market Value</b>   |   | <b>Plus 4</b>                  |                                |
| <b>Amount</b>  |   | <b>Province/Region</b>         | United States                  |
| <b>Amount Expended For Fiscal Year</b>                           | \$6,600.00                              | <b>Country</b>                 | United States                  |
| <b>Explain why the Fair Market Value is Less than the Amount</b> |   | <b>Procurement Description</b> | Internet service - 95 Perry St |

|  |  |                                |   |
|--|--|--------------------------------|---|
| <b>14. Vendor Name</b>   | Empire State Development Corporation     | <b>Address Line1</b>           | 633 Third Avenue                          |
| <b>Type of Procurement</b>                                       | Other                                    | <b>Address Line2</b>           |   |
| <b>Award Process</b>   | Authority Contract - Non-Competitive Bid | <b>City</b>                    | NEW YORK                                  |
| <b>Award Date</b>  | 3/7/2008                                 | <b>State</b>                   | NY  |
| <b>End Date</b>  | 7/31/2027                                | <b>Postal Code</b>             | 10017                                     |
| <b>Fair Market Value</b>   |  | <b>Plus 4</b>                  |   |
| <b>Amount</b>  | \$14,993.64                              | <b>Province/Region</b>         | United States                             |
| <b>Amount Expended For Fiscal Year</b>                           | \$14,993.64                              | <b>Country</b>                 | United States                             |
| <b>Explain why the Fair Market Value is Less than the Amount</b> |  | <b>Procurement Description</b> | Utilities for offices at 95 Perry Street. |

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|            |  |  |                                |  |
|------------|--|--|--------------------------------|--|
| <b>15.</b> | <b>Vendor Name</b>   | Golden Shovel Agency, LLC                | <b>Address Line1</b>           | 43 East Broadway                       |
|            | <b>Type of Procurement</b>                                       | Consulting Services                      | <b>Address Line2</b>           | Suite 104                              |
|            | <b>Award Process</b>   | Authority Contract - Non-Competitive Bid | <b>City</b>                    | LITTLE FALLS                           |
|            | <b>Award Date</b>  | 1/5/2024                                 | <b>State</b>                   | MN                                     |
|            | <b>End Date</b>  |  | <b>Postal Code</b>             | 56345                                  |
|            | <b>Fair Market Value</b>   | \$9,950.00                               | <b>Plus 4</b>                  |  |
|            | <b>Amount</b>  | \$9,950.00                               | <b>Province/Region</b>         |  |
|            | <b>Amount Expended For Fiscal Year</b>                           | \$9,950.00                               | <b>Country</b>                 | United States                          |
|            | <b>Explain why the Fair Market Value is Less than the Amount</b> |  | <b>Procurement Description</b> | Marketing services/marketing blueprint |

|            |  |                                      |                                |  |
|------------|--|--------------------------------------|--------------------------------|--|
| <b>16.</b> | <b>Vendor Name</b>   | Greenwich Insurance Co.              | <b>Address Line1</b>           | 87 Greenwich Avenue                              |
|            | <b>Type of Procurement</b>                                       | Other                                | <b>Address Line2</b>           |  |
|            | <b>Award Process</b>   | Authority Contract - Competitive Bid | <b>City</b>                    | GREENWICH  |
|            | <b>Award Date</b>  | 1/1/2024                             | <b>State</b>                   | CT   |
|            | <b>End Date</b>  | 12/31/2024                           | <b>Postal Code</b>             | 06830  |
|            | <b>Fair Market Value</b>   |                                      | <b>Plus 4</b>                  |  |
|            | <b>Amount</b>  | \$22,976.00                          | <b>Province/Region</b>         | United States                                    |
|            | <b>Amount Expended For Fiscal Year</b>                           | \$22,976.00                          | <b>Country</b>                 |  |
|            | <b>Explain why the Fair Market Value is Less than the Amount</b> |                                      | <b>Procurement Description</b> | Directors & officers insurance for 1/1/24-1/1/25 |

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|  |  |                                |                                       |
|--|--|--------------------------------|---------------------------------------|
| <b>17. Vendor Name</b>   | Guardian                                 | <b>Address Line1</b>           | 10 Hudson Yards                       |
| <b>Type of Procurement</b>                                       | Other                                    | <b>Address Line2</b>           |                                       |
| <b>Award Process</b>   | Authority Contract - Non-Competitive Bid | <b>City</b>                    | NEW YORK                              |
| <b>Award Date</b>  | 2/1/2024                                 | <b>State</b>                   | NY                                    |
| <b>End Date</b>  | 1/31/2025                                | <b>Postal Code</b>             | 10001                                 |
| <b>Fair Market Value</b>   | \$19,032.84                              | <b>Plus 4</b>                  |                                       |
| <b>Amount</b>  | \$19,032.84                              | <b>Province/Region</b>         | United States                         |
| <b>Amount Expended For Fiscal Year</b>                           | \$19,032.84                              | <b>Country</b>                 | United States                         |
| <b>Explain why the Fair Market Value is Less than the Amount</b> |  | <b>Procurement Description</b> | Dental insurance for ECIDA employees. |

|  |                                      |                                |                                 |
|--|--------------------------------------|--------------------------------|---------------------------------|
| <b>18. Vendor Name</b>   | Harris Beach, PLLC                   | <b>Address Line1</b>           | Larkin at Exchange              |
| <b>Type of Procurement</b>                                       | Legal Services                       | <b>Address Line2</b>           | 726 Exchange Street, Suite 1000 |
| <b>Award Process</b>   | Authority Contract - Competitive Bid | <b>City</b>                    | BUFFALO                         |
| <b>Award Date</b>  | 1/12/2009                            | <b>State</b>                   | NY                              |
| <b>End Date</b>  | 11/30/2027                           | <b>Postal Code</b>             | 14210                           |
| <b>Fair Market Value</b>   |                                      | <b>Plus 4</b>                  |                                 |
| <b>Amount</b>  | \$36,848.68                          | <b>Province/Region</b>         | United States                   |
| <b>Amount Expended For Fiscal Year</b>                           | \$36,848.68                          | <b>Country</b>                 | United States                   |
| <b>Explain why the Fair Market Value is Less than the Amount</b> |                                      | <b>Procurement Description</b> | Legal services.                 |

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|------------|--|--|--------------------------------|--------------------------------|
| <b>19.</b> | <b>Vendor Name</b>   | Highmark Blue Cross Blue Shield of WNY   | <b>Address Line1</b>           | 257 W Genesee Street           |
|            | <b>Type of Procurement</b>                                       | Other                                    | <b>Address Line2</b>           | Suite 100                      |
|            | <b>Award Process</b>   | Authority Contract - Non-Competitive Bid | <b>City</b>                    | BUFFALO                        |
|            | <b>Award Date</b>  | 1/1/2024                                 | <b>State</b>                   | NY                             |
|            | <b>End Date</b>  | 1/31/2025                                | <b>Postal Code</b>             | 14202                          |
|            | <b>Fair Market Value</b>   | \$11,780.32                              | <b>Plus 4</b>                  |                                |
|            | <b>Amount</b>  | \$11,780.32                              | <b>Province/Region</b>         |                                |
|            | <b>Amount Expended For Fiscal Year</b>                           | \$11,780.32                              | <b>Country</b>                 | United States                  |
|            | <b>Explain why the Fair Market Value is Less than the Amount</b> |  | <b>Procurement Description</b> | Health insurance for employees |

|            |  |  |                                |                                |
|------------|--|--|--------------------------------|--------------------------------|
| <b>20.</b> | <b>Vendor Name</b>   | Independent Health                       | <b>Address Line1</b>           | 511 Farber Lakes Drive         |
|            | <b>Type of Procurement</b>                                       | Other                                    | <b>Address Line2</b>           |                                |
|            | <b>Award Process</b>   | Authority Contract - Non-Competitive Bid | <b>City</b>                    | WILLIAMSVILLE                  |
|            | <b>Award Date</b>  | 2/1/2024                                 | <b>State</b>                   | NY                             |
|            | <b>End Date</b>  | 1/31/2025                                | <b>Postal Code</b>             | 14221                          |
|            | <b>Fair Market Value</b>   | \$197,158.91                             | <b>Plus 4</b>                  |                                |
|            | <b>Amount</b>  | \$197,158.91                             | <b>Province/Region</b>         |                                |
|            | <b>Amount Expended For Fiscal Year</b>                           | \$197,158.91                             | <b>Country</b>                 | United States                  |
|            | <b>Explain why the Fair Market Value is Less than the Amount</b> |  | <b>Procurement Description</b> | Health insurance for employees |

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|--|---|--------------------------------|-----------------------|
| <b>21. Vendor Name</b>   | Invest Buffalo Niagara                  | <b>Address Line1</b>           | 403 Main Street       |
| <b>Type of Procurement</b>                                       | Other                                   | <b>Address Line2</b>           | Suite 624             |
| <b>Award Process</b>   | Non Contract Procurement/Purchase Order | <b>City</b>                    | BUFFALO               |
| <b>Award Date</b>  |   | <b>State</b>                   | NY                    |
| <b>End Date</b>  |   | <b>Postal Code</b>             | 14203                 |
| <b>Fair Market Value</b>   |   | <b>Plus 4</b>                  |                       |
| <b>Amount</b>  |   | <b>Province/Region</b>         | United States         |
| <b>Amount Expended For Fiscal Year</b>                           | \$75,000.00                             | <b>Country</b>                 | United States         |
| <b>Explain why the Fair Market Value is Less than the Amount</b> |   | <b>Procurement Description</b> | Membership investment |

|  |                                |                                |  |
|--|--------------------------------|--------------------------------|--|
| <b>22. Vendor Name</b>   | Layer 3 Technologies, Inc.     | <b>Address Line1</b>           | 1645 Lyell Avenue                                |
| <b>Type of Procurement</b>                                       | Technology - Software          | <b>Address Line2</b>           | Suite 200  |
| <b>Award Process</b>   | Purchased Under State Contract | <b>City</b>                    | ROCHESTER  |
| <b>Award Date</b>  |                                | <b>State</b>                   | NY   |
| <b>End Date</b>  |                                | <b>Postal Code</b>             | 14606  |
| <b>Fair Market Value</b>   |                                | <b>Plus 4</b>                  |  |
| <b>Amount</b>  |                                | <b>Province/Region</b>         | United States                                    |
| <b>Amount Expended For Fiscal Year</b>                           | \$7,147.98                     | <b>Country</b>                 | United States                                    |
| <b>Explain why the Fair Market Value is Less than the Amount</b> |                                | <b>Procurement Description</b> | IT services and multi-factor authentication tool |

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|------------|--|---|--------------------------------|--|
| <b>23.</b> | <b>Vendor Name</b>   | Lee Enterprises                         | <b>Address Line1</b>           | PO Box 6035                            |
|            | <b>Type of Procurement</b>                                       | Other                                   | <b>Address Line2</b>           |  |
|            | <b>Award Process</b>   | Non Contract Procurement/Purchase Order | <b>City</b>                    | CAROL STREAM                           |
|            | <b>Award Date</b>  |   | <b>State</b>                   | IL                                     |
|            | <b>End Date</b>  |   | <b>Postal Code</b>             | 60197                                  |
|            | <b>Fair Market Value</b>   |   | <b>Plus 4</b>                  |  |
|            | <b>Amount</b>  |   | <b>Province/Region</b>         | United States                          |
|            | <b>Amount Expended For Fiscal Year</b>                           | \$10,008.46                             | <b>Country</b>                 | United States                          |
|            | <b>Explain why the Fair Market Value is Less than the Amount</b> |   | <b>Procurement Description</b> | Public hearing notices in Buffalo News |

|            |  |  |                                |                                    |
|------------|--|--|--------------------------------|------------------------------------|
| <b>24.</b> | <b>Vendor Name</b>   | Lehigh Construction Group, Inc.          | <b>Address Line1</b>           | 4327 S Taylor Road                 |
|            | <b>Type of Procurement</b>                                       | Design and Construction/Maintenance      | <b>Address Line2</b>           |                                    |
|            | <b>Award Process</b>   | Authority Contract - Non-Competitive Bid | <b>City</b>                    | ORCHARD PARK                       |
|            | <b>Award Date</b>  | 1/11/2024                                | <b>State</b>                   | NY                                 |
|            | <b>End Date</b>  |  | <b>Postal Code</b>             | 14127                              |
|            | <b>Fair Market Value</b>   | \$25,500.00                              | <b>Plus 4</b>                  |                                    |
|            | <b>Amount</b>  | \$25,500.00                              | <b>Province/Region</b>         | United States                      |
|            | <b>Amount Expended For Fiscal Year</b>                           | \$25,500.00                              | <b>Country</b>                 | United States                      |
|            | <b>Explain why the Fair Market Value is Less than the Amount</b> |  | <b>Procurement Description</b> | Building repairs at 4 Scott Street |

Procurement Report for Erie County Industrial Development Agency

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|            |  |                                      |                                |  |
|------------|--|--------------------------------------|--------------------------------|--|
| <b>25.</b> | <b>Vendor Name</b>   | Liro Engineers, Inc.                 | <b>Address Line1</b>           | 690 Delaware Avenue  |
|            | <b>Type of Procurement</b>                                       | Consulting Services                  | <b>Address Line2</b>           |  |
|            | <b>Award Process</b>   | Authority Contract - Competitive Bid | <b>City</b>                    | BUFFALO  |
|            | <b>Award Date</b>  | 1/26/2022                            | <b>State</b>                   | NY   |
|            | <b>End Date</b>  |                                      | <b>Postal Code</b>             | 14209  |
|            | <b>Fair Market Value</b>   |                                      | <b>Plus 4</b>                  |  |
|            | <b>Amount</b>  | \$116,372.00                         | <b>Province/Region</b>         |  |
|            | <b>Amount Expended For Fiscal Year</b>                           | \$51,314.00                          | <b>Country</b>                 | United States  |
|            | <b>Explain why the Fair Market Value is Less than the Amount</b> |                                      | <b>Procurement Description</b> | Consulting and planning services related to the Shoreline Trail Enhancement Project. |

|            |  |                                      |                                |                            |
|------------|--|--------------------------------------|--------------------------------|----------------------------|
| <b>26.</b> | <b>Vendor Name</b>   | Lumsden McCormick, LLP               | <b>Address Line1</b>           | 369 Franklin Street        |
|            | <b>Type of Procurement</b>                                       | Other Professional Services          | <b>Address Line2</b>           |                            |
|            | <b>Award Process</b>   | Authority Contract - Competitive Bid | <b>City</b>                    | BUFFALO                    |
|            | <b>Award Date</b>  | 9/28/2022                            | <b>State</b>                   | NY                         |
|            | <b>End Date</b>  | 6/30/2025                            | <b>Postal Code</b>             | 14202                      |
|            | <b>Fair Market Value</b>   |                                      | <b>Plus 4</b>                  |                            |
|            | <b>Amount</b>  | \$30,400.00                          | <b>Province/Region</b>         |                            |
|            | <b>Amount Expended For Fiscal Year</b>                           | \$30,400.00                          | <b>Country</b>                 | United States              |
|            | <b>Explain why the Fair Market Value is Less than the Amount</b> |                                      | <b>Procurement Description</b> | Independent audit services |

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|            |  |  |                                |  |
|------------|--|--|--------------------------------|--|
| <b>27.</b> | <b>Vendor Name</b>   | Metropolitan Life Insurance Company      | <b>Address Line1</b>           | 200 Park Avenue  |
|            | <b>Type of Procurement</b>                                       | Other                                    | <b>Address Line2</b>           |  |
|            | <b>Award Process</b>   | Authority Contract - Non-Competitive Bid | <b>City</b>                    | NEW YORK   |
|            | <b>Award Date</b>  | 5/1/2024                                 | <b>State</b>                   | NY   |
|            | <b>End Date</b>  | 4/30/2025                                | <b>Postal Code</b>             | 10166  |
|            | <b>Fair Market Value</b>   | \$13,047.55                              | <b>Plus 4</b>                  |  |
|            | <b>Amount</b>  | \$13,047.55                              | <b>Province/Region</b>         | United States  |
|            | <b>Amount Expended For Fiscal Year</b>                           | \$13,047.55                              | <b>Country</b>                 | United States  |
|            | <b>Explain why the Fair Market Value is Less than the Amount</b> |  | <b>Procurement Description</b> | Group term life insurance, long-term disability insurance and accidental death insurance for employees |

|            |  |   |                                |  |
|------------|--|---|--------------------------------|--|
| <b>28.</b> | <b>Vendor Name</b>   | Michigan Street Development, LLC        | <b>Address Line1</b>           | 701 Seneca Street                                |
|            | <b>Type of Procurement</b>                                       | Design and Construction/Maintenance     | <b>Address Line2</b>           | Suite 200  |
|            | <b>Award Process</b>   | Non Contract Procurement/Purchase Order | <b>City</b>                    | BUFFALO  |
|            | <b>Award Date</b>  |   | <b>State</b>                   | NY   |
|            | <b>End Date</b>  |   | <b>Postal Code</b>             | 14210  |
|            | <b>Fair Market Value</b>   |   | <b>Plus 4</b>                  |  |
|            | <b>Amount</b>  |   | <b>Province/Region</b>         | United States                                    |
|            | <b>Amount Expended For Fiscal Year</b>                           | \$165,854.92                            | <b>Country</b>                 | United States                                    |
|            | <b>Explain why the Fair Market Value is Less than the Amount</b> |   | <b>Procurement Description</b> | Conference room expansion in leased office space |

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|            |  |  |                                |                                     |
|------------|--|--|--------------------------------|-------------------------------------|
| <b>29.</b> | <b>Vendor Name</b>   | Michigan Street Development, LLC         | <b>Address Line1</b>           | 701 Seneca Street                   |
|            | <b>Type of Procurement</b>                                       | Other                                    | <b>Address Line2</b>           | Suite 200                           |
|            | <b>Award Process</b>   | Authority Contract - Non-Competitive Bid | <b>City</b>                    | BUFFALO                             |
|            | <b>Award Date</b>  | 12/1/2023                                | <b>State</b>                   | NY                                  |
|            | <b>End Date</b>  | 7/31/2027                                | <b>Postal Code</b>             | 14210                               |
|            | <b>Fair Market Value</b>   | \$584,125.64                             | <b>Plus 4</b>                  |                                     |
|            | <b>Amount</b>  | \$584,125.64                             | <b>Province/Region</b>         |                                     |
|            | <b>Amount Expended For Fiscal Year</b>                           | \$159,316.96                             | <b>Country</b>                 | United States                       |
|            | <b>Explain why the Fair Market Value is Less than the Amount</b> |  | <b>Procurement Description</b> | Rent for offices at 95 Perry Street |

|            |  |  |                                |   |
|------------|--|--|--------------------------------|---|
| <b>30.</b> | <b>Vendor Name</b>   | New York State Economic Development Council (NYSEDC) | <b>Address Line1</b>           | 111 Washington Avenue   |
|            | <b>Type of Procurement</b>                                       | Other  | <b>Address Line2</b>           | 4th Floor   |
|            | <b>Award Process</b>   | Non Contract Procurement/Purchase Order              | <b>City</b>                    | ALBANY  |
|            | <b>Award Date</b>  |  | <b>State</b>                   | NY  |
|            | <b>End Date</b>  |  | <b>Postal Code</b>             | 12210   |
|            | <b>Fair Market Value</b>   |  | <b>Plus 4</b>                  |   |
|            | <b>Amount</b>  |  | <b>Province/Region</b>         |   |
|            | <b>Amount Expended For Fiscal Year</b>                           | \$12,475.00  | <b>Country</b>                 | United States   |
|            | <b>Explain why the Fair Market Value is Less than the Amount</b> |  | <b>Procurement Description</b> | Sponsorships for events (\$6,000), membership dues (\$2,300), event registrations (\$4,175) |

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|            |  |  |                                |                                       |
|------------|--|--|--------------------------------|---------------------------------------|
| <b>31.</b> | <b>Vendor Name</b>   | On the Mark Consulting, LLC              | <b>Address Line1</b>           | 288 Ranch Trail Drive                 |
|            | <b>Type of Procurement</b>                                       | Consulting Services                      | <b>Address Line2</b>           |                                       |
|            | <b>Award Process</b>   | Authority Contract - Non-Competitive Bid | <b>City</b>                    | WILLIAMSVILLE                         |
|            | <b>Award Date</b>  | 1/3/2024                                 | <b>State</b>                   | NY                                    |
|            | <b>End Date</b>  | 4/10/2024                                | <b>Postal Code</b>             | 14221                                 |
|            | <b>Fair Market Value</b>   | \$5,075.00                               | <b>Plus 4</b>                  |                                       |
|            | <b>Amount</b>  | \$5,075.00                               | <b>Province/Region</b>         |                                       |
|            | <b>Amount Expended For Fiscal Year</b>                           | \$5,075.00                               | <b>Country</b>                 | United States                         |
|            | <b>Explain why the Fair Market Value is Less than the Amount</b> |  | <b>Procurement Description</b> | Staff training materials and workshop |

|            |  |                                      |                                |   |
|------------|--|--------------------------------------|--------------------------------|---|
| <b>32.</b> | <b>Vendor Name</b>   | Philadelphia Insurance Companies     | <b>Address Line1</b>           | P.O. Box 70251  |
|            | <b>Type of Procurement</b>                                       | Other                                | <b>Address Line2</b>           |   |
|            | <b>Award Process</b>   | Authority Contract - Competitive Bid | <b>City</b>                    | PHILADELPHIA  |
|            | <b>Award Date</b>  | 12/31/2022                           | <b>State</b>                   | PA  |
|            | <b>End Date</b>  | 3/1/2024                             | <b>Postal Code</b>             | 19176   |
|            | <b>Fair Market Value</b>   |                                      | <b>Plus 4</b>                  |   |
|            | <b>Amount</b>  | \$11,700.62                          | <b>Province/Region</b>         |   |
|            | <b>Amount Expended For Fiscal Year</b>                           | \$11,700.62                          | <b>Country</b>                 | United States   |
|            | <b>Explain why the Fair Market Value is Less than the Amount</b> |                                      | <b>Procurement Description</b> | General liability insurance, municipal package insurance for 11/1/24-3/1/24 |

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|            |  |   |                                |  |
|------------|--|---|--------------------------------|--|
| <b>33.</b> | <b>Vendor Name</b>   | Print2Web, LLC                          | <b>Address Line1</b>           | 25 John Glenn Drive, Suite 102   |
|            | <b>Type of Procurement</b>                                       | Other Professional Services             | <b>Address Line2</b>           |  |
|            | <b>Award Process</b>   | Non Contract Procurement/Purchase Order | <b>City</b>                    | AMHERST  |
|            | <b>Award Date</b>  |   | <b>State</b>                   | NY   |
|            | <b>End Date</b>  |   | <b>Postal Code</b>             | 14228  |
|            | <b>Fair Market Value</b>   |   | <b>Plus 4</b>                  |  |
|            | <b>Amount</b>  |   | <b>Province/Region</b>         | United States  |
|            | <b>Amount Expended For Fiscal Year</b>                           | \$12,520.00                             | <b>Country</b>                 |  |
|            | <b>Explain why the Fair Market Value is Less than the Amount</b> |   | <b>Procurement Description</b> | 2023 Annual Report graphic design and printing (\$6,850), 2025 calendars (\$6,070) |

|            |  |                                |                                |                                   |
|------------|--|--------------------------------|--------------------------------|-----------------------------------|
| <b>34.</b> | <b>Vendor Name</b>   | Steelcase, Inc.                | <b>Address Line1</b>           | PO Box 1967                       |
|            | <b>Type of Procurement</b>                                       | Commodities/Supplies           | <b>Address Line2</b>           |                                   |
|            | <b>Award Process</b>   | Purchased Under State Contract | <b>City</b>                    | GRAND RAPIDS                      |
|            | <b>Award Date</b>  |                                | <b>State</b>                   | MI                                |
|            | <b>End Date</b>  |                                | <b>Postal Code</b>             | 49501                             |
|            | <b>Fair Market Value</b>   |                                | <b>Plus 4</b>                  |                                   |
|            | <b>Amount</b>  |                                | <b>Province/Region</b>         | United States                     |
|            | <b>Amount Expended For Fiscal Year</b>                           | \$9,395.32                     | <b>Country</b>                 |                                   |
|            | <b>Explain why the Fair Market Value is Less than the Amount</b> |                                | <b>Procurement Description</b> | Chairs, white boards, table bases |

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|            |  |                                      |                                |  |
|------------|--|--------------------------------------|--------------------------------|--|
| <b>35.</b> | <b>Vendor Name</b>   | The Hartford                         | <b>Address Line1</b>           | PO Box 660916                                  |
|            | <b>Type of Procurement</b>                                       | Other                                | <b>Address Line2</b>           |  |
|            | <b>Award Process</b>   | Authority Contract - Competitive Bid | <b>City</b>                    | DALLAS   |
|            | <b>Award Date</b>  | 3/1/2024                             | <b>State</b>                   | TX   |
|            | <b>End Date</b>  | 3/1/2025                             | <b>Postal Code</b>             | 75266  |
|            | <b>Fair Market Value</b>   |                                      | <b>Plus 4</b>                  |  |
|            | <b>Amount</b>  | \$61,484.00                          | <b>Province/Region</b>         |  |
|            | <b>Amount Expended For Fiscal Year</b>                           | \$61,484.00                          | <b>Country</b>                 | United States                                  |
|            | <b>Explain why the Fair Market Value is Less than the Amount</b> |                                      | <b>Procurement Description</b> | Commercial package insurance for 3/1/24-3/1/25 |

|            |  |                                      |                                |                                       |
|------------|--|--------------------------------------|--------------------------------|---------------------------------------|
| <b>36.</b> | <b>Vendor Name</b>   | Travelers                            | <b>Address Line1</b>           | PO Box 660317                         |
|            | <b>Type of Procurement</b>                                       | Other                                | <b>Address Line2</b>           |                                       |
|            | <b>Award Process</b>   | Authority Contract - Competitive Bid | <b>City</b>                    | DALLAS                                |
|            | <b>Award Date</b>  | 12/29/2023                           | <b>State</b>                   | TX                                    |
|            | <b>End Date</b>  | 12/29/2024                           | <b>Postal Code</b>             | 75266                                 |
|            | <b>Fair Market Value</b>   |                                      | <b>Plus 4</b>                  |                                       |
|            | <b>Amount</b>  | \$5,372.00                           | <b>Province/Region</b>         |                                       |
|            | <b>Amount Expended For Fiscal Year</b>                           | \$5,372.00                           | <b>Country</b>                 | United States                         |
|            | <b>Explain why the Fair Market Value is Less than the Amount</b> |                                      | <b>Procurement Description</b> | Crime insurance for 12/29/23-12/29/24 |

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|            |  |   |                                |                 |
|------------|--|---|--------------------------------|-----------------|
| <b>37.</b> | <b>Vendor Name</b>   | W.B. Mason Co., Inc.                    | <b>Address Line1</b>           | P.O. Box 981101 |
|            | <b>Type of Procurement</b>                                       | Commodities/Supplies                    | <b>Address Line2</b>           |                 |
|            | <b>Award Process</b>   | Non Contract Procurement/Purchase Order | <b>City</b>                    | BOSTON          |
|            | <b>Award Date</b>  |   | <b>State</b>                   | MA              |
|            | <b>End Date</b>  |   | <b>Postal Code</b>             | 02298           |
|            | <b>Fair Market Value</b>   |   | <b>Plus 4</b>                  |                 |
|            | <b>Amount</b>  |   | <b>Province/Region</b>         |                 |
|            | <b>Amount Expended For Fiscal Year</b>                           | \$13,151.16                             | <b>Country</b>                 | United States   |
|            | <b>Explain why the Fair Market Value is Less than the Amount</b> |   | <b>Procurement Description</b> | Office supplies |

|            |  |                                      |                                |   |
|------------|--|--------------------------------------|--------------------------------|---|
| <b>38.</b> | <b>Vendor Name</b>   | W.H. Green & Associates              | <b>Address Line1</b>           | 400 Quaker Road   |
|            | <b>Type of Procurement</b>                                       | Other                                | <b>Address Line2</b>           |   |
|            | <b>Award Process</b>   | Authority Contract - Competitive Bid | <b>City</b>                    | EAST AURORA   |
|            | <b>Award Date</b>  | 3/1/2024                             | <b>State</b>                   | NY  |
|            | <b>End Date</b>  | 3/1/2025                             | <b>Postal Code</b>             | 14052   |
|            | <b>Fair Market Value</b>   |                                      | <b>Plus 4</b>                  |   |
|            | <b>Amount</b>  | \$33,852.00                          | <b>Province/Region</b>         |   |
|            | <b>Amount Expended For Fiscal Year</b>                           | \$33,852.00                          | <b>Country</b>                 | United States   |
|            | <b>Explain why the Fair Market Value is Less than the Amount</b> |                                      | <b>Procurement Description</b> | Umbrella and second excess liability coverage for 3/1/24-3/1/25 |

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|            |  |  |                                |   |
|------------|--|--|--------------------------------|---|
| <b>39.</b> | <b>Vendor Name</b>   | Wardour Restoration Inc.                 | <b>Address Line1</b>           | 190 Gruner Road                         |
|            | <b>Type of Procurement</b>                                       | Other                                    | <b>Address Line2</b>           |   |
|            | <b>Award Process</b>   | Authority Contract - Non-Competitive Bid | <b>City</b>                    | BUFFALO                                 |
|            | <b>Award Date</b>  | 7/2/2024                                 | <b>State</b>                   | NY                                      |
|            | <b>End Date</b>  |  | <b>Postal Code</b>             | 14227                                   |
|            | <b>Fair Market Value</b>   | \$14,917.27                              | <b>Plus 4</b>                  |   |
|            | <b>Amount</b>  | \$14,917.27                              | <b>Province/Region</b>         |   |
|            | <b>Amount Expended For Fiscal Year</b>                           | \$14,917.27                              | <b>Country</b>                 | United States                           |
|            | <b>Explain why the Fair Market Value is Less than the Amount</b> |  | <b>Procurement Description</b> | Water damage cleanup at 143 Genesee St. |

|            |  |   |                                |   |
|------------|--|---|--------------------------------|---|
| <b>40.</b> | <b>Vendor Name</b>   | Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, PC | <b>Address Line1</b>           | 375 Essjay Road   |
|            | <b>Type of Procurement</b>                                       | Consulting Services   | <b>Address Line2</b>           | Suite 200   |
|            | <b>Award Process</b>   | Authority Contract - Competitive Bid  | <b>City</b>                    | WILLIAMSVILLE   |
|            | <b>Award Date</b>  | 9/20/2022   | <b>State</b>                   | NY  |
|            | <b>End Date</b>  |   | <b>Postal Code</b>             | 14221   |
|            | <b>Fair Market Value</b>   |   | <b>Plus 4</b>                  |   |
|            | <b>Amount</b>  | \$69,500.00   | <b>Province/Region</b>         |   |
|            | <b>Amount Expended For Fiscal Year</b>                           | \$40,525.00   | <b>Country</b>                 | United States   |
|            | <b>Explain why the Fair Market Value is Less than the Amount</b> |   | <b>Procurement Description</b> | Consulting services related to Smokes Creek Passive Recreational Area conceptual alternatives |

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**Additional Comments**



Procurement Report for Buffalo and Erie County Regional Development Corporation

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 Certified Date : N/A

**Procurement Information:**

| Question  | Response | URL (if Applicable)   |
|---|----------|---|
| 1. Does the Authority have procurement guidelines?  | Yes      |   |
| 2. Are the procurement guidelines reviewed annually, amended if needed, and approved by the Board?  | Yes      | <a href="https://www.ecfdany.com/about-us-corporate-policies">https://www.ecfdany.com/about-us-corporate-policies</a> |
| 3. Does the Authority allow for exceptions to the procurement guidelines?   | No       |   |
| 4. Does the Authority assign credit cards to employees for travel and/or business purchases?  | No       |   |
| 5. Does the Authority require prospective bidders to sign a non-collusion agreement?  | Yes      |   |
| 6. Does the Authority incorporate a summary of its procurement policies and prohibitions in its solicitation of proposals, bid documents, or specifications for procurement contracts?  | Yes      |   |
| 7. Did the Authority designate a person or persons to serve as the authorized contact on a specific procurement, in accordance with Section 139-(2)(a) of the State Finance Law, "The Procurement Lobbying Act"?  | Yes      |   |
| 8. Did the Authority determine that a vendor had impermissible contact during a procurement or attempted to influence the procurement during the reporting period, in accordance with Section 139-(10) of the State Finance Law?                            | No       |   |
| 8a. If Yes, was a record made of this impermissible contact?  |          |   |
| 9. Does the Authority have a process to review and investigate allegations of impermissible contact during a procurement, and to impose sanctions in instances where violations have occurred, in accordance with Section 139-(9) of the State Finance Law? | Yes      |   |

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Procurement Transactions Listing:

|           |  |   |                                |   |
|-----------|--|---|--------------------------------|---|
| <b>1.</b> | <b>Vendor Name</b>   | Erie County IDA                         | <b>Address Line1</b>           | 95 Perry Street   |
|           | <b>Type of Procurement</b>                                       | Staffing Services                       | <b>Address Line2</b>           | Suite 403   |
|           | <b>Award Process</b>   | Non Contract Procurement/Purchase Order | <b>City</b>                    | BUFFALO   |
|           | <b>Award Date</b>  |   | <b>State</b>                   | NY  |
|           | <b>End Date</b>  |   | <b>Postal Code</b>             | 14203   |
|           | <b>Fair Market Value</b>   |   | <b>Plus 4</b>                  |   |
|           | <b>Amount</b>  |   | <b>Province/Region</b>         | United States   |
|           | <b>Amount Expended For Fiscal Year</b>                           | \$300,327.44                            | <b>Country</b>                 | United States   |
|           | <b>Explain why the Fair Market Value is Less than the Amount</b> |   | <b>Procurement Description</b> | Management fee to Erie County IDA for staffing services, rent, and expense reimbursement. |
| <b>2.</b> | <b>Vendor Name</b>   | Hurwitz & Fine, P.C.                    | <b>Address Line1</b>           | 1300 Liberty Building   |
|           | <b>Type of Procurement</b>                                       | Legal Services                          | <b>Address Line2</b>           |   |
|           | <b>Award Process</b>   | Authority Contract - Competitive Bid    | <b>City</b>                    | BUFFALO   |
|           | <b>Award Date</b>  | 5/1/2019                                | <b>State</b>                   | NY  |
|           | <b>End Date</b>  | 12/1/2027                               | <b>Postal Code</b>             | 14202   |
|           | <b>Fair Market Value</b>   |   | <b>Plus 4</b>                  |   |
|           | <b>Amount</b>  | \$25,005.21                             | <b>Province/Region</b>         | United States   |
|           | <b>Amount Expended For Fiscal Year</b>                           | \$25,005.21                             | <b>Country</b>                 | United States   |
|           | <b>Explain why the Fair Market Value is Less than the Amount</b> |   | <b>Procurement Description</b> | Legal services related to lending activity.   |

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|           |  |                                      |                                |                             |
|-----------|--|--------------------------------------|--------------------------------|-----------------------------|
| <b>3.</b> | <b>Vendor Name</b>   | Lumsden McCormick, LLP               | <b>Address Line 1</b>          | 369 Franklin Street         |
|           | <b>Type of Procurement</b>                                       | Other Professional Services          | <b>Address Line 2</b>          |                             |
|           | <b>Award Process</b>   | Authority Contract - Competitive Bid | <b>City</b>                    | BUFFALO                     |
|           | <b>Award Date</b>  | 9/28/2022                            | <b>State</b>                   | NY                          |
|           | <b>End Date</b>  | 6/30/2025                            | <b>Postal Code</b>             | 14202                       |
|           | <b>Fair Market Value</b>   |                                      | <b>Plus 4</b>                  |                             |
|           | <b>Amount</b>  | \$16,900.00                          | <b>Province/Region</b>         |                             |
|           | <b>Amount Expended For Fiscal Year</b>                           | \$16,900.00                          | <b>Country</b>                 | United States               |
|           | <b>Explain why the Fair Market Value Is Less than the Amount</b> |                                      | <b>Procurement Description</b> | Independent audit services. |

Additional Comments



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**Procurement Information:**

| Question  | Response | URL (if Applicable)                                 |
|---|----------|---|
| 1. Does the Authority have procurement guidelines?  | Yes      | https://www.ecidany.com/about-us-corporate-policies |
| 2. Are the procurement guidelines reviewed annually, amended if needed, and approved by the Board?  | Yes      |   |
| 3. Does the Authority allow for exceptions to the procurement guidelines?   | No       |   |
| 4. Does the Authority assign credit cards to employees for travel and/or business purchases?  | No       |   |
| 5. Does the Authority require prospective bidders to sign a non-collusion agreement?  | Yes      |   |
| 6. Does the Authority incorporate a summary of its procurement policies and prohibitions in its solicitation of proposals, bid documents, or specifications for procurement contracts?  | Yes      |   |
| 7. Did the Authority designate a person or persons to serve as the authorized contact on a specific procurement, in accordance with Section 139-(2)(a) of the State Finance Law, "The Procurement Lobbying Act"?  | Yes      |   |
| 8. Did the Authority determine that a vendor had impermissible contact during a procurement or attempted to influence the procurement during the reporting period, in accordance with Section 139-(10) of the State Finance Law?                            | No       |   |
| 8a. If Yes, was a record made of this impermissible contact?  |          |   |
| 9. Does the Authority have a process to review and investigate allegations of impermissible contact during a procurement, and to impose sanctions in instances where violations have occurred, in accordance with Section 139-(9) of the State Finance Law? | Yes      |   |

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Procurement Transactions Listing:

|           |  |  |                                |  |
|-----------|--|--|--------------------------------|--|
| <b>1.</b> | <b>Vendor Name</b>   | 19 Ideas, Inc.                           | <b>Address Line1</b>           | 32C Essex Street   |
|           | <b>Type of Procurement</b>                                       | Other Professional Services              | <b>Address Line2</b>           |  |
|           | <b>Award Process</b>   | Authority Contract - Non-Competitive Bid | <b>City</b>                    | BUFFALO  |
|           | <b>Award Date</b>  | 8/8/2024                                 | <b>State</b>                   | NY   |
|           | <b>End Date</b>  |  | <b>Postal Code</b>             | 14213  |
|           | <b>Fair Market Value</b>   | \$5,000.00                               | <b>Plus 4</b>                  |  |
|           | <b>Amount</b>  | \$5,000.00                               | <b>Province/Region</b>         |  |
|           | <b>Amount Expended For Fiscal Year</b>                           | \$5,000.00                               | <b>Country</b>                 | United States  |
|           | <b>Explain why the Fair Market Value is Less than the Amount</b> |  | <b>Procurement Description</b> | Creative services to establish a new logo for the Erie County Agribusiness Park. |

|           |  |   |                                |   |
|-----------|--|---|--------------------------------|---|
| <b>2.</b> | <b>Vendor Name</b>   | Conway Data, Inc.                       | <b>Address Line1</b>           | 6625 The Corners Parkway, Suite 200                     |
|           | <b>Type of Procurement</b>                                       | Other                                   | <b>Address Line2</b>           |   |
|           | <b>Award Process</b>   | Non Contract Procurement/Purchase Order | <b>City</b>                    | NORCROSS  |
|           | <b>Award Date</b>  |   | <b>State</b>                   | GA  |
|           | <b>End Date</b>  |   | <b>Postal Code</b>             | 30092   |
|           | <b>Fair Market Value</b>   |   | <b>Plus 4</b>                  |   |
|           | <b>Amount</b>  |   | <b>Province/Region</b>         |   |
|           | <b>Amount Expended For Fiscal Year</b>                           | \$5,000.00                              | <b>Country</b>                 | United States   |
|           | <b>Explain why the Fair Market Value is Less than the Amount</b> |   | <b>Procurement Description</b> | Renaissance Commerce Park ad in Site Selection magazine |

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|           |  |                                      |                                |  |
|-----------|--|--------------------------------------|--------------------------------|--|
| <b>3.</b> | <b>Vendor Name</b>   | E & R General Construction Inc.      | <b>Address Line1</b>           | 38 Saint David's Drive   |
|           | <b>Type of Procurement</b>                                       | Design and Construction/Maintenance  | <b>Address Line2</b>           |  |
|           | <b>Award Process</b>   | Authority Contract - Competitive Bid | <b>City</b>                    | WEST SENECA  |
|           | <b>Award Date</b>  | 4/27/2022                            | <b>State</b>                   | NY   |
|           | <b>End Date</b>  |                                      | <b>Postal Code</b>             | 14224  |
|           | <b>Fair Market Value</b>   |                                      | <b>Plus 4</b>                  |  |
|           | <b>Amount</b>  | \$2,000,994.60                       | <b>Province/Region</b>         |  |
|           | <b>Amount Expended For Fiscal Year</b>                           | \$412,392.18                         | <b>Country</b>                 | United States  |
|           | <b>Explain why the Fair Market Value Is Less than the Amount</b> |                                      | <b>Procurement Description</b> | Construction of 1,550 feet of new roadway ("Road B") at Renaissance Commerce Park. |

|           |  |   |                                |   |
|-----------|--|---|--------------------------------|---|
| <b>4.</b> | <b>Vendor Name</b>   | Erie County Industrial Development Agency | <b>Address Line1</b>           | 95 Perry Street   |
|           | <b>Type of Procurement</b>                                       | Staffing Services                         | <b>Address Line2</b>           | Suite 403   |
|           | <b>Award Process</b>   | Non Contract Procurement/Purchase Order   | <b>City</b>                    | BUFFALO   |
|           | <b>Award Date</b>  |   | <b>State</b>                   | NY  |
|           | <b>End Date</b>  |   | <b>Postal Code</b>             | 14203   |
|           | <b>Fair Market Value</b>   |   | <b>Plus 4</b>                  |   |
|           | <b>Amount</b>  |   | <b>Province/Region</b>         |   |
|           | <b>Amount Expended For Fiscal Year</b>                           | \$59,174.92                               | <b>Country</b>                 | United States   |
|           | <b>Explain why the Fair Market Value Is Less than the Amount</b> |   | <b>Procurement Description</b> | Management fee to Erie County IDA for staffing services, expense reimbursement. |

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|  |                                      |                                |  |
|--|--------------------------------------|--------------------------------|--|
| <b>5. Vendor Name</b>  | Foit Albert Associates               | <b>Address Line1</b>           | 295 Main Street  |
| <b>Type of Procurement</b>                                       | Design and Construction/Maintenance  | <b>Address Line2</b>           | Suite 200  |
| <b>Award Process</b>   | Authority Contract - Competitive Bid | <b>City</b>                    | BUFFALO  |
| <b>Award Date</b>  | 7/28/2021                            | <b>State</b>                   | NY   |
| <b>End Date</b>  |                                      | <b>Postal Code</b>             | 14203  |
| <b>Fair Market Value</b>   |                                      | <b>Plus 4</b>                  |  |
| <b>Amount</b>  | \$373,659.10                         | <b>Province/Region</b>         |  |
| <b>Amount Expended For Fiscal Year</b>                           | \$59,811.60                          | <b>Country</b>                 | United States  |
| <b>Explain why the Fair Market Value is Less than the Amount</b> |                                      | <b>Procurement Description</b> | Engineering, design, and resident engineering services for the construction of new road ("Road B") at Renaissance Commerce Park. |

|  |                                      |                                |   |
|--|--------------------------------------|--------------------------------|---|
| <b>6. Vendor Name</b>  | Foit Albert Associates               | <b>Address Line1</b>           | 295 Main Street   |
| <b>Type of Procurement</b>                                       | Design and Construction/Maintenance  | <b>Address Line2</b>           | Suite 200   |
| <b>Award Process</b>   | Authority Contract - Competitive Bid | <b>City</b>                    | BUFFALO   |
| <b>Award Date</b>  | 1/26/2022                            | <b>State</b>                   | NY  |
| <b>End Date</b>  |                                      | <b>Postal Code</b>             | 14203   |
| <b>Fair Market Value</b>   |                                      | <b>Plus 4</b>                  |   |
| <b>Amount</b>  | \$329,514.75                         | <b>Province/Region</b>         |   |
| <b>Amount Expended For Fiscal Year</b>                           | \$44,929.56                          | <b>Country</b>                 | United States   |
| <b>Explain why the Fair Market Value is Less than the Amount</b> |                                      | <b>Procurement Description</b> | Engineering, design, and resident engineer services for the construction of new roadways extending into Renaissance Commerce Park from the existing Ridge Road and/or Odell Street. |



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|  |                                      |                                |  |
|--|--------------------------------------|--------------------------------|--|
| <b>7. Vendor Name</b>  | Harris Beach, PLLC                   | <b>Address Line1</b>           | Larkin at Exchange   |
| <b>Type of Procurement</b>                                       | Legal Services                       | <b>Address Line2</b>           | 726 Exchange Street, Suite 1000                              |
| <b>Award Process</b>   | Authority Contract - Competitive Bid | <b>City</b>                    | BUFFALO  |
| <b>Award Date</b>  | 1/12/2009                            | <b>State</b>                   | NY   |
| <b>End Date</b>  | 12/1/2027                            | <b>Postal Code</b>             | 14210  |
| <b>Fair Market Value</b>   |                                      | <b>Plus 4</b>                  |  |
| <b>Amount</b>  | \$61,903.23                          | <b>Province/Region</b>         |  |
| <b>Amount Expended For Fiscal Year</b>                           | \$61,903.23                          | <b>Country</b>                 | United States  |
| <b>Explain why the Fair Market Value is Less than the Amount</b> |                                      | <b>Procurement Description</b> | Legal services (ILDC General Counsel) based on hourly rates. |

|  |                                      |                                |   |
|--|--------------------------------------|--------------------------------|---|
| <b>8. Vendor Name</b>  | LaBella Associates PC                | <b>Address Line1</b>           | 300 State Street                                |
| <b>Type of Procurement</b>                                       | Consulting Services                  | <b>Address Line2</b>           | Suite 201                                       |
| <b>Award Process</b>   | Authority Contract - Competitive Bid | <b>City</b>                    | ROCHESTER                                       |
| <b>Award Date</b>  | 8/28/2019                            | <b>State</b>                   | NY  |
| <b>End Date</b>  |                                      | <b>Postal Code</b>             | 14614   |
| <b>Fair Market Value</b>   |                                      | <b>Plus 4</b>                  |   |
| <b>Amount</b>  | \$5,250.00                           | <b>Province/Region</b>         |   |
| <b>Amount Expended For Fiscal Year</b>                           | \$5,250.00                           | <b>Country</b>                 | United States                                   |
| <b>Explain why the Fair Market Value is Less than the Amount</b> |                                      | <b>Procurement Description</b> | Annual BCP certification and annual PRR report. |

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|           |  |   |                                |  |
|-----------|--|---|--------------------------------|--|
| <b>9.</b> | <b>Vendor Name</b>   | Lackawanna City Treasurer               | <b>Address Line1</b>           | 714 Ridge Road   |
|           | <b>Type of Procurement</b>                                       | Other                                   | <b>Address Line2</b>           |  |
|           | <b>Award Process</b>   | Non Contract Procurement/Purchase Order | <b>City</b>                    | LACKAWANNA   |
|           | <b>Award Date</b>  |   | <b>State</b>                   | NY   |
|           | <b>End Date</b>  |   | <b>Postal Code</b>             | 14218  |
|           | <b>Fair Market Value</b>   |   | <b>Plus 4</b>                  |  |
|           | <b>Amount</b>  |   | <b>Province/Region</b>         | United States  |
|           | <b>Amount Expended For Fiscal Year</b>                           | \$79,963.49                             | <b>Country</b>                 |  |
|           | <b>Explain why the Fair Market Value is Less than the Amount</b> |   | <b>Procurement Description</b> | City of Lackawanna sewer tax for the Renaissance Commerce Park property. |

|            |  |                                      |                                |                            |
|------------|--|--------------------------------------|--------------------------------|----------------------------|
| <b>10.</b> | <b>Vendor Name</b>   | Lumsden McCormick, LLP               | <b>Address Line1</b>           | 369 Franklin Street        |
|            | <b>Type of Procurement</b>                                       | Other Professional Services          | <b>Address Line2</b>           |                            |
|            | <b>Award Process</b>   | Authority Contract - Competitive Bid | <b>City</b>                    | BUFFALO                    |
|            | <b>Award Date</b>  | 9/28/2022                            | <b>State</b>                   | NY                         |
|            | <b>End Date</b>  | 6/30/2025                            | <b>Postal Code</b>             | 14202                      |
|            | <b>Fair Market Value</b>   |                                      | <b>Plus 4</b>                  |                            |
|            | <b>Amount</b>  | \$6,200.00                           | <b>Province/Region</b>         | United States              |
|            | <b>Amount Expended For Fiscal Year</b>                           | \$6,200.00                           | <b>Country</b>                 |                            |
|            | <b>Explain why the Fair Market Value is Less than the Amount</b> |                                      | <b>Procurement Description</b> | Independent audit services |

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|  |                                      |                                |  |
|--|--------------------------------------|--------------------------------|--|
| <b>11. Vendor Name</b>   | Pinto Construction Services, Inc.    | <b>Address Line1</b>           | 132 Dingens Street   |
| <b>Type of Procurement</b>                                       | Design and Construction/Maintenance  | <b>Address Line2</b>           |  |
| <b>Award Process</b>   | Authority Contract - Competitive Bid | <b>City</b>                    | BUFFALO  |
| <b>Award Date</b>  | 9/28/2022                            | <b>State</b>                   | NY   |
| <b>End Date</b>  |                                      | <b>Postal Code</b>             | 14206  |
| <b>Fair Market Value</b>   |                                      | <b>Plus 4</b>                  |  |
| <b>Amount</b>  | \$6,434,879.74                       | <b>Province/Region</b>         | United States  |
| <b>Amount Expended For Fiscal Year</b>                           | \$1,518,820.09                       | <b>Country</b>                 | United States  |
| <b>Explain why the Fair Market Value is Less than the Amount</b> |                                      | <b>Procurement Description</b> | Construction of sewer and water line extensions at Renaissance Commerce Park |

|  |                                      |                                |  |
|--|--------------------------------------|--------------------------------|--|
| <b>12. Vendor Name</b>   | Wendel                               | <b>Address Line1</b>           | 375 Essjay Road                                |
| <b>Type of Procurement</b>                                       | Consulting Services                  | <b>Address Line2</b>           | Suite 200                                      |
| <b>Award Process</b>   | Authority Contract - Competitive Bid | <b>City</b>                    | WILLIAMSVILLE                                  |
| <b>Award Date</b>  | 12/16/2020                           | <b>State</b>                   | NY   |
| <b>End Date</b>  |                                      | <b>Postal Code</b>             | 14221  |
| <b>Fair Market Value</b>   |                                      | <b>Plus 4</b>                  |  |
| <b>Amount</b>  | \$445,973.00                         | <b>Province/Region</b>         | United States                                  |
| <b>Amount Expended For Fiscal Year</b>                           | \$71,163.22                          | <b>Country</b>                 | United States                                  |
| <b>Explain why the Fair Market Value is Less than the Amount</b> |                                      | <b>Procurement Description</b> | Erie County Agribusiness Park Master Plan/GEIS |



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**Additional Comments**



The purpose of this plan is to protect employees against exposure and disease during an airborne infectious disease outbreak. This plan goes into effect when an airborne infectious disease is designated by the New York State Commissioner of Health as a highly contagious communicable disease that presents a serious risk of harm to the public health. This plan is subject to any additional or greater requirements arising from a declaration of a state of emergency due to an airborne infectious disease, as well as any applicable federal standards.

*Employees should report any questions or concerns with the implementation this plan to the designated contact.*

This plan applies to all “employees” as defined by the New York State Labor Law 218-b, which means any person providing labor or services for remuneration for a private entity or business within the state, without regard to an individual’s immigration status, and shall include part-time workers, independent contractors, domestic workers, home care and personal care workers, day laborers, farmworkers and other temporary and seasonal workers. The term also includes individuals working for digital applications or platforms, staffing agencies, contractors or subcontractors on behalf of the employer at any individual work site, as well as any individual delivering goods or transporting people at, to or from the work site on behalf of the employer, regardless of whether delivery or transport is conducted by an individual or entity that would otherwise be deemed an employer under this chapter. The term does not include employees or independent contractors of the state, any political subdivision of the state, a public authority, or any other governmental agency or instrumentality.

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**I. RESPONSIBILITIES**

This plan applies to all employees of Erie County Industrial Development Agency, and [all]/[the following work sites]:

|   |
|---|
| <b>95 Perry Street, Buffalo, New York 14203</b> |
|   |
|   |
|   |

This plan requires commitment to ensure compliance with all plan elements aimed at preventing the spread of infectious disease. The following supervisory employee(s) are designated to enforce compliance with the plan. Additionally, these supervisory employees will act as the designated contacts unless otherwise noted in this plan:

| <b>Name</b>          | <b>Title</b> | <b>Location</b>                                 | <b>Phone</b>        |
|----------------------|--------------|---|---------------------|
| <b>Mollie Profic</b> | <b>CFO</b>   | <b>95 Perry Street, Buffalo, New York 14203</b> | <b>716.362.8380</b> |
|                      |              |   |                     |
|                      |              |   |                     |
|                      |              |   |                     |

**II. EXPOSURE CONTROLS DURING A DESIGNATED OUTBREAK**

**A. MINIMUM CONTROLS DURING AN OUTBREAK**

During an airborne infectious disease outbreak, the following minimum controls will be used in all areas of the worksite:

1. **General Awareness:** Individuals may not be aware that they have the infectious disease and can spread it to others. Employees should remember to:
  - Maintain physical distancing;
  - Exercise coughing/sneezing etiquette;
  - Wear face coverings, gloves, and personal protective equipment (PPE), as appropriate;
  - Individuals limit what they touch;
  - Stop social etiquette behaviors such as hugging and hand shaking, and
  - Wash hands properly and often.
2. **“Stay at Home Policy”:** If an employee develops symptoms of the infectious disease, the employee should not be in the workplace. The employee should inform the designated contact and follow New York State Department of Health (NYSDOH) and Centers for Disease Control and Prevention (CDC) guidance regarding obtaining medical care and isolating.
3. **Health Screening:** Employees will be screened for symptoms of the infectious disease at the beginning of their shift. Employees are to self-monitor throughout their shift and report any new or emerging signs or symptoms of the infectious disease to the designated contact. An employee showing signs or symptoms of the infectious disease should be removed from the workplace and should contact a healthcare professional for instructions. The health screening elements will follow guidance from NYSDOH and CDC guidance, if available.

4. **Face Coverings:** When in use, face coverings must cover the nose and mouth, and fit snugly, but comfortably, against the face. The face covering itself must not create a hazard (e.g., have features could get caught in machinery or cause severe fogging of eyewear). The face coverings must be kept clean and sanitary and changed when soiled, contaminated, or damaged.
5. **Physical Distancing:** Physical distancing will be used, to the extent feasible, as advised by guidance from State Department of Health or the Centers for Disease Control and Prevention, as applicable.

*In situations where prolonged close contact with other individuals is likely, use the following control methods: (Note to employer: Check off the controls you intend to use and add any additional controls not listed here.)*

- restricting or limiting customer or visitor entry;
- limiting occupancy;
- allowing only one person at a time inside small enclosed spaces with poor ventilation;
- reconfiguring workspaces;
- physical barriers;
- signage;
- floor markings;
- telecommuting;
- remote meetings;
- preventing gatherings;
- restricting travel;
- creating new work shifts and/or staggering work hours;
- adjusting break times and lunch periods;
- delivering services remotely or through curbside pickup;
- **Convert internal & external in-person meetings to an online format whenever possible (comply with public meetings laws).**

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6. **Hand Hygiene:** To prevent the spread of infection, employees should wash hands with soap and water for at least 20 seconds or use a hand sanitizer with at least 60% alcohol to clean hands BEFORE and AFTER:
  - Touching your eyes, nose, or mouth;
  - Touching your mask;
  - Entering and leaving a public place; and
  - Touching an item or surface that may be frequently touched by other people, such as door handles, tables, gas pumps, shopping carts, or electronic cashier registers/screens.

Because hand sanitizers are less effective on soiled hands, wash hands rather than using hand sanitizer when your hands are soiled.

7. **Cleaning and Disinfection:** See Section V of this plan.

8. **“Respiratory Etiquette”**: Because infectious diseases can be spread by droplets expelled from the mouth and nose, employees should exercise appropriate respiratory etiquette by covering nose and mouth when sneezing, coughing or yawning.
9. **Special Accommodations for Individuals with Added Risk Factors**: Some employees, due to age, underlying health condition, or other factors, may be at increased risk of severe illness if infected. Please inform your supervisor or the HR department if you fall within this group and need an accommodation.

## **B. ADVANCED CONTROLS DURING AN OUTBREAK**

For activities where the Minimum Controls alone will not provide sufficient protection for employees, additional controls from the following hierarchy may be necessary. Employers should determine if the following are necessary:

1. **Elimination**: Employers should consider the temporary suspension or elimination of risky activities where adequate controls could not provide sufficient protection for employees.
  2. **Engineering Controls**: Employers should consider appropriate controls to contain and/or remove the infectious agent, prevent the agent from being spread, or isolate the worker from the infectious agent. Examples of engineering controls include:
    - i. **Mechanical Ventilation**:
      - a. **Local Exhaust Ventilation**, for example:
        - Ventilated booths (lab hoods);
        - Kitchen Vents; and
        - Vented biosafety cabinets.
      - b. **General Ventilation**, for example:
        - Dedicated ventilation systems for cooking areas, malls, atriums, surgical suites, manufacturing, welding, indoor painting, laboratories, negative pressure isolation rooms;
        - Increasing the percentage of fresh air introduced into air handling systems;
        - Avoiding air recirculation;
        - Using higher-efficiency air filters in the air handling system;
        - If fans are used in the facility, arrange them so that air does not blow directly from one worker to another; and
    - ii. **Natural Ventilation**, for example:
      - Opening outside windows and doors to create natural ventilation; and
      - Opening windows on one side of the room to let fresh air in and installing window exhaust fans on the opposite side of the room so that they exhaust air outdoors. *(Note: This method is appropriate only if air will not blow from one person to another.)*
    - iii. Install automatic disinfection systems (e.g., ultraviolet light disinfection systems).
    - iv. Install cleanable barriers such as partitions and/or clear plastic sneeze/cough guards.
    - v. Change layout to avoid points or areas where employees may congregate (e.g., install additional timeclocks).
- Subject to changes based on operations and circumstances surrounding the infectious disease, engineering controls that are anticipated to be used are listed in the following table:

**Engineering Controls Utilized/Location:**

**The building is owned by Savarino - our contact is Julia Spitz, EVP. Julia has indicated that our facility is currently using the highest grade filters compatible with the HVAC system. Filters are changed quarterly. We have access to an outside door (patio door) that can be opened to increase air flow from outside. Should any air quality concerns arise, the ability to work from home remains as a viable option for staff.**

*Note to Employer: One of the best ways to reduce exposure to infectious agents is to improve ventilation. The aim is to deliver more "clean air" into an occupied area and exhaust the contaminated air to a safe location. In some cases, the air may have to be filtered before it enters the work area and/or before it is exhausted. Direct the contaminated air away from other individuals and from the building's fresh air intake ports. Consult your ventilation system's manufacturer or service company to determine if improvements are possible for your system.*

**3. "Administrative Controls" are policies and work rules used to prevent exposure. Examples include:**

- Increasing the space between workers;
- Slowing production speed to accommodate fewer workers at a time;
- Disinfecting procedures for specific operations;
- Not shaking out soiled laundry;
- Employee training;
- Identify and prioritize job functions that are essential for continuous operations;
- Cross-train employees to ensure critical operations can continue during worker absence;
- Limit the use of shared workstations;
- Post signs reminding employees of respiratory etiquette, masks, handwashing;
- Rearrange traffic flow to allow for one-way walking paths;
- Provide clearly designated entrance and exits;
- Provide additional short breaks for handwashing and cleaning;
- Establishing pods or cohorts working on same shift;

Subject to changes based on operations and circumstances surrounding the infectious disease, the following specific administrative controls are anticipated to be used:

| Administrative Controls Utilized/Location:   |
|--|
| A subset of the administrative contracts as noted above would be deployed as needed. |
|  |
|  |
|  |
|  |
|  |

4. 10. Personal Protective Equipment (PPE) are devices like eye protection, face shields, respirators , , and gloves that protect the wearer from infection. PPE will be provided, used and maintained in a sanitary and reliable condition at no cost to the employee. The PPE provided to an employee will be based on a hazard assessment for the workplace.

| PPE Required - Activity Involved/Location:  |
|---|
| PPE as noted above would be required (as/ if deemed necessary) at no cost to employees. |
|   |
|   |
|   |
|   |
|   |

*1 The use of respiratory protection, e.g. an N95 filtering facepiece respirator, requires compliance with the OSHA Respiratory Protection Standard 29 CFR 1910.134 or temporary respiratory protection requirements OSHA allows for during the infectious disease outbreak.*

*2 Respirators with exhalation valves will release exhaled droplets from the respirators. Respirators are designed to protect the wearer. Surgical masks and face coverings, which are not respirators, are designed to protect others, not the wearer.*

**C. EXPOSURE CONTROL READINESS, MAINTENANCE AND STORAGE:**

The controls we have selected will be obtained, properly stored, and maintained so that they are ready for immediate use in the event of an infectious disease outbreak and any applicable expiration dates will be properly considered.

### III. HOUSEKEEPING DURING A DESIGNATED OUTBREAK

#### A. Disinfection Methods and Schedules

Objects that are touched repeatedly by multiple individuals, such as door handles, light switches, control buttons/levers, dials, levers, water faucet handles, computers, phones, or handrails must be cleaned frequently with an appropriate disinfectant. Surfaces that are handled less often, or by fewer individuals, may require less frequent disinfection.

The disinfection methods and schedules selected are based on specific workplace conditions.

The New York State Department of Environmental Conservation (NYSDEC) and the Environmental Protection Agency (EPA) have compiled lists of approved disinfectants that are effective against many infectious agents (see [dec.ny.gov](http://dec.ny.gov) and [epa.gov/pesticide-registration/selected-epa-registered-disinfectants](http://epa.gov/pesticide-registration/selected-epa-registered-disinfectants)). Select disinfectants based on NYSDOH and CDC guidance and follow manufacturer guidance for methods, dilution, use, and contact time.

#### B. Adjustments to Normal Housekeeping Procedures

Normal housekeeping duties and schedules should continue to be followed during an infectious disease outbreak, to the extent practicable and appropriate consistent with NYSDOH and/or CDC guidance in effect at the time. However, routine procedures may need to be adjusted and additional cleaning and disinfecting may be required.

Housekeeping staff may be at increased risk because they may be cleaning many potentially contaminated surfaces. Some housekeeping activities, like dry sweeping, vacuuming, and dusting, can resuspend into the air particles that are contaminated with the infectious agent. For that reason, alternative methods and/or increased levels of protection may be needed.

Rather than dusting, for example, the CDC recommends cleaning surfaces with soap and water before disinfecting them. Conducting housekeeping during “off” hours may also reduce other workers’ exposures to the infectious agent. Best practice dictates that housekeepers should wear respiratory protection. See [cdc.gov](http://cdc.gov) for more guidance.

C. If an employee develops symptoms of the infectious disease at work, it is ideal to isolate the area in accordance with guidance issued by NYSDOH or the CDC, before cleaning and disinfecting the sick employee’s work area. This delay will allow contaminated droplets to settle out of the air and the space to be ventilated.

D. As feasible, liners should be used in trash containers. Empty the containers often enough to prevent overfilling. Do not forcefully squeeze the air out of the trash bags before tying them closed. Trash containers may contain soiled tissue or face coverings.

### IV. INFECTION RESPONSE DURING A DESIGNATED OUTBREAK

If an actual, or suspected, infectious disease case occurs at work, take the following actions:

- Instruct the sick individual to wear a face covering and leave the worksite and follow NYSDOH/CDC guidance.
- Follow local and state authority guidance to inform impacted individuals.

### V. TRAINING AND INFORMATION DURING A DESIGNATED OUTBREAK

A. \_\_\_\_\_ will verbally inform all employees of the existence and location of this Plan, the circumstances it can be activated, the infectious disease standard, employer policies, and employee rights under the New York State Labor Law 218-b. (Note: training need not be provided to the following individuals: any individuals working for staffing agencies, contractors or subcontractors on behalf of the employer at any individual work site, as well as any individual delivering goods or transporting people at, to or from the work site on behalf of the employer, where delivery or transport is conducted by an individual or entity that would otherwise be deemed an employer under this chapter)

B. When this plan is activated, all personnel will receive training which will cover all elements of this plan and the following topics:

1. The infectious agent and the disease(s) it can cause;
2. The signs and symptoms of the disease;
3. How the disease can be spread;
4. An explanation of this Exposure Prevention Plan;
5. The activities and locations at our worksite that may involve exposure to the infectious agent;
6. The use and limitations of exposure controls
7. A review of the standard, including employee rights provided under Labor Law, Section 218-B.

C. The training will be

1. Provided at no cost to employees and take place during working hours. If training during normal work hours is not possible, employees will be compensated for the training time (with pay or time off);
2. Appropriate in content and vocabulary to your educational level, literacy, and preferred language; and
3. Verbally provided in person or through telephonic, electronic, or other means.

## VI. PLAN EVALUATIONS DURING A DESIGNATED OUTBREAK

The employer will review and revise the plan periodically, upon activation of the plan, and as often as needed to keep up-to-date with current requirements. Document the plan revisions below:

| Plan Revision History |                         |               |   |             |
|-----------------------|-------------------------|---------------|---|-------------|
| Date                  | Reviewed and Revised by | Major Changes |   | Approved By |
|                       |                         | Plan Adopted  | Enter date the original plan is created.                                    |             |
|                       |                         | Staff Trained | Enter date the plan is made available, posted, and staff trained            |             |
|                       |                         | Plan Revised  |   |             |
|                       |                         |               |   |             |
|                       |                         |               |   |             |
|                       |                         | Staff Trained | Enter date the revised plan is made available, and staff updated to changes |             |
|                       |                         | Plan Revised  |   |             |
|                       |                         |               |   |             |
|                       |                         |               |   |             |
|                       |                         | Staff Trained | Enter date the revised plan is made available, and staff updated to changes |             |
|                       |                         | Plan Revised  |   |             |
|                       |                         |               |   |             |
|                       |                         |               |   |             |
|                       |                         | Staff Trained | Enter date the revised plan is made available, and staff updated to changes |             |
|                       |                         | Plan Revised  |   |             |
|                       |                         |               |   |             |
|                       |                         |               |   |             |
|                       |                         | Staff Trained | Enter date the revised plan is made available, and staff updated to changes |             |

## **VII. RETALIATION PROTECTIONS AND REPORTING OF ANY VIOLATIONS**

No employer, or his or her agent, or person, , acting as or on behalf of a hiring entity, or the officer or agent of any entity, business, corporation, partnership, or limited liability company, shall discriminate, threaten, retaliate against, or take adverse action against any employee for exercising their rights under this plan, including reporting conduct the employee reasonably believes in good faith violates the plan or airborne infectious disease concerns to their employer, government agencies or officials or for refusing to work where an employee reasonably believes in good faith that such work exposes him or her, other workers, or the public to an unreasonable risk of exposure, provided the employee, another employee, or representative has notified the employer verbally or in writing, including electronic communication, of the inconsistent working conditions and the employer's failure to cure or if the employer knew or should have known of the consistent working conditions.

Notification of a violation by an employee may be made verbally or in writing, and without limitation to format including electronic communications. To the extent that communications between the employer and employee regarding a potential risk of exposure are in writing, they shall be maintained by the employer for two years after the conclusion of the designation of a high risk disease from the Commissioner of Health, or two years after the conclusion of the Governor's emergency declaration of a high risk disease. Employer should include contact information to report violations of this plan and retaliation during regular business hours and for weekends/other non-regular business hours when employees may be working.

Restated and re-adopted this 26th day of March 2025 by the respective Boards of each corporation referenced above.

**Erie County Industrial Development Agency (“ECIDA”), Buffalo  
and Erie County Regional Development Corporation (“RDC”) and  
Buffalo and Erie County Industrial Land Development Corporation  
 (“ILDC”)**

**FREEDOM OF INFORMATION LAW (“FOIL”) POLICY**

**Section 1     Applicability**

(a)     This FOIL Policy (“Policy”) shall apply to Erie County Industrial Development Agency and all of its affiliates, including: Buffalo and Erie County Regional Development Corporation (“RDC”); Buffalo and Erie County Industrial Land Development Corporation (“ILDC”) and such other affiliates as may hereafter be established by the Agency and which are determined to be subject to the requirements of Section 2925 of the Public Authorities Law (an “ECIDA Affiliate”) (hereinafter collectively referred to as the “Agency”) upon approval by the respective Boards of each corporation. Unless otherwise indicated, all references to the “Agency” herein shall also include the ECIDA Affiliates.

**Section 2     Purpose**

(a)     This policy provides information concerning the procedures by which members of the public may access records of the Agency in accordance with the New York State Freedom of Information Law (“FOIL”).

(b)     The Agency will furnish to the public the information and records required to be disclosed by the New York State FOIL (Article 6, Sections 84-90, of the Public Officers Law), and other applicable regulations. The FOIL gives members of the public the right to access government records, with certain exceptions. The full text of the FOIL law, guidance issued by the New York State Committee on Open Government, and other information about the law can be found on the Committee’s website, <http://www.dos.ny.gov/coog/index.html>

**Section 3     Designation of Records Access Officer.**

(a)     The Agency shall designate, from time to time, a person from whom such Agency records may be obtained (the “Records Access Officer”).

(b)     The Records Access Officer is responsible for insuring appropriate Agency response to public requests for access to records.

The Records Access Officer shall insure that Agency personnel:

(1)     Maintain an up-to-date subject matter list reasonably detailing all records in the possession of the Agency, whether or not available under FOIL.

(2)     Maintain a record setting forth the name, public office address, title, and salary of every officer or employee of the Agency.

#### **Section 4 Hours for Public Inspection and Location**

(a) The Agency shall accept requests for public access to records and produce records during regular business hours.

(b) The Record Access Officer shall designate the locations where records shall be available for public inspection and copying.

#### **Section 5 Requests for Public Access to Records.**

(a) All requests for Agency records shall be made in writing to the Record Access Officer through:

(1) direct mail or electronic mail or facsimile, at the Agency's post office address, email address or fax number, or

(2) the online FOIL request form on the Agency's website at <https://www.ecidany.com/>

(b) All requests for access to records shall:

(1) contain the name and contact information of the requestor, including, if possible, a telephone number and mailing address, and

(2) include a detailed description of the records that are being sought including, but not limited to, dates, titles, file designations, or any other information that will assist the Agency in locating the requested records.

(c) The Agency shall respond within five business days of receipt of a request by:

(1) informing a person requesting records that the request or portion of the request does not reasonably describe the records sought, including direction, to the extent possible, that would enable that person to request records reasonably described;

(2) granting or denying access to records in whole or in part;

(3) acknowledging the receipt of a request in writing, including an approximate date when the request will be granted or denied in whole or in part, which shall be reasonable under the circumstances of the request and shall not be more than twenty business days after the date of the acknowledgment, or if it is known that circumstances prevent disclosure within twenty business days from the date of such acknowledgment, providing a statement in writing indicating the reason for inability to grant the request within that time and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part;  
or

(4) if the receipt of request was acknowledged in writing and included an approximate date when the request would be granted in whole or in part within twenty business days of such acknowledgment, but circumstances prevent disclosure within that time, providing a

statement in writing within twenty business days of such acknowledgment specifying the reason for the inability to do so and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part.

(d) In determining a reasonable time for granting or denying a request under the circumstances of a request, personnel shall consider the volume of a request, the ease or difficulty in locating, retrieving or generating records, the complexity of the request, the need to review records to determine the extent to which they must be disclosed, the number of requests received by the Agency, the Agency's indexing and retrieval system, and similar factors that bear on the ability to grant access to records promptly and within a reasonable time.

#### **Section 6 Denial of Access to Records.**

(a) Denial of access to records shall be in writing stating the reason therefor and advising the requestor of the right to appeal to the individual established to determine appeals, who shall be identified by name, title, business address and business phone number.

(b) The Agency shall designate, from time to time, a person to whom appeals shall be submitted.

(c) Any person denied access to records may appeal within thirty days of a denial.

(d) The time for deciding an appeal by the individual to determine appeals shall commence upon receipt of a written appeal identifying:

- (1) the date and location of requests for records;
- (2) a description, to the extent possible, of the records that were denied; and
- (3) the name and return address of the person denied access.

(e) A failure to determine an appeal within ten business days of its receipt by granting access to the records sought or fully explaining the reasons for further denial in writing shall constitute a denial of the appeal.

(f) The person designated to determine appeals shall transmit to the Committee on Open Government copies of all appeals upon receipt of appeals. Such copies shall be addressed to:

Committee on Open Government  
Department of State  
One Commerce Plaza, 99 Washington Ave, Suite 650  
Albany, NY 12231

(g) The person designated to determine appeals shall inform the appellant and the Committee on Open Government of its determination in writing within ten business days of receipt of an appeal. The determination shall be transmitted to the Committee on Open Government in the same manner as set forth in subdivision (f) of this section.

**Section 7 Employee Notification of Release of Disciplinary Record**

(a) For the purposes of this Section 7, the term "Disciplinary Record" shall mean and refer to those records set forth by Section 86(6) of the Public Officers Law, including any record created in furtherance of a law enforcement disciplinary proceeding, including, but not limited to:

- (1) the complaints, allegations, and charges against an Employee;
- (2) the name of the Employee complained of or charged;
- (3) the transcript of any disciplinary trial or hearing, including any exhibits introduced at such trial or hearing;
- (4) the disposition of any disciplinary proceeding; and
- (5) the final written opinion or memorandum supporting the disposition and discipline imposed including the Agency's complete factual findings and its analysis of the conduct and appropriate discipline of the covered Employee.

(b) Pursuant to and in accordance with the requirements of Section 87(6) of FOIL, in the event the Agency is responding to a request for the Disciplinary Record of a current or former employee of the Agency (in each instance, an "Employee") pursuant to this Policy and/or FOIL, the Agency shall provide written notification of said response to such Employee (the "Employee Notice") at the same time the response is released to the submitter of such request.

**Section 8 Fees.**

- (a) There shall be no fee charged for:
  - (1) inspection of records;
  - (2) search for records; or
  - (3) any certification of records.
- (b) Fees for copies may be charged, provided that:
  - (1) the fee for copying records shall not exceed 25 cents per page for photocopies not exceeding 9 by 14 inches;
  - (2) the fee for photocopies of records in excess of 9 x 14 inches shall not exceed the actual cost of reproduction.
- (c) The actual cost of production that may be charged by the Agency for producing records may include only the following:

(1) an amount equal to the hourly salary attributed to the lowest paid employee who has the necessary skill required to prepare a copy of the requested record if more than two hours of the employee's time is necessary to do so; and

(2) the actual cost of the storage devices provided to the person making the request in complying with such request; or

(3) the actual cost to the Agency of engaging an outside professional service to prepare a copy of a record, but only when Agency's information technology equipment is inadequate to prepare a copy, and if such service is used to prepare the copy.

(d) The Agency has the authority to redact portions of a paper record and may do so prior to disclosure of the record by making a photocopy from which the proper redactions are made.

(e) The Agency shall inform a person requesting a record of the estimated cost of preparing a copy of the record if more than two hours of an Agency employee's time is needed, or if it is necessary to retain an outside professional service to prepare a copy of the record.

(f) The Agency may require that the fee for copying or reproducing a record be paid in advance of the preparation of such copy.

(g) In the sole discretion of the Chief Executive Officer/President of the Agency, a determination to waive a fee for copying or reproducing a record may be granted in the instance where Agency staff has spent more than two hours of employee time to prepare a copy of the record requested, excluding search time.

Adopted this 26th day of March, 2025.

**Erie County Industrial Development Agency (“ECIDA”), Buffalo and Erie County Regional Development Corporation (“RDC”) and Buffalo and Erie County Industrial Land Development Corporation (“ILDC”)**

**INVESTMENT AND DEPOSIT POLICY**

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**ARTICLE I**

**Scope**

Section 2925 of the Public Authorities Law requires the Erie County Industrial Development Agency (the “Agency”) and its affiliates to adopt by resolution comprehensive investment guidelines which detail its operative policy and instructions to officers and staff regarding the investing, monitoring and reporting of funds of the Agency.

In addition to the requirements set forth in Section 2925 of the Public Authorities Law, the Agency is subject to the deposit and investment restrictions contained in Sections 10 and 11 of the General Municipal Law, which govern the deposit and investment of funds for the Agency’s own use and account.

This investment and deposit policy (“Investment Policy”) is adopted by the Agency pursuant to the foregoing provisions of the Public Authorities Law and General Municipal Law and shall apply to all moneys and other financial resources available for investment on the Agency’s own behalf or, where applicable, on behalf of any other entity or individual.

This Investment Policy shall be applicable to the Erie County Industrial Development Agency and all of its affiliates, including: Buffalo and Erie County Regional Development Corporation (“RDC”); Buffalo and Erie County Industrial Land Development Corporation (“ILDC”) and such other affiliates as may hereafter be established by the Agency and which are determined to be subject to the requirements of Section 2925 of the Public Authorities Law (an “ECIDA Affiliate”) (hereinafter collectively referred to as the “Agency”) upon approval by the respective Boards of each corporation. Unless otherwise indicated, all references to the “Agency” herein shall also include the ECIDA Affiliates.

This Investment Policy is not intended to restrict the normal business activities of the Agency, which include the making of loans to, equity investments in, and/or project expenditures in private companies in furtherance of the corporate purposes of the forgoing entities.

**ARTICLE II**  
**Governing Principles**

A. Investment Objectives.

The primary objectives of the Agency's investment policy are, in order of priority, as follows: (i) to conform with all applicable federal, state and local laws and legal requirements; (ii) to adequately safeguard principal; (iii) to provide sufficient liquidity to meet all operating requirements of the Agency; and (iv) to obtain a reasonable rate of return.

B. Diversification.

As the Agency is subject to the deposit and investment restrictions set forth in Sections 10 and 11 of the General Municipal Law, the opportunity to diversify among types of investments is limited. Subject to these legal restraints, however, the policy of the Agency is to diversify by investment instrument, by maturity and where practicable by financial institution.

C. Internal Controls.

1. All funds received by an officer or employee of the Agency shall be promptly deposited with the depositories designated by the Agency (pursuant to Article III.A of this Investment Policy) for the receipt of such funds.

2. Pursuant to Section 11(7) of the General Municipal Law, the Treasurer, Assistant Treasurer, Chief Financial Officer or Controller of the Agency shall maintain or cause to be maintained a proper record of all books, notes, securities or other evidence of indebtedness held by the Agency for investment and deposit purposes. Such record shall identify the security, the fund for which it is held, the place where kept, the date of sale or other disposition, and the amount received from such sale or other disposition.

3. The Agency is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

D. Authorized Financial Institutions and Dealers.

The Agency shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments that may be outstanding with each financial institution or dealer. All financial institutions with which the Agency conducts business must be creditworthy as determined by criteria established by the Treasurer, Assistant Treasurer, Chief Financial Officer or Controller of the Agency. All banks with which the Agency does business shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the Agency. Security dealers not affiliated with a bank

shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers.

E. Purchase of Investments.

The Agency may contract for the purchase of investments directly, including through a repurchase agreement, from an authorized trading partner. All purchased obligations, unless registered or inscribed in the name of the Agency, shall be purchased through, delivered to, and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the Agency by the bank or trust company shall be held pursuant to a written custodial agreement as described in Article IV.C.2 of this Policy.

F. Repurchase Agreements.

The Agency may enter into repurchase agreements subject to the following restrictions:

1. All repurchase agreements must be entered into subject to a Master Repurchase Agreement.
2. Trading partners are limited to commercial banks or trust companies authorized to do business in New York State and primary reporting dealers.
3. Obligations shall be limited to obligations of the United States of America and obligations guaranteed by agencies of the United States of America.
4. No substitution of securities will be allowed.
5. Obligations purchased pursuant to a repurchase agreement shall be held by a custodian other than the trading partner, pursuant to a written custodial agreement that complies the terms of Article IV.C.2 of this Policy.

**ARTICLE III**  
**Investments**

A. General Policy.

It is the general policy of the Agency that funds not required for immediate expenditure shall be invested as described in Article III.B below. Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income, net of fees, to be derived.

B. Permitted Investments.

The Treasurer, Assistant Treasurer, Chief Financial Officer and/or Controller are authorized to invest funds not required for immediate expenditure in the following investments permitted under Section 11 of the General Municipal Law:

1. Special time deposit accounts in, or certificates of deposit issued by any commercial bank or trust company that is located in and authorized to do business in New York State, provided that such deposit account or certificate of deposit is secured in the same manner as provided in Article IV.B of this Investment Policy and is payable within such time as the proceeds shall be needed to meet expenditures for which the funds were obtained;
2. Obligations of the United States of America;
3. Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;
4. Obligations of the State of New York; and
5. Such other obligations as may be permitted under Section 11 of the General Municipal Law.

All investments as provided in Sections B(2) through B(5) of this Article shall be payable or redeemable at the option of the Agency within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the Agency within two years of the date of purchase, and comply with such other requirements as set forth in Section 11 of the General Municipal Law.

**ARTICLE IV**  
**Deposits**

A. Designation of Depositories.

The Agency shall, by resolution, designate one or more commercial banks or trust companies for the deposit of Agency funds received by the Agency. Such resolution shall specify the maximum amount that may be kept on deposit at any time with each bank or trust company. Such designations and amounts may be changed at any time by further resolution of the Agency.

B. Collateralization of Deposits.

In accordance with Section 10 of the General Municipal Law, all deposits of the Agency (including certificates of deposit and special time deposits) in excess of the amount

insured under the provisions of the Federal Deposit Insurance Act shall be secured as follows:

1. By a pledge of “eligible securities” with an aggregate “market value” as defined by Section 10 of the General Municipal Law, at least equal to the aggregate amount of deposits. A list of eligible securities is attached hereto as Schedule A.

2. By an irrevocable letter of credit issued by a qualified bank (other than the bank with which the money is being deposited or invested) in favor of the Agency for a term not to exceed ninety (90) days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable minimum risk-based capital requirements.

3. By an eligible surety bond payable to the Agency for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims-paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations. The terms and conditions of any eligible surety bond shall be subject to Agency Board approval.

4. By a pledge of a pro rata portion of a pool of eligible securities, having in the aggregate a market value at least equal to the amount of deposits from all such officers within the State at such bank or trust company, together with a security agreement from the bank or trust company.

5. By an irrevocable letter of credit issued in favor of the Agency by a federal home loan bank whose commercial paper and other unsecured short-term debt obligations are rated in the highest rating category by at least one nationally recognized statistical rating organization, as security for the payment of 100% of the aggregate amount of the deposits and the agreed upon interest, if any.

C. Safekeeping and Collateralization.

Eligible securities used for collateralizing deposits shall be held by the depository and/or third party bank or trust company subject to security and custodial agreements as described below.

1. Security Agreement Requirements. The security agreement shall provide that eligible securities are being pledged to secure Agency deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the Agency to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the Agency, such securities shall be delivered in a form suitable for

transfer or with an assignment in blank to the depository or its custodial bank.

2. Custodial Agreement Requirements. The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for the Agency, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The custodial agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The custodial agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the Agency a perfected interest in the securities and may include such other terms as the Agency Board deems necessary.

## **ARTICLE V**

### **Monitoring and Reporting Obligations**

The following monitoring and reporting procedures shall be applicable in connection with the deposit and investment of funds subject to this Investment Policy:

A. Monthly Monitoring.

Each cash and investment account statement will be reviewed and reconciled on a monthly basis. The Treasurer, Assistant Treasurer, Chief Financial Officer or Controller will review each account reconciliation for accuracy and will investigate any unusual items noted.

B. Monitoring and Reporting.

Pursuant to Section 2925(5) of the Public Authorities Law, the Treasurer, Assistant Treasurer, Chief Financial Officer or Controller of the Agency shall present a report at each meeting of the Agency Board of Directors which will include the following information: (i) the cash and investment balances of the Agency; (ii) identification of any new investments since the last report; (iii) information concerning the selection of investment bankers, brokers, agents dealers or auditors since the last report; and (iv) the names of the financial institutions holding Agency deposits;

C. Annual Monitoring and Reporting.

1. On an annual basis, the Agency will obtain an independent audit of its financial statements, which shall include an audit of its cash and investments and the Agency's compliance with this Investment Policy. The results of the independent audit shall be made available to the Agency Board at the time of its annual review of this Investment Policy.

2. Pursuant to Section 2925(6) of the Public Authorities Law, Agency staff shall, on an annual basis, prepare and submit for Agency Board approval an investment report which shall include this Investment Policy, amendments to the Investment Policy since the last

investment report, an explanation of the Investment Policy and any amendments, the results of the annual independent audit, the investment income record of the Agency and a list of the total fees, commissions or other charges paid to each investment banker, broker, agent, dealer and advisor rendering investment associated services to the Agency since the last investment report. The investment report will be distributed to those individuals identified in Section 2925(7)(b) of the Public Authorities Law. The Agency shall make available to the public copies of its investment report upon reasonable request therefor.

**ARTICLE VI**  
**Annual Review**

This Investment Policy shall be reviewed and approved by the Agency Board of Directors on an annual basis.

**ARTICLE VIII**  
**Savings Clause**

Nothing contained in Section 2925 of the Public Authorities Law shall be deemed to alter, affect the validity of, modify the terms of or impair any contract, agreement or investment of funds made or entered into by the Agency in violation of, or without compliance with the provisions of Section 2925 of the Public Authorities Law.

Re-adopted this 26th day of March 2025 by the respective Boards of each corporation referenced above.

**SCHEDULE A**  
**ELIGIBLE SECURITIES**

Obligations issued by the United States of America, an agency thereof or a United States government sponsored corporation or obligations fully insured or guaranteed as to the payment of principal and interest by the United States of America, an agency thereof or a United States government sponsored corporation.

Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank and the African Development Bank.

Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the Market Value of the obligation that represents the amount of the insurance or guaranty.

Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation or such State or obligations of any public benefit corporation which under a specific State statute may be accepted as security for deposit of public moneys.

Obligations issued by states (other than the State of New York) of the United States rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.

Obligations of Puerto Rico rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.

Obligations of counties, cities and other governmental entities of another state having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest categories by at least one nationally recognized statistical rating organization.

Obligations of domestic corporations rated one of the two highest rating categories by at least one nationally recognized statistical rating organization.

Any mortgage related securities, as defined in the Securities Exchange Act of 1934, as amended, which may be purchased by banks under the limitations established by bank regulatory agencies.

Commercial paper and bankers' acceptances issued by a bank (other than the bank with which the money is being deposited or invested), rated in the highest short term category by at least one nationally recognized statistical rating organization and having maturities of not longer than sixty days from the date they are pledged.

Zero Coupon obligations of the United States government marketed as "Treasury STRIPS".

**Property Disposition Guidelines  
of the  
Erie County Industrial Development Agency (“ECIDA”),  
Buffalo and Erie County Regional Development Corporation  
 (“RDC”), Buffalo and Erie County Industrial Land  
Development Corporation (“ILDC”)**

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The Erie County Industrial Development Agency (“ECIDA”) and each ECIDA Affiliate (as defined herein) (hereinafter collectively referred to as the “Agency”) are required by Section 2896 of the Public Authorities Law to adopt by resolution comprehensive guidelines regarding the use, awarding, monitoring and reporting of contracts for the disposal of Property (as defined herein). The following guidelines (“Guidelines”) are adopted upon approval by the respective Boards or Members of each corporation pursuant to such requirement and are applicable with respect to the use, awarding, monitoring and reporting of all Property Disposition Contracts which are entered into by the Agency.

**ARTICLE I  
DEFINITIONS**

1. “Contracting Officer” shall mean an officer or employee of ECIDA appointed by resolution of the Board of Directors or Members of the ECIDA and each ECIDA Affiliate to be responsible for the disposition of Property of ECIDA and each ECIDA Affiliate.

2. “Dispose” or “disposal” or “disposition” shall mean the transfer of title or any other beneficial interest in Property from ECIDA or an ECIDA Affiliate to any unrelated third party.

3. “ECIDA Affiliate” shall mean the following organizations:

- (i) Buffalo and Erie County Regional Development Corporation;
- (ii) Buffalo and Erie County Industrial Land Development Corporation;
- (iii) such other affiliated entities of ECIDA as may hereafter be established by ECIDA and which are determined to be subject to the requirements of Section 2896 of the Public Authorities Law.

4. "Property" shall mean personal property in excess of Five Thousand Dollars (\$5,000.00) in value, real property, or any other legally transferable interest in such property, to the extent that such interest may be conveyed to another person for any purpose, excluding an interest securing a loan or other financial obligation of another party.

5. "Property Disposition Contracts" shall mean written agreements for the sale, lease, transfer or other disposition of Property from ECIDA or an ECIDA Affiliate to any unrelated third party.

6. "Real Property" shall mean real property and interests therein.

## **ARTICLE II**

### **APPOINTMENT AND DUTIES OF CONTRACTING OFFICER**

#### **A. Appointment**

The Contracting Officer shall be an officer or employee of ECIDA appointed by the Board of Directors or Members of the ECIDA and each ECIDA Affiliate who is responsible for the supervision and direction over the custody, control and disposition of Property and responsible for ECIDA's compliance with and enforcement of these Guidelines. The Contracting Officer is the Treasurer/Chief Financial Officer of ECIDA.

#### **B. Duties**

The duties of the Contracting Officer shall include the following:

1. Maintaining adequate inventory controls and accountability systems for all Property under the control of ECIDA and each ECIDA Affiliate.

2. Periodically conducting an inventory of Property to determine which Property may be disposed of.

3. Preparing an annual written report of all Property of ECIDA and each ECIDA Affiliate. Each report shall include a list of all Real Property, a full description of all real and personal property disposed of during the reporting period, the price received and the name of the purchaser for all Property sold during each reporting period. Each report shall be completed and delivered to the New York State Comptroller, the Director of the Budget, the Commissioner of General Services and the New York State Legislature no later than ninety (90) days following the completion of the fiscal year of ECIDA and each ECIDA Affiliate.

4. Disposing of Property as promptly as possible in accordance with these Guidelines, as directed by ECIDA or the applicable ECIDA Affiliate.

**ARTICLE III**  
**PROPERTY DISPOSITION REQUIREMENTS**

**A. Method of Disposition**

Subject to such exceptions and/or requirements set forth in these Guidelines, in the event that ECIDA or an ECIDA Affiliate determines to dispose of any of its Property, ECIDA or the ECIDA Affiliate (as applicable) shall endeavor to dispose of such Property for at least the fair market value of the Property. The disposition of Property may be made by sale, exchange, or transfer, for cash, credit or other Property, with or without warranty, and upon such terms and conditions as are determined by ECIDA or the applicable ECIDA Affiliate to be appropriate and reasonable and consistent with these Guidelines. Provided, however, no disposition of real property shall be made unless an appraisal of the value of such property has been made by an independent appraiser and included in the record of the transaction.

**B. Award and Approval of Property Disposition Contracts**

1. Compliance with Guidelines; Approval Requirements. All dispositions of Property shall be conducted in accordance with these Guidelines by or under the supervision of the Contracting Officer, subject to approval of the Board of Directors or Members of the ECIDA or the applicable ECIDA Affiliate where appropriate.

2. Disposition by Public Bid.

(a) All Property Disposition Contracts may be made only after publicly advertising for bids, unless the criteria set forth in Article III(B)(3) below has been satisfied for such contracts to be made by negotiation or public auction.

(b) Whenever public advertising for bids is required, (i) the advertisement for bids shall be made at such time prior to the disposal or contract, through such methods, and on such terms and conditions, as shall permit full and free competition consistent with the value and nature of the Property; (ii) all bids shall be publicly disclosed at the time and place stated in the advertisement; and (iii) the award shall be made with reasonable promptness by notice to the responsible bidder whose bid, conforming to the invitation for bids, will be most advantageous to ECIDA, the applicable ECIDA Affiliate and New York State, price and other factors considered.

(c) Any public bid for the disposition of Property may be rejected, refused, or declined by ECIDA or the applicable ECIDA Affiliate on any basis or ground allowable at law.

3. Disposition by Negotiated Sale/Public Auction. The following dispositions are exempt and excepted from the public bidding requirements set forth above in Article III(B)(2) and may be consummated through a negotiated sale or by public auction:

(a) Circumstances permitted for below FMV Disposition. The circumstances that would permit a below FMV disposition as set forth in Article III(B)(5)(a)(i),(ii) and (iii) below regardless of whether the disposition is above, at or below FMV.

(b) Disposition of Certain Personal Property. ECIDA and each ECIDA Affiliate may dispose of personal property where such personal property involved has qualities separate from the utilitarian purpose of such property, such as artistic quality, antiquity, historical significance, rarity or other quality of similar effect, that would tend to increase its value, or if the personal property is to be sold in such quantity that, if it were to be disposed of through public advertisement and bidding, would adversely affect the state or local market for such personal property.

(c) Disposition of Low FMV Property. ECIDA and each ECIDA Affiliate may dispose of Property the fair market value of which does not exceed Fifteen Thousand Dollars (\$15,000.00).

(d) Disposition Following Receipt of Unacceptable Bid Prices. ECIDA and each ECIDA Affiliate may dispose of Property where the bid prices received by ECIDA or the applicable ECIDA Affiliate after public advertising are not commercially reasonable (either as to all or some part of the Property) as determined by ECIDA or the applicable ECIDA Affiliate in its sole discretion.

(e) Disposition to a Political Subdivision. ECIDA and each ECIDA Affiliate may dispose of Property to New York State or any political subdivision of New York State.

(f) Disposition Authorized by Law. ECIDA and each ECIDA Affiliate may dispose of Property where such disposition is otherwise authorized by law.

4. Reporting Requirements Regarding Negotiated Dispositions.

(a) Preparation of Written Statements. The Contracting Officer shall prepare a written statement explaining the circumstances of each negotiated disposition of Property involving any of the following:

- (i) the negotiated disposition of personal property which has an estimated fair market value in excess of Fifteen Thousand Dollars (\$15,000.00);

- (ii) the negotiated disposition of Real Property that has an estimated fair market value in excess of One Hundred Thousand Dollars (\$100,000.00);
- (iii) the negotiated disposition of Real Property that will be disposed of by lease if the estimated annual rent over the term of the lease is in excess of \$15,000; or
- (iv) the negotiated disposition of Real Property or real and related personal property where the same will be disposed of by exchange, regardless of value, or any Property any part of the consideration for which is Real Property.

(b) Submission of Written Statements. Written statements prepared pursuant to Article III(B)(4) shall be submitted to the New York State Comptroller, the Director of the Budget, the Commissioner of General Services and the State Legislature no later than ninety (90) days prior to the date on which the disposition of Property is expected to take place. The Contracting Officer shall maintain a copy of all written statements at ECIDA's principal office.

5. Below Fair Market Value Dispositions.

(a) ECIDA and each ECIDA Affiliate may dispose of Property for less than the fair market value of the Property where:

- (i) Transferee is a government or public entity and terms of transfer require ownership and use to remain with the government or public entity; or
- (ii) Purpose of transfer is within the purpose, mission or statue of the ECIDA or each applicable ECIDA Affiliate; or
- (iii) Written notification to the Governor, Speaker, and Temporary President. Such notification is subject to denial. Denial by Governor is in the form of a certification. Denial by the legislature is in the form of a resolution. Denial must be made within 60 days of receiving notification during January through June. Provided no denial, then authority may effectuate transfer. If legislature receives the notification in July through December, then legislature may take 60 days from January 1 of the following year. However, a local may obtain local approval from the chief executive and legislature of the political subdivision in lieu of the notification to the Governor, Speaker and Temporary President provided the local authority's enabling legislation

provides for such approval and the property was obtained by the authority from the political subdivision.

(b) Board and Public Notice. If a below FMV transfer is proposed, the following information is required to be provided to the ECIDA board or each applicable ECIDA Affiliate's board and to the public:

- (1) Description of Asset;
- (2) Appraisal of the FMV of the asset;
- (3) Description of the purpose of the transfer, the kind and amount of the benefit to the public resulting from the transfer such as jobs and wages created or preserved;
- (4) Value received compared to FMV;
- (5) Names of private parties to the transaction and value received;
- (6) Names of private parties that have made an offer, the value of offer, and purpose for which the asset would have been used.

(c) Board Determination. The board of the ECIDA or applicable ECIDA Affiliate must make a written determination that there is no reasonable alternative to the proposed below-market transfer that would achieve the same purpose of such transfer.

## **ARTICLE IV**

### **GENERAL PROVISIONS**

#### **A. Annual Review and Submission of Guidelines**

These Guidelines shall be annually reviewed and approved by the Board of Directors or Members of the ECIDA and each ECIDA Affiliate. On or before the 31<sup>st</sup> day of March of each year, the Contracting Officer shall file (for itself and on behalf of each ECIDA Affiliate) a copy of the most recently reviewed and adopted Guidelines with the New York State Comptroller, and shall post the Guidelines on ECIDA's website. Guidelines posted on ECIDA's website shall be maintained at least until the Guidelines for the following year are posted on ECIDA's website.

#### **B. Effect of Awarded Contracts**

These Guidelines are intended for the guidance of the officers, members, directors and employees of ECIDA and the ECIDA Affiliates only. Nothing contained herein is intended or shall be construed to confer upon any person, firm or corporation any right, remedy, claim or benefit under, or by reason of, any requirement or provision hereof, or be deemed to alter, affect the validity of, modify the terms of or impair any contract or agreement made or entered into in violation of, or without compliance with, these Guidelines. Without limiting the generality of the preceding sentence, any deed, bill of

sale, lease, or other instrument executed by or on behalf of ECIDA or an ECIDA Affiliate, purporting to transfer title or any other interest in Property shall be conclusive evidence of compliance with these Guidelines insofar as concerns title or other interest of any bona fide grantee or transferee who has given valuable consideration for such title or other interest and has not received actual or constructive notice of lack of compliance with these Guidelines prior to the closing.

**C. Exemption for Certain ECIDA Transactions**

These Guidelines shall not be applicable to any agreements or arrangements involving the provision by ECIDA of “financial assistance” as such term is defined in Section 854(14) of the New York General Municipal Law (i.e. property dispositions serving solely as a conduit for providing financial assistance).

Readopted this 26th day of March 2025 by the respective Boards of each corporation referenced above.

**Erie County Industrial Development Agency (“ECIDA”), Buffalo and Erie County Regional Development Corporation (“RDC”) and Buffalo and Erie County Industrial Land Development Corporation (“ILDC”)**

**RECORD RETENTION AND DISPOSITION POLICY**

This Record Retention Policy (“Policy”) is adopted in accordance with Article 57-A of the New York State Arts and Cultural Affairs Law and Part 185 of 8-CRR-NY Records of Public Corporations. This Policy shall apply to shall apply to Erie County Industrial Development Agency and all of its affiliates, including: Buffalo and Erie County Regional Development Corporation (“RDC”); Buffalo and Erie County Industrial Land Development Corporation (“ILDC”) and such other affiliates as may hereafter be established by the Agency and which are determined to be subject to the requirements of Section 2925 of the Public Authorities Law (an “ECIDA Affiliate”) (hereinafter collectively referred to as the “Agency”) upon approval by the respective Boards of each corporation. Unless otherwise indicated, all references to the “Agency” herein shall also include the ECIDA Affiliates.

The Agency will adhere to the Records Retention and Disposition Schedule for New York Local Government Records (LGS-1), as may be amended from time to time. In accordance with LGS-1, no records will be disposed of and/or destroyed, until and unless they have met the minimum retention periods set forth therein. Records that do not have sufficient administrative, fiscal, legal or historical value to merit retention beyond the applicable minimum retention period shall be disposed of. Agency records are the property of the Agency, and no individual Agency member, officer or employee has, by virtue of his or her position, any personal or property rights to such records.

The Agency shall designate a Records Management Officer (“RMO”), who will be responsible for the administration and management of the Agency’s records. Appointment of the RMO shall be made by the Agency’s Board of Directors.

Adopted this 26th day of March, 2025, by the respective Boards of each corporation referenced above.

## **Erie County Industrial Development Agency Sexual Harassment Policy**

### **I. Introduction**

The **Erie County Industrial Development Agency (ECIDA)** is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This policy is one component of the Agency's commitment to a harassment-free and discrimination-free work environment.

Sexual harassment is against the law<sup>1</sup> and all employees have a legal right to a workplace free from sexual harassment. Employees are urged to report sexual harassment by filing a complaint internally with the **ECIDA**, with a government agency, or in court under federal, state or local antidiscrimination laws.

### **II. Policy**

This sexual harassment policy has several components:

- **Application.** This policy applies to all employees, applicants for employment, interns (paid or unpaid), non-employees<sup>2</sup> and persons conducting business, regardless of immigration status, with the **ECIDA**. In the remainder of this policy, the term "employees" refers to this collective group.
- **Sexual Harassment Prohibited.** Sexual harassment is prohibited. Sexual harassment is a form of employee misconduct and will not be tolerated. Any employee or other individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action up to and including termination of their employment.
- **Retaliation Prohibited.** The Agency will not take an adverse employment action against any person covered by this policy who reports an incident of sexual harassment, provides information about an incident of sexual harassment, or otherwise assists in an investigation of a sexual harassment complaint. The Agency will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of the Agency who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns, or non-employees working in the

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<sup>1</sup> While this policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. In New York State, such classes include age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity or expression, familial status, predisposing genetic characteristics, and criminal history.

<sup>2</sup> A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services to the Agency. Protected non-employees include persons commonly referred to as independent contractors, "gig" workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or Mollie Profic, CFO/Human Resources Officer. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.

- **Individual Liability for Sexual Harassment.** Sexual harassment is offensive, is a violation of Agency policy, is unlawful, and may subject the Agency to liability for harm to targets of sexual harassment. Sexual harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.
- **Investigation.** The Agency will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment or otherwise knows of possible sexual harassment occurring. The Agency will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any investigation of sexual harassment.
- **Reporting for Bystanders.** All employees, as well as any other individuals covered by this policy, are encouraged to report any behavior or conduct that violates this policy. The Agency will provide all employees a complaint form to report harassment and file complaints.
- **Reporting for Managers and Supervisors.** Managers and supervisors are **required** to report any sexual harassment complaint that they receive or any sexual harassment that they observe or become aware of to Mollie Profic, CFO/Human Resources Officer.

### III. Sexual Harassment

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender. Sexual harassment is not limited to sexual contact, touching, or expressions of a sexually suggestive nature. Sexual harassment includes all forms of gender discrimination including gender role stereotyping and treating employees differently because of their gender.

Understanding gender diversity is essential to recognizing sexual harassment because discrimination based on sex stereotypes, gender expression and perceived identity are all forms of sexual harassment. The gender spectrum is nuanced, but the three most common ways people identify are cisgender, transgender, and non-binary. A cisgender person is someone whose gender aligns with the sex they were assigned at birth. Generally, this gender will align with the binary of male or female. A transgender person is someone whose gender is different than the sex they were assigned at birth. A non-binary person does not identify exclusively as a man or a woman. They might identify as both, somewhere in between, or completely outside the gender binary. Some may identify as transgender, but not all do. Respecting an individual's gender identity is a necessary first step in establishing a safe workplace.

Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Harassment need not be severe or pervasive to be unlawful and can be any harassing conduct that consists of more than petty slights or trivial inconveniences. Sexual harassment includes unwelcome conduct which is either of a sexual nature or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

There are, generally, two types of sexual harassment:

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation, or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements, or sexually-charged remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, or which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called in legal terms "quid pro quo" harassment.

Any employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

**Examples of sexual harassment:**

Although it is not possible to identify every act that constitutes sexual harassment, the following describes some types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:
  - touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employees' body;
  - rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
  - requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion, or other job benefits or detriments; or
  - subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks, or jokes, or comments about a person's sexuality or sexual experience which create a hostile work environment. This includes

remarks made in “remote” work arrangements, such as comments and jokes made on video conferences or shared via email or other messaging platforms.

- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
  - Remarks regarding an employee’s gender expression, such as wearing a garment typically associated with a different gender identity; or
  - Asking employees to take on traditionally gendered roles, such as asking a woman to serve meeting refreshments when it is not part of, or appropriate to, her job duties.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
  - Displaying emails, pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic (this includes such sexual displays on workplace computers or cell phones and sharing these displays while in the workplace).
  - This also extends to the virtual or remote workspace and can include having such materials visible in the background of one’s home during a virtual meeting.
- Hostile actions taken against an individual because of that individual’s sex, sexual orientation, gender identity and the status of being transgender, such as:
  - Interfering with, destroying or damaging a person’s workstation, tools or equipment, or otherwise interfering with the individual’s ability to perform the job;
  - Sabotaging an individual’s work;
  - Bullying, yelling, name-calling;
  - Intentional misuse of an individual’s preferred pronouns; or
  - Setting different expectations for individuals based on their genders and identities.

### **Who can be a target of sexual harassment?**

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

### **Where can sexual harassment occur?**

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

Sexual harassment can occur when employees are working remotely from home as well. Any behaviors outlined above that leave an employee feeling uncomfortable, humiliated, or unable to meet their job requirements constitute harassment even if the employee or covered

individual is at home when the harassment occurs. Harassment can happen on virtual meeting platforms, in messaging apps, and after working hours between personal cell phones.

#### **IV. Retaliation**

Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Examples of retaliation include, but are not limited to:

- Demotion, termination, reduced hours, or assignment to less desirable shifts; Reducing work responsibilities;
- Transfer to a less desirable work location;
- Passing-over qualified employees for a promotion.

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in “protected activity,” which occurs when an individual has:

- made a complaint of sexual harassment or discrimination either internally with the **ECIDA** or externally with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment or discrimination under the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management or by simply informing a supervisor or manager of harassment;
- reported that another employee has been sexually harassed; or
- encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

#### **V. Reporting Sexual Harassment**

Preventing sexual harassment is everyone’s responsibility. The **ECIDA** cannot prevent or remedy sexual harassment unless it knows about it. Any employee paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager or human resources. In addition, anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager, or human resources.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint

form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf.

## **VI. Supervisory Responsibilities**

Supervisors and managers bear responsibility in preventing sexual harassment and discrimination. All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to human resources.

Supervisors and managers who knowingly allow sexual harassment to occur and fail to report the sexual harassment to human resources will be subject to disciplinary action up to and including termination of their employment.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors and managers will also be subject to discipline for engaging in any retaliation. Supervisors and managers should also monitor subordinates who have reported harassment, to ensure that their subordinates do not experience retaliation.

## **VII. Bystander Intervention**

Any employee witnessing harassment as a bystander is encouraged to report it. There are five standard methods of bystander intervention that can be used when anyone witnesses harassment or discrimination and wants to help.

1. A bystander can interrupt the harassment by engaging with the individual being harassed and distracting them from the harassing behavior;
2. A bystander who feels unsafe interrupting on their own can ask a third party to help intervene in the harassment;
3. A bystander can record or take notes on the harassment incident to benefit a future investigation;
4. A bystander might check in with the person who has been harassed after the incident, see how they are feeling and let them know the behavior was not ok; and
5. If a bystander feels safe, they can confront the harassers and name the behavior as inappropriate. When confronting harassment, physically assaulting an individual is never an appropriate response.

Though not exhaustive, and dependent on the circumstances, the guidelines above can serve as a brief guide of how to react when witnessing harassment in the workplace. Any employee witnessing harassment as a bystander is encouraged to report it.

## **VIII. Complaint and Investigation of Sexual Harassment**

*All* complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner and will be kept confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. The **ECIDA** will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations will generally be conducted in accordance with the following steps:

- Upon receipt of a complaint, the **ECIDA** will conduct an immediate review of the allegation(s) and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant) as appropriate. If the complaint is verbal, the **ECIDA** will encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, the **ECIDA** will prepare a Complaint Form based on the verbal reporting.
- Obtain and preserve documents relevant to the allegation(s).
- Request and review all documents relevant to the allegation(s) including all electronic communications.
- Interview all parties involved, including any relevant witnesses.
- Create a written document of the investigation (such as a letter, memorandum or email) which contains the following:
  - A list of all documents reviewed, along with a detailed summary of relevant documents;
  - A list of names of those interviewed, along with a detailed summary of their statements;
  - A timeline of events;
  - A summary of prior relevant incidents, reported or unreported; and
  - The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- Retain the written documentation and associated documents in a secure and confidential location.
- Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- Inform the individual who reported the right to file a complaint or charge externally as discussed in the next section of this policy.

## VIII. Legal Protections and External Remedies

Sexual harassment is not only prohibited by the **Erie County Industrial Development Agency (ECIDA)** but also by federal, state, and, where applicable, local law. In addition to the Agency's internal process, employees may choose to pursue legal remedies with the following governmental agencies. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

### A. Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days of the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred. If the complaint cannot be resolved in the EEOC, such as by voluntary settlement, a hearing, or otherwise, the EEOC may issue a Notice of Right to Sue that permits complaining parties to file a lawsuit in Federal court. If an individual files an administrative complaint with the New York State Division of Human Rights (discussed below), the Division will automatically file the complaint with the EEOC to preserve the right to proceed in federal court.

If an employee believes that they have been discriminated against at work, they can file a "charge of discrimination" with the EEOC. The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by phone (1-800-669-4000) or email ([info@eeoc.gov](mailto:info@eeoc.gov)). The EEOC's website is [www.eeoc.gov](http://www.eeoc.gov).

### B. New York State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, interns (paid or unpaid), and non-employees, regardless of immigration status. A complaint alleging violation of the HRL may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints of sexual harassment with the DHR may be filed any time **within three years** of the harassment. If an individual did not file at the DHR, they can sue directly in state court under the HRL **within three years** of the alleged harassment. An individual may not file with the DHR if they have already filed a HRL complaint in state court.

Complaining internally to the **ECIDA** does not extend your time to file with the DHR or in court. The three years is counted from the date of the most recent sexual harassment incident.

You do not need an attorney to file a complaint with the DHR and there is no cost to file with the DHR.

The DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, the DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

The DHR's main office is at One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You can also contact the DHR by phone (1-888-392-3644) or email (info@dhr.ny.gov). The DHR's website is [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint). The website has a complaint form that can be downloaded, filled out, notarized and mailed to the DHR. The website also contains contact information for the DHR's regional offices. You may also contact the DHR sexual harassment hotline at 1(800) HARASS3 for more information.

### **C. Local Protections**

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 22 Reade Street, 1st Floor, New York, New York; call 311 or (212) 306-7450; or visit [www.nyc.gov/html/cchr/html/home/home.shtml](http://www.nyc.gov/html/cchr/html/home/home.shtml).

### **D. Contact the Local Police Department**

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

Amended and restated this 26th day of March 2025 by the respective Boards of each corporation referenced above.

**Complaint Form for Reporting Sexual Harassment  
ECIDA**

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form for employees to report alleged incidents of sexual harassment.

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to Mollie Profic, CFO/Human Resources Officer, or John Cappellino, President via email or paper. You will not be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, your employer should complete this form, provide you with a copy and follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form.

**For additional resources, visit: [ny.gov/programs/combating-sexual-harassment-workplace](http://ny.gov/programs/combating-sexual-harassment-workplace)**

**Complainant Information**

Name:  
Home Address:  
Work Address:  
Home Phone:  
Work Phone:  
Job Title:  
Email:  
Select Preferred Communication Method:

**Supervisor Information**

Immediate Supervisor's Name:  
Title:  
Work Phone:  
Work Address:

**COMPLAINT INFORMATION**

1. Your complaint of Sexual Harassment is made about:  
Name:  
Title:  
Work Address:  
Work Phone:  
Relationship to you: [[Supervisor; Subordinate; Co-Worker; Other]]

2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) sexual harassment occurred:

Is the sexual harassment continuing? [[Yes/No]]

4. Please list the name and contact information of any witnesses or individuals that may have information related to your complaint:

*\* The last question is optional, but may help the investigation.\**

5. Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?

If you have retained legal counsel and would like us to work with them, please provide their contact information.

*I request that the ECIDA investigate this complaint of sexual harassment in a timely and confidential manner as outlined below and advise me of the results of the investigation.*

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

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

**I have received the Agency's Sexual Harassment Policy and Complaint Form**

Employee Name (Printed) \_\_\_\_\_

Employee Name (Signature) \_\_\_\_\_

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