



Request for Qualifications



Bethlehem Steel-Smokes Creek Passive Recreational Area Conceptual Alternatives

Proposal must be submitted, no later than 4:00 PM, Wednesday
July 20, 2022, to: ILDC/ECIDA, 95 Perry Street, Suite 403, Buffalo,
New York 14203

www.ecidany.com

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I. RFQ Overview

Proposals are being solicited for planning, engineering, and landscape design services for a portion of the former **Bethlehem Steel** site. The project site is located near the mouth of Smokes Creek which will be used in connection with the remediation of the larger site, and the construction of a Consolidated Area Management Unit (CAMU), see Exhibit 1. New York State Department of Environmental Conservation (NYSDEC) and Tecumseh Redevelopment have entered into a cleanup plan for the larger Bethlehem site, which will allow for a passive recreation area on the future capped CAMU site. (link to NYSDEC Project Information website <https://www.dec.ny.gov/chemical/122928.html>)

The intent of the project is to engage in public stakeholder activities to receive comment and suggestions on the development of a passive recreational park on the future CAMU area, and to develop a design plan, concepts, and renderings to create the park, given the unique characteristics of the site and the activities being undertaken by Tecumseh and NYSDEC in connection with the remediation and CAMU construction.

The plan should also consider the potential integration of the proposal to extend the current Shoreline Trail to Woodlawn Beach State Park and the sites proximity to the Lake Erie shoreline and Smokes Creek.

The consultant is expected to work in conjunction with the Buffalo and Erie County Industrial Land Development Corporation (ILDC) and Erie County (County), the City of Lackawanna, NYSDEC and Tecumseh Redevelopment.

II. GENERAL PROPOSAL REQUIREMENTS:

Proposals must address each of the following items:

A. Approach and Methodology

Respondents to this RFQ should include a brief narrative explaining how they would achieve the tasks outlined in the scope of work. The narrative should outline the products and tasks to be provided in response to the recommended Scope of Work outlined below.

B. Scope of Services

This Scope of Work has been prepared as a guideline. It is the respondent's responsibility to add any other services and tasks that the consultant feels are necessary to complete the project.

Tecumseh Redevelopment and NYSDEC have reached an Agreement (link to NYSDEC presentation on the cleanup program <https://bethlehemsteelcleanup.com/wp-content/uploads/2021/08/Former-Bethlehem-Steel-Site-Public-Availability-Session-20210518.mp4>)

on future remediation of the Bethlehem Steel Site (including an area designated for providing public access to the Lake Erie Waterfront), additional improvements are underway along the existing and planned expansion of the Shoreline Trail. (see additional documents)

Tasks would include, but are not limited to:

Task 1) Stakeholder Outreach and Engagement

The consultant shall meet with the project steering committee composed of representatives from ILDC/ECIDA, Erie County (Department of Environment and Planning & Parks, Recreation and Forestry), NYS Parks, Recreation and Historic Preservation, City of Lackawanna, NYSDEC and Tecumseh Redevelopment on a monthly or as needed basis to discuss project scope, schedule, and deliverables.

At least two (2) public information sessions would be held, with specific outreach to residents of the City of Lackawanna and other interested stakeholders. Provisions should be made to allow for virtual participation in the meeting for those not able to attend in person. The consultant shall outline how they will reach out to the residents of Lackawanna, and other interested stakeholders, making provisions for non-English speakers.

The information sessions shall include soliciting public and stakeholder input on the future development plans and visioning for the proposed CAMU area to allow for the creation of a conceptual illustration of future passive recreation development of the area shown in Exhibit 1, and a session to seek input on such conceptual plan as developed.

Task 2) Conceptual Plan Development

The consultant shall meet with Tecumseh and NYSDEC to understand the issues, constraints, and challenges of future development of the CAMU area. Tecumseh will be responsible for developing detailed engineering and geotechnical design of the CAMU site, and for obtaining NYSDEC approval. However, the Consultant will be responsible for developing a conceptual rendering including Plan View that conveys the vision of the Community gathered from the stakeholder and outreach activities.

A conceptual rendering will need to include layout of physical features including potential road/trail access, utility and infrastructure needs, and landscaping Plan at sufficient level of detail to allow Tecumseh and NYSDEC to design the geotechnical base, subsurface capacity, capping requirements, and surficial topography.

It is expected that the conceptual illustration/rendering will focus on a passive recreational setting with considerable natural areas, extensive native ecological habitat, boardwalk/trails, and limited public amenities. Actual access to the Lake Erie shoreline for swimming or recreation will likely be limited by the physical topography of the site, however some passive recreational trails, or other public access maybe possible in or at the mouth of smokes creek.

Ancillary Park's operation structures and capital improvements to support the development and operations of the public access area should be contemplated as part of the conceptual plan development.

Task 3) Cost Estimate

The consultant will provide a cost estimate for the implementation of the conceptual plan, with phasing options as appropriate.

The Buffalo and Erie County Industrial Land Development Corporation (ILDC), the land development affiliate of the Erie County Industrial Development Agency (ECIDA), is seeking qualified firms for planning and conceptual design services for the above-noted project. Funding for the project is being provided by the Erie County Industrial Development Agency. The ILDC encourages submissions from Women and Minority Owned Business Enterprises (M/WBE).

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

C. Schedule

It is anticipated that the Plan will take 3 to 4 months months to complete with an anticipated completion by December 31st. 2022. Responses to the RFQ should include a schedule showing completion dates for tasks as outlined in the RFQ to meet the required deadline.

D. Experience of Firm/Project Team

Firms, or their principals responding to this RFQ, must be registered to conduct business in New York State. Proposals should include an organizational chart, identifying the project manager and team members, with their titles/role on the project. All proposed sub-consultants must also be identified, along with their key personnel assigned to the project and their roles.

As part of the proposal, teams should provide a detailed case study of **one** project that best demonstrates their capacity to complete this project successfully or otherwise highlights the team's strengths with regards to passive recreational park planning, integration of environmentally capped facilities, multi-use trails, viewsheds, ecological habitat restoration stakeholder and community engagement. In selecting this one project, the team should consider: plans that have been successfully implemented, at least in part; projects where the individual team members have worked together; projects with innovative approaches or design features applicable to this site; and/or projects demonstrating an excellence of design that will serve as a legacy for both the design team and the sponsors.

E. Key Personnel

The consultant's project team *directly assigned* to the Plan should have a full-range of relevant planning, recreational land use, environmental and engineering expertise. Primary personnel in each of the noted disciplines must be identified by name and office location, with resumes included, and should demonstrate satisfactory experience and depth in each of the required disciplines.

For the proposal, we would like to see information on **one** project for each of the key personnel (maximum of three) that they would consider the highlight of their professional career, and the reasons why. This could be a project that demonstrates design excellence, or a project that overcame extraordinarily difficult circumstances to attain implementation, or a project whose process achieved a level of community building for the sponsor(s) that surpassed the initial goals of the project. Key personnel would include the Principal-in-Charge, Project Manager and Discipline Team Leaders.

F. Budget

The design consultant contract will be a negotiated lump sum cost contract. A budget of \$50,000 - \$75,000 had been allocated for the project.

G. Minority and Women-Owned Business Enterprise Utilization

The ILDC strongly encourages participation by Minority- and Women-Owned Business Enterprises as part of the team submitting qualifications for this work. Negotiated contract will require a schedule of values showing how the proposal would meet and or work towards a business utilization goal for minority business enterprise of 25% and women business enterprise of 5% of the value of the contract.

Designated Individual – Procurement Lobbying Law

1. John Cappellino, President and CEO (716)856-6525, ext. 118, jcappell@ecidany.com

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

determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a 4-year period; the bidder is debarred from obtaining governmental procurement contracts, and reported to the Authorities Budget Office (ABO), the ILDC's regulatory authority.

Bidders are required to complete Form in Attachment B regarding their understanding and agreement to comply with procedures on procurement lobbying restrictions regarding permissible contacts in the restricted period in accordance with State Finance Law §§139-j and 139-k.

Information Meeting

Requests for RFQ interpretations should be made in writing to ILDC (faxes will be accepted at (716)819-3654, attn. John Cappellino; or e-mail to **jcappell@ecidany.com**). No requests for oral interpretations via the telephone will be accepted. The deadline for submitting questions is **July 13, 2022**.

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

www.ecidany.com

SUBMISSION OF PROPOSALS:

Eight (8) copies of the Proposal must be submitted, **no later than 4:00 pm July 20, 2022**, to:

**John Cappellino
ECIDA/ILDC
95 Perry Street, Suite 403
Buffalo, New York, 14203**

An electronic copy should also be emailed to John Cappellino at: jcappell@ecidany.com

SELECTION PROCESS:

The ILDC may short list from the proposals and interviews may be required. A final decision is anticipated to be by the end of July 2022. Responses will be ranked based on the qualifications of the consultant or consultant teams based on the following factors:

Background of Firm

- Experience and performance of firm
- Experience with similar projects
- Staff assigned to project

Approach to Project

- Understanding of owner's program and intent
- Understanding of tasks

After selection, ILDC will negotiate a contract with the highest ranked firm, taking into account additional contractual requirements, including but not limited ability to meet schedule, breakdown of person-hours for assigned personnel for proposed tasks, and MWBE participation plan.

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

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

Exhibit 1

CAMU Redevelopment Area



Attachment A: Insurance

The bidder agrees to procure and maintain, for the term of the Contract, insurance of the types and in the amounts hereafter required, with insurance companies authorized to do business in New York State, covering all operations under the Contract whether performed by it or its sub-contractors. The insurance companies affording coverage must be deemed acceptable to the Buffalo and Erie County Industrial Land Development Corporation (ILDC) throughout the term of the Contract. If any insurance company is deemed unacceptable to the ILDC the bidder agrees to procure and maintain at its expense, coverage with an acceptable insurer as soon as notified by the ILDC. The policies shall provide for a 30-day notice to the ILDC prior to termination, cancellation or change.

Prior to the execution of the Contract, the bidder shall supply the ILDC with a certificate(s) of insurance providing evidence of insurance coverage for the bidder for the following coverage:

- General Liability Insurance in a comprehensive form including coverage for property damage, bodily injury, personal injury and completed operations with a single limit of at least \$1,000,000 per occurrence with a \$2,000,000 aggregate. The certificate shall name the ILDC as an additional insured.
- If any motor vehicle is used in regard to services on behalf of ILDC or its affiliates, Auto Liability Insurance covering bodily injury and property damage with minimum combined single limit of \$1,000,000.
- Workers' Compensation and Employer's Liability in accordance with the applicable laws of the State of New York.
- Professional Liability Insurance, in the amount of \$2,000,000.

Each insurance policy shall be kept in force until the receipt of final payment to the bidder except for professional liability insurance, which shall be kept in force until at least one year after final payment to bidder.

The ILDC and the bidder agree to waive all rights against each other for damages to the extent covered by the insurance, except for such rights they may have to the proceeds of such insurance held by the ILDC as trustee. The bidder shall require similar reciprocal waivers by all sub-consultants. This policy shall recognize such waivers of recovery by an appropriate Waiver of Subrogation Clause Endorsement, excluding any subrogation rights granted under New York Law to the contrary notwithstanding. Above needed insurance coverage should be provided on a primary and non-contributory basis.

Copies of any required policies shall be provided to the ILDC upon request.

ATTACHMENT B

NEW YORK STATE FINANCE LAW REQUIREMENTS

Permissible Contacts

Pursuant to State Finance Law §§139-j and 139-k, this Solicitation/Request for Proposal includes and imposes certain restrictions on communications between the ILDC and an Offerer/bidder during the procurement process. An Offerer/bidder is restricted from making contacts from the earliest notice of intent to solicit Request for Proposals through the final award and approval of the Procurement Contract by the ILDC and, if applicable, Office of the State Comptroller (“restricted period”) to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law §139-j(3)(a). Designated staff, as of the date hereof, are identified on page 1 of this solicitation. ILDC employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the Offerer/bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four (4) year period, the Offerer/bidder is barred from obtaining governmental Procurement Contracts. Further information about these requirements can be found at <http://www.ogs.state.ny.us/aboutOgs/regulations/defaultAdvisoryCouncil.html>.

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

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

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

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

Offerer/Bidder Disclosure of Prior Non-Responsibility Determinations

New York State Finance Law §139-k(2) obligates the ILDC to obtain specific information regarding prior non-responsibility determinations with respect to State Finance Law §139-j. This information must be collected in addition to the information that is separately obtained pursuant to State Finance Law §163(9). In accordance with State Finance Law §139-k, an Offerer/bidder must disclose whether there has been a finding of non-responsibility made within the previous four (4) years by any Governmental Entity due to:

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

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

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

Public Disclosure

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

Contract Termination Provision

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

ILDC Termination Provision

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

NEW YORK STATE FINANCE LAW REQUIREMENTS

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

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

By: _____ Date: _____

Name: _____ Title: _____

Contractor Name: _____

Contractor Address: _____

NEW YORK STATE FINANCE LAW REQUIREMENTS

Offerer/Bidder Certification:

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

By: _____ Date: _____

Name: _____ Title: _____

Contractor Name: _____

Contractor Address: _____

NEW YORK STATE FINANCE LAW REQUIREMENTS

Offerer Disclosure of Prior Non-Responsibility Determinations

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

Address: _____

Name and Title of Person Submitting this Form: _____

Contract Procurement Number: _____

Date: _____

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

No

Yes

If yes, please answer the next questions:

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

No

Yes

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

No

Yes

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

Governmental Entity: _____

Date of Finding of Non-responsibility: _____

Basis of Finding of Non-responsibility:

(Add additional pages as necessary)

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

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Conceptual Plans

No

Yes

6. If yes, please provide details below.

Governmental Entity: _____

Date of Termination or Withholding of Contract: _____

Basis of Termination or Withholding: _____

(Add additional pages as necessary)

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

By: _____ Date: _____
Signature

Name: _____ Title: _____