



**Erie County Industrial Development Agency and Affiliates  
Buffalo Urban Development Corporation and Affiliates  
Western Region Corporation**

***Joint Request for Qualifications  
for Insurance Brokerage Services***

*Issued: June 25, 2021  
Questions Due: July 9, 2021  
Submission: Four (4) Copies of Response (including Attachments A – C)  
Responses Due: July 23, 2021 12:00 pm (EDT)*

## I. INTRODUCTION

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### A. Request for Qualifications (RFQ)

The Erie County Industrial Development Agency and its affiliates (“ECIDA Group”), the Buffalo Urban Development Corporation and its affiliates (“BUDC Group”) and Western Region Corporation (“WRC”) are jointly requesting qualifications from insurance brokers as the basis of selecting:

- 1) Property & Casualty broker, and
- 2) Health & Benefits broker

Please note that this RFQ is for brokerage services only and does not solicit new or difference insurance coverage. All current policies are expected to remain in force until their expiration.

Interested parties are invited to submit responses for consideration for any one or both above positions and should clearly indicate the position(s) of interest in their response. If insurance brokers propose on more than one position, or brokers propose on a joint basis, ECIDA and BUDC reserve the right to evaluate and select responses independently. Furthermore, ECIDA and BUDC reserve the right to select a Property & Casualty broker that best fits each entity’s needs, based on the responses received. (E.g., It is possible that the ECIDA Group/WRC and BUDC Group could select different brokers.) Responses submitted by a joint venture shall not be considered unless the contractual responsibilities of the parties to the joint venture are clearly and specifically identified. ECIDA and BUDC encourage submissions from Women and Minority Owned Business Enterprises (M/WBE).

### B. Current Brokers

The above insurance brokerage services are currently performed by Lawley (Property & Casualty broker) and Bene-Care, Inc. (Health & Benefits broker).

### C. Designated Individuals - Procurement Lobbying Law

Mollie Profic

Vice President/CFO

mprofic@ecidany.com

### D. Questions

Any questions, objections, or requests for revisions to this RFQ must be submitted in writing via email to the Designated Staff identified in Section C above and received no later than July 9, 2021. All questions will be answered in writing within three (3) business days and copies of the questions and answers will be posted on ECIDA’s website on the ‘Requests for Proposals’ page.

## II. DESCRIPTION OF THE ORGANIZATIONS

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### A. Background Information

The Erie County Industrial Development Agency (“ECIDA”) is a public benefit corporation created in 1970 by an act of the New York State Legislature. 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.

The ECIDA has a related party relationship with the Buffalo and Erie County Regional Development Corporation (“RDC”) and the Buffalo and Erie County Industrial Land Development Corporation (“ILDC”). The same personnel manage all three entities. The ECIDA and RDC share the same board of directors as their oversight body while ILDC has a subset of these directors in addition to non-board members as its board of directors.

The mission of Buffalo Urban Development Corporation (“BUDC”) is to support the urban economic development efforts of the region through acquisition, remediation and management of distressed properties, and to engage in related real estate development activities for the purpose of attracting and/or retaining new and existing businesses to the City as part of the region. The mission of BUDC also includes supporting the revitalization of downtown Buffalo by serving as the lead management entity for Buffalo Building Reuse Project (“BBRP”) initiatives, working in collaboration with the City of Buffalo; including the coordination of financial assistance for downtown adaptive re-use projects and public right-of-way improvements. BUDC has several special purpose LLCs in conjunction with certain properties for which BUDC is acting as the developer, or for real estate holding purposes. Recently, BUDC has begun the implementation of Buffalo’s Race for Place initiative which focuses on talent attraction through placemaking, vibrant streetscapes and integration of smart cities technology.

The ECIDA provides financial management services to BUDC and the Buffalo Brownfield Restoration Corporation (“BBRC”).

The Western Region Corporation (“WRC”) operates independently of the ECIDA and BUDC, with administrative services provided by ECIDA.

See Exhibit A for Corporate Charts for the ECIDA and BUDC’s affiliated and unrelated entities and their relationship.

Company	Type of Company	Nature of Company
1) ECIDA	Government (Public Benefit Corporation and a political subdivision of the State of New York)	Takes leasehold interest in properties to provide various tax abatement incentives.
2) RDC	Not-for-profit 501(c)(3)	Operates a revolving loan program.
3) ILDC	Not-for-profit 501(c)(3)	Participates in acquisition and development of industrial sites, operates a revolving loan program, issuer of tax-exempt bonds, operates rail lines on behalf of Erie County.
4) BUDC	Not-for-profit 501(c)(4)	Brownfield redevelopment corporation, owns and operates Buffalo Lakeside Commerce Park, leading

		development of Northland Corridor.
5) BBRC	Not-for-profit 501(c)(3)	Real estate holding company.
6) 683 WTC, LLC and 683 Northland LLC	LLCs	BUDC special purpose LLCs. 683 Northland LLC owns 683 Northland Avenue land and building.
7) 683 Northland Master Tenant, LLC	LLC	BUDC special purpose LLC. Operator/Lessor of 683 Northland Avenue.
8) Other land-owning and/or special purpose LLCs: Buffalo Lakeside Commerce Park – I, LLC, 631 Northland LL, 714 Northland LLC, NorDel I LLC, NorDel II LLC, King Crow, LLC, Riverbend, LLC, BBRC Land Company I, LLC		
9) WRC	Not-for-profit 501(c)(3)	Operates a revolving loan program.

## B. Insurance Exposures

The ECIDA Group, BUDC Group and WRC have insurance exposures that arise through their various activities which include:

- Brownfield remediation and other infrastructure development projects
- Ownership of brownfields and buildings with environmental exposures
- Property Management
- Operation & maintenance of two County railway lines
- Lending
- Issuance of tax-exempt bonds
- Ownership of a Port Terminal facility and a commercial building at 143 Genesee Street
- Construction oversight

The ECIDA has a leasehold interest in nearly 200 properties in Erie County to facilitate the provision of various tax incentives. As a result, the ECIDA requires the property owners to provide proof of liability insurance that names the ECIDA as an additional insured, together with evidence of Workers' Compensation insurance and disability insurance. Also, the ECIDA requires project owners to indemnify the ECIDA against environmental and other claims. ECIDA looks to their current broker to review the accuracy of insurance certificates.

The ECIDA currently has seventeen (17) full-time employees and BUDC has three (3) full-time employees. There may be a small increase to employees by either entity in the future, but overall employment levels are expected to remain steady. All employees of both entities are eligible for benefits. None of the other companies listed in Section A have any employees.

## C. Insurance Policies

A listing of current insurance coverage for the ECIDA Group, BUDC Group and WRC is included in Exhibit B.

### **III. NATURE OF SERVICES REQUIRED**

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A qualified insurance professional and back-up shall be designated to perform and manage a team of experts to coordinate all activities associated with servicing the ECIDA Group, BUDC Group and WRC including the following:

#### **A. Property & Casualty Brokerage Services**

The successful bidder will have the responsibility of acting as the ECIDA Group, BUDC Group and WRC's representative to the world insurance market and providing the entities with risk management advice. The following activities are expected to be performed:

- Annual review of insurance market conditions in terms of capacity, pricing and limitations or extensions of coverages.
- Conduct a financial review of present or proposed insurance companies to confirm that they meet an A.M. Best rating of at least A- with a financial size category rating of VIII.
- Conduct an exposure analysis and prepare reports of all exposures which can be covered by insurance.
- Review all identified risks to determine if risks have increased or decreased.
- Review and document all placed policies, cover notes and binders to make sure they contain the correct information on pricing, terms, conditions and other relevant information.
- Assist with application process and review all applications prior to submission.
- Facilitate endorsement requests, additional insured requests, and certificates of insurance.
- Policies are to be received by the entities within 45 days of the date they are obtained from underwriters by the successful bidder.
- Review insurance certificates of tax incentive project owners to ensure ECIDA's requirements are met.
- Any other miscellaneous service as requested for the purpose of insurance purchase and risk management.

If any of the above poses a problem it should be addressed within the firm's response.

#### **B. Health & Benefits Brokerage Services**

The successful bidder will have the responsibility of acting as the ECIDA and BUDC's representative to the Health & Benefits insurance market. The following activities are expected to be performed:

- Annually advise and assist the ECIDA and BUDC in evaluating and selecting among coverage alternatives such as plan coverage, deductibles, co-payments, out-of-pocket payments, etc.
- Prepare benefit comparisons.
- On behalf of the ECIDA and BUDC, negotiate with the carrier for the most cost-effective plan (for non-community rated benefits), including Medicare plans for eligible employees and/or dependents.
- Assist the ECIDA and BUDC with employee communication and enrollment services.
- Advise ECIDA and BUDC of health insurance market trends.

- Assist employees of the ECIDA and BUDC with questions or concerns that may arise during the year, including but not limited to claims mediation for disputes or denials.
- Resolution of any billing issues. Consolidated billing by the broker to ECIDA and BUDC is preferred.
- Please include pricing information for COBRA compliance in response.
- Include information on any other voluntary benefits your firm can offer ECIDA and BUDC employees (e.g. vision, short-term disability, term life, etc.)

If any of the above poses a problem it should be addressed within the firm's response.

## IV. TIME REQUIREMENTS

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### A. Calendar

The following is a list of key dates up to and including the date responses are due to be submitted;

Requests for Qualifications issued	June 25, 2021
Due date for Questions	July 9, 2021
Due date for response to RFQ	July 23, 2021 (12:00 pm EDT)

### B. Notification Dates (approximate dates)

Short list of brokers notified & additional information requested (oral presentations scheduled and/or references checked)	August 6, 2021
Due date for oral presentations/interviews (if any)	August 23, 2021
Approximate award date for Property & Casualty Broker and Health & Benefits Broker	September 22, 2021

## V. RESPONSE REQUIREMENTS

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### A. Response Requirements

Each response should be concise and include the following:

#### 1. Insurance Program

**Note: Your firm is not to contact any underwriters or markets. Any contact with underwriters or markets will result in your firm being disqualified from the RFQ process.**

- Indicate which principal markets you would contact (property & casualty insurance companies must have an A.M. Best rating of at least A- with a financial size category rating of VIII and be licensed to do business in New York State).
- Indicate what recommendations you would propose to obtain premium savings or increase the breadth of coverage.
- Explain what type of insurance summary you would prepare to assist the entities in understanding their various insurance policies and the exposures to liability.
- Describe your proposed form of compensation (e.g. commission, annual retainer, fee-for-service) and applicable rates and/or fees.
- If you charge fees for consulting, please indicate the basis of your charges (hourly, by project, etc.) and applicable rates and/or fees.
- Explain what assistance you would provide if claims were to occur.
- Explain any other ancillary services that you could provide that may be beneficial to the entities. Indicate the costs of these services (if any).

#### Property & Casualty Brokers Only:

- Explain what assistance you could provide in evaluating insurance certificates and insurance requirements in contracts. Indicate the costs of this assistance (if any).
- Indicate the level and types of risk management, safety and environmental training offered by the broker. Indicate the costs of these services (if any).

#### Health & Benefits Brokers Only:

- Explain how you would assist with open enrollment meetings and employee communication material.
- Explain how you would advise and assist the ECIDA and BUDC in evaluating and selecting among coverage alternatives such as plan coverage, deductibles, co-payments, out-of-pocket payments, etc.



## **2. Qualifications and experience of the individuals to be assigned to the engagement**

- Identify the individuals who will be assigned to this engagement and highlight those individuals who would be considered “key” to the engagement either based on the number of hours they would devote to the entities or based on other considerations.
- Provide brief biographies of key individuals which outline relevant education, qualifications, professional designations and affiliations and prior work experience. Identify what services each individual would provide to the entities.
- Provide the names and contact information for other similar clients of key individuals that will be assigned to this engagement for reference purposes (at least three references).

## **3. Qualifications and experience of the insurance agency**

- Describe the broker’s ownership, headquarters, branch or affiliate offices, number of agents / employees and length of time in business.
- List the broker’s most significant clients serviced within the last five (5) years that are similar to the ECIDA and BUDC (e.g. similar size, similar exposures, similar activities & similar quasi-public/not-for-profit entities).
- Indicate the breadth and depth of the broker’s specialized resources to handle unique insurance matters and include illustrative examples.
- Indicate whether the broker has alliances or affiliations with other brokers or organizations to procure insurance, share knowledge or obtain additional resources.

## **4. Women/Minority Owned Business Enterprises/Employees**

ECIDA and BUDC strongly encourage participation by Women and Minority Owned Business Enterprises in submitting qualifications for this contract.

Brokers should include in their response the total number of employees and the total number of women & minorities employed. Brokers should also describe any programs or arrangements they sponsor or support that further the development of women or minority-owned business enterprises in the region. This will account for 10% of the scoring index, as noted in the Evaluation Procedures.

Brokers should provide a statement that they do not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability, marital status, sexual orientation, citizenship status or any other status protected by New York State and Federal laws.

**5. Conflict of Interest**

Provide a description of (i) any material arrangements, relationships or other employment that the broker or any broker employee has with any persons or entities that may create a conflict of interest or the appearance of a conflict of interest in acting on behalf of the entities, (ii) any family relationship that any employee of the broker has with any entity staff or Board member that may create a conflict of interest or the appearance of a conflict of interest in acting on behalf of the entities, and (iii) any other matter that the broker believes may create a conflict of interest or the appearance of a conflict of interest in acting on behalf of the entities. Please describe any procedures the broker either has, or would adopt, to assure the entities that a conflict of interest would not exist for the broker.

**6. Identification of anticipated problems (if any)**

The response should identify and describe any anticipated problems the broker may encounter in acting as an insurance broker, and the broker's approach to resolving these problems.

**7. Completion of Procurement Forms**

Respondents are required to complete Attachments A-C and include them in their response.

**8. Submission of Response**

Four (4) copies and a PDF of the completed response must be received at the following address before noon (EDT) on July 23, 2021 in order to be considered:

Erie County Industrial Development Agency  
Attn: Mollie Profic  
95 Perry Street, Suite #403, Buffalo, New York 14203

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

**Due to COVID-19, ECIDA offices are not open to the public. If you are planning to drop off proposals, please call the office at 856-6525 to make arrangements. Electronic copies of the submittal will be accepted by email, flash drive, or other method. Please note that ECIDA's email server has a limit of 10MB. If you plan to send your response via email, ECIDA/BUDC is not responsible for ensuring receipt of your proposal. Please call or email to confirm receipt.**

## **VI. STATEMENT OF RIGHTS**

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By submitting a response, the broker understands and agrees that the ECIDA Group, BUDC Group and WRC reserve the following rights and options with respect to this RFQ:

- To reject any or all responses;
- To issue amendments to this RFQ;
- To issue additional solicitations for qualifications;
- To waive any irregularities in responses received;
- To select any response as the basis for negotiations of a contract, and to negotiate with one or more of the proposers for amendments or other modifications to their responses;
- To conduct investigations with respect to the qualifications of each responder;
- To exercise discretion and apply judgment with respect to any aspect of this RFQ, the evaluation of responses, and the negotiations and award of any contract;
- To enter into an agreement for only portions (or not to enter into an agreement for any) of the services contemplated by the responses with one or more of the respondents;
- To select the response that best satisfies the interests of the entities and not necessarily on the basis of price or any other single factor;
- To request or obtain additional information the entities deem necessary to determine the ability of the respondent;
- To retain all responses submitted and use any idea in a response, whether oral or written, regardless of whether that response is selected;
- Submission of a response indicates acceptance by the respondent of the conditions contained in this RFQ, unless clearly and specifically noted in the response submitted and confirmed in a contract between the entities and the broker selected; and
- This RFQ does not commit the entities to negotiate a contract, nor does it obligate any of the entities to pay for any costs incurred in preparation and submission of responses or costs incurred prior to entering into a formal contract.

## **VII. MANDATORY CONTRACT TERMS**

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The successful broker(s) will be required to execute contracts in a form acceptable to the ECIDA Group, BUDC Group and WRC and that include language in substantially the following form:

### **A. Term**

The term of the contract will be three (3) years plus two (2) additional one (1) year extensions based upon satisfactory performance. The contract shall provide that the entities, at their sole discretion, may terminate the contract at any time.

### **B. Insurance**

The successful broker(s) agrees to procure and maintain, for the term of the contract, insurance of the kinds 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 entities throughout the term of the contract. If any insurance company is deemed unacceptable to the entities the broker agrees to procure and maintain, at its expense, coverage with an acceptable insurer as soon as notified by the entities. The policies shall provide for a 30-day notice to the entities prior to termination, cancellation or change.

Prior to the execution of a contract, the successful broker(s) shall supply the ECIDA and BUDC with a certificate(s) of insurance providing evidence of insurance coverage for the broker 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 ECIDA and BUDC as an additional insured.
- If any motor vehicle is used in the work, 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 successful broker(s) except for professional liability insurance, which shall be kept in force until at least one year after final payment to broker.

Copies of any required policies shall be provided to the ECIDA or BUDC upon request.

### **C. Indemnification**

The broker agrees that except for the amount, if any, of damage contributed to, caused by or resulting from the negligence of the entities, the broker shall indemnify and hold harmless the entities, their directors, officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorney's fees or loss arising directly or indirectly out of the acts or omissions hereunder by the broker or third parties under the direction or control of the broker; and to provide defense for and defend, at its sole expense, any and all claims, demands or causes of action directly or indirectly arising out of this contract and to bear all other costs and expenses related thereto.

## **VIII. EVALUATION PROCEDURES**

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### **A. Initial Review of Responses**

A Selection Committee comprised of ECIDA and BUDC staff members will initially evaluate each broker's response. Responses that do not meet the following minimum requirements and those which are not responsive or not responsible (which includes, but is not limited to, the broker's qualifications, financial stability, integrity and performance) will not be given further consideration.

#### **Minimum Requirements:**

1. Submission of complete response by due date/time.
2. Completion of Attachments A – C.
3. References provided (minimum of three).

The Selection Committee will then select the responses which are most advantageous to the ECIDA Group, BUDC Group and WRC, based on the following scoring criteria:

1. Insurance Program (40% of total score)
2. Qualifications and experience of the individuals to be assigned (25% of total score)
3. Qualifications and experience of the Broker (25% of total score)
4. Development of Women & Minority-Owned Business Enterprises/development of women & minority employees (10% of total score)

### **B. Oral Presentations / Reference Checks**

Based on the results of the initial review, the Selection Committee, at their discretion, may request a short list of brokers to make oral presentations and/or may contact broker references. Presentations will provide brokers with an opportunity to answer any questions that the Selection Committee may have on a broker's response.

### **C. Final Review of Responses**

The Selection Committee will then re-evaluate and re-score the short list of brokers, with the oral presentations/reference checks representing 20% of the new total score.

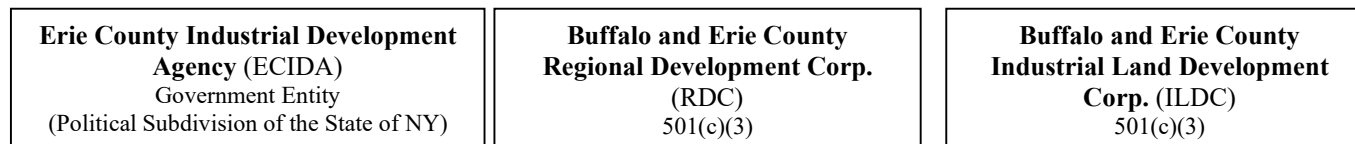
### **D. Final Selection**

The Selection Committee will recommend that the broker(s) with the highest overall scores be awarded the applicable contract(s). The recommendations must be approved by the ECIDA & BUDC Finance & Audit Committees and the Boards of Directors for ECIDA, BUDC and WRC prior to the execution of a contract. Please note that the ECIDA Group and BUDC Group may elect to select different Property & Casualty Brokers. It is anticipated that the successful insurance Brokers will be selected and notified by September 22, 2021.

## Exhibit A – Corporate Charts

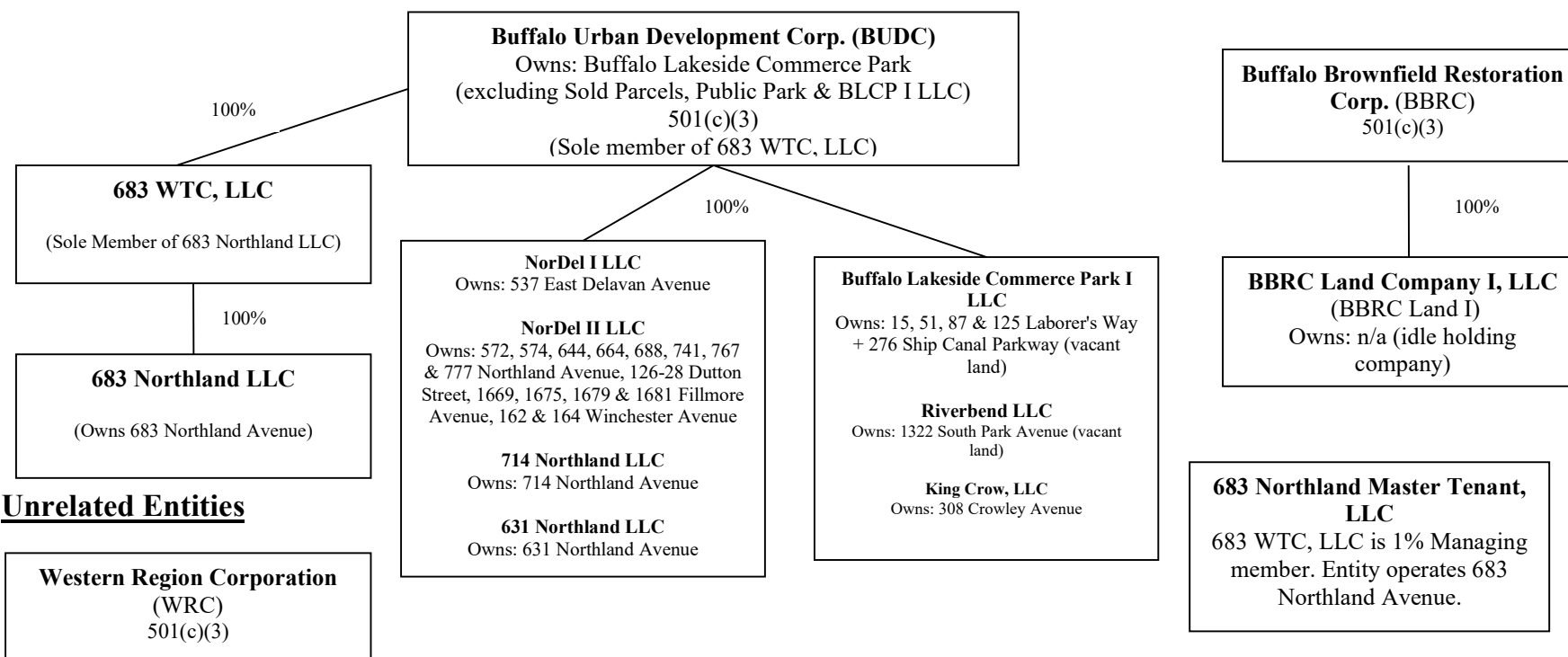
### ECIDA Group

Relationship: ECIDA and RDC share the same Board. The Erie County Executive, Deputy County Executive, Chair of the Erie County Legislature, Mayor of the City of Buffalo, Chair of the Erie County Legislature Economic Development Committee, Vice Chairman of the Agency, and the President of the Buffalo Central Labor Council act as the oversight body for ILDC.

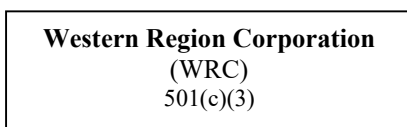


### BUDC Group

Relationship: BUDC's Real Estate Committee is the Board of BBRC.



### Unrelated Entities



## Exhibit B – Current Insurance Coverage

***ECIDA – 95 Perry St., 143 Genesee St., Port Terminal, Grain Mill, Camp Rd & Corporate  
ILDC – 2303 Hamburg Turnpike, 1526 Eden Evans Center Road (+ vacant land), 3445 River Rd.***

Type	Insurance Co.	Expiry	Limits
Municipal Package (Property, Auto)	Philadelphia Insurance / Tokio Marine Specialty	12/31/21	<b><i>Auto:</i></b> \$1,000,000
Liability	Philadelphia Insurance / Tokio Marine Specialty	12/31/21	<b><i>Liability:</i></b> \$1,000,000 /Occ. \$2,000,000 Aggregate
First Excess Liability	National Surety	12/31/2021	\$10,000,000
Second Excess Liability	Chubb Insurance	12/31/2021	\$10,000,000
Directors & Officers	Chubb Insurance	1/1/2022	\$5,000,000
Crime	Travelers Casualty & Surety	12/29/2021	\$3,000,000
Crime (excess)	Chubb Insurance	12/29/2021	\$3,000,000
Cyber Liability	Beazley Insurance	12/31/2021	\$1,000,000

### ***ECIDA Employee Health & Benefits***

Type	Insurance Co.	Expiry	Broker
Health Insurance	Blue Cross/Blue Shield	12/31/2021	Health & Benefits
Health Insurance (Medicare plans)	Blue Cross/Blue Shield	12/31/2021	Health & Benefits
Dental Insurance	Guardian	12/31/2021	Health & Benefits
Life Insurance / AD&D	MetLife	4/30/2022	Health & Benefits
LTD Insurance	MetLife	4/30/2022	Health & Benefits
NYS Short-Term Disability	Guardian Insurance	n/a	
Workers Compensation	New York State Insurance Fund	12/29/2021	Property & Casualty



## Exhibit B – Current Insurance Coverage (Cont'd)

**BUDC – Buffalo Lakeside Commerce Park Property (115 acres of real estate development property)**  
 – **Ship Canal Commons (22 acres of public park)**  
 – **BUDC 95 Perry St. Offices (957 sq. ft)**

Type	Insurance Co.	Expiry	Limits
Commercial Package (Property, Auto & Liability)	The Hartford	12/31/2021	<b>Liability:</b> \$1,000,000 /Occurrence \$2,000,000 Aggregate <b>Auto:</b> \$1,000,000
Umbrella	The Hartford	12/31/2021	\$10,000,000
Directors & Officers	Philadelphia	12/31/2021	\$3,000,000
Directors & Officers-Umbrella	Western World	12/31/2021	\$3,000,000
Crime Policy	Travelers	12/31/2022	Three year policy

**NorDel I – 537 East Delavan Property (3 areas of building post-demolition including “612 Northland” and “541 East Delavan”)**

Type	Insurance Co.	Expiry	Limits
Liability	Evanston Ins - through RT Specialty - for vacant buildings	11/28/2021	\$1,000,000/Occurrence \$2,000,000 Aggregate
Umbrella	National Union Fire Ins-through RT Specialty – for vacant buildings	11/28/2021	\$3,000,000
Property/Liability	Acadia Insurance – 612 Northland Lessors risk	9/20/21	\$4,000,000/Occurrence incl umbrella \$1,200,000 building value
Liability (24 months)	541 East Delavan: Markel Insurance Company	7/1/21	\$2,000,000/Occurrence \$4,000,000 Aggregate
Umbrella (24 months)	541 East Delavan: First Mercury Insurance	7/1/21	\$3,000,000

## Exhibit B – Current Insurance Coverage (Cont'd)

### ***King Crow LLC- 308 Crowley Ave***

Type	Insurance Co.	Expiry	Limits
Liability	Evanston Ins - through RT Specialty - for vacant buildings	6/20/2021	\$1,000,000/Occurrence \$2,000,000 Aggregate
Umbrella	Scottsdale – for vacant buildings	6/20/2021	\$5,000,000

### ***NorDel II – 631+741+777 Northland Properties (3 vacant buildings)***

***577+644+664+688+690+767 Northland Properties + 126+128 Dutton Properties (5.46 acres land)***

Type	Insurance Co.	Expiry	Limits
Property	Illinois Union (631 & 741 Northland only)	4/6/2022	\$940,000 (631) \$1,056,000 (741)
Liability	Kinsale Insurance Co.	1/1/2022	\$1,000,000/Occurrence \$2,000,000 Aggregate
Umbrella	Kinsale via All Risks	1/1/2022	\$3,000,000

### ***683 Northland Property – 683 Northland LLC, 683 WTC, LLC, 683 Northland Master Tenant, LLC***

Type	Insurance Co.	Expiry	Limits
Liability	Travelers Ins.	9/10/21	\$1,000,000 /Occurrence \$2,000,000 Aggregate
Auto Liability	Travelers Ins	9/10/21	\$1,000,000 /Occurrence
Umbrella	Travelers Ins	9/10/21	\$5,000,000 /Occurrence \$5,000,000 Aggregate

### ***714 Northland LLC***

Type	Insurance Co.	Expiry	Limits
Property /Liability	Colony Insurance Company	2/28/2022	\$2,600,000
Umbrella	Century Surety Insurance	2/28/2022	\$3,000,000

## Exhibit B – Current Insurance Coverage (Cont'd)

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### *BUDC Employee Health & Benefits*

Type	Insurance Co.	Expiry	Broker
Health Insurance	BlueCross BlueShield	12/31/2021	Health & Benefits
Dental Insurance	Lincoln Financial Group	12/31/2021	Health & Benefits
Life Insurance / AD&D	Lincoln Financial Group	12/31/2022	Health & Benefits
LTD Insurance	Lincoln Financial Group	12/31/2022	Health & Benefits
Workers Compensation	The Hartford	12/31/2021	Property & Casualty
NYS Short-Term Disability & Paid Family Leave	ShelterPoint Life	n/a	

### *Western Region Corporation*

Type	Insurance Co.	Expiry	Limits
Directors & Officers	Philadelphia	12/31/2021	\$1,000,000

# NEW YORK STATE FINANCE LAW REQUIREMENTS

## **Permissible Contacts**

Pursuant to State Finance Law §§139-j and 139-k, this Solicitation/Request for Proposal includes and imposes certain restrictions on communications between the ECIDA/BUDC and an Offerer/bidder during the procurement process. An Offerer/bidder is restricted from making contacts from the earliest notice of intent to solicit Request for Proposals through the final award and approval of the Procurement Contract by the ECIDA/BUDC 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. ECIDA/BUDC 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 ECIDA/BUDC seek written affirmations from all Offerers/bidders as to the Offerer’s/bidder’s understanding of and agreement to comply with the ECIDA/BUDC’s procedures relating to permissible contacts (described above) during a Governmental Procurement pursuant to subdivision three of this section. It is recommended that this affirmation be provided to the ECIDA/BUDC 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 ECIDA/BUDC with respect to State Finance Law §139-k is complete, true and accurate. It is recommended that the certification be provided to the ECIDA as early as possible in the process, such as when an Offerer/Bidder submits its proposal, bid or other form of offer. Attachment B may be used to satisfy this requirement.

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

New York State Finance Law §139-k(2) obligates the ECIDA/BUDC 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).

## NEW YORK STATE FINANCE LAW REQUIREMENTS

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

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

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

#### **ECIDA/BUDC Termination Provision**

Pursuant to New York State Finance Law §139-k(5), the ECIDA/BUDC 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 ECIDA/BUDC 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**

**ATTACHMENT A**

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

I affirm that I understand and agree to comply with the procedures of the ECIDA/BUDC 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**

**ATTACHMENT B**

**Offerer/Bidder Certification:**

I certify that all information provided to the ECIDA/BUDC 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

ATTACHMENT C

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):  
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 ECIDA with respect to State Finance Law §139-k is complete, true and accurate.

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

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