



# Request for Proposals



## Bethlehem Steel-Woodlawn Beach Shoreline Trail

### Master Plan/ Conceptual Alternates

Proposal must be submitted, no later than 4:00 PM, Wednesday,  
November 13, 2019, to: ILDC/ECIDA, 95 Perry Street, Suite 403,  
Buffalo, New York 14203

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## **I. RFP Overview**

Proposals are being solicited from Planning and Engineering firms, to provide planning and conceptual design services for a **Bethlehem Steel-Woodlawn Beach Shoreline Trail Master Plan/ Conceptual Design Report (Plan)** from the trail's current terminus at Dona St. on the west side of NYS Route 5 in Lackawanna, New York and continuing south to Woodlawn Beach State Park in Hamburg, NY.

The intent of the project is to determine which would be the most efficient route to continue the existing Shoreline Trail (Trail) to Woodlawn Beach State Park. The final report will be utilized to apply for federal, state, local government and private funding grants.

The Plan should have an implementation strategy that shall establish a strategic approach and methodology to guide the development and construction of the Trail through numerous properties. The Plan will be aligned with other planning efforts and projects and dictated by consensually developed stakeholder criteria. The Plan shall also study, research and incorporate, but not be limited to, the following elements:

The preparation of the Plan is part of an implementation initiative for Erie County's Shoreline Trail system. The consultant is expected to work in conjunction with the Buffalo and Erie County Industrial Land Development Corporation (ILDC) and Erie County (County) and provide the following services:

### **A. A Master Plan / Conceptual Design Report that will include:**

- A site plan, indicating existing parcel, road, utility and infrastructure for each feasible route alternative indicating which utilities may be needed to be relocated;
- Provide information/requirements for seeking final Site Plan approval from the City of Lackawanna and Town of Hamburg and other state and federal entities(if any);
- A phased development plan with logical termini for the Trail's construction, including preliminary cost estimates for each phase. Each phase shall also include:
  - Routing options that include Right-of-Way mapping; identification of all easements or property acquisitions that may be needed for each route option;
  - Construction cost estimates for each phase;
  - Community connection points;
- Recommendations for each proposed route will include positives and negatives for each route/phase;
- Trail design criteria for each phase;
- Three conceptual renderings including plan view and typical sections for each alternative route;
- Identify types of acquisitions needed for each alternative;
- A real estate cost assessment for potential acquisition of private property for the Trail;
- Identification of permits needed and their associated cost.

### **B. Stakeholder Outreach and Engagement:**

Engagement with stakeholders and the public to gain feedback on the proposed project, phasing and routing options. It is anticipated that there will be two public meetings besides necessary individual outreach. Stakeholders will include but not limited to the following:

- Private landowners- both commercial and residential
- NYS DOT
- NYS DEC
- GBRNTC
- Genesee & Wyoming Railroad (G&W) relevant to utilizing their property and crossing under their rail berm
- Utility companies that may be affected by the Trail
- Town of Hamburg and City of Lackawanna
- Residents in the City of Lackawanna and Town of Hamburg
- Town of Hamburg and NYS Office of Parks, Recreation and Historic Preservation for connections to Woodlawn Beach State Park.
- Go-Bike and other bicycle enthusiast organizations.

C. Cost Estimates:

The Consultant will provide itemized cost estimates of each route alternative and phase within. The cost estimates shall include: design, Right-of-Way acquisition, NYS DEC and NYS DOT requirements, railway requirements, construction including tunneling through an active railroad berm, and construction inspection.

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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 New York State through Empire State Development's Buffalo Billion II Program. The ILDC encourages submissions from Women and Minority Owned Business Enterprises (M/WBE). The plan must carefully follow all the specifications of the government agencies which will take ownership of the improvements.

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

## **II. GENERAL DESCRIPTION**

### A. Background

Bethlehem Steel's Lackawanna plant first opened in 1899 as the Lackawanna Iron & Steel Company. At its peak, the Bethlehem Steel plant employed over 25,000 workers and had over 7 million square feet of buildings, as well as almost 30 miles of rail track. The plant ceased most operations in 1983. Since the plant began operation, the residents of Lackawanna have been shut off from access to Lake Erie's waterfront within their municipal

boundary. The extension of the Shoreline Trail will provide waterfront access to users of the Trail at the Woodlawn Beach State Park.

### **Land Acquisition/Brownfield Cleanup Program:**

Continuation of the Shoreline Trail system provides an opportunity for community enrichment, economic investment and environmental restoration in the City of Lackawanna, Town of Hamburg and the Western New York region. The Trail will continue south on property that is currently owned by Tecumseh Redevelopment Corporation. This section of property has already been entered into the New York State Brownfield Program. Re-use of this section will require adherence to the current Brownfield Cleanup Agreement. It is anticipated that land acquisition and/or obtaining of public Right-of-Way will be required to complete this segment of the Shoreline Trail.

Project stakeholders include: Erie County, Buffalo and Erie County Industrial Land Development Corporation, Erie County Industrial Development Agency, City of Lackawanna, Empire State Development, and Tecumseh Redevelopment, Inc. and the Town of Hamburg.

This Master Plan is being funded by Buffalo Billion II program through the Empire State Development Corporation.

### **III. GENERAL PROPOSAL REQUIREMENTS:**

Proposals must address each of the following items:

#### **A. Approach and Methodology**

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

#### **B. Scope of Services**

The consultant shall meet with the project steering committee composed of representatives from ILDC/ECIDA, Erie County (Department of Environment and Planning), City of Lackawanna and the Town of Hamburg to discuss project scope, schedule and deliverables.

The consultant will incorporate mapping of private investments within the study area (recent, under construction and planned) to guide the application of the infrastructure investment criteria.

The consultant will work with the project steering committee to identify and map the distinct districts in the project area for planning and stakeholder outreach purposes.

**Stakeholder Outreach and Engagement** (*Tasks include, but are not limited to*):

The consultant will meet on a regular basis with the Bethlehem Steel-Woodlawn Beach Steering Committee (**Steering Committee**) to review and accept feedback on project progress and deliverables. Public and industry participation is critical to this process. The planning process should also include coordination with government agencies and neighboring communities to the extent feasible given the project timeline.

The consultant is expected to attend a monthly meeting with the Steering Committee throughout the planning process in order to review and refine the pathway and infrastructure routing and design options. Two additional meetings may be required at the discretion of the Steering Committee

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

**C. Work Schedule and Task Breakdown by Personnel**

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

It is anticipated that the Plan will take 6 months to complete with an anticipated kick-off in January, 2020.

**D. Experience of Firm/Project Team**

Firms, or their principals responding to this RFP, 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 multi-use trails, 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, 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. Cost and Budget**

The design consultant contract will be a fixed price or lump sum cost contract. Therefore, all proposals must contain a Lump Sum Cost Proposal for the scope of services delineated, inclusive of all expenses (there will be no reimbursables). Proposals must include a breakdown of the costs by the task as outlined in the scope of services.

### **G. Personnel Allocation**

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

### **H. Designated Individual – Procurement Lobbying Law**

1. John Cappellino, Exec, VP 856-6525, ext. 118      jcappell@ecidany.com

Pursuant to State Finance Law §§139-j and 139-k, this Request for Proposal 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 Proposals 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.

### **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. All proposals must submit a statement indicating that the firm submitting the proposal will work toward a business utilization goal for minority business enterprise of 15% and women business enterprise of 5%.

### **Information Meeting**

An informational meeting will be held on **Friday, November 1, 2019, 10:00 am** at the offices of the ECIDA/ILDC to address any general questions that potential respondents may have regarding this RFP. Any other requests for RFP interpretations should be made in writing to ILDC (faxes will be accepted at 819-3654, attn. John Cappellino; or e-mail to **[jcappell@ecidany.com](mailto:jcappell@ecidany.com)**). No requests for oral interpretations via the telephone will be accepted. The deadline for submitting questions is **Thursday, November 7, 2019**.

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

[www.ecidany.com](http://www.ecidany.com)



**SUBMISSION OF QUALIFICATION STATEMENTS:**

**Eight (8) copies** of the Proposal must be submitted, **no later than 4:00 PM, Wednesday, November 13, 2019, 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](mailto:jcappell@ecidany.com)**

**SELECTION PROCESS:**

ECIDA may short list from the proposals and interviews may be required. Interviews are expected to be conducted during the week of December 4, 2019. A final decision is anticipated to be made in December 2019. Scoring and ranking will include the following factors:

**Background of Firm**

- Experience and performance of firm
- Experience with multi-use trail projects and NYSDOT
- Staff assigned to project
- Local presence of firm

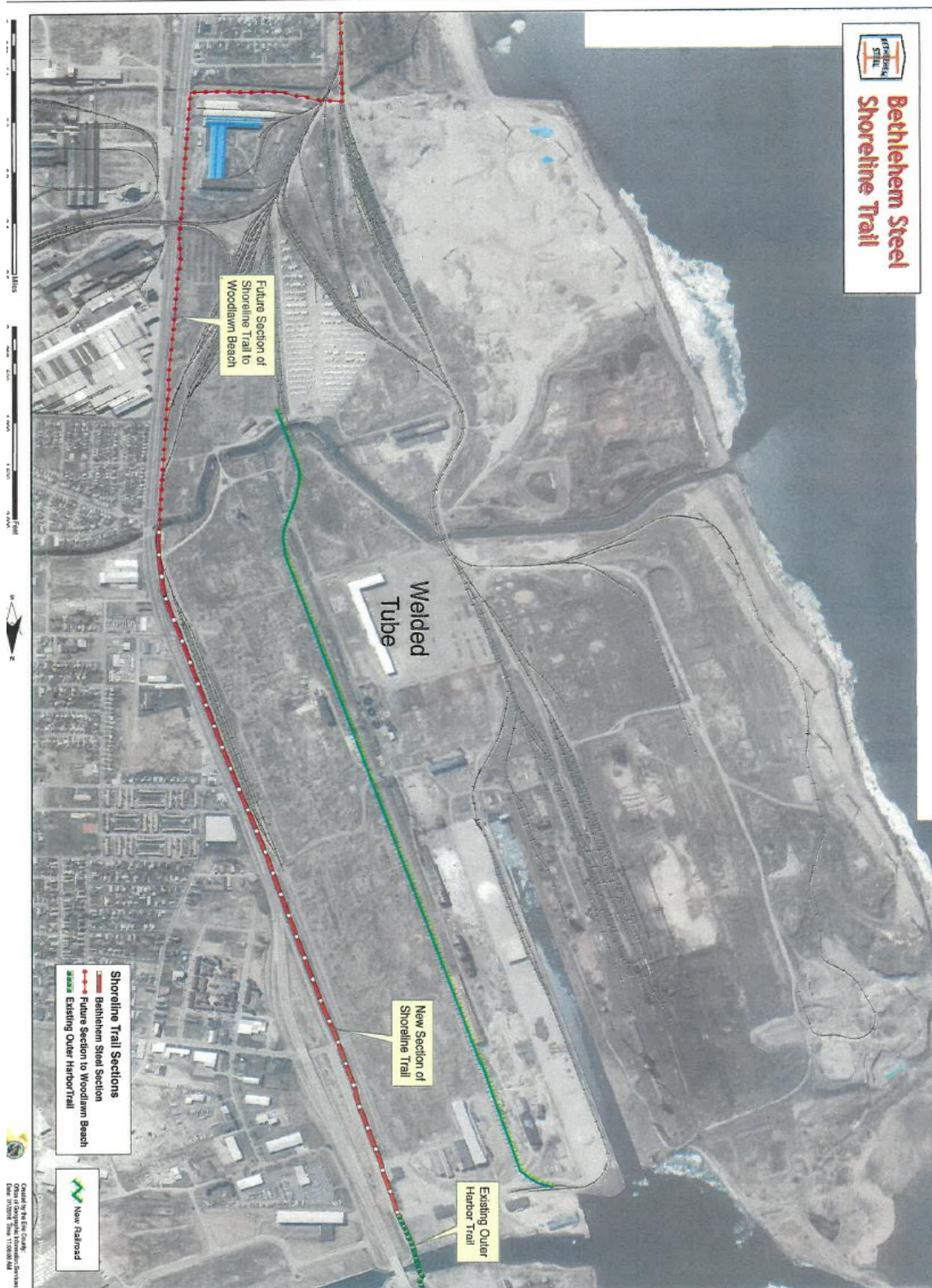
**Approach to Project**

- Understanding of owner's program and intent
- Understanding of tasks
- Cost
- Schedule
- M/WBE Participation

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

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

# Exhibit 1



## **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).

## **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 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):



Buffalo and Erie County Industrial Land Development Corporation  
Request for Proposal: Bethlehem Steel-Woodlawn Beach Shoreline Trail Master Plan

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: \_\_\_\_\_