

## **Request for Proposals**

RFP #NFC2022-01

# **Design Standards and Program Administration Consultant for Niagara Falls Small Business Property Improvement Program**

**Niagara Falls, New York**

**Issued: Friday, December 16, 2022**

**Submission Deadline: Friday, January 20, 2023 by 3:00 PM EDT**

**Primary Contact:**

Thomas Tedesco, Executive Director

NFC Development Corporation

745 Main Street

Room 300A

Niagara Falls, NY 14301

Phone: 716-286-4482

E-mail: [Thomas.Tedesco@niagarafallsny.gov](mailto:Thomas.Tedesco@niagarafallsny.gov)

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## I. INTRODUCTION

The Regional Revitalization Partnership (“RRP”) is a multi-year \$300M collaborative initiative between The Ralph C. Wilson Jr. Foundation, New York State’s Empire State Development, local municipalities and other private philanthropic partners. Building upon and accelerating collaborative, community-driven work that is already underway, this public/private initiative co-invests in three interconnected communities in Western New York (East Buffalo and the cities of Niagara Falls and Rochester) to create a comprehensive community-driven economic development vision to strengthen the regional economy and build pathways to individual wealth.

Investments focus on: small businesses development with an emphasis on those owned by women and people of color; placemaking to regenerate commercial corridors and waterfronts, rebuild community anchors and revitalize neighborhoods; and workforce to enhance residents’ skills and increase access to good paying jobs for everyone. More information about the RRP can be found at [www.niagarafallsusa.org/government/city-departments/purchasinghere](http://www.niagarafallsusa.org/government/city-departments/purchasinghere).

The RRP—strategically developed with broad public input and in collaboration with community partners— includes major investments in a number of highly visible projects and programs that can achieve long-standing community goals in each city. In Niagara Falls, a combined \$40 million effort developed through a community-driven, year-long process includes a program focused on food entrepreneurship anchored around the city’s historic City Market and Pine Avenue; a program to restore, highlight and promote various heritage and community anchor facilities; and *small business assistance programs in commercial district target areas—the focus of this RFP*. More information about the Niagara Falls initiatives can be found at [https://link.edgepilot.com/s/ce56b1ed/IHFSicSj-kW3Z4uWKXn71g?u=https://esd.ny.gov/sites/default/files/USAN\\_Urban\\_Design\\_Standards.pdf](https://link.edgepilot.com/s/ce56b1ed/IHFSicSj-kW3Z4uWKXn71g?u=https://esd.ny.gov/sites/default/files/USAN_Urban_Design_Standards.pdf).

This small business assistance program known as the Niagara Falls Small Business Property Improvement Program (“NFSBPIP”), will provide funding for building renovations to expand neighborhood-serving businesses including retail, restaurants, and other services; and increase mixed-use opportunities along commercial districts within four districts—**Pine Avenue, Main Street, Portage Road and the USA Niagara downtown development district (historically known as the south-end of Niagara Falls)**. NFSBPIP is modeled after the Better Buffalo Fund’s Buffalo Main Streets Initiative, the East Side Commercial Districts Program, and the New York State Main Street program offered by NYS Homes and Community Renewal’s Housing Trust Fund Corporation, but is specifically tailored to better facilitate the participation of businesses in selected areas of Niagara Falls. Investment areas were chosen because (1) they represent traditional mixed-use commercial districts, (2) there is demand from building owners, and (3) there are established Local Program Administrators (“LPA”) to administer NFSBPIP.

NFSBPIP funds will be awarded to NFC Development Corporation (“NFC”)—a 501(c)4 not-for-profit of the City of Niagara Falls—from Empire State Development (“ESD”)—New York State’s economic development agency and philanthropic and corporate partners. NFC will serve as the non-profit LPA for the NFSBPIP in three of the four districts (Pine Avenue, Main Street, and Portage Road hereinafter known as the “NFC Districts”) whose existing work supports commercial corridors in these neighborhoods. NFC will use program funds to award matching capital grants to district building owners, ensuring decisions are made at a local level with oversight from the NFC board. ESD subsidiary USA Niagara Development Corporation (“USAN”) will partner with NFC through a memorandum of understanding and administer the NFSBPIP in their downtown development district.

NFC seeks a qualified planning, economic development, and/or architecture/engineering firms (hereinafter “the Consultant”) that will assist them with 1.) updating/expanding USAN’s existing 2012 urban design standards for all five districts including infrastructure recommendations in select districts; and program support for the three NFC districts with 2.) robust marketing of the NFSBIP to prospective business owners to ensure large-scale participation, 3.) evaluating and selecting activities to be supported by the NFSBIP —adhering to strict project selection criteria, project selection processes, and newly updated design guidelines, and 4.) all aspects of grant administration including: entering into contracts with participating property owners and contractors, assuring compliance with all local, state and federal laws and regulations, and ensuring successful completion of all assisted projects. It is anticipated that the project period is not to exceed 3 years. This assistance ensures that NFC has the technical and administrative expertise necessary to establish and implement a portfolio of solid projects, consistent with established design standards, and that have the greatest impact on the business district.

## **II. ABOUT NFC DEVELOPMENT CORPORATION**

NFC was established in 1980 by the City of Niagara Falls, NY as a not-for-profit corporation under Section 402 of the New York State Not-For-Profit Corporation Law. Its original and continued mission is to provide programs that relieve and reduce unemployment, better and maintain job opportunities, and provide aid to attract new business or retain business and industry within the City of Niagara Falls, New York.

NFC is governed by a 19-person Board of Directors, with a dedicated staff of employees lead by its Executive Director. NFC is a not-for-profit corporation that works to improve commercial corridors within the City of Niagara Falls, NY. NFC designs and administers multiple commercial loan and grant programs directed toward the economic betterment of businesses within the City of Niagara Falls. NFC has several programs aimed at multiple industry sectors with focuses that include microenterprises, M/WBE-owned enterprises and energy efficiency investments.

## **III. PROJECT OBJECTIVES**

Main streets and commercial corridors play a significant role in the vitality, livability and character of a neighborhood. They are the primary economic drivers in communities, embracing unique neighborhood character, providing services and amenities to residents and visitors, offering small business opportunities for entrepreneurs, and establishing crucial connections between anchor assets, residential neighborhoods and employment centers. They also often serve as the gateway to their respective neighborhoods, helping shape perceptions of visitors and potential investors. These four commercial corridors have over 200 businesses, public transit bus service, and historic building fabric that remains intact. This brings opportunities to foster a pedestrian-friendly environment, rehab architectural and culturally significant buildings and improve the business climate of these areas. Through a targeted investment strategy focused on strengthening these assets, commercial corridors have the potential to become economic drivers and catalysts for wide-spread revitalization of the Niagara Falls.

The community-driven planning process that led to the NFSBIP revealed a need to expand neighborhood-serving businesses including retail, restaurants, and other services, and increase mixed-use opportunities along the corridors. At the same time, there is a desire to maintain the historic character of the buildings on the corridors and re-establish traditional walkable community business districts. Buildings along the corridors have a broad range of needs—from exterior façade renovations to interior improvements, to systems improvements, to code compliance upgrades—that range in scale and cost.

NFC through the NFSBPIP will provide funds for targeted grants to small business and property owners within the commercial districts' boundaries for commercial improvements such as but not limited to façade renovations and interior commercial building upgrades. Grants may vary in scale and cost based upon particular project needs and eligible components. To be more flexible than existing Main Street corridor programs, NFSBPIP is intended to address prior barriers to participation experienced by small businesses including access to capital and enhanced architectural/engineering & cost estimating support.

NFC may award property owners grants covering up to fifty percent (50%) of total project costs, up to \$100,000 per grant, per property. Professional service costs, or "soft costs," that are attributed directly to the delivery of the renovation activities may be counted towards total project costs but are not eligible for reimbursement.

Investments of Program funds in eligible activities must be matched by other funds by the property owner. NFC requires that the property owner contribute a minimum of fifty percent (50%) of the total project cost.

NFC will be responsible for selecting projects within the boundaries of the commercial districts it represents, while USAN will select projects in their development district. Project selection will occur based on a review by an NFC Project Selection Committee, which will review each project application based on formalized evaluation criteria. NFC and USAN will seek projects that will contribute to the revitalization of the three commercial corridors by:

- Building on existing planning processes to ensure that capital investments of public funds will enhance the aesthetics and economics of the commercial district;
- Stimulating the economic revitalization of commercial districts by providing financial incentives for the rehabilitation of traditional commercial and mixed-use building stock;
- Fostering small business development, thereby providing wealth-building opportunities and promoting economic activity in neighborhood business locations;
- Preserving significant and historic buildings and providing an environment that attracts new investment to enable the adaptive reuse of these buildings for new enterprises;
- Addressing existing accessibility, code compliance, energy efficiency and health and safety issues to return vacant commercial spaces to active use;
- Creating an incentive for comprehensive and enhanced rehabilitation projects rather than deferred maintenance and repair assistance.

With greater assistance for building owners and improved capacity to market and implement the program (services to be provided by the Consultant), an expanded building renovation program could improve the business climate, combat vacancies, and contribute to the overall revitalization of the corridors.

#### **IV. CONTRACT TERM**

The term of the contract is anticipated to begin in the first quarter 2023 and extend 36 months. At the sole discretion of NFC, Consultant may then be awarded contract amendments.

## V. EXPERIENCE AND EXPERTISE

NFC invites professional, financially-sound consulting firms or teams to submit proposals. The consultant or project team should have a full range of relevant experience in improving business districts. The following expertise is of particular value to the project:

- Past experience administering a Buffalo Main Streets Initiative program, New York State Main Street program and/or related program.
- Economic development and planning for business districts.
- Architectural design, engineering and historic preservation.
- Innovative approaches to marketing, public outreach and engagement.
- Experience working in diverse communities, especially new immigrant communities.
- Knowledge of real estate development and construction management, especially involving public financing.
- Experience with the State Environmental Quality Review Act (SEQR) and New York State Office of Parks, Recreation and Historic Preservation (OPRHP or SHPO).

NFC encourages the participation of New York State-certified Minority and Women-owned Business Enterprises (M/WBEs) and Service-Disabled Veteran-Owned Businesses (SDVOBs) whenever possible on respondent teams and are committed to Equal Opportunity in its contracting process.

## VI. SCOPE OF SERVICES

### A. Creation of Updated and Expanded Niagara Falls Urban Design Guidelines

These design guidelines will establish standards for the private rehabilitation of existing buildings and infill development and will inform the NFSBPIP in all four districts (see section I). The Consultant will:

1. **Create design standards for the NFC Districts:** Main Street from Ferry Avenue to Portage Road; Portage Road from Main Street to Pine Avenue; and Pine Avenue from Aquarium to Hyde Park (including City Market).

*Note: We anticipate the guidelines for these three corridors will be consistent with the USAN development district. For example, historic properties on Portage Road and Main Street will likely mirror Buffalo Avenue standards; commercial buildings on Pine Avenue and other commercial corridors will mirror Third Street standards.*

2. **Update USAN's existing 2005 Urban Design Standards** which includes the entirety of the USAN development district to incorporate changes to the zoning code, building safety standards, allowable uses, market conditions, etc.; and

Items and development aspects included in the design standards should be illustrative where necessary and include, but not be limited to:

- Building orientation, setbacks, parking area placement/design standards and other site planning issues;
- Rhythm of structures and/or façades along a streetscape;
- Building features to reduce the perceived scale or massing of higher density buildings;
- Rooflines, building proportions, and other building massing issues;

- Building materials; and
  - Adaptive reuse and/or rehabilitation guidelines or cross-references to Secretary of Interior Guidelines for National Register-eligible structures.
3. **Survey the streetscape environment in the three NFC Districts** and make a series of recommendations for potential future streetscape and infrastructure improvements/investments (i.e., bump outs, bike lanes, green infrastructure, lighting, etc.) to enhance the business climate, walkability and connectivity to adjacent districts.

**B. Technical and Administrative Services Associated with NFSBPIP in the Three NFC Commercial Districts**

The three commercial districts for which NFC is the LPA are:

- **Main Street** from Ferry Avenue to Portage Road;
- **Portage Road** from Main Street to Pine Avenue; and
- **Pine Avenue** from Aquarium to Hyde Park (including City Market)

In general, the Consultant will assist the NFC with ensuring successful completion of all assisted projects; evaluating and selecting activities to be supported; entering into contracts with participating property owners; and assuring compliance with all local, state and federal laws and regulations. Specific tasks are outlined below. Respondents to this RFP should review the NFSBPIP guidelines which are attached hereto as Attachment F.

1. **Complete the ESD Funding and Disbursement Process to Launch the Program**
  - a. Assist LPA with Incentive Proposal outlining the general terms and conditions of the grant being offered by ESD.
  - b. Assist LPA with ESD Grant Disbursement Agreement, which will outline the terms and conditions for the disbursement of funds.
  - c. Develop an Administrative Plan that provides an overview of the processes required to administer a program contract.
  - d. Determine how the administration of the program will be integrated into the LPA's existing organizational structure.
  - e. Establish the procedure for requesting and receiving funds based upon NFSBPIP Guidelines.
  
2. **Development of the Program**
  - a. Marketing the Program: conduct extensive outreach in the target areas to make all property owners aware of the availability of financial assistance. At a minimum:
    - Develop and distribute professionally designed informational materials to market program availability.
    - Provide instructions and assistance on how to apply.
    - Hold public informational meetings to present information and answer questions.
  - b. Project Selection
    - Develop and formalize project selection criteria based on NFSBPIP guidelines.
    - Develop a formal selection process with a Project Selection Committee and oversight by NFC board.



### 3. Development of Projects

#### a. Building Development Plan Review

- Provide an evaluation of any pre-existing architectural, engineering, or design studies, plans, or scopes of work for each identified building. This could include general building condition assessments, proposed design concept renderings, scopes of work, and cost estimates. The consultant would review these materials for compliance with building codes, design guidelines, and other requirements. For example, to ensure that work includes health and safety concerns, code violation corrections, energy conservation measures, and consistency with design standards and historical building elements.
- If necessary, meet with identified building owners to review desired renovations and ensure compliance with building codes, design guidelines, and other requirements.
- Inspect identified buildings to determine their suitability for reuse and/or rehabilitation, if necessary.

#### b. Design

- Consider new design standards while developing a participating building's scope of work.
- Enforce the design standards throughout the development process.
- Submit building information and proposed project scopes of work for each participating project to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP or SHPO) for approval through their Cultural Resource Information System (CRIS).

#### c. Environmental Review

- Assess effects of each activity in accordance with the State Environmental Quality Review Act (SEQR).
- Prepare programmatic and individual project (site-specific) Environmental Review paperwork.
- Compile documentation, including maps, relevant records and findings, for project site(s) specific environmental review.
- Submit final scopes/designs to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP or SHPO) for approval through their Cultural Resource Information System (CRIS).
- Complete Environmental Assessment of project site(s) to determine the level of investigation required to complete the site contamination review, following program requirements and using ASTM guidelines.
- Prepare Environmental Review paperwork.

#### d. Bid Process

- Ensure each building owner completes an appropriate procurement process for all activities to be reimbursed with program funds, based on the scope of work, with a minimum of two bids or proposals for all activities to establish the reasonableness of project costs.



- Exercise appropriate oversight over the entire process to ensure that it is fair, efficient and free of actual and perceived conflicts of interest.
- e. Contracting Procedures
- Enter into a contract with the property owner to provide the program financial assistance. The contract will outline the roles and responsibilities for both the LPA and the participating property owner.
4. **Construction Management/Quality Control**
- a. Construction monitoring of renovation activities, including ensuring adherence design standards.
  - b. Final inspection to verify that the work was completed properly and is consistent with the contracted scope of work.
5. **Financial Management**
- a. Determine policy and process (based on program guidelines) for financial transactions, including the creation of written policy on internal controls to inform the process for review and approval of requests for disbursement of funds which shall be made on a reimbursement basis only.
6. **Ongoing Maintenance**
- a. Ensure that program participants are aware of the maintenance responsibilities and the Declaration requirement early in the process.
7. **Contract Completion and Closeout**

**VII. REQUIRED TECHNICAL ELEMENTS OF PROPOSAL**

Proposals should demonstrate an understanding of the requirements of this RFP and present the following information in the same format as presented below, clearly divided by the following topic areas. Respondents should provide the following information:

**A. Cover Letter and/or Executive Summary**

1. Summarize your organization's or team's ability to undertake the work being solicited for in this RFP.
2. Present the major themes of your proposed approach to the effort—how you will meet the challenge.
3. Present the main strengths of your skill sets and experience in administering related programs.
4. Present key abilities of your proposed team and discuss any critical “distinguishers”— why your organization should be selected over others.

**B. Qualifications Statement**

1. Proposed Team Respondents shall include firm profiles of the proposed Prime Consultant and any Sub-Consultants, as applicable.
2. Relevant Past Projects Respondents shall provide no more than ten, one-page experience sheets (Note: additional materials will not be considered) summarizing the best examples of current and/or past projects undertaken by the firm and/or members of the team that

are most similar and relevant to the process outlined in this RFP (see Section V Experience and Expertise).

- a. Information with respect to location, size, uses, approximate contract value, and dates of engagement.
- b. Graphic material/photographs illustrating efforts.
- c. Contact information (i.e., name, phone, and email) for applicable references for each representative contract.

3. **Project Team Organization**

- a. Include an organizational chart identifying members of the Consultant team (Prime and Sub-Consultant firms) as well as their respective administrative, management and professional responsibilities. If any, note any prior working relationships among the Prime Consultant and Sub-Consultant firms.
- b. Individual resumes should be submitted for key team members that will be engaged in the Project (no more than one [1] page in length for each staff member), stating registrations and licenses; professional and educational background; and experience relevant to this Project.

4. **Current Workload**

List current projects and their status (including percentage complete) for all major task leaders (e.g., PM, deputy PM, major technical specialty leaders) included on the Consultant team.

**C. Project Understanding/Overall Approach**

1. Based upon information in this RFP and from individual research, set forth your team's overall understanding of the effort, the key objectives, challenges, and overarching issues associated with realizing these objectives.
2. Based upon your preliminary understanding of the Project context, present your Team's overall Project approach to the objectives outlined in this RFP.

**D. Project Schedule**

1. Respondents must provide a task-by-task schedule that specifies the time (in days or weeks) that will be required for each task, work part, and all Scope of Service items. Include a linear timetable, with significant milestones, which outlines the sequencing, overlapping, etc., of the individual tasks. The schedule should begin coincident with notice to proceed. The schedule also should indicate the time allocated for team reviews/meetings and approvals. The timeline should be presented in weeks, starting in month one.
2. In addition, describe the process(s) the prospective Consultant would employ to maintain strict budgetary and schedule controls on the Project.

**E. Consultant Fee Estimate**

1. Respondents must provide a Consultant fee estimate for each task/subtask. Compensation for work will be provided on a time and materials basis with a not-to-exceed limit. For purposes of preparing fee estimates for Tasks C (Development of Projects) and Task D (Construction Management/Quality Control), respondents should

assume that 30 applications/properties will be developed and processed through completion on each of the three business districts over the term of the contract.

2. The fee estimate for each commercial district shall be presented as a person-hour breakdown in chart/spreadsheet format, listing each task/subtask and fully burdened hourly rates by labor grade/category to aggregate task level costs (by labor grade/category) for each task/subtasks.
3. Material estimates and assumptions for additional non-salary direct costs (travel, printing, presentation materials, subconsultant costs, etc.) shall also be broken out in the fee estimate where applicable.
4. Please note that proposals that do not provide the Consultant Fee Estimate in the above format may be rejected without further consideration.

**F. Additional Information**

**Proposals must include the following Administrative Requirements. Forms and instructions are attached at the end of the RFP:**

1. Attachment A: VENDOR’S CERTIFICATION & ASSIGNMENT OF CLAIM
2. Attachment B: AFFIDAVIT OF NON-COLLUSIVE SUBMISSION CERTIFICATION
3. Attachment C: CERTIFICATION OF COMPLIANCE WITH THE IRAN DIVESTMENT ACT
4. Attachment D. NON-SUBMISSION CERTIFICATE
5. Attachment E: CITY OF NIAGARA FALLS STANDARD INSURANCE CERTIFICATE
6. Attachment F: NFC SMALL BUSINESS PIP GRANT PROGRAM GUIDELINES

**VIII. SELECTION PROCESS**

The contract will be awarded to the Entity that submits the most responsive proposal that best demonstrates relevant experience and expertise; and which, upon evaluation of all proposals received, best demonstrates its ability to achieve the objectives of this RFP; which offers the best value; and which in the judgment of NFC, would best serve the public interest.

NFC reserves the right to reject any and all proposals, and to waive technicalities, irregularities and omissions or solicit new proposals.

**A. Proposal Procedures and Due Dates**

It is anticipated that a contract will be awarded in response to this RFP based in the following schedule\*:

<b>Date</b>	<b>Milestone</b>
Friday, December 16, 2022	RFP Issue
Friday, January 6, 2023	Deadline for Written Inquiries (City responses will be posted on website)
Friday, January 20, 2023 (3 pm)	Proposals Due
Friday, February 3, 2023	Recommendation of a Consultant
On or before Wednesday, March 1, 2023	Anticipated Contract Start Date

\*Please note, that NFC reserves the right to change any of the dates stated in this RFP.

**B. Time And Place For Proposal Submissions**

Respondents will not receive compensation or reimbursement of any expenses associated with preparing and/or submitting the proposal.

Respondents are required to submit one electronic copy (on CD or jump drive) of their proposal prior to **3:00 P.M., Friday, January 20, 2023.** Proposal packages shall be firmly sealed in an envelope or box and contain the Respondent's name and return address. Any proposal that arrives after the deadline date and time will be time stamped and returned, unopened to the Respondent.

Proposals shall be delivered to:

Thomas Tedesco, Executive Director  
NFC Development Corporation  
745 Main Street  
Room 300A  
Niagara Falls, NY 14301  
Phone: 716-286-4482  
E-mail: [Thomas.Tedesco@niagarafallsny.gov](mailto:Thomas.Tedesco@niagarafallsny.gov)

**IX. EVALUATION CRITERIA**

Respondents should carefully review the goals and requirements of this RFP, including all License Documents, Attachments and Addenda.

All proposals will be evaluated on criteria that will include the following, provided that the relative value of all financial offers will be evaluated based on a standard term.

Proposals will be evaluated for "best value" based on the following criteria listed below:

**A. Experience, Qualifications and References (40 Points)**

1. Respondent and affiliated partners have successfully completed project(s) similar in size and scope and have developed a team with the skillsets to perform the duties outline in the scope of services.

**B. Project Understanding (30 Points)**

1. The respondent demonstrates a clear understanding of the project.
2. Ability to perform the required scope of services in given timeframe. Demonstrates that the consultant or team has sufficient capabilities, resources and staff to deliver high quality services on a short time frame and within budget.
3. Quality and Completeness of the Application Proposal: All required documents have been submitted and the project is presented in a clear and concise manner.

**C. Consultant Fee Estimate (20 Points)**

Respondents to the RFP will be evaluated to the RFP will be evaluated on the quality of the overall fee estimate. Elements to be evaluated include but are not limited to:

1. The use of reasonable and attributable assumptions;
2. The anticipated level of effort proposed for each task/subtask related to descriptions/assumptions included in the Project Approach;

3. Reasonableness of in the programming of labor categories/rates for each task/subtask based upon experience/skill sets required; and
4. Overall projected cost of the effort.

NFC reserves the right to short list proposals and to interview prospective teams prior to final scoring. NFC also reserves the right to seek final and best offers from bidders prior to making any contract award.

**D. Quantitative Factor (10 Points)**

NFC will award ten (10) additional points to Respondents that are certified Minority or Women-owned Business Enterprises (MWBEs) as defined in section three hundred ten of the New York State Executive Law or Service-Disabled Veteran-owned Business Enterprises (SDVOBs) as defined in section three hundred sixty-nine-h of the New York State Executive Law.

In order to be awarded points pursuant to the Quantitative Factor, the Respondent must (1) identify itself as an MWBE or SDVOB in its submission and (2) be registered with the NYS Department of State as an entity authorized to conduct business in New York State. Respondents identifying themselves as MWBEs must be listed in the directory of New York State-certified MWBEs ("MWBE Directory") as of the closing of the period for responses to this RFP. The MWBE Directory is available at: <https://ny.newnycontracts.com/>. Respondents identifying themselves as SDVOBs must be listed in the directory of New York State-certified SDVOBs ("SDVOB Directory") as of the closing of the period for responses to this RFP. The SDVOB Directory is available <http://www.ogs.ny.gov/Core/SDVOBA.asp>.

**Attachment A**

**VENDOR'S CERTIFICATION & ASSIGNMENT OF CLAIM**

THIS FORM MUST BE COMPLETED IN INK, BE TYPED OR BE COMPUTER GENERATED,  
BE CLEARLY LEGIBLE AND BE SIGNED AND DATED WITH EITHER BLUE OR BLACK INK.  
FAILURE TO DO THIS MAY RESULT IN REJECTION.

I/We, the undersigned, herewith propose and agree to furnish to the City any one, or all of the items upon which we have submitted, for the prices indicated herein, in accordance with the instructions, General Conditions and Specific Terms, Conditions and Specifications and any other related formal documents.

The undersigned individual certifies to having read these Instructions, General Conditions, Specific Terms, Conditions and Specifications and any other related formal documents and offers to furnish the articles specified to the City in exact accordance with same at the prices herein stated.

Vendor hereby assigns to the City and the State of New York any and all of its claim(s) for overcharges associated with this contract/agreement which arise under the antitrust laws of the United States, 15 U.S.C. Section 1, et seq. and the antitrust laws of the State of New York, G.B.L. Section 340, et seq.

\_\_\_\_\_  
VENDOR NAME

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
CITY, STATE, ZIP

\_\_\_\_\_  
TELEPHONE NUMBER

\_\_\_\_\_  
EMAIL ADDRESS

\_\_\_\_\_  
NAME & TITLE OF AUTHORIZED CONTACT

\_\_\_\_\_  
AUTHORIZED SIGNATURE

\_\_\_\_\_  
DATE



# **Attachment B**

**AFFIDAVIT OF NON-COLLUSIVE SUBMISSION CERTIFICATION**

I hereby attest and certify that I am the person responsible within my firm for the final decision as to price(s) and amount of this submission, or, if not, that I have written authorization, enclosed herewith, from that person to make the statements set out below on his or her behalf and on behalf of my firm. I further attest and certify that:

1. The price(s) and amount(s) of this submission have been arrived at independently, without consultation, communication or agreement for the purpose of restricting competition with any other contractor, vendor, bidder, or potential bidder.
2. Neither the price(s) nor the amount(s) of this submission have been disclosed to any other vendor, firm or person who is submitting or potentially submitting on this project, and will not so be disclosed prior to submission opening.
3. No attempt has been made or will be made to solicit, cause or induce any vendor, firm or person to refrain from submitting on this project, or to submit a higher price than the submission of this firm, or any intentionally high or non-competitive submission or other form of complementary submission.
4. The submission of my firm is made in good faith and not pursuant to any agreement or discussion with, or inducement from, any vendor, firm or person to submit a complementary submission.
5. My firm has not offered or entered into a subcontract or agreement regarding the purchase of materials or services from any vendor, firm or person, or offered, promised or paid cash or anything of value to any vendor, firm or person, whether in connection with this or any other project in consideration for an agreement or promise by any vendor, firm or person to refrain from submitting or to submit a complementary submission on this project.
6. My firm has not accepted or been promised any subcontract or agreement regarding the sale of materials or services to any vendor, firm or person, and has not been promised or paid cash or anything of value by any vendor, firm or person, whether in connection with this or any other project, in consideration for my firm's submitting a complementary submission, or agreeing to do so, on this project.
7. I have made a diligent inquiry of all members, officers, employees and agents of my firm with responsibilities relating to the preparation, approval or submission of my firm's submission on this project and have been advised by each of them that he or she has not participated in any communication, consultation, discussion, agreement, collusion, act or other conduct inconsistent with any of the statements and representations made.

**SUBMISSION IS NOT ACCEPTABLE WITHOUT THE ABOVE AFFIDAVIT  
SIGNED AND CERTIFIED BY A NOTARY PUBLIC**

\_\_\_\_\_  
VENDOR NAME

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
CITY, STATE, ZIP

\_\_\_\_\_  
TELEPHONE NUMBER

\_\_\_\_\_  
NAME & TITLE

\_\_\_\_\_  
AUTHORIZED SIGNATURE

Sworn to before me this \_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Notary Public

# **Attachment C**

**CERTIFICATION OF COMPLIANCE WITH THE IRAN DIVESTMENT ACT**

As a result of the Iran Divestment Act of 2012 (the "Act"), Chapter 1 of the 2012 Laws of New York, a new provision has been added to State Finance Law (SFL) § 165-a and New York General Municipal Law § 103-g, both effective April 12, 2012. Under the Act, the Commissioner of the office of General Services (OGS) will be developing a list of "persons" who are engaged in "investment activities in Iran" (both are defined terms in the law) (the "Prohibited Entities List"). Pursuant to SFL § 165-a(3)(b), the initial list is expected to be issued no later than 120 days after the Act's effective date at which time it will be posted on the OGS website.

By making a submission in response to this offering or by assuming the responsibility of an contract/agreement hereunder, each Vendor/Bidder/Contractor, any person signing on behalf of any Vendor/Bidder/Contractor and any assignee or subcontractor and, in the case of a joint bid, each party thereto, certifies, under penalty of perjury, that once the Prohibited Entities List is posted on the OGS website that to the best of its knowledge and belief that each Vendor/Bidder/Contractor and any subcontractor or assignee is not identified on the Prohibited Entities List created pursuant to SFL § 165-a(3)(b).

Additionally, Vendor/Bidder/Contractor is advised that once the Prohibited Entities List is posted on the OGS Website, any Vendor/Bidder/Contractor seeking to renew or extend a Contract or assume the responsibility of a Contract awarded in response to this offering must certify at the time the Contract is renewed, extended or assigned that it is not included on the Prohibited Entities List.

During the term of the agreement or contract, should the City receive information that a Vendor/Bidder/Contractor is in violation of the above-referenced certification, the City will offer the person, vendor or entity an opportunity to respond. If the person, vendor or entity fails to demonstrate that he/she/it has ceased engagement in the investment which is in violation of the Act within 90 days after the determination of such violation, then the City shall take such action as may be appropriate including, but not limited to, imposing sanctions, seeking compliance, recovering damages or declaring the Vendor/Bidder/Contractor in default.

The City reserves the right to reject any bid or request for assignment for a Vendor/Bidder/Contractor that appears on the Prohibited Entities List prior to the award of a contract and to pursue a responsibility review with respect to any Vendor/Bidder/Contractor that is awarded a contract and subsequently appears on the Prohibited Entities List.

I, \_\_\_\_\_, being duly sworn, depose and say that I am the  
\_\_\_\_\_ of \_\_\_\_\_,  
the vendor making this submission and that neither Vendor/Bidder/Contractor nor any proposed subcontractor is  
identified on the Prohibited Entities List.

\_\_\_\_\_  
Authorized Signature

Sworn to before me this \_\_\_\_ day  
of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Notary Public

# **Attachment D**

**NON-SUBMISSION CERTIFICATE**

**Instructions**

1. Place an X on the appropriate line(s) below.
2. Complete and return ONLY this page of the package.
3. Make sure to place your submission number on your envelope and return it to the Purchasing Division

NOTE: It is required that you indicate your reason for not making a submission.

\_\_\_\_ We are not making a submission.

\_\_\_\_ We request that you remove our name from the mailing list for this offering only.

\_\_\_\_ We request that you remove our name from the mailing list for all future offerings made by the City.

VENDOR NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY, STATE and ZIP CODE: \_\_\_\_\_

REASON FOR NOT MAKING A SUBMISSION:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SIGNATURE: \_\_\_\_\_

# **Attachment E**



## **INSTRUCTIONS FOR CITY STANDARD INSURANCE REQUIREMENTS**

Standard Insurance Requirements apply to the following classifications:

- Construction and Maintenance
- Purchase of or lease of merchandise or equipment
- Professional Services
- Property leased to others or Use of Facilities or grounds
- Concessionaire Services
- Livery Services
- All purpose Public Entity Contracts

The Provider of any of the above classifications shall obtain, at his own costs and expense, the following insurance coverage with insurance companies licensed in the State of New York with a Best Rating of at least B+ and shall provide a Certificate of Insurance as evidence of such coverage to the CITY before commencement of work and/or lease or delivery of merchandise or equipment.

Certificates should be made to the City of Niagara Falls, NY, P.O. Box 69, Niagara Falls, N.Y. 14302-0069 and should reference the operation.

Prior to non-renewal, cancellation of insurance policies, or material change, at least 30 days advance written notice shall be given to the Certificate Holder.

All Certificates of Insurance shall be approved by the Corporation Counsel prior to the inception of any work.

Minimum coverage with limits and provisions are as follows:

A. **Comprehensive General Liability:**

With a minimum combined single limit of liability for Bodily Injury and Property Damage of \$1,500,000.00 per occurrence and \$3,000,000.00 annual aggregate. The coverage shall include:

- \*Premises and Operations
- \*Products and Completed Operations
- \*No exclusion for X C U coverages (explosion, collapse and underground)
- \*Independent Contractors
- \*Broad Form Property Damage
- \*Contractual Liability
- \*Fire Legal Liability
- \*Personal Injury Liability (Coverage A, B, and C)
- \*Liquor Liability (if alcoholic beverages are to be dispensed under NYS License.)

If the work to be performed is undertaken pursuant to a home improvement contract and a City of Niagara Falls right-of-way permit is required only by reason of the installation, repair or replacement of a driveway, apron, or sidewalk within the City right-of-way, then the limit of liability for comprehensive general liability set forth in this section shall be \$1,000,000 per occurrence and \$2,000,000 aggregate.

CITY shall be named as an Additional Insured on the General Liability Policy with the following provisions:

1. The insurance company or companies issuing the policies shall have no recourse against CITY for payment of any premiums or for assessments under any form of policy.

2. The insurance shall apply separately to each insured (except with respect to the limit of liability.)

B. **Auto Liability:** (if licensed vehicles are to be used in the operation)

With a combined single limit for Bodily Injury and Property Damage of \$1,000,000.00 each occurrence, the coverage shall include Owned, Hired and Non-owned autos (Symbol 1 should be designated for Liability Coverage on Business Auto Policy.)

C. **Excess Umbrella Liability:**

If General Liability and/or auto limits are lower than required in the above sections, Umbrella Liability or Excess Liability to the required limit is acceptable.

D. **Owners Protective Liability:** (for construction contracts with a cost exceeding \$100,000.00). With a minimum limit of \$1,500,000.00 each occurrence and \$3,000,000.00 aggregate. Named insured shall be City of Niagara Falls, NY.

E. **Professional Liability:**

If the contract includes professional services (engineers, architects, etc.), contractor will carry professional liability insurance with a minimum limit of one million dollars (\$1,000,000.00).

F. **Property Insurance:** (if applicable)

Contractor shall purchase and maintain property insurance upon the work at or off the site to 100% of the contract completed value. This insurance shall include the interest of the Owner, Contractor, and Subcontractors in the work; shall insure against the perils of fire and extended coverage; shall include "all risk" insurance for physical loss and damage including theft, vandalism and malicious mischief, collapse and water damage. All such insurance required by this Paragraph shall remain in effect until the Work is completed and accepted by the Owner.

G. **Statutory Worker's Compensation and Employers Liability:**

All contractors doing business with or vendors entering upon CITY property shall carry the above insurance, in compliance with the Worker's Compensation Law of the State of New York.

H. **Performance and Payment Bond:** (where applicable)

A performance and payment bond shall be issued by a Surety Company who is licensed by the Insurance Department of the State of New York in favor of CITY in the amount of not less than one hundred (100) per centum of the total amount of the accepted proposal and shall be delivered before commencement of lease or assumption of operations under Contract.

**NOTE: IF THE CONTRACT IS FOR PROFESSIONAL SERVICES ONLY (ENGINEERS, ARCHITECTS, ETC.), PARAGRAPHS D, F, AND H WILL NOT APPLY**

(Rev. 10/21)

# **Attachment F**

# NIAGARA FALLS SMALL BUSINESS PROPERTY IMPROVEMENT PROGRAM

## N.F.C. DEVELOPMENT CORP.

### Grant Program Description

The Niagara Falls Small Business Property Improvement Program Grant Program (Program) is an economic incentive program that will help create jobs and encourage businesses to invest in new development projects in Niagara Falls. The goal of the Program is to create commercial, retail and residential development elements that will service several market segments and ultimately result in capturing more of the tourist and resident visitation to Niagara Falls. The Grant Program will play a vital role in the reactivation of Niagara Falls as a vibrant, pedestrian-friendly city and experience for residents and tourists.

### Grant Program Elements

The Grant Program will provide financial assistance to projects that will achieve these objectives and create or retain jobs, and to business activity that would not occur without public sector investment. N.F.C. Development Corp. ("NFC") will consider projects that demonstrate the ability to deliver a viable project including the following elements:

- I) Site Control.
- II) Eligible costs include site acquisition, demolition/renovations, remediation of existing structures, new construction and build-out, and new equipment purchases.
- III) Projects must be consistent with any existing local or regional comprehensive plan, building on efforts to redevelop downtown into a vibrant tourism destination.
- IV) Project costs incurred prior to project approval by NFC may not be reimbursed.
- V) The Program will generally fund no more than \$100,000 or one-half (50%) of eligible project costs, whichever is less. Project cost must be a minimum of \$25,000.

### Required Application Information

Grant applicants will be expected to complete a grant application and provide the following information:

- I) Description of project
- II) Business Plan (for new or expanding businesses)
- III) Number of Full Time Equivalent (FTE) employees created or retained by the project
- IV) Budget describing sources and uses of funds
- V) Site control information
- VI) Renderings of the project

## **Grant Criteria For All Applications**

Major criteria to be considered by NFC in evaluating project proposals include:

- I) The extent and nature of job creation or retention resulting from the project. Highest priority if project selection will be given to those projects that NFC determines will result in the most long-term private sector job creation and/or retention and/or the creation of tourism related development.
- II) Whether the project promotes economic reuse through demolition and redevelopment of an available site
- III) The impact of the project on tourism activity.
- IV) The likelihood that project costs accurately reflect market conditions.
- V) The likelihood that the project will actually be undertaken and completed within the timeframe stated by the applicant. Factors to be evaluated in this regard include, but are not limited to:
  - a) proposed financing structure and presence of existing funding commitments within the same
  - b) status of required permits
  - c) environmental assessments of the proposed project
  - d) financial viability of the project as proposed (e.g. will adequate revenues be available to meet ongoing costs)
  - e) equity investment in the project
  - f) effect of the proposed project on other NFC, City of Niagara Falls or USA Niagara Development Corporation initiatives.

## **Additional Location Specific Grant Criteria**

If the applicant is seeking assistance for a project along or within one of the following three locations:

- A) Pine Avenue (from Whirlpool Street to Hyde Park Boulevard, inclusive of the "City Market" area);
- B) Main Street (from Ferry Avenue to Portage Road); or
- C) Portage Road (from Main Street to Pine Avenue)

the applicant will be required to meet the following additional criteria:

- I) All applicants, and all persons an ownership interest in any business or corporate applicant, must be a United States citizen or non-US Citizen who is lawfully in the United States as demonstrated by a current Resident Alien Card or Permanent Resident Card.

### **Additional Location Specific Grant Criteria (continued)**

- II) Applicants must have a minimum credit score of 600. If an applicant's credit score is less than 600, the applicant may request that NFC order two additional credit reports, at the applicant's expense. NOTE: A credit score of 600 or greater does not guarantee approval of an application.
- III) All applicants must create or retain at least one (1) full time equivalent (FTE) job. The applicant/owner can qualify as all or a portion of an FTE job created or retained. An FTE is either one (1) full time job of at least forty (40) hours a week, or two (2) part-time jobs of at least 20 hours a week.
- IV) Successful Applicant shall not sell, transfer or otherwise dispose of the Project real property or suspend the transaction of applicant's business without consent of NFC, for a period of two (2) years from completion of the Project and final disbursement of the Grant, whichever comes first. Should Successful Applicant sell, transfer or otherwise dispose of the Project real property or suspend the transaction of business without consent of NFC within one (1) year from completion of the Project and final disbursement of the Grant, Successful Applicant shall be required to reimburse one hundred percent (100%) of total disbursed grant funds to NFC; should Successful Applicant sell, transfer or otherwise dispose of the Project real property or suspend the transaction of business without consent of NFC after one (1) year but less than two (2) years following completion of the Project and final disbursement of the Grant, Successful Applicant shall be required to reimburse fifty percent (50%) of total disbursed grant funds to NFC.
- V) The applicant cannot be a current recipient of any other N.F.C. Development Corporation grant or loan program, nor can the applicant apply for same for a period of two (2) years following an award pursuant to this program.
- VI) Applicants cannot be a governmental agency, quasi-governmental agency or a not-for-profit organization. Additionally, the following project types are not eligible to apply: adult entertainment and media, massage parlors, gambling, liquor stores or any project that has a residential (home-based) component.
- VII) All real property, school, refuse, water and sewer assessments and taxes must be current at the business location and all other properties in the City of Niagara Falls owned by the applicant or any individual with an ownership interest in the applicant. If the applicant is leasing space from another person or entity, the applicant must be current on all lease payments.
- VIII) Any applicant that is, at the time of application, incarcerated, under indictment, on parole, on probation or any alien unlawfully in the United States is ineligible to participate in the program. Additionally, any applicant having an owner or partial owner with 10% or more ownership interest that is, at the time of application, incarcerated, under indictment, on parole, on probation or any alien unlawfully in the United States is ineligible to participate in the program.

- IX) Employees of NFC and/or the City of Niagara Falls are not eligible to apply during employment and for one (1) year thereafter, either as an applicant, the owner of an applicant or a partial owner of an applicant.
- X) Any individual applicant, or any applicant that is partially or wholly owned by any person, that is in default of any obligation to NFC or the City of Niagara Falls, or is currently engaged in legal action against NFC or the City of Niagara Falls, is ineligible to apply.

Rev: 12/22