

*Request for Proposals for Development of a
Local Waterfront Revitalization Program for the
City of Niagara Falls, New York*



*RFP No. PLN2022-02
Proposals Due: 7/29/2022 at 4:00 PM*

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Section 1 - Introduction and Instructions

Purpose of the RFP

This Request for Proposal (RFP) is issued by the City of Niagara Falls, New York (hereinafter referred to as the "City"). The purpose of this RFP is to establish a contract with a qualified vendor for consultant planning services to develop a Local Waterfront Revitalization Program (LWRP) pursuant to the provisions of NYS Executive Law, Article 42, and 19 NYCRR Parts 600-603.

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RFP Schedule

This schedule represents the City's best estimate of the schedule that will be followed for this RFP. If a component of this schedule such as the deadline for receipt of proposals is delayed, the rest of the schedule will be shifted by the same number of days.

The approximate RFP schedule (subject to change as required by the City) is as follows:

RFP issued:	6/10/2022
Deadline to Submit Questions for Written Clarification:	6/24/2022
City Responses to Questions:	7/1/2022
Due Date for Proposal Submissions:	7/29/2022 at 4:00 PM
Interviews of Proposal Teams:	8/15 – 8/19/2022
City Council Award (if awarded):	9/7/2022

General Instructions

The City will officially distribute submission package documents from the Division of Purchasing. Submission package documents are also available on the Purchasing Division's website, www.niagarafallsusa.org/government/city-departments/purchasing. Copies from any other source are not considered official copies. Only those vendors who obtain documents from the sources listed are guaranteed to receive addendum information, if such information is issued. If you have obtained this document from a source other than the sources listed, it is recommended that you obtain an official copy.

The envelope or packing container containing the submission must bear the vendor name and address, be sealed and must be clearly marked in the LOWER LEFT CORNER with the submission number. Submissions which are received in a packing envelope or container should also bear the submission number in a conspicuous place. Failure to do this may necessitate the premature opening of the submission which may compromise its confidentiality.

Vendor(s) must submit or deliver one (1) original and (5) paper copies, together with one copy in

PDF format on a USB/thumb drive of the proposal to:

CITY OF NIAGARA FALLS, NEW YORK
DIVISION OF PURCHASING
City Hall, Room 214
745 Main Street
PO Box 69
Niagara Falls, NY 14302-0069

Vendors will not be permitted to enter City Hall during the time in which it is closed to the public. Vendors should make every effort to deliver RFP packages via USPS, UPS, FedEx or a similar delivery service. Please note that those deliveries must still be received by the Purchasing Division no later than the scheduled time set forth on Page 1 herein. Vendors who are unable to utilize a delivery service may call 716-286-4371 and make an appointment to drop off a package to a member of the Purchasing Division staff at the Main Street entrance security desk inside City Hall. Calls to schedule an appointment should be made no later than 4:00 p.m. the day before the scheduled opening. The City takes no responsibility for the late arrival of RFP packages due to delivery failure or the failure to leave adequate time for an appointment to be scheduled.

Proposals will not be publicly read at the opening. Proposals may not be delivered orally, by facsimile transmission, by other telecommunication, or electronic means. Vendors assume the risk of the method of dispatch chosen. Postmarking by the due date will not substitute for actual proposal receipt by the City. A vendor's failure to submit its proposal prior to the deadline will cause the proposal to be rejected. Late proposals or amendments will not be opened or accepted for evaluation.

The total number of pages contained in this package should be forty-four (44). If any pages are missing, please contact the Purchasing Division.

Section 2 - Scope of Work

Introduction

The City of Niagara Falls is soliciting proposals for a qualified consultant to prepare the City of Niagara Falls Local Waterfront Revitalization Program (LWRP) which will identify appropriate land and water uses, projects, and public enhancements along the Niagara River, Cayuga Creek, Gill Creek, and their shorelines and waterfronts. The LWRP development will be driven by robust community engagement process, a focus on improving economic prosperity by investing in waterfront/downtown development and supporting projects that promote walkability, vibrancy, dense urban development, and a local sense of place and quality of life, and environmental protection. The LWRP will identify potential projects and actions that articulate a future vision for the waterfront area.

The City of Niagara Falls has been awarded a grant by the Department of State with funds provided under Title 11 of the Environmental Protection Fund to complete this project. Additional funding has been provided by the Niagara River Greenway Commission. The City of Niagara Falls Department of Planning will oversee and guide the LWRP development. The selected consultant will work closely with the administration and the Waterfront Advisory Committee (WAC) throughout the LWRP preparation.

The project will provide the necessary capacity for the completion of a LWRP acceptable to the New York State Department of State (DOS), as well as providing for enhanced coordination of waterfront development proposals, and also specifically advancing the redevelopment strategies, projects, and sites already identified by the City and State.

The LWRP is intended to build upon previous waterfront planning and construction efforts and especially including the recent removal of the Niagara Scenic Parkway (formerly Robert Moses Parkway), the Niagara Waterfront Opportunity Area, the Main Street Downtown Revitalization Initiative among many projects. Documents of reference include but are not limited to; the previous draft LWRP (2004), City of Niagara Falls Comprehensive Plan (2009), the Niagara River Greenway Plan (2007), The Niagara River Greenway Vision (2006), Niagara Falls Blueway Trail (2012) Niagara Falls Bridge District DRI Strategic Investment Plan (2020) and the Niagara Waterfront BOA (2019).

Services

The City of Niagara Falls requires a consulting firm or combination thereof with expertise in the fields of planning and urban design, environmental assessment and/or remediation, parks and open space, public engagement, and economic development.

The successful consultant shall prepare the Local Waterfront Revitalization Program (LWRP) Plan including the following tasks. Note that the tasks below are extracted from the Work Plan within the City's contract with the NYS DOS and edited to reflect the City's goals for the consultant. The numbering matches the numbering of tasks within the NYS DOS work plan. A copy of the complete work plan including original task descriptions are available as Exhibit B: Work Plan. The proposed work shall be completed in accordance with the City of Niagara Falls contract with the DOS.

Task 1: Second Project Meeting

In consultation with the NYS DOS, the Contractor shall hold a second project meeting with the consultant(s) and include the WAC to review project requirements, site conditions, and roles and responsibilities; identify waterfront and harbor management planning issues, new information needs and next steps; and transfer any information to the consultant(s) which would assist in completion of the LWRP. A decision will be made by the Department following this meeting, as to whether development of a harbor management plan will be necessary as part of the LWRP. Project partners at this meeting will review the LWRP preparation process, including compliance with SEQRA, and identify SEQRA lead agency and involved agencies. The consultant(s) shall prepare and distribute a meeting summary clearly indicating the agreements/understandings reached at the meeting. Work on subsequent tasks shall not proceed prior to Department approval of the proposed approach as outlined in the meeting summary.

Products: Project meeting held with appropriate parties. Written meeting summary outlining lines of communication and project timeline, contact information, and all agreements or understandings reached.

Task 2: Preparation of a Community Outreach Process and Plan

The Consultant(s) and other partners as appropriate shall prepare a method and process to encourage community participation in development and implementation of the LWRP. At a minimum, the process shall include at least three public workshop type meetings to be conducted during the plan development and a public survey. The outreach plan shall identify key individuals, organizations, and entities to be involved, and shall identify the visioning process and the roles and responsibilities in coordinating the entire outreach process, logistics, and the proposed schedule of public meetings. All public meetings will be publicized in the community through press releases, announcements, individual mailings, digital media, municipal website postings, and any other appropriate means. Meetings shall be scheduled in a manner that

maximizes attendance and participation from all interested community members. The Contractor and/or its consultant(s) may utilize the Department's Office for New Americans and their Community Navigators to encourage participation from populations who are frequently underrepresented in this process, including immigrants, refugees, and minorities. The consultant shall prepare a summary of each public outreach session to be made available in written form and through other appropriate means, such as website or social media. The consultant shall prepare a summary of attendance for each public outreach session that includes the names and addresses of the attendees. The outreach plan shall be submitted to the Department for review and approval.

Note: Additional references to required public meeting are included within certain tasks below.

Product: Approved community outreach plan.

Task 3: Draft Section I - Waterfront Revitalization Area Boundary

The consultant(s) shall review the existing NYS Coastal Area Boundary to determine whether the existing boundary is adequate, or a revision should be recommended; and prepare a narrative description and map of the Waterfront Revitalization Area (WRA). The WRA should include those portions of the surface waters and underwater lands within the City of Niagara Falls, as well as adjacent upland which affect the waterbodies through drainage, viewshed, and any other factors.

References to the Inventory and Analysis section justifying the inclusion of particular areas should be included in this section if beneficial for increased understanding. The narrative must be accompanied by a boundary map showing the existing and proposed WRA, including the Harbor Management Plan boundary. If a revision to the boundary is recommended, the Draft LWRP document must also discuss the reasons justifying the proposed revision.

Products: Draft Section I- Waterfront Revitalization Area Boundary, including narrative and map(s).

Task 4: Draft Section II - Inventory and Analysis

The consultant(s) shall inventory, describe and map existing natural and built resources and conditions within the waterfront revitalization area (which includes surface waters and underwater lands). (See guidance document: "Local Waterfront Revitalization Programs in the Coastal Area: Guidance Manual for Preparing Local Programs")

The consultant(s) shall use the existing draft documents, to the extent that these exist, of the City of Niagara Falls LWRP, Section II, and prepare updates as necessary. In addition, this section must provide a thorough analysis of waterfront issues, opportunities, and constraints to economic development and resource protection needs. This section will incorporate opportunities previously identified by the City and reflect the strategies developed by the Western New York Regional Economic Development Council for economic growth and development in the region, and; also provide an assessment of the vulnerable resources and potential risks associated with storms, flooding, and the effects of climate change. The inventory and analysis must be broad enough to ensure consideration of important waterfront resources, problems and opportunities and detailed enough to support development of a specific and realistic LWRP. This section should also incorporate the inventory and analysis of the relationship between waterside uses that have the potential for conflict, congestion or competition in support of the Harbor Management Plan.

Topics to be addressed, commensurate with the local conditions, will include, but not be limited to, the following:

- Community profile, including location, population, and employment
- Overview of the waterfront area, including historical development
- Identification and assessment of existing land use, development, and economic strengths, weaknesses, and opportunities for ongoing economic revitalization
 - Land use and ownership patterns (public and private), including underwater lands
 - Abandoned, deteriorated, or underused sites and buildings
 - Transportation patterns for all modes within the boundary area
 - Agricultural lands
- Identification and assessment of existing water-dependent uses and related issues
 - Commercial, industrial, and recreational water-dependent uses (such as ferries, marinas, boat yards, transshipment facilities, swimming areas, vessel anchorage and mooring areas, commercial or recreational fishing areas and uses)
- Identification and assessment of existing zoning districts and other relevant local land use and development controls
 - Zoning code, subdivision review, site plan review, and design standards, etc.
- Identification and assessment of existing and desired open spaces, public access sites, and recreation and tourism resources
- Identification and assessment of the condition of infrastructure
 - Water supply, stormwater and sewage treatment, vessel waste facilities, solid waste disposal, transportation systems, energy production and transmission, shoreline stabilization infrastructure, such as bulkheads, docks and docking facilities and underwater infrastructure and structures, such as cables and pipelines
- Identification and assessment of federal, State and/or locally-designated historic sites, scenic resources and districts
 - National Register sites and districts, locally designated resources, and archaeological resources such as shipwrecks and historic dry docks
- Identification and assessment of natural resources, topography, hydrology, and geology
 - NYS Significant Coastal Fish and Wildlife Habitat areas, locally important fish and wildlife habitats, wetlands, watercourses, landscape features, steep slopes, minerals, State-designated Coastal Erosion Hazard Areas, federally identified flood-hazard areas, etc.
 - Asset inventory: natural resource assets and critical infrastructure and systems that have been, or will be, affected by flooding or other climate change hazards including storm surge
 - Identification of actions that reduce the capacity of natural protective features to reduce risk
 - Risk assessment: assessment of risks to key assets and systems - including impacts to wetlands, habitats and other natural resources; water supply, sewage treatment plants, and combined sewer overflows; electric utilities and transmission lines; dams, shoreline stabilization infrastructure and other in-water structures; transportation systems; critical facilities including police and fire stations; housing, health and social services assets; and other valuable community assets
 - Potential impacts of Climate Change
 - Needs and Opportunities Assessment: determine short- and long-range needs and opportunities to enhance resilience to future storms
 - Identification and description of socially vulnerable populations, such as elderly, young, non-English speaking, low-income or unemployed.

- Identification and assessment of issues related to water quality and flooding
 - Point and non-point sources of pollution
 - Water quality classification
 - Impervious surface area, vegetated stream buffers, flood storage capacity and forested land cover
 - Existing infrastructure or actions that may cause adjacent or downstream flooding impacts
 - Ice management
- Assessment of issues related to navigation and dredging
- Air quality assessment, including but not limited to the levels of ground-level ozone and partial pollution.
- Summary of the existing authorities of federal, State, regional, and local agencies that have jurisdiction in the waterfront revitalization area. For example:
 - the National Oceanic and Atmospheric Administration, the U.S. Coast Guard, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, and the Department of Interior;
 - the Canal Corporation, the State Departments of State, Environmental Conservation, Health and Transportation, and the Offices of General Services and Parks, Recreation, and Historic Preservation;
 - agencies of the city, town, or village, or a county if the county regulates activities in the waterfront revitalization area
 - The local harbormaster, bay constables, code enforcement officer, building inspector, police department or sheriff's office.
- Summary of existing Plans, Projects and Initiatives that effect the waterfront area such as the municipal comprehensive plan, All-Hazard Mitigation Plans, watershed management plans, downtown revitalization plans, Community resiliency plans.

Products: Draft Section II - Inventory and Analysis with accompanying maps to depict the municipality's waterfront area resources, issues, and opportunities. Electronic data for all Geographic Information System-based mapping products submitted in either ArcGIS format, or similar product acceptable to the Department.

Task 5: First Public Information Meeting

Following completion of the initial drafts of Section I - Waterfront Revitalization Area Boundary and Section II- Inventory and Analysis, the consultant(s) shall conduct a public information meeting regarding the identified local waterfront issues and opportunities and solicit public input regarding the completeness and accuracy of Sections I and II. The Consultant shall prepare a minutes of the meeting to be made available in written form and through other appropriate means, such as website or social media.

Products: Public information meeting held. Minutes of the public meeting, including any presentations or handouts.

Task 6: Draft Section III - Local Waterfront Revitalization Program Policies

The consultant(s) shall review the State waterfront revitalization policies and existing draft documents, to the extent that these exist, of the City of Niagara Falls LWRP, Section III, prepare updates to the documents as necessary, and refine the explanation of each applicable Policy to reflect local conditions and circumstances. The refined policy explanation will add specific local standards and proposed land and water uses for determining consistency with the policies. Based

on the Inventory and Analysis, the consultant(s) shall also determine if additional policies are needed to address local conditions and needs, which will add specificity to the applicable State Policies.

Draft Section III shall be submitted to the Department for review and approval.

Products: Draft Section III- Local Waterfront Revitalization Policies

Task 7: Draft Section IV -Proposed Land and Water Uses and Proposed Projects

The consultant(s) shall review the existing draft documents, to the extent that these exist, of the City of Niagara Falls LWRP, Section IV, and prepare updates as necessary to the narrative and map of proposed long-term land and water uses within the WRA, and the narrative and map of proposed projects necessary to implement the LWRP. The proposed land and water uses of the LWRP translate the Policies into a cohesive, physical plan for the waterfront area.

Proposed projects may include but not limited to:

- Capital improvement or construction projects that are necessary to maintain or improve uses or conditions;
- Special studies, plans, design projects, financial planning, or research necessary to advance or refine components of the LWRP;
- Education, outreach and training materials and programs;
- Projects to redevelop underused or deteriorated areas and sites;
- Projects to redevelop brownfield sites;
- Projects that improve multi-modal access between the waterfront and it's adjacent neighborhoods;
- Projects to provide or improve public access;
- Projects that support year round activities that invite tourists and residents to the waterfront;
- Projects to protect existing, or provide for new, water-dependent uses, such as marinas, boat yards, yacht clubs, swimming beaches
- Projects to upgrade or relocate critical facilities so that essential community services are secure and/or out of hazardous areas;
- Projects to enhance or restore wetlands, habitats, or other natural protective features; and
- Projects to improve hazard impact prediction and assessment, and mitigation and adaptation planning, such as development of local or inter-municipal Geographic Information Systems.

Draft Section IV shall be submitted to the Department for review and approval. Draft Section IV shall include maps or images depicting the potential location and design of the projects.

Products: Draft Section IV- Proposed Land and Water Uses and Proposed Projects accepted by the Contractor and approved by the Department. Electronic data for all Geographic Information System-based mapping products submitted in either ArcGIS format, or similar product acceptable to the Department.

Task 8: Second Public Information Meeting

Following completion of the initial draft of Section IV - Proposed Land and Water Uses and Proposed Projects the Contractor and its consultant(s) shall conduct a public information meeting

regarding the proposed long-term land and water uses and proposed projects within the WRA - based on identified local waterfront issues and opportunities and solicit public input regarding the completeness and accuracy of Section IV.

Products: Public information meeting held. Minutes of the public meeting, including any presentations or handouts.

Task 9: Preliminary Design Development

The consultant(s) shall use existing schematics or prepare new schematic designs, and/or conduct preliminary feasibility studies necessary to make actionable priority projects identified in Draft Section IV- Proposed Land and Water Uses and Proposed Projects. Schematic designs shall be presented to the Contractor, the Department, the WAC, and at public information meetings for review and comment.

The consultant(s) shall prepare preliminary design plans from conceptual/schematic designs for priority projects including the development of preliminary construction drawings, plans, specifications, and cost estimates. The preliminary designs shall be provided to the Department, Contractor and the project advisory committee for review.

Products: Immediately actionable schematic designs, preliminary designs and supporting materials capable of supporting immediate implementation or action.

Task 10: Draft Section V- Techniques for Local Implementation of the Program

The Contractor and its consultant(s) shall review and update as necessary the descriptions of existing zoning and local laws and regulations, as well as any new or amended zoning and laws or regulations which are necessary to both improve community resilience and implement the policies, strategies, proposed uses, and projects set forth in the LWRP. Relevant local land use controls may include, but are not limited to the zoning code, subdivision review, site plan review, design standards, stormwater management and flood damage prevention. The Contractor and its consultant(s) shall draft such local laws and regulations as are necessary to implement the LWRP. Full drafts of new or amended (existing) laws and regulations, including a local consistency review law, should be attached as appendices to the LWRP. To demonstrate how each Coastal Policy shall be implemented, a summary chart will be included with all the Coastal Policies listed in Section III and corresponding implementing legislation, plans, and programs. Local laws, regulations and procedures essential to the implementation of the policies and purposes of the LWRP must be in place at the time of approval of the program by the Secretary of State.

The consultant(s) shall also review and update, as appropriate, the descriptions of other public and private sector actions necessary to implement the LWRP, including actions by federal and State agencies, which may be necessary in order to fully implement and advance projects in the WRA. These actions may or may not include approving anchorage and mooring areas prior to designation, designating vessel waste no-discharge zones, dredging or maintaining major navigation channels and basins, constructing or maintaining breakwaters, funding certain studies, or providing technical assistance.

The consultant(s) shall also describe the local management structure for reviewing proposed waterfront projects for consistency with the approved LWRP, and the financial resources required to implement the approved LWRP. Implementation of the LWRP will be a continuing responsibility of the City of Niagara Falls. In preparing the LWRP, the City needs to consider the

costs of implementing the program and whether the funds needed are, or can be reasonably expected, to be available.

Draft Section V shall be submitted to the Department for review and approval.

Products: Draft Section V- Techniques for Local Implementation of the Program, and ALL drafts of any necessary amendments to existing laws or new local laws, including a local consistency review law.

Task 11: Draft Section VI- Federal and State Actions and Programs Likely to Affect Implementation of the LWRP

The Department shall provide to the Contractor or its consultant(s) a generic list of federal and State agency actions and programs which are to be undertaken in a manner consistent with the City of Niagara Falls LWRP. The consultant(s) shall describe specific federal and State actions necessary to further implementation of the LWRP (technical assistance, funding, procedural changes, etc.).

Draft Section VI shall be submitted to the Department for review and approval.

Products: Draft Section VI - Federal and State Actions and Programs Likely to Affect Implementation of the LWRP.

Task 12: Draft Section VII- Local Commitment and Consultation

Developing local support for the LWRP is the most critical factor determining the success of the program. The consultant(s) shall describe the public consultation efforts undertaken in the preparation of the LWRP, such as public hearings, public informational meetings, and/or meetings with governmental agencies. All activities undertaken to consult and obtain local support and commitment should be thoroughly documented. The consultant(s) shall also describe any local committees created to oversee preparation of the LWRP, such as the WAC, as well as the role of other municipal agencies.

Draft Section VII shall be submitted to the Department for review and approval.

Products: Draft Section VII - Local Commitment and Consultation.

Task 13: Determination of Significance and Compliance with SEQRA

A municipality's preparation and adoption of an LWRP involve compliance with SEQRA. The Contractor shall request designation as Lead Agency for purposes of SEQRA. The Consultant shall assist the Contractor as Lead Agency to prepare, distribute and file a Full Environmental Assessment Form for purposes of evaluating the importance/significance of the impacts associated with preparing and adopting the LWRP. Upon completing the Full Environmental Assessment Form, the Consultant shall assist the contractor as Lead Agency in making a Determination of Significance in accordance with the SEQRA regulations. If the Determination of Significance results in a Positive Declaration, the Lead Agency shall prepare a Draft Generic Environmental Impact Statement for the Draft LWRP in accordance with State Environmental Quality Review Act (SEQRA) regulations and guidelines. If the findings of the Determination of Significance are such that the LWRP will not have a significant adverse environmental impact, a Negative Declaration may be prepared and filed. If a Negative Declaration is prepared and filed,

then a Draft Generic Environmental Impact Statement will not be necessary and no further actions are necessary under the SEQRA regulations. The Contractor or its consultant(s) shall determine whether a public hearing will be held on the Draft LWRP. Completed SEQRA documents shall be submitted to the Department for review and approval.

Products: Completed Full Environmental Assessment Form and associated SEQRA determination statements (Positive Declaration or Negative Declaration). If the Determination of Significance results in a Positive Declaration, the Lead Agency, with the assistance of the consultant, shall prepare a Draft Generic Environmental Impact Statement for the Draft LWRP in accordance with State Environmental Quality Review Act (SEQRA) regulations and guidelines. If a Draft Generic Environmental Impact Statement is prepared, a public hearing shall be held and the hearing notes should be submitted to the Department.

Task 14: Complete Draft LWRP

The Contractor or its consultant(s) shall submit two (2) paper copies and an electronic copy (Word format with each map as an individual pdf, as well as a GIS shapefile of the LWRP boundary in a format compatible with the Department's Geographic Information Gateway) of the complete Draft LWRP document, with integrated harbor management, including a complete Draft Generic Environmental Impact Statement (if one is to be prepared) and new or amended (existing) laws and regulations, incorporating comments provided on each component section, to the Department for approval. If revisions to the complete Draft LWRP are needed, based on Department review, the Contractor or its consultant(s) shall make the required changes and resubmit the document to the Department for review.

All comments and requested revisions must be addressed to the satisfaction of the Department prior to advancing the document to 60-Day Review.

Following acceptance of the complete Draft LWRP document by the Department, the Contractor shall formally accept the Draft LWRP as complete and ready for public review and authorize its submission to the Department for review by potentially affected State, Federal, and local agencies- by resolution of the local municipal legislative body. The Contractor or its consultant(s) shall also provide one (1) hard copy and one electronic copy (formatted in Microsoft Word) of the complete Draft LWRP document to the Department.

Upon receipt of the required number of copies of the Draft LWRP (/Draft Generic Environmental Impact Statement, if applicable), the Department shall initiate a 60-Day Review by State, Federal, and other local agencies concurrent with the SEQRA review (if applicable).

Products: (1) Draft LWRP acceptable to the Department; (2) GIS shapefile of the LWRP boundary in a format compatible with the Department's Geographic Information Gateway and (3) a resolution of the local municipal legislative body accepting the Draft LWRP as complete and ready to be submitted to DOS for review and initiation of the 60-Day review process.

Task 15: Third Public Information Meeting

Following completion of the Draft LWRP and in conjunction with 60-Day Review and compliance with SEQRA the Contractor and its consultant(s) shall conduct a public information meeting or meetings on the Draft Program.

Products: Public meeting(s) held. Minutes of the public information meeting(s) and identification

of changes to be made to the Draft Program as a result of the public meeting submitted to the Department for review and approval.

Task 16: Final LWRP and Adoption Schedule

Following the 60-Day Review period of the Draft LWRP (/Draft Generic Environmental Impact Statement, if applicable), the Department shall meet with the Contractor and its consultant(s) to discuss all 60-Day comments received, determine appropriate responses and revise the LWRP document to reflect each response. All supporting local laws proposed for adoption in conjunction with the adoption of the LWRP, and the Final Environmental Impact Statement (if applicable), shall also be revised as necessary to reflect 60-Day comments and responses, to the satisfaction of the Department.

Additionally, the Contractor and/or its consultant(s) shall also submit to the Department a schedule of adoption of the LWRP and any zoning and/or local laws necessary for implementation of the LWRP.

Products: Two paper copies and electronic version of the Final LWRP and supporting local laws (and Final Environmental Impact Statement, if applicable), along with electronic data for all Geographic Information System-based mapping products submitted in either ArcGIS format, or similar product acceptable to the Department, and schedule of adoption.

Task 17: MWBE Reporting

In accordance with Attachment A-I, Part I, Section M, Paragraph 6, Contractor shall be required to use the New York State Contract System ("NYSCS") to record payments to subcontractors (including a breakdown of payments issued to state-certified MWBE firms) and otherwise report compliance with the provisions of Article 15-A of the Executive Law and regulations in relation to funds used pursuant to this Agreement. Contractor shall be required to submit utilization plans in paper format until such time as submission is made available through the NYSCS and notification of such availability is provided to Contractor by the State. Upon such notification by the Department, Contractor shall submit required utilization plans through the NYSCS. So long as Contractor complies with the reporting requirements stated above in the manner directed by the Department, the requirement of Attachment A-1, Part I, Section M, Paragraph 6 for paper filing of Quarterly Reports shall be waived. Technical assistance for use of the NYSCS system can be obtained through the NYSCS website at <https://ny.newnycontracts.com> by clicking on the "Contact Us & Support" link.

In the event Contractor does not have the capacity to use the NYSCS in the manner required above, an exception may be granted by the Department of State upon Contractor's written request and showing of good cause to allow for paper reporting. If such an exception is granted by the Department of State, paper reporting in a manner and form directed by the Department shall be required including but not limited to the submission of Quarterly MWBE Contractor Compliance Report (Form F) forms in accordance with Section M, Paragraph 6, of Attachment A -1.

Products: Ongoing reporting through NYSCS during the life of the contract. The consultant shall submit to the City, for submission to DOS, MWBE Quarterly Reports on the state form, including a breakdown of payments issued to state-certified MWBE firms during the quarter.

Task 18: Project Status Reports

The consultant(s) shall submit project status reports semi-annually (every June 30 and December 31) to the City, for submission to DOS, on the form provided, including a description of the work accomplished, the status of all tasks in this work plan, schedule of completion of remaining tasks, and an explanation of any problems encountered. The consultant shall also submit a Workforce Utilization Report as required by the DOS.

Products: Completed project status reports during the life of the contract. Workforce Utilization Report to be completed as required by the DOS.

Task 19: Final Project Summary Report and Measurable Results Forms

The Contractor and its consultant(s) shall work with the Department project manager to complete the Final Project Summary Report and Measurable Results forms. Final payment shall not be authorized until these forms have been completed and filed with project deliverables.

Products: Completed Final Project Summary Report and Measurable Results forms submitted to DOS.

Project Location

The project will be located within the City of Niagara Falls, more specifically the area to be designated as the Waterfront Revitalization Area. The current, initial boundary is included in Exhibit C. The boundary may change as described in Task 8.

Section 3 - Proposal Format and Content

Technical Plan

Each proposal shall include a narrative description of vendor's approach to the required tasks, including project management and mobilization. The response must specifically address the approach for public engagement, the planning process, and your strategy for overall success. Proposals shall also outline equipment and crew resources available to fulfill the proposal requirements and demonstrate ability to complete the scope of work in a timely and safe manner.

Experience

Provide specific description of your firm's experience in Niagara Falls, Western New York, or New York State with economic development, open space planning, public engagement, brownfield redevelopment, and multi-modal transportation planning. In particular, identify experience with other LWRP your firm may have completed or assisted in. Please provide reference to any supporting documents and contact persons.

Project Team

Provide a project organization chart that identifies the project manager and the project team members together with sub-consultants and subcontractors if possible and including resumes of individuals that will work directly on the project.

Budget

Provide a proposed budget that includes a breakdown of the costs per task (including any additional proposed tasks). The cost breakdown must provide the estimated number of hours dedicated to each task (or sub-task, if applicable). Periodic and final payments will be tied to review and acceptance of work projects and reports. Consultants responding to this RFP should handle fees on a “not-to-exceed” lump sum account basis enumerated on a detailed cost per component area.

Please note that the total cost available for this contract is fixed based upon grant funding provided by NYS DOS and the Niagara River Greenway Commission. The proposed budget is not to be in excess of \$580,000.

Schedule

Provide a preliminary schedule showing the completion dates for each task. A more detailed schedule will be prepared by the Consultant as part of Task 6.

Note that the City’s contract requires project completion by 11/30/2025. Extensions beyond this may be provided at the discretion of New York State.

Minority and Women Business Enterprises (M/WBE) Utilization

The Consultant shall agree to abide by all applicable Federal, State, and Local Laws, rules and regulations regarding equal opportunity and affirmative action. The City and State have established the following goals for the participation of NYS certified minority- and women-owned businesses (M/WBE’s) on this project:

MWBE Goals		
State Funds Subject to MWBE Goals		\$493,000.00
MBE Goal	15%	\$73,950.00
WBE Goal	15%	\$73,950.00

During the course of completing work under this agreement, the consultant is expected to achieve these goals through use of state certified M/WBE subcontractors, if the consultant itself is not a NYS certified M/WBE.

The proposal shall include a proposed M/WBE Utilization Plan (Exhibit D) detailing how these goals are expected to be met. Only the use of New York State certified M/WBEs will count towards meeting the M/WBE goals for this project. NYS certified M/WBE firms should be identified accessing the NYS M/WBE Directory is located here: <https://ny.newnycontracts.com/> .

Payment

The successful Consultant shall receive payment as the work is completed and documented. To receive payment, the vendor shall submit detailed invoices to the City.

The City may withhold payments hereunder for reasons including, but not limited to, the following: unsatisfactory job performance or progress, defective work, disputed work, failure to comply with material provisions of the contract, third-party claims filed, or reasonable evidence that a claim will be filed or other reasonable cause.

Changes, Additions, Deductions, and Additional Work

Upon proper action by the City, the City may authorize changes, additions, or deductions from the work to be performed. The authorization must be by written notice to the vendor. No extra work shall be done or any obligation incurred except upon written order by the City. If any change causes an increase or decrease in the vendor's cost of, or the time required for, the performance of any part of the work under this contract, the City shall make an equitable adjustment and modify the contract in writing.

Termination of Contract

The City may, by written notice to the vendor, terminate this agreement in whole or in part at any time, either for the City's convenience or for cause. Upon receipt of notice, the vendor shall immediately discontinue all services affected, unless the notice directs otherwise. If the termination is for the convenience of the City, an equitable adjustment in the contract price shall be made, but no amount shall be allowed for anticipated profit or unperformed service.

This contract shall be terminated for cause if the vendor defaults in the performance of any of the terms hereof including, but not limited to, unsatisfactory job performance or progress, defective work, disputed work, failure to comply with material provisions of the contract, third-party claims filed or reasonable evidence that a claim will be filed, or other reasonable cause, or otherwise fails to cure any other deficiency identified by the City within 24 hours of delivery of notice of said deficiency. The City retains all other legal or equitable rights or remedies existing as a result of said default, including, but not limited to, any legal process necessary to obtain any sureties securing this contract. Any reasonable attorney's fee incurred in enforcing this contract will not exceed 5 percent of said contract price.

Independent Contractor Status

The parties agree that the vendor operates an independent business and is contracting to do work according to its own methods, without being subject to the control of the City, except as to the product or the result of the work. The relationship between the City and the vendor shall be that as between an independent contractor and the City and not as an employer-employee relationship. The payment to the vendor is inclusive of any use, excise, income, or any other tax arising out of this agreement.

Indemnification and Insurance Requirements

To the fullest extent permitted by New York law, the vendor, its subcontractors, agents, servants, officers, or employees, shall indemnify and hold harmless the City, including, but not limited to, its elected and appointed officials, officers, employees, and agents from any and all claims brought by any person or entity whatsoever, arising from any act, error, or omission of the provider during the vendor's performance of the agreement or any other agreements of the vendor, entered into by reason thereof. The vendor shall indemnify and defend the City, including, but not limited to, its elected and appointed officials, officers, employees, and agents with respect to any claim arising, or alleged to have arisen from negligence, and/or willful, wanton, or reckless acts or omissions of the vendor, its subcontractors, agents, servants, officers, or employees, and any and all losses or liabilities resulting from any such claims, including, but not limited to, damage awards, costs, and reasonable attorney's fees. The indemnification shall not be affected by any other portions of the agreement relating to insurance requirements.

The vendor agrees that it will procure and keep in force at all times at its own expense insurance in accordance with the requirements set forth in Exhibit A hereto.

Section 4 - Contract Award

Contract Award

It is the City's intent to enter into a contract(s) with a vendor(s) with the lowest total cost who best demonstrates the ability and technical plan to expeditiously complete the requirements of this RFP. The evaluation criteria used for this RFP is as follows:

1	The proposal narrative and ability to design a project that will accomplish the overall project goals; and,	20
2	The clarity and comprehensiveness of the proposed approach to the entire project, particularly the public consultation component; and,	20
3	Expressed understanding of the intended community outcomes of the project, as well as its relationship with the required DOS approved "work plan"; and,	20
4	Experience, professional qualifications, and evidence of project personnel expertise - contractor and subcontractors - on similar projects having objectives similar to those described herein; and,	20
5	Ability to bring the project to a timely conclusion; and,	10
6	Clarity and breakdown of proposed budget.	10
Total:		100

The City may award the work, in whole or in part, to vendor(s) to perform the work described herein. The City reserves the right to reject any and all bids, waive technicalities, and make the award(s) as deemed in the best interest of the City.

Vendor agrees to work diligently to complete this contract by the earliest possible date. The City desires the project be completed by the date set forth in the successful proposal, unless the City initiates additions or deletions by written change orders, or in its sole discretion extends the completion date, or the contract is terminated as provided herein.

Section 5 - Standard Proposal Information

Authorized Signature

An individual authorized to bind the vendor to the provisions of the RFP must sign the proposal.

City Not Responsible for Preparation Costs

The City will not pay any cost associated with the preparation, submittal, presentation, or evaluation of any proposal.

Proposal/Bid Bond

No proposal/bid bond is required for this RFP.

Certifications Required

Vendors shall complete and return the "Vendor's Certification & Assignment of Claim", the "Affidavit of Non-Collusive Submission Certification" and the "Certification of Compliance with the Iran Divestment Act" attached hereto as Exhibit A. Failure to complete, sign and have notarized the aforementioned certifications may result in the submission being rejected.

No Contact Policy

Any contact with any City representatives, related officials, or representatives other than those outlined in the RFP is prohibited. Such unauthorized contact may disqualify the vendor from this procurement.

Site Visit

Any vendor wishing to visit the site prior to submitting a proposal may make arrangements to do so by contacting Eric Cooper, Director of Planning at 716-286-4477. Vendors entering the site do so at their own risk and assume any and all liability for any damages or injuries suffered as a result of their presence at the site.

Special Conditions

The City reserves the right to reject any and all proposals, to waive informalities, and to select the proposal and vendor(s) that, in the City's sole discretion, are in the best interests of the city of Niagara Falls, New York.

The City further reserves the right to:

1. Amend, modify, or withdraw this RFP.
2. Revise any requirements under this RFP.
3. Require supplemental statements of information from any responding party.
4. Extend the deadline for submission of responses hereto.
5. Negotiate or hold discussions with any bidder to correct insufficient responses that do not completely conform to the instructions contained herein.
6. Waive any nonconformity with this RFP.
7. Cancel, in whole or in part, this RFP if the City deems it is in its best interest to do so.
8. Request additional information or clarification of information provided in the response without changing the terms of the RFP.
9. Waive any portion of the selection process in order to accelerate the selection and negotiation with the top-ranked vendor.
10. Not award a contract as a part of, or result of, this RFP process.

The City may exercise the foregoing rights at any time without notice and without liability to any bidder, or any other party, for expenses incurred in the preparation of responses hereto or otherwise.

EXHIBIT A

CITY OF NIAGARA FALLS STANDARD CERTIFICATIONS

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

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

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

INSTRUCTIONS FOR **CITY OF NIAGARA FALLS STANDARD INSURANCE CERTIFICATE**

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 of Niagara Falls before commencement of work and/or lease or delivery of merchandise or equipment.

Certificate should be delivered to the City of Niagara Falls, New York, 745 Main Street, Rom 242, P.O. Box 69, Niagara Falls, New York 14302-0069 and should reference the contract, bid, quote, RFP or operation being performed.

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 Risk Management Department 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 coverage (explosion, collapse and underground)
- * Independent Contractors
- * Broad Form Property Damage
- * Contractual Liability
- * Fire Legal Liability (Covered by a standalone limit of \$1,000,000)
- * Personal Injury Liability (Cov. 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 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 limits of liability for comprehensive general liability set forth in this section shall be \$1,000,000 per occurrence and \$2,000,000 annual aggregate.

The City of Niagara Falls 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 the City of Niagara Falls 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**: (on contracts for construction which exceed a cost of \$100,000) With a minimum limit of \$1,500,000.00 each occurrence and \$3,000,000.00 aggregate. Named insured shall be the City of Niagara Falls, New York.
- 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 Workers' Compensation and Employers Liability**: All contractors doing business with or vendors entering upon City of Niagara Falls property shall carry the above insurance, in compliance with the Workers' Compensation Law of the State of New York.
- H. **Performance and Payment Bond: (if specified in bid request)** 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 the City of Niagara Falls in the amount of not less than N/A per centum of the total amount 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.

Revised 02-16-2018

EXHIBIT B

WORK PLAN

ATTACHMENT C - WORK PLAN

City of Niagara Falls Local Waterfront Revitalization Program

1. Project Description

The City of Niagara Falls (Contractor) will prepare a Local Waterfront Revitalization Program (LWRP) for its Niagara River waterfront. The LWRP will guide appropriate waterfront development and focus on strengthening tourism, economic development as well as protection of natural resources and cultural assets. To advance the City's waterfront vision, preliminary designs for recommended revitalization projects will be developed to enable prompt implementation.

Accordingly, this project involves the preparation of a Local Waterfront Revitalization Program (LWRP) pursuant to the provisions of New York State Executive Law, Article 42, and 19NYCRR Parts 600-603, for the City of Niagara Falls. The LWRP must reflect the strategic plans developed by the Western New York Regional Council for advancing their economic priorities and provide approaches to building greater community resilience. Completion of this project may integrate preparation of a harbor management plan (HMP) as set forth in 19 NYCRR Part 603.3 and further described in guidelines prepared by the Department of State Office of Planning and Development.

All tasks related to the development of the LWRP will build-off the existing planning documents, including the previous draft LWRP, in addition to other active local planning efforts, especially the 2009 City of Niagara Falls Comprehensive Plan, the Niagara River Greenway Plan, The Niagara Falls Greenway Vision, and the Niagara Waterfront BOA.

The City of Niagara Falls is located on the Niagara River and has approximately 20-miles of river shoreline and approximately 30-miles of total shoreline. The primary waterfront issues to be addressed by the City of Niagara Falls in the LWRP have been preliminarily identified as needing to guide appropriate waterfront development, post- Robert Moses Parkway Removal while advancing the City's Waterfront Vision, as well as, its Waterfront BOA, and its Downtown Revitalization Initiatives through the planning and designs for waterfront revitalization projects that focus on strengthening the local economy - generally, and tourism in particular, while also protecting natural resources and enhancing cultural assets.

The City will provide cash towards contractual services to prepare the LWRP for the required grant match.

2. Project Attribution and Number of Copies

The Contractor must ensure that all materials printed, constructed, and/or produced acknowledge the contributions of the Department to the project. All final and public facing materials must include the Department of State logo and the following acknowledgment:

"This [document, report, map, etc.] was prepared with funding provided by the New York State Department of State under Title 11 of the Environmental Protection Fund."

The contributions of the Department must also be acknowledged in community press releases and other notices issued for the project, including web site postings and other forms of digital distribution. Project press releases and other notices shall be submitted to the Department for review and approval prior to release, to ensure appropriate attribution.

The Contractor must submit to the Department all required products, clearly labeled with the NYS Comptroller's contract # as indicated on the Face Page of this Contract and where applicable, the related Task # from this Work Plan. The Contractor shall submit:

- Draft products: two paper copies of each product. In addition, all draft products must be submitted as an electronic copy in Word or Word Perfect and “Adobe Acrobat Portable Document Format-PDF (created using 300 dpi scanning resolution).
- Final products: two paper copies of each product. In addition, all final products (including reports, designs, maps, drawings, and plans) must be submitted as an electronic copy in Word Perfect or Microsoft Word and Adobe® Acrobat® Portable Document Format (PDF) -created using, a minimum 300 dpi scanning resolution and be submitted on a labeled CD-R type CD. The CD must be labeled with the contractor mime, the Departments contract #, and project title.
- Electronic data for all Geographic Information System-based mapping products and associated spatial data must be included in either ArcGIS format, or similar product acceptable to the Department, and comply with the requirements for Contract GIS Products.
- Electronic data for all designs, drawings, and plans must be submitted in the original software that they were created (such as CAD format or other similar product acceptable to the Department) as well as in JPEG or GIF format.
- Pictures and photographs must be dated and captioned with the location and a brief description of the activity being documented. Electronic data for all pictures and photographs must be submitted in JPG or GIF format or other similar product acceptable to the Department.

3. Compliance with Procurement Requirements

The municipal attorney, chief legal officer or financial administrator of the municipality shall certify in writing to the Department that applicable provisions of General Municipal Law were fully complied with.

4. Project Components

Preparation of the City of Niagara Falls LWRP, including, if necessary, an integrated Harbor Management Plan (HMP), shall, at a minimum, involve the following tasks and provisions:

Task 1: Project Initiation Meeting

The Contractor, the Department, project partners, and any other appropriate entities, shall hold an initial meeting to review project scope, LWRP preparation project requirements, roles and responsibilities of project partners and entities involved in preparing the LWRP, the timeline and selection process for procuring consultant services for the project, State Environmental Quality Review Act (SEQRA) compliance requirements, MWBE requirements, , the number and ADA considerations for public meetings and techniques for public involvement proposed for the project, and any other information which would assist in project completion. In addition, the composition of a Waterfront Advisory Committee shall be discussed during the project initiation meeting. The Contractor, or a designated project partner, shall prepare and distribute to all project partners a brief meeting summary clearly indicating the agreements and understanding reached at the meeting.

Information on preparing a Local Waterfront Revitalization Program is contained in the Department's guidebooks, “Local Waterfront Revitalization Programs in the Coastal Area: Guidance Manual for Preparing Local Programs” and "Making the Most of Your Waterfront: Enhancing Waterfronts to Revitalize Communities" found at <https://www.dos.ny.gov/opd/programs/lwrp.html#prep>

Work on subsequent tasks shall not proceed prior to Department approval of the proposed approach as outlined in the meeting summary.

Products: Project initiation meeting held with appropriate parties. Written meeting summary outlining general responsibilities, agreements, and understandings reached.

Task 2: Waterfront Advisory Committee

The Contractor shall establish a Waterfront Advisory Committee to oversee all aspects of the project in cooperation with municipal officials and the project consultant(s). The committee shall be representative of project stakeholders, including representatives of State, county, and municipal agencies with jurisdiction over project activities or the project area, and non-governmental and community-based organizations. A draft list of proposed members shall be circulated to the Department for review and approval prior to establishment of the committee.

Products: Draft and final list of proposed members of project advisory committee. Project advisory committee established.

Task 3: Procurement of Consultant

The Contractor shall draft a Request for Proposals (RFP) for consultant planning services, including a complete project description with site conditions, expected final results, a schedule for completion, MWBE requirements, and criteria for selecting a preferred proposal. The Contractor shall submit the RFP to the Department for review and approval prior to release for solicitation of proposals.

Consultant services requested shall include all applicable tasks, activities and responsibilities outlined in the "Project Components" section of this work program.

Products: Approved RFP released through advertisement in local papers, the New York State Contract Reporter, and other appropriate means.

Task 4: Consultant Selection and Compliance with Local Procurement Requirements

In consultation with the Department, the Contractor and an appropriate review committee shall review all proposals received as a result of the RFP. At a minimum, the following criteria are suggested for use in evaluating consultant responses:

- Quality and completeness of the response.
- Understanding of the proposed scope of work.
- Applicability of proposed alternatives or enhancements to information requested.
- Cost-effectiveness of the proposal.
- Qualifications and relevant experience with respect to the tasks to be performed.
- Reputation among previous clients.
- Ability to complete all project tasks within the allotted time and budget.
- Ability to satisfy MWBE requirements.

Incomplete proposals that do not address all of the requested components should not be accepted for review and consideration.

NYS Department of State requires a licensed professional engineer, architect or landscape architect licensed to practice in New York State for preparation and certification of final designs and construction documents, and for supervision of construction.

The municipal attorney, chief legal officer or financial administrator of the municipality shall certify in writing to the Department that the Contractor fully complied with applicable provisions of General Municipal Law and with local procurement procedures.

The Contractor's procurement record and consultant selection are subject to approval by the Department.

Products: Consultant(s) selected and approved by the Department. Written certification of compliance with procurement procedures.

Task 5: Subcontract Preparation and Execution

The Contractor shall prepare a draft subcontract or subcontracts to conduct project work with the consultant or consultants selected. The subcontract(s) shall contain a detailed work plan with adequate opportunity for review at appropriate stages of project completion, a payment schedule (payments should be tied to receipt of products), and a project cost. The subcontract(s) shall specify the composition of the entire consultant team, including firm name and area of responsibility, expertise, and those professionals from the consultant team or consulting firm that will be directly involved in specific project tasks including how the identified MWBE goals will be satisfied. The Contractor shall submit the draft subcontract(s) to the Department for review of the subcontract work plan for alignment with the appropriate tasks of the work plan as set forth in Attachment C of this contract. The Contractor shall incorporate the Department's comments on the subcontract work plan, or scope of services, prior to execution of the final subcontract(s). The Contractor remains responsible for the legal sufficiency of the subcontract in accordance with the requirements in the Master Grant Contract and Attachment A-1. A copy of the final executed contract

Products: Draft and final, executed consultant subcontracts.

Task 6: Second Project Meeting

In consultation with the Department, the Contractor shall hold a second project meeting with the consultant(s) and include the Waterfront Advisory Committee to review project requirements, site conditions, and roles and responsibilities; identify waterfront and harbor management planning issues, new information needs and next steps; and transfer any information to the consultant(s) which would assist in completion of the LWRP. A decision will be made by the Department following this meeting, as to whether development of a harbor management plan will be necessary as part of the LWRP. Project partners at this meeting will review the LWRP preparation process, including compliance with SEQRA, and identify SEQRA lead agency and involved agencies. The Contractor or its consultant(s) shall prepare and distribute a brief meeting summary clearly indicating the agreements/understandings reached at the meeting. Work on subsequent tasks shall not proceed prior to Department approval of the proposed approach as outlined in the meeting summary.

Products: Project meeting held with appropriate parties. Written meeting summary outlining lines of communication and project timeline, contact information, and all agreements or understandings reached.

Task 7: Preparation of a Community Outreach Process and Plan

The Contractor or its consultant(s), the Waterfront Advisory Committee, and other partners as appropriate, shall prepare a method and process to encourage community participation in development and implementation of the LWRP. At a minimum, the process shall include at least three public workshop type meetings to be conducted during the plan development. The outreach plan shall identify key individuals, organizations, and entities to be involved, and shall identify the visioning process and the roles and responsibilities in coordinating the entire outreach process, logistics, and the proposed schedule of public meetings. All public meetings will be publicized in the community through press releases, announcements, individual mailings, digital media, municipal website postings, and any other appropriate means. Meetings shall be scheduled in a manner that maximizes attendance and participation from all interested community members. The Contractor and/or its consultant(s) may utilize the Department's Office for New Americans and their Community Navigators to encourage participation from populations who are frequently underrepresented in this process, including immigrants, refugees, and minorities. A summary of each public outreach session will be made available in written form and through other appropriate means, such as website or social media.

The outreach plan shall be submitted to the Department for review and approval.

Product: Approved community outreach plan.

Task 8: Draft Section I - Waterfront Revitalization Area Boundary

The Contractor or its consultant(s) shall review the existing NYS Coastal Area Boundary to determine whether the existing boundary is adequate, or a revision should be recommended; and prepare a narrative description and map of the Waterfront Revitalization Area (WRA). The waterfront revitalization area should include those portions of the surface waters and underwater lands within the City of Niagara Falls, as well as adjacent upland which affect the waterbodies through drainage, watershed, and any other factors.

References to the Inventory and Analysis section justifying the inclusion of particular areas should be included in this section if beneficial for increased understanding. The narrative must be accompanied by a boundary map showing the proposed waterfront area, including the Harbor Management Plan boundary. A boundary map showing the existing and proposed WRA including the Harbor Management Plan boundary must accompany the narrative. If a revision to the boundary is recommended, the Draft LWRP document must also discuss the reasons justifying the proposed revision.

Draft Section I shall be submitted to the Department for review and approval.

Products: Draft Section I - Waterfront Revitalization Area Boundary, including narrative and map(s).

Task 9: Draft Section II - Inventory and Analysis

The Contractor or its consultant(s) shall inventory, describe and map existing natural and built resources and conditions within the waterfront revitalization area (which includes surface waters and underwater lands). (See guidance document: "Local Waterfront Revitalization Programs in the Coastal Area: Guidance Manual for Preparing Local Programs")

The Contractor or its consultant(s) shall use the existing draft documents, to the extent that these exist, of the City of Niagara Falls LWRP, Section II, and prepare updates as necessary. In addition, this section must provide a thorough analysis of waterfront issues, opportunities, and constraints to economic development and resource protection needs. This section will incorporate opportunities previously identified by the City and reflect the strategies developed by the Western New York Regional Economic Development Council for

economic growth and development in the region, and; also provide an assessment of the vulnerable resources and potential risks associated with storms, flooding, and the effects of climate change. The inventory and analysis must be broad enough to ensure consideration of important waterfront resources, problems and opportunities and detailed enough to support development of a specific and realistic LWRP. This section should also incorporate the inventory and analysis of the relationship between waterside uses that have the potential for conflict, congestion or competition in support of the Harbor Management Plan.

Topics to be addressed, commensurate with the local conditions, will include, but not be limited to, the following:

- Community profile, including location, population, and employment
- Overview of the waterfront area, including historical development
- Identification and assessment of existing land use, development, and economic strengths, weaknesses, and opportunities for ongoing economic revitalization
 - Land use and ownership patterns (public and private), including underwater lands
 - Abandoned, deteriorated, or underused sites and buildings
 - Agricultural lands
- Identification and assessment of existing water-dependent uses and related issues
 - Commercial, industrial, and recreational water-dependent uses (such as ferries, marinas, boat yards, transshipment facilities, swimming areas, vessel anchorage and mooring areas, commercial or recreational fishing areas and uses)
- Identification and assessment of existing zoning districts and other relevant local land use and development controls
 - Zoning code, subdivision review, site plan review, and design standards, etc.
- Identification and assessment of existing and desired open spaces, public access sites, and recreation and tourism resources
- Identification and assessment of the condition of infrastructure
 - Water supply, stormwater and sewage treatment, vessel waste facilities, solid waste disposal, transportation systems, energy production and transmission, shoreline stabilization infrastructure, such as bulkheads, docks and docking facilities and underwater infrastructure and structures, such as cables and pipelines
- Identification and assessment of federal, State and/or locally-designated historic and scenic resources
 - National Register sites and districts, locally designated resources, and archaeological resources such as shipwrecks and historic dry docks
- Identification and assessment of natural resources, topography, hydrology, and geology
 - NYS Significant Coastal Fish and Wildlife Habitat areas, locally important fish and wildlife habitats, wetlands, watercourses, landscape features, steep slopes, minerals, State-designated Coastal Erosion Hazard Areas, federally identified flood-hazard areas, etc.
 - Asset inventory: natural resource assets and critical infrastructure and systems that have been, or will be, affected by flooding or other climate change hazards including storm surge
 - Identification of actions that reduce the capacity of natural protective features to reduce risk
 - Risk assessment: assessment of risks to key assets and systems - including impacts to wetlands, habitats and other natural resources; water supply, sewage treatment plants, and combined sewer overflows; electric utilities and transmission lines; dams, shoreline stabilization infrastructure and other in-water structures; transportation systems; critical facilities including police and fire stations; housing, health and social services assets; and other valuable community assets
 - Needs and Opportunities Assessment: determine short- and long-range needs and opportunities to enhance resilience to future storms
 - Identification and description of socially vulnerable populations, such as elderly, young, non-English speaking, low-income or unemployed.

- Identification and assessment of issues related to water quality and flooding
 - Point and non-point sources of pollution
 - Water quality classification
 - Impervious surface area, vegetated stream buffers, flood storage capacity and forested land cover
 - Existing infrastructure or actions that may cause adjacent or downstream flooding impacts
 - Ice management
- Assessment of issues related to navigation and dredging
- Air quality
- Summary of the existing authorities of federal, State, regional, and local agencies that have jurisdiction in the waterfront revitalization area. For example:
 - the National Oceanic and Atmospheric Administration, the U.S. Coast Guard, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, and the Department of Interior;
 - the Canal Corporation, the State Departments of State, Environmental Conservation, Health and Transportation, and the Offices of General Services and Parks, Recreation, and Historic Preservation;
 - agencies of the city, town, or village, or a county if the county regulates activities in the waterfront revitalization area;
 - the local harbor master, bay constables, code enforcement officer, building inspector, police department or sheriff's office.
- Summary of existing Plans, Projects and Initiatives that effect the waterfront area such as the municipal comprehensive plan, All-Hazard Mitigation Plans, watershed management plans, downtown revitalization plans, community resiliency plans.

Draft Section II shall be submitted to the Department for review and approval.

Products: Draft Section II - Inventory and Analysis with accompanying maps to depict the municipality's waterfront area resources, issues, and opportunities. Electronic data for all Geographic Information System-based mapping products submitted in either ArcGIS format, or similar product acceptable to the Department.

Task 10: First Public Information Meeting

Following completion of the initial drafts of Section I - Waterfront Revitalization Area Boundary and Section II - Inventory and Analysis, the Contractor or its consultant(s) shall conduct a public information meeting regarding the identified local waterfront issues and opportunities and solicit public input regarding the completeness and accuracy of Sections I and II.

Products: Public information meeting held. Minutes of the public meeting, including any presentations or handouts.

Task 11: Draft Section III - Local Waterfront Revitalization Program Policies

The Contractor or its consultant(s) shall review the State waterfront revitalization policies and existing draft documents, to the extent that these exist, of the City of Niagara Falls LWRP, Section III, and prepare updates as necessary to and refine the explanation of each applicable Policy to reflect local conditions and circumstances. The refined policy explanation will add specific local standards and proposed land and water uses for determining consistency with the policies. Based on the Inventory and Analysis, the Contractor or its consultant(s) shall also determine if additional policies are needed to address local conditions and needs, which will add specificity to the applicable State Policies.

Draft Section III shall be submitted to the Department for review and approval.

Products: Draft Section III - Local Waterfront Revitalization Policies

Task 12: Draft Section IV - Proposed Land and Water Uses and Proposed Projects

The Contractor or its consultant(s) shall review the existing draft documents, to the extent that these exist, of the City of Niagara Falls LWRP, Section IV, and prepare updates as necessary to the narrative and map of proposed long-term land and water uses within the WRA, and the narrative and map of proposed projects necessary to implement the LWRP. The proposed land and water uses of the LWRP translate the Policies into a cohesive, physical plan for the waterfront area.

Proposed projects may include but not limited to:

- Capital improvement or construction projects that are necessary to maintain or improve uses or conditions;
- Special studies, plans, design projects, financial planning, or research necessary to advance or refine components of the LWRP;
- Education, outreach and training materials and programs;
- Projects to redevelop underused or deteriorated areas and sites;
- Projects to provide or improve public access;
- Projects to protect existing, or provide for new, water-dependent uses, such as marinas, boat yards, yacht clubs, swimming beaches
- Projects to upgrade or relocate critical facilities so that essential community services are secure and/or out of hazardous areas;
- Projects to enhance or restore wetlands, habitats, or other natural protective features; and
- Projects to improve hazard impact prediction and assessment, and mitigation and adaptation planning, such as development of local or inter-municipal Geographic Information Systems.

Draft Section IV shall be submitted to the Department for review and approval.

Products: Draft Section IV - Proposed Land and Water Uses and Proposed Projects accepted by the Contractor and approved by the Department.

Task 13: Second Public Information Meeting

Following completion of the initial draft of Section IV - Proposed Land and Water Uses and Proposed Projects the Contractor or its consultant(s) shall conduct a public information meeting regarding the proposed long-term land and water uses and proposed projects within the WRA – based on identified local waterfront issues and opportunities and solicit public input regarding the completeness and accuracy of Section IV.

Products: Public information meeting held. Minutes of the public meeting, including any presentations or handouts.

Task 14: Preliminary Design Development

The Contractor or its consultant(s) shall use existing schematics or prepare new schematic designs, and/or conduct preliminary feasibility studies necessary to make actionable priority projects identified in Draft Section IV - Proposed Land and Water Uses and Proposed Projects. Schematic designs shall be presented to the Contractor, the Department, the project advisory committee, and at public information meetings for review and comment.

The Contractor or its consultant(s) shall prepare preliminary design plans from conceptual/schematic designs for priority projects including the development of preliminary construction drawings, plans, specifications, and cost estimates. The preliminary designs shall be provided to the Department and the project advisory committee for review.

Products: Immediately actionable schematic designs, preliminary designs and supporting materials capable of supporting immediate implementation or action.

Task 15: Draft Section V - Techniques for Local Implementation of the Program

The Contractor or its consultant(s) shall review and update as necessary the descriptions of existing zoning and local laws and regulations, as well as any new or amended zoning and laws or regulations which are necessary to both improve community resilience and implement the policies, strategies, proposed uses, and projects set forth in the LWRP. Relevant local land use controls may include, but are not limited to the zoning code, subdivision review, site plan review, design standards, stormwater management and flood damage prevention. The Contractor or its consultant(s) shall draft such local laws and regulations as are necessary to implement the LWRP. Full drafts of new or amended (existing) laws and regulations, including a local consistency review law, should be attached as appendices to the LWRP. To demonstrate how each Coastal Policy shall be implemented, a summary chart will be included with all the Coastal Policies listed in Section III and corresponding implementing legislation, plans, and programs. Local laws, regulations and procedures essential to the implementation of the policies and purposes of the LWRP must be in place at the time of approval of the program by the Secretary of State.

The Contractor or its consultant(s) shall also review and update, as appropriate, the descriptions of other public and private sector actions necessary to implement the LWRP, including actions by federal and State agencies, which may be necessary in order to fully implement and advance projects in the WRA. These actions may or may not include approving anchorage and mooring areas prior to designation, designating vessel waste no-discharge zones, dredging or maintaining major navigation channels and basins, constructing or maintaining breakwaters, funding certain studies, or providing technical assistance.

The Contractor or its consultant(s) shall also describe the local management structure for reviewing proposed waterfront projects for consistency with the approved LWRP, and the financial resources required to implement the approved LWRP. Implementation of the LWRP will be a continuing responsibility of the City of Niagara Falls. In preparing the LWRP, the City needs to consider the costs of implementing the program and whether the funds needed are, or can be reasonably expected, to be available.

Draft Section V shall be submitted to the Department for review and approval.

Products: Draft Section V - Techniques for Local Implementation of the Program, and ALL drafts of any necessary amendments to existing laws or new local laws, including a local consistency review law.

Task 16: Draft Section VI - Federal and State Actions and Programs Likely to Affect Implementation of the LWRP

The Department shall provide to the Contractor or its consultant(s) a generic list of federal and State agency actions and programs which are to be undertaken in a manner consistent with the City of Niagara Falls LWRP. The Contractor or its consultant(s) shall describe specific federal and State actions necessary to further implementation of the LWRP (technical assistance, funding, procedural changes, etc.).

Draft Section VI shall be submitted to the Department for review and approval.

Products: Draft Section VI - Federal and State Actions and Programs Likely to Affect Implementation of the LWRP.

Task 17: Draft Section VII - Local Commitment and Consultation

Developing local support for the LWRP is the most critical factor determining the success of the program. The Contractor or its consultant(s) shall describe the public consultation efforts undertaken in the preparation of the LWRP, such as public hearings, public informational meetings, and/or meetings with governmental agencies. All activities undertaken to consult and obtain local support and commitment should be thoroughly documented. The Contractor or its consultant(s) shall also describe any local committees created to oversee preparation of the LWRP, such as the WAC, as well as the role of other municipal agencies.

Draft Section VII shall be submitted to the Department for review and approval.

Products: Draft Section VII - Local Commitment and Consultation.

Task 18: Determination of Significance and Compliance with SEQRA

A municipality's preparation and adoption of an LWRP involve compliance with SEQRA. The Contractor shall request designation as Lead Agency for purposes of SEQRA. The Lead Agency shall prepare, distribute and file a Full Environmental Assessment Form for purposes of evaluating the importance/significance of the impacts associated with preparing and adopting the LWRP. Upon completing the Full Environmental Assessment Form, the Lead Agency shall make a Determination of Significance in accordance with the SEQRA regulations. If the Determination of Significance results in a Positive Declaration, the Lead Agency shall prepare a Draft Generic Environmental Impact Statement for the Draft LWRP in accordance with State Environmental Quality Review Act (SEQRA) regulations and guidelines. If the findings of the Determination of Significance are such that the LWRP will not have a significant adverse environmental impact, a Negative Declaration may be prepared and filed. If a Negative Declaration is prepared and filed, then a Draft Generic Environmental Impact Statement will not be necessary and no further actions are necessary under the SEQRA regulations. The Contractor or its consultant(s) shall determine whether a public hearing will be held on the Draft LWRP. Completed SEQRA documents shall be submitted to the Department for review and approval.

Products: Completed Full Environmental Assessment Form and associated SEQRA determination statements (Positive Declaration or Negative Declaration). If the Determination of Significance results in a Positive Declaration, the Lead Agency, with the assistance of the consultant, shall prepare a Draft Generic Environmental Impact Statement for the Draft LWRP in accordance with State Environmental Quality Review Act (SEQRA) regulations and guidelines. If a Draft

Generic Environmental Impact Statement is prepared, a public hearing shall be held and the hearing notes should be submitted to the Department.

Task 19: Complete Draft LWRP

The Contractor or its consultant(s) shall submit two (2) paper copies and an electronic copy (Word format with each map as an individual pdf, as well as a GIS shapefile of the LWRP boundary in a format compatible with the Department's Geographic Information Gateway) of the complete Draft LWRP document, with integrated harbor management, including a complete Draft Generic Environmental Impact Statement (if one is to be prepared) and new or amended (existing) laws and regulations, incorporating comments provided on each component section, to the Department for approval. If revisions to the complete Draft LWRP are needed, based on Department review, the Contractor or its consultant(s) shall make the required changes and resubmit the document to the Department for review.

All comments and requested revisions must be addressed to the satisfaction of the Department prior to advancing the document to 60-Day Review.

Following acceptance of the complete Draft LWRP document by the Department, the Contractor shall formally accept the Draft LWRP as complete and ready for public review and authorize its submission to the Department for review by potentially affected State, Federal, and local agencies - by resolution of the local municipal legislative body. The Contractor or its consultant(s) shall also provide one (1) hard copy and one electronic copy (formatted in Microsoft Word) of the complete Draft LWRP document to the Department.

Upon receipt of the required number of copies of the Draft LWRP (/Draft Generic Environmental Impact Statement, if applicable), the Department shall initiate a 60-Day Review by State, Federal, and other local agencies concurrent with the SEQRA review (if applicable).

Products: (1) Draft LWRP acceptable to the Department; (2) GIS shapefile of the LWRP boundary in a format compatible with the Department's Geographic Information Gateway and (3) a resolution of the local municipal legislative body accepting the Draft LWRP as complete and ready to be submitted to DOS for review and initiation of the 60-Day review process.

Task 20: Third Public Information Meeting

Following completion of the Draft LWRP and in conjunction with 60-Day Review and compliance with SEQRA the Contractor or its consultant(s) shall conduct a public information meeting or meetings on the Draft Program.

Products: Public meeting(s) held. Minutes of the public information meeting(s) and identification of changes to be made to the Draft Program as a result of the public meeting submitted to the Department for review and approval.

Task 21: Final LWRP and Adoption Schedule

Following the 60-Day Review period of the Draft LWRP (/Draft Generic Environmental Impact Statement, if applicable), the Department shall meet with the Contractor or its consultant(s) to discuss all 60-Day comments received, determine appropriate responses and revise the LWRP document to reflect each response. All supporting local laws proposed for adoption in conjunction with the adoption of the LWRP,

and the Final Environmental Impact Statement (if applicable), shall also be revised as necessary to reflect 60-Day comments and responses, to the satisfaction of the Department.

Additionally, the Contractor and/or its consultant(s) shall also submit to the Department a schedule of adoption of the LWRP and any zoning and/or local laws necessary for implementation of the LWRP.

Products: Two paper copies and electronic version of the Final LWRP and supporting local laws (and Final Environmental Impact Statement, if applicable), along with electronic data for all Geographic Information System-based mapping products submitted in either ArcGIS format, or similar product acceptable to the Department, and schedule of adoption.

Task 22: MWBE Reporting

In accordance with Attachment A-1, Part I, Section M, Paragraph 6, Contractor shall be required to use the New York State Contract System (“NYSCS”) to record payments to subcontractors (including a breakdown of payments issued to state-certified MWBE firms) and otherwise report compliance with the provisions of Article 15-A of the Executive Law and regulations in relation to funds used pursuant to this Agreement. Contractor shall be required to submit utilization plans in paper format until such time as submission is made available through the NYSCS and notification of such availability is provided to Contractor by the State. Upon such notification by the Department, Contractor shall submit required utilization plans through the NYSCS. So long as Contractor complies with the reporting requirements stated above in the manner directed by the Department, the requirement of Attachment A-1, Part I, Section M, Paragraph 6 for paper filing of Quarterly Reports shall be waived. Technical assistance for use of the NYSCS system can be obtained through the NYSCS website at <https://ny.newnycontracts.com> by clicking on the “Contact Us & Support” link.

In the event Contractor does not have the capacity to use the NYSCS in the manner required above, an exception may be granted by the Department of State upon Contractor’s written request and showing of good cause to allow for paper reporting. If such an exception is granted by the Department of State, paper reporting in a manner and form directed by the Department shall be required including but not limited to the submission of Quarterly MWBE Contractor Compliance Report (Form F) forms in accordance with Section M, Paragraph 6, of Attachment A-1.

Products: Ongoing reporting through NYSCS during the life of the contract.

Task 23: Project Status Reports

The Contractor or its consultant(s) shall submit project status reports semi-annually (every June 30 and December 31) on the form provided, including a description of the work accomplished, the status of all tasks in this work plan, schedule of completion of remaining tasks, and an explanation of any problems encountered.

Products: Completed project status reports submitted to DOS during the life of the contract.

Task 24: Final Project Summary Report and Measurable Results Forms

The Contractor or its consultant(s) shall work with the Department project manager to complete the Final Project Summary Report and Measurable Results forms. Final payment shall not be authorized until these forms have been completed and filed with project deliverables.

Products: Completed Final Project Summary Report and Measurable Results forms submitted to DOS.

5. Project Responsibilities

The Contractor shall administer the grant, execute a contract with the Department, and ensure the completion of work in accordance with the approved Work Plan and budget.

The Contractor:

- will be responsible for conducting all project work in conformance with the Work Plan included in the executed contract with the Department.
- will be responsible for all project activities including drafting request for proposals and managing subcontracts with consultants and subconsultants.
- will certify to the Department that the procurement record for project consultants and subcontractors complies with the applicable provisions of General Municipal Law.
- will receive approval from the Department for any and all consultant subcontracts before beginning project work.
- will be responsible for submission of all products, M/WBE forms, and payment requests including backup documentation.
- will be responsible for coordinating participation and soliciting comments from local government personnel, project volunteers, and the public.
- will keep the Department informed of all important meetings for the duration of this contract.
- will receive approval from the Department before purchase of any equipment.
- will secure all necessary permits and perform all required environmental reviews.
- will ensure that all materials printed, constructed, and/or produced acknowledge the contributions of the Department to the project.
- will ensure that all products prepared as a part of this contract shall include the NYS Comptroller's contract # as indicated on the Face Page of this contract.
- will ensure the project objectives are being achieved.
- will ensure that comments received from the Department and the project advisory committee, or other advisory group, are satisfactorily responded to and reflected in subsequent work.
- will recognize that payments made to consultants or subcontractors covering work carried out or products produced prior to receiving approval from the Department will not be reimbursed unless and until the Department finds the work or products to be acceptable.

The Department:

- will review and approve or disapprove of subcontracts between the Contractor and consultant(s) and any other subcontractor(s).
- will participate in project initiation meeting and attend meetings that are important to the project.
- will review all draft and final products and provide comments as necessary to meet the objectives.
- must approve or disapprove any and all design, site plan, and preconstruction documents. Department approval must be obtained before construction may begin.

EXHIBIT C

PROJECT BOUNDARY



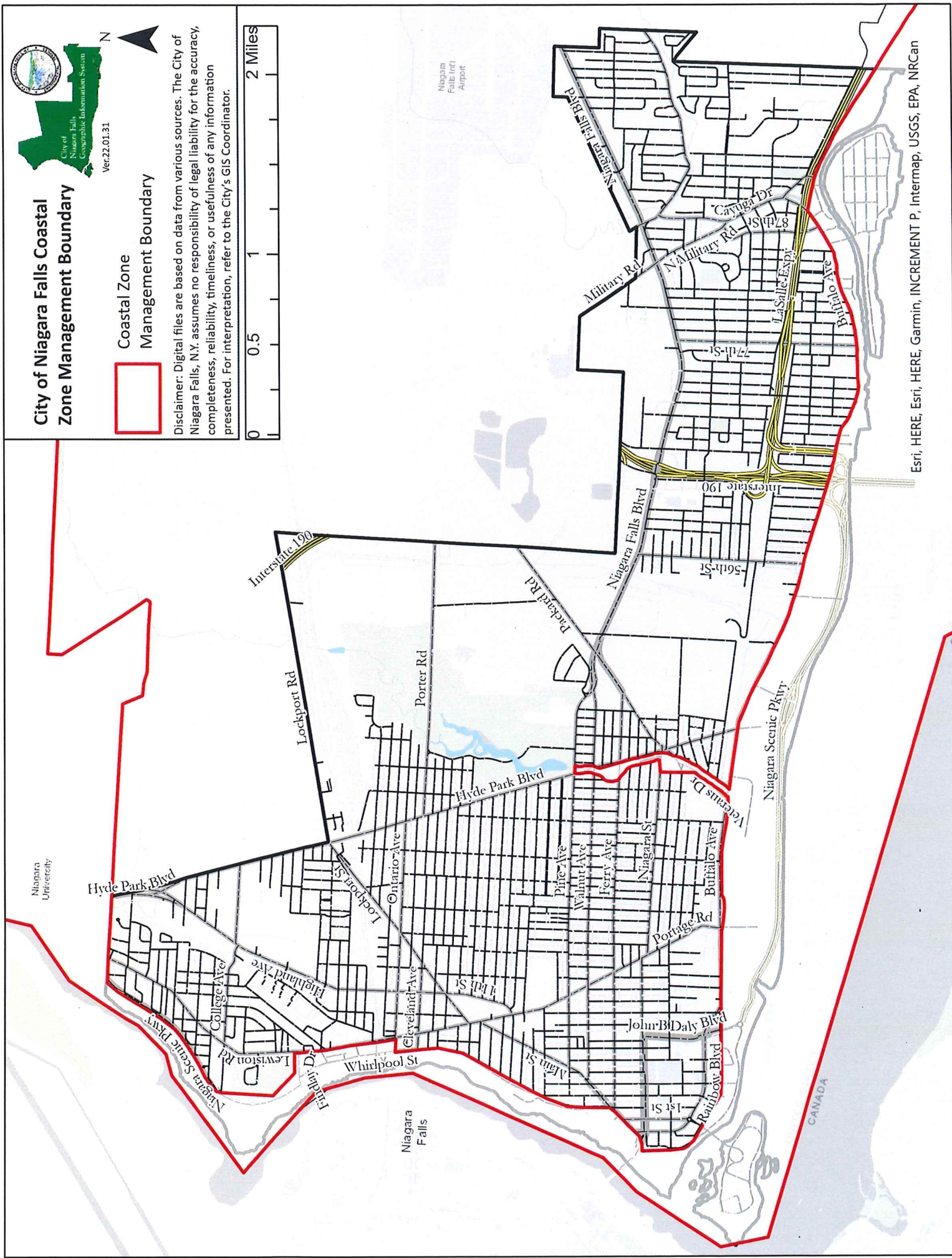
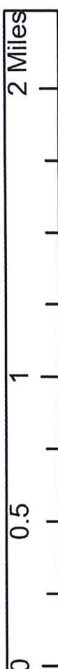
City of Niagara Falls Coastal Zone Management Boundary

Ver.22.01.31

Coastal Zone

Management Boundary

Disclaimer: Digital files are based on data from various sources. The City of Niagara Falls, N.Y. assumes no responsibility of legal liability for the accuracy, completeness, reliability, timeliness, or usefulness of any information presented. For interpretation, refer to the City's GIS Coordinator.



Esri, HERE, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, EPA, NRCan

EXHIBIT D

MINORITY AND WOMEN BUSINESS ENTERPRISES (M/WBE) UTILIZATION PLAN

FORM D
M/WBE UTILIZATION PLAN

INSTRUCTIONS: This form must be submitted with any bid, proposal, or proposed negotiated contract or within a reasonable time thereafter, but prior to contract award. This Utilization Plan must contain a detailed description of the supplies and/or services to be provided by each certified Minority and Women-owned Business Enterprise (M/WBE) under the contract. Attach additional sheets if necessary.

Offeror's Name:

Address:

City, State, Zip Code:

Telephone No.:

Region/Location of Work:

Federal Identification No.:

Project/Contract No.:

M/WBE Goals in the Contract: MBE 15% WBE 15%

1. Certified M/WBE Subcontractors/Suppliers Name, Address, Email Address, Telephone No.	2. Classification	3. Federal ID No.	4. Detailed Description of Work (Attach additional sheets, if necessary)	5. Dollar Value of Subcontracts/ Supplies/Services and intended performance dates of each component of the contract.
A.	NYS ESD CERTIFIED <input type="checkbox"/> MBE <input type="checkbox"/> WBE			
B.	NYS ESD CERTIFIED <input type="checkbox"/> MBE <input type="checkbox"/> WBE			
C.	NYS ESD CERTIFIED <input type="checkbox"/> MBE <input type="checkbox"/> WBE			
D.	NYS ESD CERTIFIED <input type="checkbox"/> MBE <input type="checkbox"/> WBE			
E.	NYS ESD CERTIFIED <input type="checkbox"/> MBE <input type="checkbox"/> WBE			
F.	NYS ESD CERTIFIED <input type="checkbox"/> MBE <input type="checkbox"/> WBE			

G.	NYS ESD CERTIFIED <input type="checkbox"/> MBE <input type="checkbox"/> WBE			
H.	NYS ESD CERTIFIED <input type="checkbox"/> MBE <input type="checkbox"/> WBE			
I.	NYS ESD CERTIFIED <input type="checkbox"/> MBE <input type="checkbox"/> WBE			

6. IF UNABLE TO FULLY MEET THE MBE AND WBE GOALS SET FORTH IN THE CONTRACT, OFFEROR MUST SUBMIT A REQUEST FOR WAIVER FORM E.

PREPARED BY (Signature): DATE: NAME AND TITLE OF PREPARER (Print or Type): SUBMISSION OF THIS FORM CONSTITUTES THE OFFEROR'S ACKNOWLEDGEMENT AND AGREEMENT TO COMPLY WITH THE M/WBE REQUIREMENTS SET FORTH UNDER NYS EXECUTIVE LAW, ARTICLE 15-A, 5 NYCRR PART 143, AND THE ABOVE-REFERENCED SOLICITATION. FAILURE TO SUBMIT COMPLETE AND ACCURATE INFORMATION MAY RESULT IN A FINDING OF NONCOMPLIANCE AND POSSIBLE TERMINATION OF YOUR CONTRACT.	TELEPHONE NO.:		EMAIL ADDRESS:
	FOR M/WBE USE ONLY		
	REVIEWED BY:		DATE:
	UTILIZATION PLAN APPROVED: <input type="checkbox"/> YES <input type="checkbox"/> NO Date: Contract No.: Project No. (if applicable): Contract Award Date: Estimated Date of Completion: Amount Obligated Under the Contract: Description of Work: NOTICE OF DEFICIENCY ISSUED: <input type="checkbox"/> YES <input type="checkbox"/> NO Date: _____ NOTICE OF ACCEPTANCE ISSUED: <input type="checkbox"/> YES <input type="checkbox"/> NO Date: _____		

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