

Buffalo Urban Development Corporation
REQUEST FOR PROPOSALS
Environmental Condition Analysis of 537 East Delavan Avenue
Buffalo, New York

OVERVIEW

Proposals are being solicited from consulting firms to collect, review, and analyze existing documentation regarding the environmental condition of **537 East Delavan Avenue** ("the site"). The 10.5 acre site (formerly Vibratech, Inc. and Houdaille Industries) was home for most of the 20th century to an automotive parts manufacturing facility, and was later utilized for dismantling and metals recycling. More than half of the site is occupied by two- and three-story brick buildings that are inactive or being used for storage. The site is surrounded by residential, commercial and industrial properties. Perimeter fencing restricts public access to the site.

Elements of the analysis will include:

- Collection and review of existing studies and documents pertaining to the condition of the site.
- Analysis and synopsis of past findings.
- Preparation of a report summarizing known environmental conditions.
- Recommendations for next steps on how the Buffalo Urban Development Corporation (BUDC) and the City of Buffalo should proceed with the long-term goal of redeveloping the property. These recommendations should include any additional environmental assessment/investigation that the consultant feels is necessary to facilitate the generation of a rational estimate for any potential remediation that may be required prior to redevelopment.

The project is being sponsored by the Mayor's Office of Strategic Planning and BUDC.

PROJECT LOCATION

537 East Delavan Avenue is located in a mixed industrial/commercial/residential neighborhood on the City of Buffalo's east side. It is bounded by East Delavan Avenue on the north, Longview Avenue on the east, Northland Avenue on the south, and Winchester Avenue on the west (**Exhibit A**). The site is also located within the proposed East Delavan-Grider Brownfield Opportunity Area (BOA) (**Exhibit B**).

PROJECT CONTEXT

The City of Buffalo plans to apply to the New York State Department of State for Brownfield Opportunity Area funding, and intends to complete a Nomination Study for the East Delavan-Grider Brownfield Opportunity Area. This BOA covers approximately 700 acres centered around five sub-areas that were historically industrial zones. The 537 East Delavan Avenue property is included within this BOA study area.

The land that constitutes the East Delavan-Grider BOA developed as a center for manufacturing due to the confluence of several major rail corridors, including the New York Central "Beltline." Throughout the 20th century, facilities along these corridors produced airplanes, automobiles, furniture, mechanical parts, fuel components, food products and heavy machinery. Today, much of the residential and commercial fabric of this area remains in close proximity to abandoned industrial plants, posing environmental and remediation challenges. These blighting influences have added to the neighborhood's high vacancy rates and reduced economic vitality.

One of the five brownfield sub-areas in the East Delavan-Grider BOA is the Northland Industrial sub-area, one of the most extensive industrial areas in terms of size and density on Buffalo's eastside. The Northland Industrial sub-area is located between Humboldt Parkway to the west, Grider Street to the east, East Delavan Avenue to the north and Northland Avenue to the south. One of the Northland Industrial sub-area's major properties is located at 537 East Delavan Avenue.

Among the objectives of the East Delavan-Grider BOA is the environmental remediation of former industrial land that threatens public health; increased investment in and repurposing of abandoned industrial sites for new economic and job creation opportunities; and expanded recreational and public space. 537 East Delavan Avenue is an anchor property in this community and its redevelopment is a key to fulfilling these objectives.

PROJECT SITE HISTORY AND CURRENT CONDITIONS

537 East Delavan Avenue was historically utilized for the manufacture of vibration dampeners and rotary shock absorbers for the truck and railroad industry. Specific operations at the plant included chip turning, assembly of components, heat treating, and plating. The plant operated from 1927 through the mid 1990s.

In the early 1990's, solvent contaminated soil containing trichloroethene was identified in a railroad spur at the south end of the site. Groundwater located down-gradient of the rail spur was also contaminated with solvents. Vibratex excavated contaminated soil to bedrock, treated the soil using ex-situ vapor extraction and returned treated soil to the rail spur. A Record of Decision (ROD) was signed in March 1997, documenting the removal action and requiring routine groundwater monitoring. Groundwater in the vicinity of the rail spur flows in a westerly direction, under the southern portion of the facility, and infiltrates the Winchester Avenue sewer bedding. Groundwater solvent concentrations steadily decreased following soil treatment, but low levels of solvent contamination remained in the groundwater.

In 2002, oil product was identified in several monitoring wells at the facility. Since that time, several investigations have been completed to identify the source of the petroleum. In 2006, the New York State Department of Environmental Conservation (NYSDEC) removed one underground petroleum storage tank and cleaned out an adjacent underground petroleum storage tank. Monitoring of the site is on-going. Sub-surface petroleum product has been identified in multiple on-site monitoring wells. A specific source of the petroleum has not been determined, however, it is likely the result of numerous spills and leaks over the life of the facility. The NYSDEC continues work to identify potential sources of the petroleum. Significant dissolved phase petroleum contamination has not been identified in the groundwater.

537 East Delavan Avenue had been the site of illegal dumping of used tires and asbestos containing materials. In 2009, the United States Environmental Protection Agency (EPA) removed hazardous materials from inside the site buildings including asbestos, PCB containing light ballasts, and contaminated floor sweepings.

A supplemental investigation completed by the NYSDEC in 2010 identified additional trichloroethene contamination in groundwater north of the previously impacted groundwater plume. In 2012, the NYSDEC initiated a study of soil vapor and installed additional wells to better assess the groundwater conditions and determine the source, assess the contamination's impact, and begin to develop a remedy to address the contamination.

GENERAL QUALIFICATION STATEMENT REQUIREMENTS

A. Experience of Firm/Project Team

Consultants responding to this RFP should demonstrate their experience in similar projects or projects with elements that can be applied to this project (see A. **Scope of Services** below). Qualification statements should include an organizational chart, identifying the project manager and team members, with their titles. All proposed sub-consultants must also be identified, along with their project managers and key personnel.

B. Experience, Depth, and Breadth of Personnel

The project team should have a full-range of relevant expertise in environmental assessment, especially in brownfield remediation projects.

GENERAL PROPOSAL REQUIREMENTS

A. Scope of Services

The purpose of the study is to determine the conditions of the project site based on previous environmental studies; however the consulting firm will be allowed access to the site to understand current conditions. Bidders are expected to include in their proposals a detailed narrative explaining the approach, products, and tasks to be included in the study preparation. At a minimum, the Scope of Services should include the following general components:

- Collection and review of existing studies and documents pertaining to the condition of the site.
- Analysis and synopsis of past findings.
- Preparation of a report summarizing known environmental conditions.
- Recommendations for next steps on how the City Of Buffalo should proceed with the long-term goal of redeveloping the property. These recommendations should include any additional environmental assessment/investigation that the consultant feels is necessary to facilitate the generation of a rational estimate for any potential remediation that may be required prior to redevelopment.

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

B. Approach and Methodology

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

C. Work Schedule

Proposals should include a schedule for each major component of the work and a detailed breakdown of man hours for assigned personnel for each proposed task included in the Scope of Services.

D. Cost and Budget

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

E. Hourly Personnel Rates

As a supplement, a schedule of billable rates for all key personnel (Principal-in-Charge, Project Manager, primary personnel for each design discipline, etc.) must be included in the proposal. Proposals must also include the ranges of billable rates for technical staff and support personnel.

MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISE UTILIZATION

Buffalo Urban Development Corporation and the City of Buffalo strongly encourage participation by Minority- and Women-Owned Business Enterprises. All proposals must submit a statement indicating that the firm submitting the proposal will work toward a business utilization goal for minority business enterprise of 10% and women business enterprise of 10%.

RESTRICTIONS ON BIDDER COMMUNICATIONS WITH BUDC (Exhibit C)

Pursuant to State Finance Law §§139-j and 139-k, this Request for Proposals imposes certain restrictions on communications between Bidders and BUDC during the procurement process. Bidders are prohibited from making contacts (whether oral, written or electronic) with any BUDC personnel or BUDC Board member other than the designated BUDC staff member (unless the contact is otherwise permitted under State Finance Law §139-j(3)(a)). In addition, Bidders are hereby notified that any contact with any BUDC personnel, BUDC Board member or the designated BUDC staff member which a reasonable person would infer is intended to influence the award of the contract under this Request for Proposals is prohibited. These prohibitions apply from the Bidder's earliest notice of BUDC's intent to solicit proposals through the final award and approval of the procurement contract ("Restricted Period"). *For the purposes of this Request for Proposals, the designated BUDC staff member is Peter M. Cammarata. pcammarata@buffalourbandevelopment.com.*

BUDC RESERVES THE RIGHT TO REJECT ANY OR ALL PROPOSALS, AND THE RIGHT TO WAIVE ANY INFORMALITIES THEREIN. BUDC ALSO RESERVES THE RIGHT TO REQUEST REVISED PROPOSALS AND/OR BEST AND FINAL OFFERS FROM RESPONSIBLE BIDDERS IN THE COMPETITIVE RANGE.

SUBMISSION OF PROPOSALS

There is no restriction on the length of a proposal; however, respondents are encouraged to be as concise as possible.

Five (5) hard copies plus one (1) electronic copy of the proposal must be submitted, no later than 4:00 PM, January 10, 2014 to:

Peter M. Cammarata
President
Buffalo Urban Development Corporation
95 Perry Street, Suite 404
Buffalo, NY 14203
pcammarata@buffalourbandevelopment.com

Timeline

RFP Deadline: January 10, 2014 by 4:00 PM
BUDC Board Approval: January 28, 2014
Award Notification: January 29, 2014

FORM OF AGREEMENT

A draft Design/Engineering Services Agreement is available upon request.

Exhibit A: 537 East Delavan Avenue



Exhibit B



East Delavan-Grider
Brownfield Opportunity Area



Office of Strategic Planning
Buffalo Urban Renewal Agency
City of Buffalo
October 1, 2010

Exhibit C: PROCUREMENT LOBBYING RESTRICTIONS

1. Restrictions on Bidder Communications with BUDC

Pursuant to State Finance Law §§139-j and 139-k, this Request for Proposals imposes certain restrictions on communications between Bidders and BUDC during the procurement process. Bidders are prohibited from making contacts (whether oral, written or electronic) with any BUDC personnel or BUDC Board member other than the designated BUDC staff member (unless the contact is otherwise permitted under State Finance Law §139-j(3)(a)). In addition, Bidders are hereby notified that any contact with any BUDC personnel, BUDC Board member or the designated BUDC staff member which a reasonable person would infer is intended to influence the award of the contract under this Request for Proposals is prohibited. These prohibitions apply from the Bidder's earliest notice of BUDC's intent to solicit proposals through the final award and approval of the procurement contract ("Restricted Period"). For purposes of this Request for Proposals, the designated BUDC staff member is Peter Cammarata (pcammarata@buffalourbandevelopment.com).

Bidders are hereby notified that BUDC is required to collect certain information when contacted by a Bidder during the Restricted Period and make a determination of the responsibility of the Bidder pursuant to State Finance Law §§139-j and 139-k. Certain findings of non-responsibility can result in rejection of a contract award, and in the event of two findings within a four (4) year period, the Bidder may be barred from obtaining governmental procurement contracts.

2. Bidder's Affirmation of Understanding of and Agreement pursuant to State Finance Law §139-j (3) and §139-j (6)(b)

BUDC is required to obtain written affirmations from all Bidders as to the Bidder's understanding of and agreement to comply with BUDC's procedures relating to permissible contacts (described in paragraph 1 above). The affirmation must be provided to BUDC when the Bidder submits its proposal. The form of affirmation to be completed and submitted by the Bidder is included herein as Attachment A.

3. Bidder's Certification of Compliance with State Finance Law §139-k(5)

State Finance Law §139-k(5) requires Bidders to provide written certification that all information provided to BUDC with respect to State Finance Law §139-k is complete, true and accurate. The certification must be provided to BUDC when Bidder submits its proposal. The form of certification to be completed and submitted by the Bidder is included herein as Attachment B.

4. Bidder Disclosure of Prior Non-Responsibility Determinations

State Finance Law §139-k(2) obligates BUDC to obtain specific information regarding prior non-responsibility determinations with respect to State Finance Law §139-j. In accordance

Exhibit C: PROCUREMENT LOBBYING RESTRICTIONS

with State Finance Law §139-k, each Bidder must disclose whether there has been a finding of non-responsibility made within the previous four (4) years by any Governmental Entity due to: (a) a violation of State Finance Law §139-j or (b) the intentional provision of false or incomplete information to a Governmental Entity. State Finance Law §139-j sets forth detailed requirements about the restrictions on contacts during the procurement process. A violation of State Finance Law §139-j includes, but is not limited to, an impermissible contact during the Restricted Period (for example, contacting a person or entity other than the designated contact person, when such contact does not fall within one of the exemptions).

As part of its responsibility determination, State Finance Law §139-k(3) mandates consideration of whether a Bidder fails to timely disclose accurate or complete information regarding the above non-responsibility determination. In accordance with the law, no procurement contract shall be awarded to any Bidder that fails to timely disclose accurate or complete information under this section, unless a finding is made that the award of the procurement contract to the Bidder is necessary to protect public property or public health and safety, and that the Bidder is the only source capable of supplying the required article of procurement within the necessary timeframe. Attachment C entitled “Offerer Disclosure of Prior Non-Responsibility Determinations” must be completed by the Bidder and submitted to BUDC at the time of Bidder’s submission of its proposal.

4. Contract Termination Provision

New York State Finance Law §139-k (5) provides that every procurement contract award subject to the provisions of State Finance Law §§139-k and 139-j shall contain a provision authorizing termination of the contract in the event that the certification provided by the Bidder that is awarded the contract is found to be intentionally false or intentionally incomplete. The following provision is hereby incorporated by reference and included in the contract that is awarded (if one is awarded) pursuant to this Request for Proposals:

BUDC Termination Provision

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

Exhibit C: PROCUREMENT LOBBYING RESTRICTIONS

ATTACHMENT A

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

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

By: _____ Date: _____

Name: _____ Title: _____

Contractor Name: _____

Contractor Address: _____

Exhibit C: PROCUREMENT LOBBYING RESTRICTIONS

ATTACHMENT B

Offerer/Bidder Certification:

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

By: _____ Date: _____

Name: _____ Title: _____

Contractor Name: _____

Contractor Address: _____

Exhibit C: PROCUREMENT LOBBYING RESTRICTIONS

ATTACHMENT C

Offerer Disclosure of Prior Non-Responsibility Determinations

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

Address: _____

Name and Title of Person Submitting this Form: _____

Contract Procurement Number: N/A

Date: _____

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

No

Yes

If yes, please answer the next questions:

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

No

Yes

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

No

Yes

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

Governmental Entity: _____

Date of Finding of Non-responsibility: _____

Basis of Finding of Non-Responsibility:

Exhibit C: PROCUREMENT LOBBYING RESTRICTIONS

(Add additional pages as necessary)

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

No

Yes

6. If yes, please provide details below.

Governmental Entity: _____

Date of Termination or Withholding of Contract: _____

Basis of Termination or Withholding: _____

(Add additional pages as necessary)

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

By: _____ Date: _____
Signature

Name: _____ Title: _____