



Erie Canal Harbor Development Corporation

Request for Proposals

Outer Harbor Event Management

Buffalo, New York

Solicitation Issue Date: **August 12, 2015**

Proposal Due Date: **September 9, 2015**

Issued by:

Erie Canal Harbor Development Corporation

A subsidiary of the New York State Urban Development Corporation d/b/a

Empire State Development

95 Perry Street, Suite 500

Buffalo, NY 14203

716-846-8200

Table of Contents

I.	INVITATION TO SUBMIT PROPOSALS.....	3
II.	PROJECT BACKGROUND.....	3
III.	SCOPE OF SERVICES.....	4
IV.	SELECTION PROCESS.....	5
	a. Skills Required	
	b. Selection Process	
	c. Proposal Requirements	
V.	PRE-SUBMITTAL CONFERENCE.....	7
VI.	PROJECT COST & SCHEDULE.....	8
VII.	TIME & PLACE OF SUBMISSION.....	8
VIII.	ADDITIONAL INFORMATION.....	9
IX.	GENERAL TERMS & CONDITIONS.....	9
X.	PROCUREMENTS AND REQUIREMENTS.....	9
XI.	ATTACHMENTS.....	15
	Exhibit A – Outer Harbor Site Map	
	Exhibit B – Examples of Programs and Events	
	Exhibit C – Sample Event/Vendor Application Form	
	Exhibit D – Pro-forma Sheet	

I. INVITATION TO SUBMIT PROPOSALS

The Erie Canal Harbor Development Corporation (“ECHDC”), a subsidiary of the New York State Urban Development Corporation d/b/a Empire State Development (ESD), is seeking proposals from qualified events and concession management companies (or teams of companies) for the right to offer and oversee special events in designated public spaces of The Outer Harbor for the calendar years 2016 - 2018 (with renewable options for 2019 and 2020). In exchange for conferring to the successful respondent the right to offer events and generate profits, ECHDC expects to receive a base and/or performance rent, portions of which may be used to fund other civic and cultural programming on the site.

II. PROJECT BACKGROUND

The Outer Harbor can be defined as a roughly 400-acre strip of man-made land between Lake Erie and the City Ship Canal. All in all, this waterfront property features a mix of open green space, passive and active recreational features, and designated event spaces. The intent of this RFP is to solicit an event manager who will activate much of this space on a year-round basis in a public-private partnership with ECHDC, displaying its attractiveness and viability for eventual private and public development.

The property addressed in this RFP is characterized by five different areas (***See Exhibits A1 and A2***): Wilkeson Pointe; Greenbelt Pathway/Spaces; Bell Slip; Terminals A&B; and Bike Taxi Landing, which are all publicly accessible. Each area has distinct features and amenities that are created to meet the needs for current and future use of the spaces, as noted:

1. Wilkeson Pointe: an approximately 20-acre site with maintained landscape, 7-10 acres of flexible “open” event space, wind sculptures, comfort station, non-motorized dock, gazebo, beach (no water access), play areas, fishing pier and 14 parking spaces. The site is adjacent to a nature preserve on its northern border. The versatile space is ideal for casual, low level activities, as well as seasonal concessions.
2. Greenbelt Space/Pathway: Over 100 acres of “raw” event space, which is encircled by the Greenbelt bike/pedestrian pathway (approximately 3 miles). A paved pathway runs directly through the middle of the site and terminates at the northern end into a large paved, event space. The space is the most ideal venue for year round events, activities and sub-leasing.
3. Bell Slip: A series of successional woodlands, meadows, and natural habitats that support wildlife and bird populations. Additionally, there are 25 paved public parking spaces, with public gathering spaces on each side, as well as some grass areas for usage. The area will benefit from unassuming, low-level programs and concessions.
4. Terminals A&B: Over 50 acres of space, led by 2 terminal buildings (500,000 and 100,000 sq/ft.). Paved areas and proximity to the water’s edge highlight the accessibility and

functionality of this space and create an ideal setting for year round festivals, markets and mixed concessions. (*Note: ECHDC intends to take ownership of this property in Fall 2015)

5. Bike Taxi Landing: The Outer Harbor landing spot for Queen City Water Taxi. The main opportunity at this space will be for seasonal concessions.
6. Michigan/Seaway Pier (by permit only): The abandoned pier is inaccessible to public and has limited uses. In the past, it has been a space secured for fireworks launch, storage/staging and limited/controlled water access by permit only.

III. SCOPE OF SERVICES

The purpose of the *Outer Harbor Event Manager* will be to coordinate and expand the calendar of events that will activate the existing features, public spaces and water along the Outer Harbor (**See Exhibit A**). The successful Event Manager (“Manager”) will offer a series of year round events/programs to attract businesses, patrons and members of the public to Buffalo’s waterfront. The core responsibilities of the Manager will be to solicit requests and receive proposals from organizations/groups interested in utilizing the designated sites owned by ECHDC at the Outer Harbor, as well as to put on any events it desires to independently produce. It will be the responsibility of the Manager to work closely with ECHDC and other named partners to identify and select viable event proposals. Additionally, the Manager will need to work in conjunction with other necessary agencies (Outer Harbor Management team, NYS Parks Department at Buffalo Harbor State Park, The City of Buffalo, NYS Department of Transportation, etc.) to ensure safe and successful events for the calendar year. The Manager will also be responsible for reporting the event details to ECHDC (e.g., through post-event “flash reports” and monthly reporting). Respondents to this RFP should assume a three-year contract term (with renewable options for year 4 and year 5, respectively).

In its proposal, the Manager should assume the following terms and responsibilities:

- a. Procurement of events and space rentals, defined as any one-time or regularly-scheduled activity, performance, concert, festival or social gathering. Locations for these activities will be limited to specific Outer Harbor sites (**See Exhibit A**) owned by ECHDC or approved for use by other government partners. Examples of programs and events are outlined in **Exhibit B**.
- b. Solicitation and coordination of all concessions (food & beverage, retail, parking, etc.) and sponsorships, as well as associated contracts and appropriation of fees based on percentage of vendor rental fee.
- c. Distribution of an agreed upon percentage of event revenue to fund civic and cultural programming in coordination with ECHDC. Please refer to **Exhibits A & B**.
- d. Design and distribution of an approved application (example can be found in **Exhibit C**) and process for submission by potential event holders.

- e. Assign, contract and coordinate all associated details (financial, legal, insurance, et. al.) with event holders to ensure required permissions are secured to hold events on or at the preferred sites.
- f. Creation of an annual marketing plan, which shall include at a minimum, detailed plans for a website (www.outerharborbuffalo.com), social media outreach, as well as submission of all third party marketing/promotional materials for review by ECHDC.
- g. Allowance of access to public space and rights-of-way as the responsibility of the event holder, subject to review by other related agencies (i.e. City of Buffalo, Department of Transportation, NYS Parks, et. al) and neighboring property owners.
- h. Performance of pre-site and post-site inspections in coordination with the different sites and ensuring properties are returned to their pre-event state. This includes assumption of responsibility (directly by Manager or designee) for any costs associated with restorative maintenance to the sites.

IV. SELECTION PROCESS

a. Skills Required

The successful respondent (or team) will have extensive experience (minimum of 5 years) in event management/production and understand the challenges of working with complex urban environments with recreational pedestrian usage. ECHDC requires an events manager with a proven track record of coordinating and producing a wide variety of activities and events, and has the flexibility to accommodate last-minute changes in plans due to weather or other unforeseen circumstances. The successful respondent must have ECHDC's vision and best interest in mind when managing and developing events at Outer Harbor.

The successful respondent (or team) will have clear and thorough communication protocols in place to ensure that all relevant information is distributed to all necessary parties as quickly as possible. This includes time-sensitive information related to on-site events, as well as monthly and end of year reports on successes/improvements.

The successful respondent (or team) will maintain incredibly high standards for the quality of management, personnel, and third-party events. In addition, the designated site manager must be able to promptly correct any deficiencies (i.e. imposition to public access, failure to maintain cleanliness of site, proper security measures, responsiveness to event attendees) highlighted by assigned ECHDC staff.

b. Selection Process

Selection of the Manager will be made on the basis of best-value in accordance with the following evaluation criteria (and associated percentages of overall proposal score):

1. **Experience/qualifications of the company (or companies) and staff** to undertake the specific requirements of the Scope of Services. In particular, the Manager will be evaluated based on demonstrated experience in attracting revenue-generating events/concessions to venues and experience of the company (or companies) with working in teams and with partners to coordinate operations with programming and events. (50%)
2. **Financial offer**, as defined by any base rent (amount per acre of space) and percentage(s) of additional revenue streams such as, but not limited to, parking, concessions, sponsorship and third party leasing. **(See Exhibit D)** (25%)
3. **Familiarity with ECHDC projects**, as assessed based on a statement demonstrating an understanding of ECHDC's vision (15%)
4. **Proposed technical approach** of the company (or companies) to deliver the services, including but not limited to its overall approach to programming management, its staffing plan, and its communications plan (10%)

It is expected that a maximum of three (3) applicants will be selected, or 'short-listed' for interviews. **Interviews will be held on September 17, 2015 at ECHDC's Office.** 'Short-Listed' respondents will be notified by close of business on September 11, 2015. Selection for interviews will be based on an independent evaluation of the submitted proposals using the above factors. ECHDC reserves the right to forego the interview phase in the event that it receives only one qualified response.

Final selection will be based on the above factors, as assessed based on the proposal as well as interview performance. ECHDC reserves the right, in its sole discretion, to:

- Seek clarification and revisions of proposals;
 - Seek a final and best offer from those firms short-listed;
 - Negotiate terms with one or more respondents prior to making a final determination;
 - Require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring full and complete understanding of an offerer's proposal and/or to determine an offerer's compliance with the requirements for the solicitation;
 - Make an award under the RFP in whole or in part, or make no award and/or discontinue the selection process for any reason or no reason;
- Make revisions to the scope of work after contract award to ensure that the project goals are met.

c. Proposal Requirements

Respondents or teams are required to submit one (1) signed original, eight (8) hard copies, and one (1) electronic copy on CD or USB storage device of the proposal.

The proposal should include the following:

- Cover letter or statement demonstrating the respondent's understanding of the project, scope of services, and the Outer Harbor's role as an important network of active public spaces on Buffalo's waterfront. The cover letter or statement should also describe the respondent's understanding of ECHDC's goals for the Outer Harbor and how the respondent would work with ECHDC to achieve those goals, achieve all tasks outlined in the scope of services (Section III) and demonstrate experience and skills outlined (Section IV).
- List of qualifications and experience of the key personnel that the respondent will assign to this project, including, but not necessarily limited to, resumes. It should include a staffing plan based on the tasks listed in Section III. In addition, the proposal should include a general statement of the respondent's approach to the project, including but not limited to, management techniques and whether the respondent will be performing the services with its own employees or contracting with third-party vendors for specific services.
- Detailed descriptions of the company's (or the team's) work in comparable and relevant projects and references for those projects.
- In the case of teams of more than one company, the Proposal should include projects where the team has worked together before and a detailed description of the partnership.
- Pro-forma (**See Exhibit D**), detailing anticipated revenues, expenses and identification of allocated base rent and percentage of concession revenue to ECHDC. Submission of a list of anticipated event rentals, concession agreements (long/short term and seasonal) and sponsorships is also required as an attachment to the pro-forma.

The Proposal shall be limited to no more than 100 single-sided or 50 double-sided pages. Three-ring binders will not be accepted. Required Forms do NOT count against the page limit.

V. PRE-SUBMITTAL CONFERENCE

The Erie Canal Harbor Development Corporation will be made available at a non-mandatory, pre-submittal conference on September 1, 2015, at 4pm (95 Perry Street, Suite 500). A tour of the sites will follow at 5:00pm. Please contact Chris Catanzaro at Christopher.Catanzaro@esd.ny.gov or (716) 846-8202, no later than **August 27, 2015**, if you plan to attend the pre-submittal conference and tour.

VI. PROJECT SCHEDULE

The major projected milestones on the consultant selection schedule are as follows:

- | | |
|---------------------------------------|--------------------|
| 1. RFP Advertised | August 12, 2015 |
| 2. Pre-Submittal Conference/Tour: | September 1, 2015 |
| 3. Questions Due: | September 3, 2015 |
| 4. Answers to Questions Issued: | September 4, 2015 |
| 5. Proposals Due: | September 9, 2015 |
| 6. Notification of shortlisted firms: | September 11, 2015 |
| 7. Interviews: | September 17, 2015 |
| 8. ECHDC Board Approval: | October 14, 2015 |

The Contract Term is expected to begin in January 2015 and end in January 2018, with two one-year renewable options thereafter.

VII. TIME & PLACE OF SUBMISSION

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

Respondents are required to submit one (1) original, eight (8) hard copies, and one (1) electronic copy on CD of their submittal by **1pm on September 9, 2015**. Responses shall be firmly sealed in an envelope or box, and contain the Respondent's name and return address.

Please be advised that under no circumstances will ECHDC obligate itself to consider a response which is received after the deadline or does not include the basic items described above.

Responses shall be delivered to:

Thomas P. Dee, President
Erie Canal Harbor Development Corporation
Attn: Outer Harbor Event Management RFP
95 Perry Street, Suite 500
Buffalo, New York 14203

The ECHDC reserves the right to reject a submittal if any document or item listed in this RFP is incomplete, improperly executed, indefinite, ambiguous, and/or is missing. Additionally, factors such as, but not limited to the following may also disqualify a respondent without further consideration:

- Evidence of collusion among Respondents;
- Any attempt to improperly influence any member of the evaluation panel or Committees;
- Discovery that a Respondent purposely misled or knowingly provided false or inaccurate information in a submittal;
- A Respondent's default under any type of agreement, which resulted in the termination of that agreement;

- Existence of any unresolved litigation or legal disputes

The ECHDC reserves the right to reject any and all submittals and to waive any informalities or irregularities in procedure.

VIII. ADDITIONAL INFORMATION

Any all questions or requests for additional information or documents will be accepted no later than **close of business September 3, 2015** to:

Chris Catanzaro, Project Manager
Erie Canal Harbor Development Corporation
95 Perry Street, Suite 500
Buffalo, New York 14203
(716) 846-8202
Christopher.Catanzaro@esd.ny.gov

Questions shall be **submitted in written form via letter or email** and answers will be sent via e-mail by close of business on September 4, 2015. Additional information may become available and, substantive questions and document requests may be made available at any point during this process.

IX. GENERAL TERMS & CONDITIONS

The issuance of this RFP and the submission of a response by a firm or the acceptance of such a response by ESD does not obligate ESD in any manner. ESD reserves the right to:

1. amend, modify or withdraw this RFP;
2. revise any requirement of this RFP;
3. require supplemental statements or information from any responsible party;
4. accept or reject any or all responses hereto;
5. extend the deadline for submission of responses hereto;
6. negotiate potential contract terms with any respondent to this RFP;
7. discussions with any respondent to this RFP to correct and/or clarify responses which do not conform to the instructions contained herein;
8. cancel, or reissue in whole or in part, this RFP, if ESD determines in its sole discretion that it is its best interest to do so; and
9. extend the term of any agreement on terms consistent with this RFP.

ESD may exercise the foregoing rights at any time without notice and without liability to any responding firm or any other party for its expenses incurred in preparation of responses hereto or otherwise. All costs associated with responding to this RFP will be at the sole cost and expense of the responding firm.

All information submitted in response to this RFP is subject to the Freedom of Information Law (FOIL), which generally mandates the disclosure of documents in the possession of ESD upon the request of any person unless the content of the document falls under a specific exemption to

disclosure. In addition, all Proposals may be discussed at meetings of the ESD Directors, which meetings are subject to the Open Meetings Law.

X. PROCUREMENT FORMS AND REQUIREMENTS

Additional requirements for this RFP are described below. Relevant forms, where required to be submitted, must be executed and included in the submission in the same order as listed below:

1. State Finance Law §§139-j and 139-k forms
2. Vendor Responsibility Questionnaire
3. Iran Divestment Act Statement
4. Non-Discrimination and Contractor & Supplier Diversity Requirements
5. Encouraging the Use of NYS Businesses in Contract Performance Form
6. Certification under State Tax Law Section 5-a
7. Schedule A (for review only—no separate form requirement)
8. Project Sunlight (for review only—no separate form requirement)
9. Insurance Requirements

1. State Finance Law Sections 139-j and 139-k forms

State Finance Law Sections 139-j and 139-k (collectively, the “Procurement Requirements”) apply to this RFP. These Procurement Requirements: (1) govern permissible communications between potential respondents and ESD or other involved governmental entities with respect to this RFP; (2) provide for increased disclosure in the public procurement process through identification of persons or organizations whose function is to influence procurement contracts, public works agreements and real property transactions; and (3) establish sanctions for knowing and willful violations of the provisions of the Procurement Requirements, including disqualification from eligibility for an award of any contract pursuant to this RFP. Compliance with the Procurement Requirements requires that all communications regarding this RFP, from the time of its issuance through final award and execution of any resulting contract (the “Restricted Period”), be conducted only with the designated contact persons listed below; the completion by Respondents of the Offerer Disclosure of Prior Non-Responsibility Determinations, and the Offerer’s Affirmation of Understanding and Agreement pursuant to State Finance Law (each form is accessible at the Required Forms for Vendors link at the ESDC web site under “RFPs/RFQs”); and periodic updating of such forms during the term of any contract resulting from this RFP.

Respondents must submit the Offerer Disclosure of Prior Non-Responsibility Determinations, and the Offerer’s Affirmation of Understanding and Agreement pursuant to State Finance Law as part of their submittal. Copies of these forms are available at:

http://www.empire.state.ny.us/CorporateInformation/Data/RFPs/RequiredForms/SF_Law139_JK.pdf.

The Procurement Requirements also require ESD staff to obtain and report certain information when contacted by prospective respondents during the Restricted Period, make a determination of the responsibility of Respondents and make all such information publicly available in accordance

with applicable law. If a prospective respondent is found to have knowingly and willfully violated the State Finance Law provisions, that prospective respondent and its subsidiaries, related or successor entities will be determined to be a non-responsible Respondent and will not be awarded any contract issued pursuant to this solicitation. In addition, two such findings of non-responsibility within a four-year period can result in debarment from obtaining any New York State governmental procurement contract. The designated contact account for this solicitation is Chris Catanzaro at Christopher.Catanzaro@esd.ny.gov

This is not a complete presentation of the provisions of the Procurement Requirements. A copy of State Finance Law Sections 139-j and 139-k can be found at:

<http://esd.ny.gov/CorporateInformation/RFPs.html>

(under "ESDC Policy Regarding Permissible Contacts under SFL 139").

All potential Respondents are solely responsible for full compliance with the Procurement Requirements. Both the prime consultant and any sub-consultants complete the forms required above.

2. Vendor Responsibility Questionnaire

All Respondents to this RFP must be "responsible," which in this context means that they must have the requisite financial ability, organizational capacity and legal authority to carry out its obligations under this RFP, and in addition must demonstrate that both the Respondent and its principals have and will maintain the level of integrity needed to contract with New York State entities such as ESD. Further, the Respondent must show satisfactory performance of all prior government contracts. Accordingly, the contract to be entered into between ESD and the Respondent, if any, shall include clauses providing that the Respondent remain "responsible" throughout the term of the contract, that ESD may suspend the contract if information is discovered that calls into question the responsibility of the contracting party, and that ESD may terminate the contract based on a determination that the contracting party is non-responsible. On request, model language to this effect will be provided to any Respondent to this RFP.

To assist in the determination of responsibility, ESD requires that all respondents to this RFP register in the State's Vendor Responsibility System ("Vend-Rep System"). The Vend-Rep System allows business entities to enter and maintain their Vendor Responsibility Questionnaire information in a secure, centralized database. New York State Procurement Law requires that state agencies award contracts only to responsible vendors. Respondents are to file the required Vendor Responsibility Questionnaire online via the Vend-Rep System or may choose to complete and submit a paper questionnaire. Please include a copy of your Vend-Rep submission receipt or paper questionnaire with your proposal.

To enroll in and use the Vend-Rep System, see the System Instructions available at www.osc.state.ny.us/vendrep or go directly to the Vend-Rep system online at <https://portal.osc.state.ny.us>. For direct Vend-Rep System user assistance, the Office of the

State Comptroller's Help Desk may be reached at 866-370-4672 or 518-408-4672 or by email at helpdesk@osc.state.ny.us.

Respondents opting to file a paper questionnaire can obtain the appropriate questionnaire from the Vend-Rep website (http://www.osc.state.ny.us/vendrep/forms_vendor.htm) and execute accordingly pertaining to the company's trade industry. Per the website, respondents are to "Select the questionnaire which best matches the business type (either For-Profit or Not-For-Profit) and business activity (Construction or Other)."

3. Iran Divestment Act

Every Proposal made to ESD pursuant to a competitive solicitation must contain the following statement, signed by the Respondent on company letterhead and affirmed as true under penalty of perjury:

"By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each bidder is not on the list created pursuant to paragraph (b) of subdivision 3 of section 165-a of the State Finance Law."

The list in question is maintained by the Office of General Services. No Response that fails to certify compliance with this requirement may be accepted as responsive.

4. Non-Discrimination and Contractor & Supplier Diversity Requirements

It is the policy of the State of New York, Empire State Development (ESD) and Erie Canal Harbor Development Corporation (ECHDC) to comply with all federal, State and local laws, policies, orders, rules and regulations which prohibit unlawful discrimination because of race, creed, color, national origin, sex, sexual orientation, age, disability or marital status, and to take affirmative action in working with contracting parties to ensure that Minority and Women-owned Business Enterprises (MWBEs), Minority Group Members and Women share in the economic opportunities generated by ECHDC's participation in projects or initiatives, and/or the use of ECHDC funds. MWBE firms currently certified by New York State's Department of Economic Development are encouraged to respond to this RFP.

ECHDC's Non-Discrimination and Contractor & Supplier Diversity policy will apply to this initiative. The successful respondent shall be required to solicit and utilize MWBEs for any contractual opportunities generated in connection with the project and shall be required to use Good Faith Efforts (pursuant to 5 NYCRR §142.8, see attached exhibit OCSD-4) to achieve an overall MWBE Participation Goal of 30% of gross revenue constructively received by the successful respondent, not including any revenue to be remitted to ECHDC pursuant to a revenue sharing agreement. The aforementioned goal shall include Minority Business Enterprise ("MBE") Participation and Women-Owned Business Enterprise ("WBE") participation totaling 15% and 15%, respectively. The following are a few potential sub-contracting opportunities:

- Food/beverage vending and catering services
- Construction, landscaping, design and architecture

- Parking and security services
- Staging and audio visual companies
- Printing
- Production
- Transportation
- Décor and entertainment
- Consultants (various)
- Engineers

A copy of each Respondent's Non-Discrimination and Equal Employment Opportunity Policy Statement (Form OCSD-1), Staffing Plan (Form OCSD-2) of the anticipated workforce to be utilized and MWBE Utilization Goal Plan (Form OCSD-3), shall be included as part of the response to any RFP.

These forms may be requested directly from the Office of Contractor and Supplier Diversity (OCSD) at OCSD@ESD.NY.GOV.

5. Encouraging the Use of NYS Businesses in Contract Performance Form

New York State businesses have a substantial presence in State contracts and strongly contribute to the economies of the state and the nation. In recognition of their economic activity and leadership in doing business in New York State, bidders/proposers for this ESD contract for commodities, services or technology are strongly encouraged and expected to consider New York State businesses in the fulfillment of the requirements of the contract. In order for ESD to assess the use of New York State businesses in each Proposal, ESD requests that each Respondent complete the Encouraging Use of New York State Businesses in Contract Performance form, accessible here: <http://esd.ny.gov/CorporateInformation/Data/ENCOURAGINGUSEOFNEWYORKSTATEBUSINESSESINCONTRACTPERFORMANCE.pdf>.

6. Certification under State Tax Law Section 5-a

Any contract resulting from this solicitation is also subject to the requirements of State Tax Law Section 5-a ("STL 5-a"). STL 5-a prohibits ESD from approving any such contract with any entity if that entity or any of its affiliates, subcontractors or affiliates of any subcontractor makes sales within New York State of tangible personal property or taxable services having a value over \$300,000 and is not registered for sales and compensating use tax purposes. To comply with STL 5-a, all Respondents to this solicitation must include in their Proposals a properly completed Form ST-220-CA, or an affidavit that the Respondent is not required to be registered with the State Department of Taxation and Finance. A copy of the ST-220-CA form and affidavit is accessible at the Required Forms for Vendors link at the ESD web site: <http://esd.ny.gov/CorporateInformation/RFPs.html>

Also in accordance with the requirements of STL 5-a, any contract resulting from this solicitation will require periodic updating of the certifications contained in Form ST-220-CA. Solicitation responses that do not include a properly completed ST-220-CA will be considered incomplete and non-responsive and will not be considered for contract award. Only the prime consultant completes

Form ST 220-CA, but Schedule A to Form ST 220-CA requires detailed information from the sub-consultants, such as tax ID number, etc., if applicable. Moreover, if applicable, certificates of authority must be attached by the prime consultant and all the sub-consultants.

7. Schedule A

Following final selection of a Respondent, ESD will prepare a contract defining all project terms and conditions and the Respondent's responsibilities in conformance with "Schedule A," which can be found at:

http://esd.ny.gov/CorporateInformation/Data/ScheduleA_ConditionsApplicabletoCorporationAgreementsForMaterialServices_RevisedAug2014.pdf

Please note Respondents do not need to complete the entire Schedule A with the submission of their Proposal. However, Respondents should still review these terms, which are standard in all ESD contracts, and raise any concerns present prior to submission of their Proposal, as Respondents will need to accept these terms prior to contract execution.

8. Project Sunlight

This procurement is subject to the Public Integrity Reform Act of 2011. Under the Public Integrity Reform Act of 2011, "appearances" (broadly defined and including any substantive interaction that is meant to have an impact on the decision-making process of a state entity) before a public benefit corporation such as ESD by a person (also broadly defined) for the purposes of procuring a state contract for real property (as contemplated in this RFP) must be reported by ESD to a database maintained by the State Office of General Services that is available to members of the public. If in doubt as to the applicability of Project Sunlight, Respondents and their advisors should consult the Laws of 2011, Ch. 399 for guidance.

9. Insurance Requirements

Please note that **upon selection** for this Project, the Consultant will be required to demonstrate/provide the following insurance coverage:

1. Commercial General Liability insurance - \$1 million per occurrence / \$2 million aggregate.
2. Auto Liability insurance - \$1 million per occurrence / \$1 million aggregate
3. Excess Umbrella Liability insurance - \$5 million per occurrence / \$ 5 million aggregate
4. Must show evidence of Worker's Compensation & Employer's Liability insurance at State statutory limits.
5. Must show evidence of Disability insurance coverage at State statutory limits.
6. The Erie Canal Harbor Development Corporation and the NYS Urban Development Corporation d/b/a Empire State Development must be named as additional insureds on a primary and non-contributory basis on all of the following policies: Commercial General Liability, Auto Liability, and Excess Liability policies

7. All policies listed above should include a waiver of subrogation in favor of ECHDC & NYS UDC d/b/a ESD.

8. Professional Liability Insurance of \$1 million.

An individual certificate (including hold harmless) must be provided to each of the following organizations: City of Buffalo, Erie Canal Harbor Development Corporation, Empire State Development, and New York State Department of Transportation. All certificates of insurance are due one month (30 days) prior to the scheduled event.

XI. ATTACHMENTS

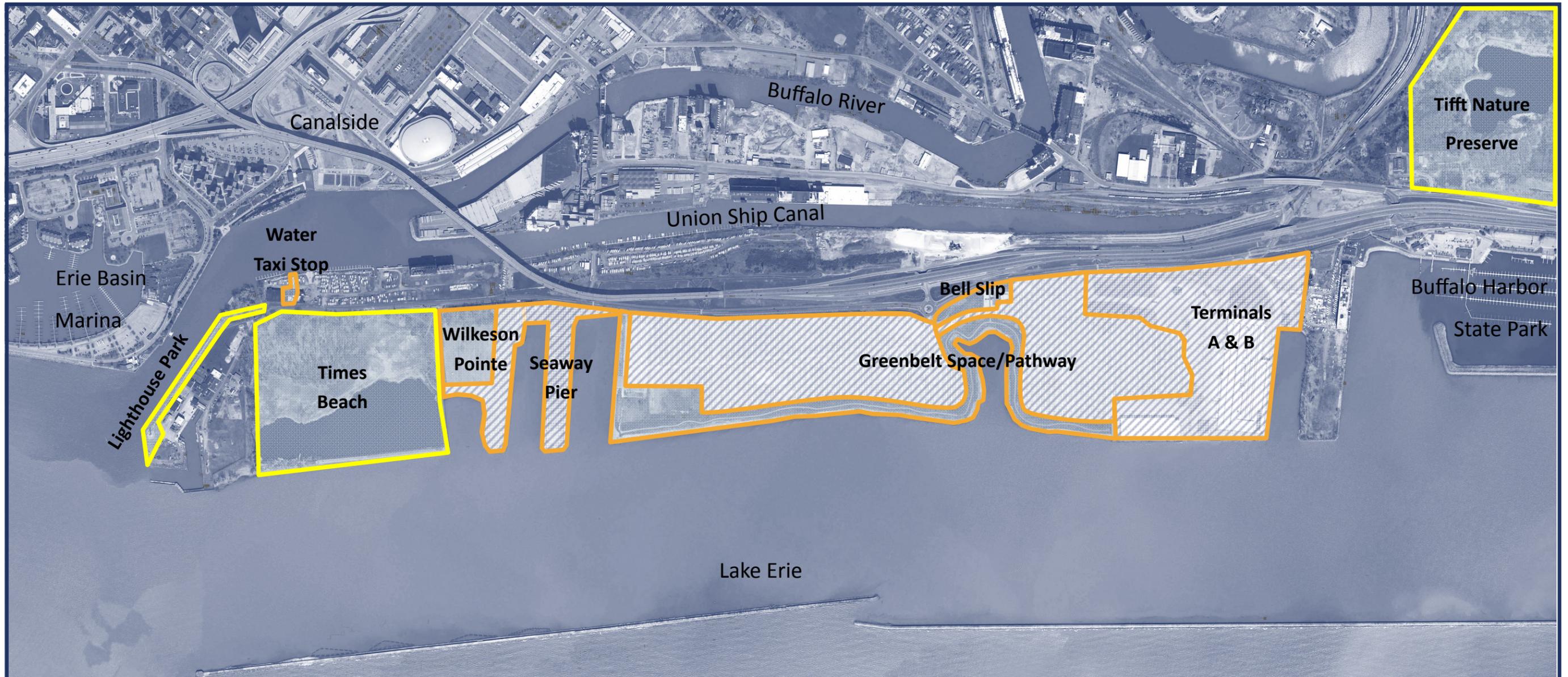
Exhibit A – Outer Harbor Site Map

Exhibit B – Examples of Programs and Events

Exhibit C – Sample Event/Vendor Application Form

Exhibit D – Pro-forma Sheet

Exhibit A



Outer Harbor Revenue-Generating Event Areas

-  ECHDC Property - Available for Programming
-  ECHDC Property - Available for Programming with Special Permit/Approvals
-  Other Public Land - Available for Programming with Additional Approvals

**Exhibit A
Programming Site Map**

**Outer Harbor Event Management
Request for Proposals**



Exhibit B

2015 Outer Harbor Events/Vendors

Program	Organization	Site	Avg. Attendance
Skyride	GoBike Buffalo	Event Grounds	1,200
Concert Series (2 Dates)	Funtime After Dark	Event Grounds	8,000
Nickel City Triathlon	Eclipse MultiSport	Gallagher Beach	1,200
July 4th Beer Garden	Magnolia Events	Wilkeson Pointe	2,000
July 4th Parking	Woodruff Enterprises	Event Grounds	7,000
Antique Boat Show	Antique and Classic Boat Society	Wilkeson Pointe	500
Maritime Festival	Canalside/Global Spectrum	Wilkeson Pointe	12,000
Carly's Crossing	Carly's Club	Gallagher Beach	

2015 Outer Harbor Programming

Program	Organization	Site	Avg. Attendance
Women's Business Center Festival	Women's Bus. Center at Canisius Coll.	Bell Slip	
Vintage Raceboat Regeatta	Antique and Classic Boat Society	WP & Bell Slip	
Wellness Activity Stations	Independent Health Foundation	Multiple Sites	
SS Columbia Project	SS Columbia Project	Multiple Sites	N/A
Sky's the Limit	Tiff Nature Preserve	Tiff	
BPO Brass at Wilkeson Pointe	Buffalo Philharmonic Orchestra	Wilkeson Pointe	
Patriotic Concert	Buffalo Niagara Concert Band	Lighthouse	
September 11 Tribute	Buffalo Niagara Concert Band	Lighthouse	
OH Active Read-Along Project (OHARP)	Exercise Like The Animals	WP	
American with Disabilities	WNY Independent Living, Inc.	WP	
Yoga at the Outer Harbor	Budding Tree Yoga for Kids	ALL	
Jazz at the Light House	Van Taylor Productions Inc.	Lighthouse	
Docent Tours	First Hand Learning	Lighthouse, WP	

Potential Future Events/Vendors

Program	Organization	Site	Ant. Attendance
Watersport Vendors	Various	Wilkeson/Event Grounds	
Apparel Vending	Various	Wilkeson/Event Grounds	
Bike Rentals	Various	Wilkeson/Event Grounds	
Recreational Game Vendor	Various	Wilkeson	
Art/Crafts Vending	Various	Wilkeson	
Disc Golf	Various	Wilkeson	
Food Trucks	Various	Wilkeson	
Small Concerts	Various	Wilkeson	
ExtremeA R 5K Race Series	ExtremeA R	Event Grounds	N/A
Championship Snocross	Amsoil	Event Grounds	N/A
Bikes, Beaches and Boats	AGA Nation	Event Grounds	
Cultural Festivals	Various	Event Grounds	N/A
Commercial Ships	Various	Event Grounds	
Extreme Events	Various	Event Grounds	
Fishing/Boat Show	Various	Event Grounds	
5K/Obstacle Courses	Various	Event Grounds	N/A
Event Parking	Various	Event Grounds	N/A

Exhibit C

OUTER HARBOR – SUMMER 2015

VENDOR & EVENT APPLICATION

***This is an open ended process (no funding available) for those seeking to bring a product, service, or program to the Outer Harbor. Applications will be considered on a rolling first-come, first-serve basis.*

Date Submitted:

Contact Information:

Name:

Title:

Business/Organization:

Address:

City: State: Zip Code:

Phone:

E-mail:

Please check one:

For-Profit Business

Non-Profit Organization

Other

Please describe what you would like to do at the Outer Harbor:

Is there anything needed for your program or service that you will not be providing (that you would need the site to provide for you)?:

Frequency:

- Single Day Preferred Date/Time Alt. Date/Time
- Multiple Dates List Dates/Time
- Weekend Preferred Date/Time

Date of Programming is: Flexible Critical

- If critical, it is because:
- Part of a regional event held on the requested date
 - Significant date for the organization
 - The date is the reason for the event

Please use this space to provide additional details about the frequency and/or dates of your program or service:

Location:

Wilkeson Pointe

Funtime After Dark Event Grounds

Bell Slip

Greenbelt

Provide specific details regarding the location requested and how you plan to use the space:

Insurance Requirements:

* Please note these are considered basic requirements, and may be adjusted to be higher based on the details of the submitted proposal.

Our organization has reviewed the minimum insurance requirements in the RFP and is confident we can provide the same. Yes No

If no, please explain:

Application Submitted By:

Name:

Title:

Signature:

Date:

Exhibit D

Outer Harbor Pro-forma*	Year 1	Year 2	Year 3
Revenue			
Special Event Rentals			
Food and Beverage			
Ticket Sales			
Parking			
Seasonal Vending Rentals			
Sponsorships			
Total Revenue			
Expenses			
ECHDC Base Rent			
ECHDC Event Rentals (%)			
ECHDC Food and Beverage (%)			
ECHDC Ticket Sales (%)			
ECHDC Parking (%)			
ECHDC Seasonal Vending (%)			
ECHDC Sponsorships (%)			
Labor			
Security			
EMT			
Permits			
Event Insurance			
Porta-Potties			
Waste Removal			
Marketing			
Assisted Program Funds			
Rentals			
Generator			
Tent			
Water			
Miscellaneous			
Total Expenses			
Net Projection			

***Note: This is preliminary**

Erie Canal Harbor Development Corporation Request for Proposals Checklist

I _____, a principal of the firm _____ certify that the following information has been submitted as part of the response to this Request for Proposals.

Submitted all required information with respect to the Proposal, including but not limited to cover letter, experience/qualifications, pro-forma (Section IV)

Submitted an electronic copy of the proposal (Section VII)

Completed and submitted State Finance Law Sections 139-j and 139-k forms (Section X)

Completed and submitted ST-220-CA Form or affidavit (Section X)

Copy of VendRep receipt (Section X)

Completed and Equal Employment Opportunity Policy Statement (Form OCSD-1, Section X)

Completed and submitted Iran Divestment Act Statement (Section X)

Completed and submitted Use of NYS Business Form (Section X)

*Note: Incomplete responses may not be considered by
Erie Canal Harbor Development Corporation*

Signed: _____

Name: _____

Date: