

FOR CONSIDERATION

June 13, 2012

TO: The Directors

FROM: Thomas P. Dee

SUBJECT: Canalside – Public Space Consultation (Cultural Master Plan - Implementation Phase)

REQUEST FOR: Authorization to Enter into a Contract for the Canalside – Public Space Consultation Project; and Authorization to Take Related Actions

I. Contract Summary

Consultant: Biederman Redevelopment Ventures
1120 Avenue of the Americas
Suite 4016
New York, New York 10036

Contract Term: Eighteen (18) months (approximately December 31, 2013)

Contract Amount: Not to exceed \$253,455 (includes a 20% contingency of \$42,243)

Funding Source(s): New York Power Authority (Relicensing Agreement)

II. Background

A significant area of the Canalside development project, the former Memorial Auditorium Block (“Aud Block”) was acquired by the ECHDC in 2006. Since that time, ECHDC has remediated hazardous waste, lead and asbestos containing materials, completed demolition of the Memorial Auditorium, relocated utilities and prepared the site for future development. Through a local planning process, the Aud Block was divided into multiple parcels reflecting the 19th century canals, streets, and building typology of the site.

The public space on the Aud Block is being constructed as an interpretive landscape of water features and site amenities that will help visitors understand the history and character of the former canal district and its significance to the City and the Nation.

While the site layout and interpretive features were being developed and designed, ECHDC was also developing a Cultural Master Plan for Canalside. In 2010, Lord Cultural Resources and Ralph Applebaum Associates were hired to develop a comprehensive cultural plan based on the “Story of Buffalo” that would integrate cultural projects, as well as refine the use of public spaces and special features, into Canalside. This Master Plan, accepted by the Board in January 2012 identified short-term and long-term

opportunities for cultural attractions, entertainment, waterside and special events programming which maximize use of the indoor and outdoor public spaces, increases the likelihood of commercial investment, and would attract additional visitors to Canalside. The recommendations included “attracting visitors to the waterfront in advance of capital development” to help create investment confidence. Extensive public outreach was done by ECHDC and the City of Buffalo in 2010 and led to many successful programming ideas that were implemented at Canalside over the past two years.

III. Public Space Consultation Selection Process

On April 27, 2012 ECHDC advertised for the Canalside – Public Space Consultation in the New York State Contract Reporter.

The RFP sought to identify qualified consultants with the goal of developing a vision and activation plan for additional amenities, programs, and/or events for the spaces within and adjacent to the “Canals and Public Environments” that creates a compelling destination, attracts a diverse audience and supports the public amenities currently under construction. These “Environments”, along with the lawn areas of future development parcels south of the Canal are considered the locations to be developed under this Project. The proposed streets and areas north of the Canal and the public space east of Main Street (on the Donovan Block) are not included in the Project at this time. These additional “places” may be contemplated as a future phase of work.

Four (4) submissions from New York State firms were received on May 18, 2012 and reviewed by a Selection Committee consisting of ECHDC staff.

Biederman Redevelopment Ventures
Elizabeth Kennedy Landscape Architects, PLLC
Karin Bacon Enterprises, Inc.
Project for Public Spaces

The Selection Committee short-listed three teams based on a “best value” point system consisting of qualifications and cost. The three (3) short-listed firms were: (1) Karin Bacon Enterprises, Inc.; (2) Biederman Redevelopment Ventures; and (3) Project for Public Spaces. After a thorough review of the consultant teams’ proposals and references, and with input from the Canalside Master Architect (Ehrenkrantz, Eckstut & Kuhn), the selection committee interviewed the top-ranked teams on June 5, 2012.

Biederman Redevelopment Ventures was selected based on their knowledge of how to successfully activate public spaces, their experience with similar projects and their ability to translate ideas and public participation into sustainable projects. Biederman Redevelopment Ventures has extensive experience operating public spaces, including Bryant Park since 1990, Herald and Greeley Square Parks since 1997, and the Boston Commons since 2007. They have been using innovative management techniques and private funding to redevelop parks, streets and neighborhoods in major cities throughout the country for over two decades.

Pursuant to State Finance Law Section 139-j and 139-k and the Corporation’s policy related thereto, staff has; a) considered proposed contractor’s ability to perform the services provided for in the proposed contract; and b) consulted the list of offerers determined to be non-responsible bidders and debarred

offerers maintained by the New York State Office of General Services. Based on the foregoing, staff considers the proposed contractor to be responsible.

IV. Scope of Work

The Canalside – Public Space consultant team shall complete the following:

Task 1.1 Document Review

The Consultant Team will review the Canalside Modified General Project Plan, Canalside Cultural Master Plan, “Canals and Public Environments” construction drawings, and the 2011 “Lighter, Quicker, Cheaper” Public Outreach, as well as meet with the Master Architect, Cultural Advisory Group members, and ECHDC staff to familiarize themselves with relevant information.

Task 1.2 Preliminary Visioning

The Consultant Team will work with ECHDC staff and a Project Advisory Group to begin visioning excercises for the “environments” as described above. The Project Advisory Group members will be designated by ECHDC.

Task 1.3 Kick-Off Meeting & Public Workshop

Lead a customized Public Workshop to solicit ideas from the general public for how these “environments” could be used to maximize their potential offerings.

Task 1.4 Group Meetings & Site Assessment

Building upon the preliminary visioning and public workshop, facilitate work meetings with the Project Advisory Group to focus on the specific “environments” and identify key issues, opportunities, partners, audiences, and technical items (such as availability of power, lighting, ada access, etc.). Assume three (3) Project Advisory Group Meetings and two (2) site visits. *Note, the site will be under construction at the time of the visits.*

Task 1.5 Develop Vision, Principles & Themes

Develop draft vision statements, written principles and major themes that describes each environment, their inter-relationships, as well as the former Aud Block’s connection to Canalside as it has been experienced by visitors for the past three seasons.

Outline year-round themes and programs that can be implemented beginning on Memorial Day weekend in 2013.

Task 2.1 Draft Program Plan for 2013

Preparation of programs for “environments” with several scenarios for diverse, year-round programming. The programs will address several key “environments”, connections between them, as well as their relationship to the Aud Block’s context and the overall waterfront’s context. The draft Programs will be reviewed and approved by the Project Advisory Group and ECHDC staff.

Task 2.2 Final Program Plan for 2013

The Consultant Team will develop a final program plan of activities for Canalside on the Aud Block for 2013. The vision, principles and program plan will be incorporated into ECHDC’s “2013 Assisted Programming” grant program.

In addition, the Consultant Team will develop two (2) signature Canalside ideas (e.g. physical amenities, events, festivals, programs, “places”) – one for Summer 2013 and one for Winter 2013.

Task 2.3 Public Presentation

The Consultant Team will lead a public presentation of the Final Program Plan in order to launch it, build support and enthusiasm, receive community feedback, and garner interest from participating organizations.

Task 2.4 Signature Idea Implementation

The Consultant Team will fully develop, plan, program and implement the two signature Canalside events outlined in Task 2.2. Consultant Team shall be fully responsible for the event’s creation, implementation, and completion. Scope and fee to be negotiated and included as a contract Amendment.

V. Contract Term, Price and Funding

The Contract amount shall not exceed \$253,455.00, including a 20% contingency of \$42,243.00.

The total contract fee will be “cost plus fixed fee”, payable in releases as the work is completed. The fee is based on approved manhour estimates and salary schedules, and includes an allowance for incidental out of pocket project expenses (i.e., travel, reproduction costs, postage and delivery charges, permits and miscellaneous fees). Labor and expenses will be reimbursed upon submission of timesheets and acceptable receipted documentation.

The Consultant Agreement will cover consulting fees and direct expenses over an approximate 18-month period (approximately December 31, 2013).

The funding Source shall be the New York Power Authority (Relicensing Agreement).

VI. Non-Discrimination/Affirmative Action

The Corporation’s non-discrimination and affirmative action policy will apply to this contract. Erie Canal Harbor Development Corporation (ECHDC), as part of its responsibility, recognizes the need to promote the employment of minority group members and women and to ensure that certified minority and women-owned business enterprises have opportunities for maximum feasible participation in the performance of ECHDC contracts.

In 2006, the State of New York commissioned a disparity study to evaluate whether minority and women-owned business enterprises had a full and fair opportunity to participate in state contracting. The findings of the study were published on April 29, 2010, under the title "The State of Minority and Women-Owned Business Enterprises: Evidence from New York" (“the Disparity Study”). The report found evidence of statistically significant disparities between the level of participation of minority and women-owned business enterprises in state procurement contracting versus the number of minority and women-owned business enterprises that were ready, willing and able to participate in state procurements. As a result of these findings, the Disparity Study made recommendations concerning the implementation and operation of the statewide certified minority and women-owned business

enterprises program. ECHDC's Affirmative Action program is established pursuant to this policy, the provisions of the New York State Executive Law Article 15-A and 5 NYCRR Parts 142-144.

For purposes of this procurement and any subsequent contracts resulting from the Contract solicitation, ECHDC hereby establishes an overall goal of 25% for Minority and Women-Owned Business Enterprises (MWBE) participation, 20% for Minority-Owned Business Enterprises ("MBE") participation and 5% for Women-Owned Business Enterprises ("WBE") participation. In addition, ECHDC here by establishes a Minority and Women workforce participation goal of 30%.

Sub-consultants on the Biederman Redevelopment Ventures team, including M/WBE percentages, are as follows:

Watts Engineers and Architects (MBE)	19%
Domingo Gonzales Associates (MBE)	4%
Hackett Landscape Design (WBE*)	10%

Overall, the consultant team has achieved a combined M/WBE involvement of 33%. *Hackett Landscape Design is currently not certified in NYS. They have agreed to apply for certification based on their involvement with this project.

VII. Environmental Review

ESD staff has determined that the engagement of the Public Space Consultation team for public outreach, planning, design and implementation services constitutes a Type II action as defined by the New York State Environmental Quality Review Act and the implementing regulations for the New York State Department of Environmental Conservation. No further environmental review is required at this time.

VIII. Requested Action

The Directors are requested to (1) make a determination of responsibility with respect to Biederman Redevelopment Ventures as the proposed Public Space Consultation team; (2) authorize the Corporation to enter into a contract with Biederman Redevelopment Ventures to complete the above listed scope of work for an amount not to exceed \$253,455.00 (which includes the 20% contingency) and; (3) to take all related actions.

IX. Recommendation

Based on the foregoing, I recommend approval of the requested actions.

X. Attachments
Resolution

June 13, 2012

ERIE CANAL HARBOR DEVELOPMENT CORPORATION – Canalside - Public Space Consultation (Cultural Master Plan Implementation Phase) - Authorization to Enter into a Contract for the Canalside – Public Space Consultation Project; and Authorization to Take Related Actions

BE IT RESOLVED, that upon the basis of the materials presented to this meeting (the “Materials”), a copy of which is hereby ordered filed with the records of the Corporation, the Corporation hereby finds Biederman Redevelopment Ventures to be responsible; and be it further

RESOLVED, that the Corporation is hereby authorized to enter into a contract with Biederman Redevelopment Ventures to complete the work for a base contract amount of TWO HUNDRED ELEVEN THOUSAND TWO HUNDRED TWELVE DOLLARS (\$211,212), plus a 20% contingency amount of FORTY-TWO THOUSAND TWO HUNDRED FORTY-THREE DOLLARS (\$42,243) for a total contract price not to exceed **TWO HUNDRED FIFTY-THREE THOUSAND FOUR HUNDRED FIFTY-FIVE DOLLARS (\$253,455)** for the purposes and services, and substantially on the terms and conditions, set forth in the Materials; and be it further

RESOLVED, that the President of the Corporation or his designee be, and each of them hereby is, authorized to take such action and execute such documents as may be necessary or appropriate to carry out the foregoing resolution.

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