

Request for Proposals
INNER HARBOR DEVELOPMENT - PHASE 3A
Buffalo, New York

CANALSIDE – VISITOR EXPERIENCE
2012 Assisted Programming

Solicitation Issue Date: August 18, 2011
Proposal Due Date: September 23, 2011

Issued by:

Erie Canal Harbor Development Corporation
A subsidiary of the New York State Urban Development Corporation d/b/a
Empire State Development Corporation

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 & REQUIREMENTS..... 7
 - A. Skills Required..... 7
 - B. Selection Process 7
 - C. Proposal Requirements 7
 - D. Other Certifications & Requirements..... 7
- V. PRE-SUBMITTAL CONFERENCE 10
- VI. PROJECT COST AND SCHEDULE 10
- VII. TIME AND PLACE OF SUBMISSION 11
- VIII. ADDITIONAL INFORMATION 11
- IX. GENERAL TERMS AND CONDITIONS 12
- X. ATTACHMENTS..... 12
 - Attachment A – 2011 Programming
 - Attachment B – Site and Amenities Plan
 - Attachment C – Story of Buffalo
 - Attachment D – Application Form
 - Exhibit A – General Terms and Conditions

I. INVITATION TO SUBMIT PROPOSALS

The Erie Canal Harbor Development Corporation, a subsidiary of the New York State Urban Development Corporation d/b/a Empire State Development Corporation (ESDC), is seeking proposals from qualified not-for-profit organizations and similarly qualified groups/individuals with specific experience in events and programming to provide entertainment and educational experiences at Canalside in Buffalo, New York (the "Project") between May 1st and December 31st, 2012.

The *Canalside Visitor Experience - 2012 Assisted Programming* will reflect the community's desire to enhance the project area as an outdoor visitor space offering an array of appealing activities integrating arts and cultural experiences with recreational activities, regular programming, waterside opportunities and special events capitalizing on the diversified resources in the Western New York region. The Erie Canal Harbor Development Corporation, through its contract with Buffalo Place, Inc., has been providing programming at Canalside since 2008.

II. PROJECT BACKGROUND

Buffalo, New York

Buffalo is the second most populous city in the state of New York, second only to New York City. Located in Western New York on the eastern shores of Lake Erie and at the head of the Niagara River, Buffalo is the principal city of the Buffalo-Niagara Falls metropolitan area and the seat of Erie County. The city itself has nearly 300,000 residents in of 52.5 square miles, while the entire metropolitan area has over 1,250,000 residents.

Buffalo is home to over 50 private and public art galleries, most notably the Albright-Knox Art Gallery, home to a world-class collection of modern and contemporary art. The local art scene is also enhanced by the Burchfield-Penney Art Center, Hallwalls Contemporary Arts Center, CEPA, and many small galleries and studios. *AmericanStyle* recently ranked Buffalo fourth in its list of America's top art destinations. The New York Times has declared that Buffalo is one of the top cities in America for architecture. Approximately 80 sites are included on the National Register of Historic Places. All of the major American architects of the 19th and early 20th century built masterpieces in Buffalo, most of which are still standing. Buffalo was the first city for which Olmsted designed (in 1869) an interconnected park and parkway system rather than stand-alone parks. The country's largest intact parks system designed by Frederick Law Olmsted and Calvert Vaux, including Delaware Park. Like many other cities, numerous festivals have become part of the city's culture and tradition. Though most of the festivals occur during the summer months, the city has recently pushed efforts to have winter festivals as well in an effort to capitalize on the region's snowy reputation. Several notable summer festivals include the Allentown Art Festival, Taste of Buffalo (one of the largest outdoor food festivals in the country), and the National Buffalo Wing Festival. Notable winter festivals include the Buffalo Powder Keg Festival and Labatt Blue Pond Hockey.

Canalside

The Erie Canal Harbor Development Corporation (ECHDC), created in 2005 to spearhead the waterfront development effort with a mission to revitalize Western New York's waterfront and restore economic growth to Buffalo based on the region's legacy of pride, urban significance

and natural beauty, is currently leading Phase 3 of the Inner Harbor Development. Phase 3 centers around Canalside - a mixed use, urban entertainment destination in the City of Buffalo, Erie County, New York.

The Canalside project will comprise of public/private investment consisting of commercial (retail, lodging, and office), cultural, and residential space on approximately 20 acres over five City blocks near the foot of Main Street. More specifically, the Canalside will consist of retail and restaurant space; hotel/lodging space; residential space and cultural space within the Project Area. Canalside will provide various year-round offerings and experiences, including restaurants, entertainment venues, retail outlets, cultural attractions, vast public spaces, and increased access to Buffalo's Waterfront, appealing to a wide demographic of visitors and residents. Parking in the project area would be consolidated within strategically located parking garages, with a few small surface lots and a limited number of on-street parking options also available. Currently, the Buffalo & Erie County Naval and Military Park is located at the edge of Canalside along the Commercial Slip.

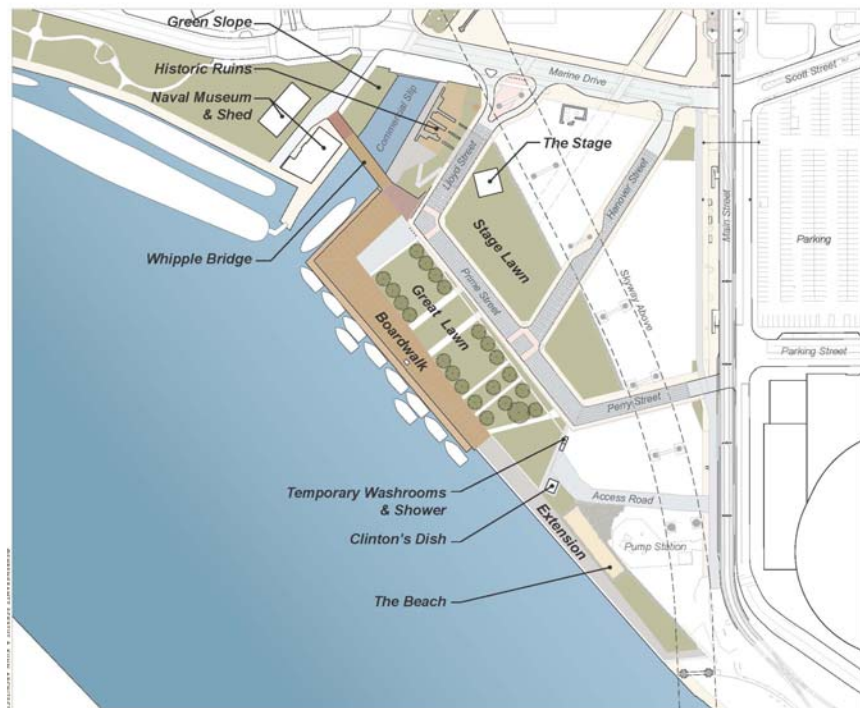
III. SCOPE OF SERVICES

The purpose of the *Canalside Visitor Experience - 2012 Assisted Programming* will be to develop a calendar of events that will activate the existing features, public spaces and water at Canalside.

Programming, defined as any one-time or regularly-scheduled activity or event, performance, concert, festival or social gathering, will be limited to those areas shown. Applicants are encouraged to allow access to all public spaces, unless these areas must be used for the programming.

Access to public space and rights-of-way, including the Central Wharf and all cobblestone streets, is subject to review by the City of Buffalo.

Access to areas of the Buffalo and Erie County Naval & Military Park is subject to review by the Naval & Military Park, as well as City of Buffalo.



General Programming

Proposals will be considered based upon the applicant's ability to demonstrate the following criteria:

- Appeal to a wide audience demographic
- Ability to draw large and/or repeat audiences
- Feasibility/Cost of proposal
- History and Experience of the Organization with similar endeavors

Available Funds

The Erie Canal Harbor Development Corporation will provide a maximum of \$50,000 for implementing General Programming proposals that are selected. Individual General Programming proposals will receive a maximum of \$2,500. A match (cash or in-kind) of 50% or more is required.



Story of Buffalo Programming

The Erie Canal Harbor Development Corporation has made a commitment to enhance Canalside with a cultural enrichment plan that is focused on telling the *Story of Buffalo*. As the place where Buffalo began, where much of its wealth was created, and many of its people came through, Canalside offers an opportunity to showcase the City for residents and visitors alike.



Please refer to Appendix C of this RFP for the Cultural Master Plan, Stage 1 Report (2010) and a full description of the Story of Buffalo.

Proposals will be considered based upon the applicant's ability to demonstrate the following criteria:

- Relevance to the Story of Buffalo
- Relevance to the Waterfront
- Relevance to local history, culture and/or the arts
- Educational value
- Ability to draw large, repeat audiences
- Feasibility/Cost of proposal
- History and Experience of the Organization with similar endeavors

Several Regional events and/or festivals are occurring in 2012. We encourage applicants to provide programming during these events to allow for increased collaboration among sites and events. The events include, but are not limited to: War of 1812 Bicentennial, the 150th

anniversaries of the Albright-Knox, the Buffalo and Erie County Historical Society and the Buffalo Museum of Science.

Available Funds

The Erie Canal Harbor Development Corporation will provide a maximum of \$150,000 for implementing Story of Buffalo Programming proposals that are selected. Individual Story of Buffalo Programming proposals will receive a maximum of \$10,000. A match (cash or in-kind) of 50% or more is required.

Special Programming

Each year, the Erie Canal Harbor Development Corporation receives proposals that would not fit either of the above programming categories. Some of those proposals are forwarded to other Committees or are rejected. Special Programming is a category designed to allow those proposals that do not fit the above criteria to be submitted for consideration.

Proposals will be considered based upon the applicant's ability to demonstrate the following criteria:

- Uniqueness, "wow" factor, and/or "big idea"
- Appeal to a wide audience demographic
- Ability to draw large and/or repeat audiences
- Feasibility/Cost of proposal
- History and Experience of the organization with similar endeavors

Available Funds

The Erie Canal Harbor Development Corporation has not committed a specific amount for Special Programming. The funding amount, if any, will be based on the selected proposal(s).



Canalside Visitor Experience, 2012 Assisted Programming

Request for Proposal

IV. SELECTION PROCESS & REQUIREMENTS

ECHDC reserves the right to make any and all decisions regarding the selection of proposals submitted, as well as the capacity to consider proposals received after the deadline.

A. Skills Required

The selected organizations and/or teams should be established and have demonstrated experience in:

- 1) Urban and outdoor programming;
- 2) Waterfront and/or waterside programming;
- 3) Attracting audiences;
- 4) Working with pertinent rules/regulations of Local and State agencies.

B. Selection Process

A number of applicants will be selected, or “short-listed”, for interviews. Selection for interviews will be based on an independent evaluation of the submitted applications using the following factors:

- Responsiveness of the written proposal (complete Application Form)
- Successfully meet the “criteria” as described in Section III of this RFP
- Demonstrated experience in completing programming of a similar nature
- Ability to successfully complete programming of this type on schedule and within budget
- Ability of organization to provide a match of 50% or more (cash or in-kind)

Final selection of the chosen Applications will be based on the above factors as well as the interview performance.

C. Proposal Requirements

Organizations and/or teams are required to submit one (1) signed original, five (5) hard copies, and one (1) electronic copy on CD of the Proposal.

Your Proposal should consist of the Application Form and supporting documentation as necessary, as well as the Required Forms (as outlined in Section IV.D. of this RFP). The Required Forms will not count against the page limit as described below.

The Proposal shall be limited to no more than 10 single-sided or 5 double-sided pages.

D. Other Certifications & Requirements

1. Non-Discrimination Policy.

It is the policy of the State of New York, ESDC, and ECHDC to comply with all federal, State and local laws, policy, 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 New York State Business Enterprises, Minority and Women-owned Business Enterprises (M/WBEs), Minority Group Members and women share in the economic opportunities generated by ECHDC's participation in projects or initiatives, and/or the use of ESDC and ECHDC's funds. ECHDC's non-discrimination and affirmative action goals will apply to this initiative. The selected organization shall be required to use its best efforts to achieve M/WBE participation of not less than 25% (20%-MBE, 5%-WBE) of the total dollar value of the contract. **A copy of each respondent's Equal Employment Opportunity Policy Statement, anticipated Staffing Plan (Schedule A-1) and Schedule of Minority and Women Business Participation (Schedule A-2) shall be included as part of the response to this RFP.** The latter two forms can be found on the Required Forms for Vendors link at the ESDC website under "RFPs/RFQs" (<http://www.empire.state.ny.us/CorporateInformation/RFPs.html>)

Only the prime consultant completes the forms. In the forms, the firm is required to denote all the sub-consultants it proposes to use in achieving M/WBE participation. The ESDC Affirmative Action Unit ("AAU") is available to assist you in identifying New York State certified M/WBEs that can provide goods and services in connection with the contract. If you require M/WBE listings, please call the AAU at (212) 803-3224.

2. 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 ESDC 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 responses a properly completed Form ST-220-CA, a copy of which is accessible at the Required Forms for Vendors link at the ESDC web site.** (http://www.empire.state.ny.us/rfp/required_forms.htm). 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.

3. State Finance Law Sections 139-j and 139-k

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 ESDC, ECHDC 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 (x) 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; (y) the completion by respondents of the Offerer Disclosure of Prior Non-Responsibility Determinations, and the Offerer's Affirmation of Understanding of 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 (z) 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 of and Agreement pursuant to State Finance Law as part of their submittal.**

The Procurement Requirements also require ESDC and ECHDC staff to obtain and report certain information when contacted by prospective bidders during the restricted period, make a determination of the responsibility of bidders and make all such information publicly available in accordance with applicable law. If a prospective bidder is found to have knowingly and willfully violated the State Finance Law provisions, that prospective bidder and its subsidiaries, related or successor entities will be determined to be a non-responsible bidder 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.

For the purpose of compliance with State Finance Law Sections 139-j, contact with Steven P. Ranalli, Senior Project Manager of ECHDC is considered permissible. Contact information for Mr. Ranalli is provided in Section VII.

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://www.empire.state.ny.us/rfp/required_forms.htm (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 the sub-consultants complete the forms required above.

4. Insurance Requirements

Please note that **upon selection** for this Project, the Consultant will be required to demonstrate/provide the following insurance coverages, adding "additionally insured" as outlined in Exhibit A, Section A.5:

- Commercial General Liability insurance of \$1.0 million per Occurrence/\$2.0 million in the Aggregate/\$5.0 million umbrella;
- Commercial Automobile Insurance with a limit of \$1.0 million; and
- Evidence of Workers Compensation and Employers' Liability insurance.

An individual certificate (including hold harmless) must be provided to each of the following organizations: City of Buffalo, Erie Canal Harbor Development Corporation, and the 2012 "Operations, Security and Marketing" contract holder. All certificates of insurance are due one month (30 days) prior to the scheduled event.

V. PRE-SUBMITTAL CONFERENCE

The Erie Canal Harbor Development Corporation will be made available at a non-mandatory, pre-submittal conference **on Wednesday August 31, 2011 at 12:00 Noon Eastern Standard Time (EST)** at 95 Perry Street, Suite 500. Respondents will have the opportunity to ask questions about Canalside Programming and/or submittal requirements of the RFP.

VI. PROJECT COST AND SCHEDULE

The total project cost of the *Canalside Visitor Experience - 2012 Assisted Programming* will be established by ECHDC after review of the proposals.

The major projected milestones on the project schedule are as follows:

- | | |
|--|---|
| 1. RFP Advertised | August 18, 2011 |
| 2. Pre-Submittal Conference: | August 31, 2011 |
| 3. Proposals Due: | September 23, 2011 (noon) |
| 4. Interviews: | Week of October 10 th , 2011 |
| 5. Cultural Steering Committee Recommendation: | November 2, 2011 |
| 6. Inner Harbor Committee Recommendation | November 3, 2011 |
| 7. ECHDC Board Approval: | November 15, 2011 or December 12, 2011 |

At this time, it is expected that all successful proposals will become part of the 2012 "Operations, Security and Marketing" contract. The current contract is held by Buffalo Place, Inc.

The payment schedule for successful proposals will adhere to the following:

Single Day

75% paid upon full execution of the contract (no more than 30 days prior to the event)
Remaining 25% paid on the day of the event

Multiple Day

50% paid upon full execution of the contract (no more than 30 days prior to the 1st event)
25% paid at the beginning of the 2nd month of programming
Remaining 25% paid on the day of the last performance

Payment terms include:

When funds are used for purchases or rentals, the vendor must provide copies of the receipts.

When funds are used for "intellectual property", the vendor will be required to sign a statement verifying the program and/or programs were complete.

Attendance figures in writing will be required.

Payment terms and schedule are subject to change as the discretion of ECHDC and/or the 2012 "Operations, Security and Marketing" contract holder.

VII. TIME AND 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, five (5) copies, and one (1) electronic copy on CD of their submittal **prior to 12:00 P.M. (noon) local time on September 23, 2011**. 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
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 dispute between the Respondents and ECHDC and/or Buffalo Place, Inc.

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 on September 2, 2011** to:

Steven P. Ranalli, Senior Project Manager (contact information provide above).
Erie Canal Harbor Development Corporation
srnalli@empire.state.ny.us

Questions shall be **submitted in written form** and answers will be sent via e-mail on **September 9, 2011**. Additional information may become available and, substantive questions and document requests may be made available at any point during this process.

IX. GENERAL TERMS AND CONDITIONS

In addition to the terms and conditions stated elsewhere in this RFP, it is subject to the terms and conditions set forth in **Exhibit A** hereto.

X. ATTACHMENTS

Attachment A – 2011 Programming

Attachment B – Canalside 2012, Site and Amenities Plan

Attachment C – Story of Buffalo

Attachment D – Application Form

Exhibit A – General Terms and Conditions

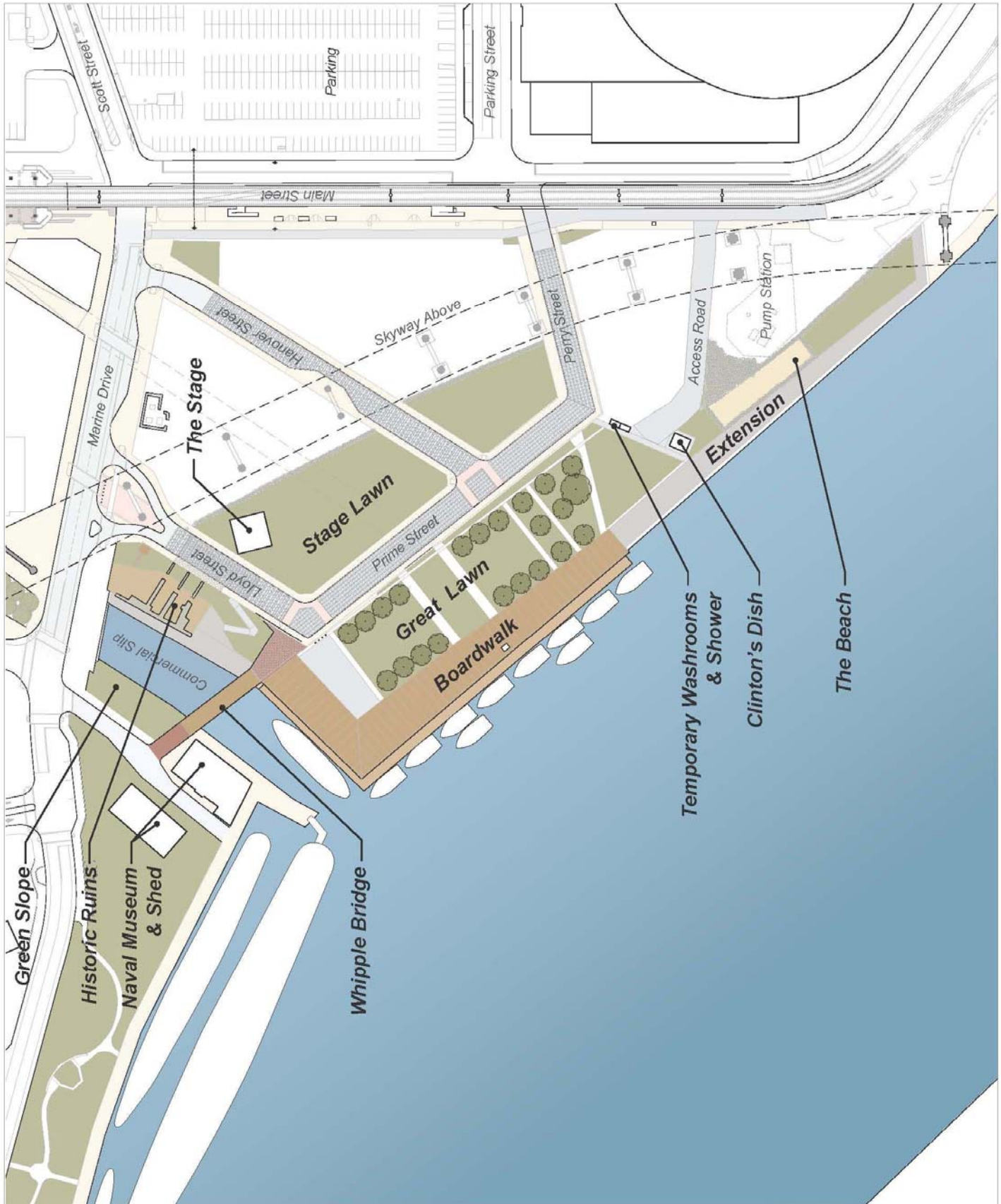
Attachment A – 2011 Programming

Cultural Steering Committee - Final Recommendations for Summer 2011 Programming

Tuesday, April 12, 2011

Title	Organization	Estimated Event Cost	Cumulative Cost	No. of Events	Duration (Hours)	Total Attendees	New/Return	Description
Buffalo Tours, Erie Canal Harbor Story	Preservation Buffalo Niagara	\$1,000	-	50	50	350	Return	Hour tours of historical significance of the area
Buffalo Creek Native Festival	Seneca Nation of Indians	\$12,000	\$13,000	1	24	3000	New	2-day Native American festival
"Science Afloat!" "Leadership"	Buffalo Urban Outdoor Education	\$15,000	\$28,000	51	264	900	New	Daily, and 3 one-week, sailing classes
Family Fun on the Central Wharf	Explore and More Children's Museum	\$10,000	\$38,000	9	36	675	Return	1 day per week of programming for children
Canal Side Comes to Life (assume 2 characters)	Musical Fare Theater	\$5,000	\$43,000	24	96		New	Develop 2 historical characters to roam the site and interact with visitors
From Albany to Buffalo - Songs and Stories of the Erie Canal	Dave Ruch	\$1,200	\$44,200	4	4		Return	live, historic music
"A Mule Named Sal"	Dave Ruch	\$1,200	\$45,400	4	4		Return	live, historic music
Musical Entertainment w the Canal Street String Band	Dave Ruch	\$2,000	\$47,400	4	4		Return	live, historic music
Historic Watercraft Construction	Buffalo Maritime Center	\$15,000	\$62,400	1	200		New	Build five historic vessels for use on the Aud Block Canals
Songs of the Erie Canal	Erie Canal Drama Theater Company	\$15,000	\$77,400	6	3	300	Return	Live theatre
German American Musicians Assn. (2 Events)	Franklin LaVoie	\$2,500	\$79,900	10	5		New	live, puppet theatre
Saturday Adaptive Water Sport	German American cultural events etc.	\$10,000	\$89,900	2	16	500	New	Two german heritage events
The Great Lakes Experience Festival	Great Lake Water Sport Institute	\$0	\$89,900	19	95	380	Return	Working with handicapped adults to be on the water
"Philharmonic Fridays"	The Great Lake Experience	\$20,000	\$109,900	1	24	3500	New	Two-day environmental/water-focused festival
Free Summer Concert Series	Buffalo Philharmonic Orchestra	\$25,000	\$134,900	1	2.5	1000	Return	1 Friday night concert with the Philharmonic
Musical Art Summer Student Showcase	Buffalo Naval Park Committee	\$5,500	\$140,400	10	20	2000	Return	Live music
Weather on the Wharf	Music is Art	\$12,500	\$152,900	1	8	1000	New	1 day showcase of High School talent
Masten District Jazz Festival	International Weather Experience Center	\$1,000	\$153,900	3	12	60	New	Weather-related programming on the wharf
	Masten District Jazz festival	\$10,000	\$163,900	1	4	500	New	1 musical event from the Masten District Jazz group
				211	876	15515		
Proposals Supported	Organizations Represented	Total Cultural Budget		Average Cost per Proposal				
20 Direct	18 Direct	\$163,900	\$776.78	\$8,195	\$187.10	\$10.56		

Attachment B – Canalside 2012, Site and Amenities Plan



2012 Assisted Programming

Canal Side
Erie Canal Harbor Development Corporation

©EHRENKRANTZ ECKSTUT & KUHN ARCHITECTS

Attachment C – Story of Buffalo

Buffalo Canal Side Cultural Master Plan

Stage 1 Report: Preliminary Concept Document

November 2010

Prepared by

Lord Cultural Resources

Ralph Appelbaum Associates

Robert Coles, Architect



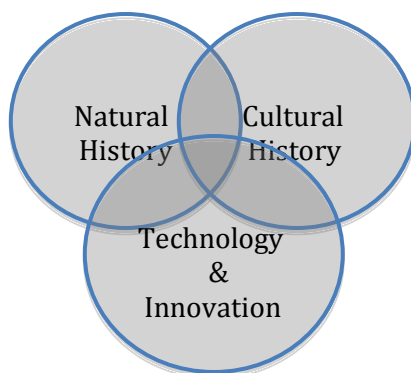
Creating Cultural Capital

Appendix B: Cultural Steering Committee Initial Thoughts on the Story of Buffalo

A Cultural Steering Committee led by Peter Dow was formed to provide initial thoughts regarding the content of the Story of Buffalo. Other members of the Cultural Steering Committee are listed as part of the Acknowledgments in Appendix A.

Two memos are copied below. The first, in Section B.1, sets out a potential conceptual framework for Telling Buffalo's Story associated with cultural history, natural history and technology and innovation. A request by the consultants for the Committee to identify iconic events and people specific to Buffalo and Western New York that would be as unique as possible relative led to the second memo in section B.2 below. These suggestions helped to inform the Preliminary Concept associated with the Story of Buffalo set out in Chapter 4 of this report.

B.1: Telling Buffalo's Story: Exploring our Heritage on the Waterfront (August 29, 2010)



The Conceptual Framework. Where did Buffalo come from, where are we, and where are we going? The story of Buffalo and the Niagara Frontier – past, present, and future – derives from its relationship to water. The Devonian Sea, the Ice Age, Niagara Falls, the Erie Canal, the Buffalo River, and Lake Erie have all shaped the history of the region, and the growing world's demand for fresh water will inevitably influence the region's destiny. We propose to examine the story of Buffalo by exploring and weaving together three threads: the natural world, the cultural world, and the world

of technology and innovation. By examining these interacting domains we will help people understand not only the conditions that created Buffalo, but also the underlying forces that have shaped and reshaped our country. In this way Buffalo's story can be a metaphor for understanding the wider world, and knowing our past can become a catalyst for building a better future.

Story Number One: The Natural World. How did western New York evolve? The story begins three hundred and fifty million years ago, when this region was a tropical sea. How can that be? Because our place on the globe, due to continental drift, was not always located where it is today. A visit to the Penn Dixie Quarry, or the banks of Eighteen Mile Creek, reveals the fossil remains of ancient organisms – trilobites, eurypterids, brachiopods and the like - that once lived in a warm salt-water habitat. Drawing on the rich resources of the Museum of Science we will engage the public in a dramatic presentation that will bring the distant past vividly to life. Visitors will learn how the Niagara Frontier evolved through succeeding prehistoric eras culminating in the Ice Age that created the Great Lakes and Niagara Falls. They will examine the recently uncovered evidence of mastodons and other prehistoric animals at the Byron site near Batavia, and learn about the mammalian population of the era: giant beavers, saber-tooth cats, and woolly mammoths. Visitors will be encouraged to ask questions. What caused the Ice Age? Why are there no more mastodons, giant beavers, or ground sloths today? What were fish and insects like during this period and how have they changed? What are the threats to our present marine organisms from introduced species such as the Zebra Mussel, the Sea Lamprey, and the giant Asian Silver Carp? We will also explore causes of lake effect snow, global warming, and forces that bring about continuous environmental change.

Story Number Two: People and Culture. Who came here first and what attracted them to this area? Following the migration across the Bering Strait and the dispersal of native people throughout North America, what drew them to the Great Lakes? Most of our inland bodies of water in the Northeast have Native American names. What was the importance of water to these indigenous people, and how did they use it to survive? What was their relationship to water and other features of the natural environment? How did they use tools, and how did tool use relate to food production, shelter, clothing, child rearing, social behavior, beliefs, and other elements of their culture? What did they believe about their origins, their relationship to other creatures, and to the supernatural? The study of Native American culture will give visitors an opportunity to explore the common humanity that all human beings share by examining a way of life, and a relationship to the natural world, that is very different from our own. How did their encounter with European settlers impact their way of life and vice versa? Finally, what lessons does this examination of traditional Native American culture have for us today? The story will draw upon the extensive collections and intellectual resources of the Buffalo Society of Natural Sciences, The Buffalo & Erie County Historical Society, and the Native American Community.

Story Number Three: The Industrial Revolution. Who built Buffalo? This story begins with the digging of the Erie Canal. Why was the canal built, who built it, what did it take to make it happen, and how did the canal spur the growth of Buffalo? Central to this story is Buffalo's strategic location on the Great Lakes as a link between the natural resources and agricultural lands of the west and the markets of the east. The canal reduced the shipping cost of a bushel of grain tenfold and made Buffalo, as the offloading point between lake and canal transport, a natural place for industrial development. Beginning with Buffalo's rich maritime history and the use of sailing vessels, we will explore the impact of cheap transport and the advent of steam power on the growth of commerce, industry, and the nature of work. Through interactive exhibits we will invite visitors to experience how the flow of water was used to do work, and how inventors and entrepreneurs harnessed the power of steam. They will learn how Joseph Dart applied steam

technology to grain storage, and how steam power, in time, revolutionized manufacturing and the transport of people and goods. A key topic will be how industrialization fundamentally changed the nature of work due to the impact of technological development. To dramatize the human story we will provide access to genealogical records so visitors can learn who came here, why they came, and the role they played in the building of Buffalo..

An important piece of the migration story is the development of the Underground Railroad. The route north followed the Hudson River to the Erie Canal and then westward to Buffalo and across the Niagara River to Canada. How did heroes like Harriet Tubman, at great personal risk, help others to escape the same way she had? The role of Buffalonians in sheltering fugitives and assisting their escape is a proud chapter in the city's history that ultimately led to the formation of the NAACP. Following the Civil War, Buffalo's growing African-American population played a significant role in the city's industrial development as freed southern blacks migrated north in search of work.

In addition to the canal the advent of the railroads and the steamship turned Buffalo into a major grain and steel town. Steel manufacturing required cheap movement of large quantities of coal and iron ore, and the city's development as a major rail and maritime center made it ideally suited for constructing what became the largest steel manufacturing facility in the world. We will examine how grain was processed, how steel was made, and what it was like to work in those industries. Can we simulate the experience of shoveling grain in the hold of a freighter or stoking a blast furnace? Can we help visitors learn what it was like to be a blue-collar worker in Buffalo in the 19th or early 20th Centuries? This will be the challenge for our exhibit designers.

Strategic location, steam power, inexpensive transport, and ultimately electricity produced by Niagara Falls, spawned a multitude of local industries. We will examine how water was used to generate electric power and how cheap electric power further stimulated economic growth. The history of Buffalo offers a treasure trove of examples: bicycle and automobile manufacture, the aircraft industry, chemical production, leather tanning, soap making, you name it. Names like Coit, Townsend, Laub, Pierce, Albright, Martin, and Curtiss were among the innumerable inventors and entrepreneurs who took advantage of these resources and transformed them into useful products, jobs, and wealth. All of this commercial activity explains how Buffalo became one of the wealthiest cities in the nation.

The wealth of the region spawned a class of powerful leaders with a new sense of civic obligation. This cadre of philanthropists founded some of the country's great cultural and educational institutions. In 1861 the Buffalo Museum of Science was formed with its first president, the Honorable George W. Clinton and in 1862 Millard Fillmore founded the Buffalo and Erie County Historical Society. Also in 1862 John J. Albright launched the Buffalo Academy of Art later to be known as the Albright-Knox Art Gallery. The City's wealth also resulted in the commissioning of one of the oldest coordinated system of parks and recreational spaces, designed by [Frederick Law Olmsted](#) and [Calvert Vaux](#) between 1868 and 1896. Some of the finest domestic, commercial, and civic architecture in America also resulted from this wealth. Frank Lloyd Wright, Louis Sullivan, the Roebblings, H. H. Richardson, Stanford White, the Saarinenes were among the many distinguished architects who

produced some of their finest work here, a reflection of the city's national leadership and importance.

The downside of industrialization is also illustrated by Buffalo's history. Buffalo's strategic position, strong industrial base, and unstoppable desire for growth resulted in environmental and social challenges that should also be examined. Industrialization and the access to cheap power led to "Love Canal" and the contaminated brownfields of Lackawanna. The migration of the growing middle class to new housing in the suburbs resulted in vacating large areas of the city and a blight of continually deteriorating empty housing stock on the east side. The migration of heavy industry overseas reduced the work force thus reducing the size of a city of over 600,000 to under 300,000 in less than fifty years. As with many major American cities poverty increased and with it came other social problems. These are all part of Buffalo's and America's story.

Examining this story could energize our efforts to tackle challenges. It could stimulate the creation of a forum for research, dialog and the exchange of ideas, where our youth and all our citizenry could participate in an exploration that looks to the past for answers to the future. It could even help to shape the way we examine and interpret our history in the public schools.

The story of Buffalo's growth from an outpost in the wilderness to a thriving industrial metropolis in less than a century is a case study of the forces and personalities that produced the industrial revolution. It is also the story of the unforeseen consequences of industrialization. This story has never been properly told anywhere in the United States, and Buffalo is the logical place to tell it. To do so we will need to draw upon the extensive resources of the Buffalo and Erie County Historical Society, the Buffalo and Erie County Public Library, and the many other museums and historical collections that reside in the area making this a unique collaborative initiative.

Lessons for the Future. Can the study of Buffalo's past help us think about our future? Buffalo is at a crossroads. Has the imagination that built Buffalo passed us by, or will it express itself anew in a way that can reignite the engines of commerce? What will the thriving metropolis of the future look like? What will be the nature of work? How can we mobilize our natural and human resources to invent the next phase of urban development? What can we learn from our history that will help us to create a better future? If creativity built Buffalo, it can certainly reinvent Buffalo. Exploring our past to learn what Buffalo can become is the ultimate mission of this enterprise.

B.2: Iconic Events, Artifacts and People: A Preliminary List (October 7, 2010)

This is an effort to identify some of the key events, artifacts, and people who brought about Buffalo's transformation from a wilderness village to an industrial metropolis. These "icons" should help the visitor to Canal Side imagine what happened during earlier periods of our history, and to understand the forces caused the explosion of inventiveness, technological development, and industrialization that shaped the development of Buffalo during the 19th and early 20th centuries. The *Story of Buffalo* is a particularly powerful illustration of the

American capacity for innovation, hard work, and large-scale organization that characterized the growth of the nation at that time. Examples include:

1. **The Building of the Erie Canal.** This was the most ambitious earth-moving and construction project in the world at the time: 363 miles of man-made waterway dug by Irish and Italian immigrants with hand shovels and wheelbarrows. Many thought it was impossible with the technology and workforce available. The story should be told in a way that celebrates the audacity of the enterprise, the human costs, and the revolutionary consequences in terms of the movement of people and goods. The canal cut the cost of shipping a bushel of grain by tenfold. To help visitors imagine what canal travel was like we should consider building a replica of the Seneca Chief, the packet boat that DeWitt Clinton used to transport two barrels of water from Lake Erie to New York harbor.
2. **The Creation of Buffalo Harbor.** Here also is an example of the conquest of people over nature: the removal of the sand bar at the mouth of the Buffalo River that made it impassible for ships and thereby giving Black Rock the edge over Buffalo in the competition to be the western terminus of the Erie Canal. This is the story of the leadership of Judge Samuel Wilkinson and his collaborators, men like Buffalo businessmen George Coit, and how they succeeded in proving that Buffalo could become a working harbor by dredging a channel through the bar. The miraculous way they conquered the elements, including the impact of a devastating storm, is an early example of the determination and enterprising spirit that built Buffalo.
3. **The Western Terminus of the Erie Canal.** This is the sacred spot where the Erie Canal met the Commercial Slip, and where goods traveling on canal boats were transferred to sailing ships. It is located where the old Memorial Auditorium used to be, a site that could be easily identified now that the "Aud" has been removed. The devastating poverty, and the drunken conflicts between "canalers" and lake sailors that took place in the numerous bars and brothels that populated this area, are dramatically chronicled in a book by Vogel, Patton, and Redding entitled *America's Crossroads*. These stories illustrate the "dark side" of canal life and reveal the price that the working class paid for their employers' commercial prosperity.
4. **The Dart Steam Grain Elevator.** We need to engage the visitor to Canal Side in how steam was harnessed to do work. Inventor Joseph Dart cleverly used the steam engine to transform the efficiency of grain handling and storage, cutting a week's work to a few hours and opening up many possibilities for increased commerce. Steam was also applied to water transport and eventually to the development of the railroads. Visitors should see the connections between water, steam power, and the growth of Buffalo as a commercial and industrial metropolis. The numerous remaining grain elevators on the Buffalo River provide silent testimony to the significant role that grain storage and shipment played in the development of Buffalo as one of the largest grain transshipment centers in the country.

5. **Spaulding's Exchange and the Central Wharf.** The commerce generated by the Erie Canal made the waterfront adjacent to the Commercial Slip the nexus of commercial activity in the City. The scale of this activity is revealed in the large number of businesses, law firms, and regulatory agencies that occupied this location in the years prior to the advent of the railroads. The nature of this activity is exemplified by the life of Buffalo's most prominent banker and civic leader of the time: Elbridge Gerry Spaulding. An introduction to the life of Spaulding and the activity of the Central Wharf during this time can be found in *Western New York Heritage Magazine*, Volume 5, Number 2, Spring 2002 in articles by John Conlin and Chase Viele.
6. **The Fugitive Slave Act of 1850.** This act, as part of the Compromise of 1850, declared that all fugitive slaves must be returned to their owners. It spurred increased traffic on the Underground Railroad as most escaped slaves could now only find refuge in Canada. The Erie Canal, with its western terminus near the Canadian border, was an obvious route, so Buffalo became a major destination. Bridge and boat passage across the Niagara River increased, and Buffalo, with its Michigan Street Baptist Church, and other hiding places around the city, featured heavily in the Underground rail traffic. Following the Civil War, Buffalo's Black population increased, and toward the end of the century the NAACP was founded in Buffalo. Perhaps due to its important role in the Underground Railroad Buffalo has been a pioneer in improving race relations, and successfully integrating its schools. This history is well documented in the Center for African American Studies at the Frank E. Merriweather Library on Jefferson Avenue.
7. **The Coming of the Railroads.** The railroads killed the Central Wharf and transformed commercial activity on the waterfront by dispersing it more widely throughout the city. Water transport was slow and seasonal, shut down by ice during the winter months. The railroads operated year-around and were better for moving all but bulk cargo like coal and ore. The story of how the railroads eventually replaced the canal began with the laying of tracks on the Central Wharf, and it is perhaps best told through the life of the business entrepreneur, Jacob Frederick Schoellkopf, who starting with a tannery in 1843, built a commercial empire that included flower milling, brewing, banking, and ultimately, railroads. He even harnessed the power of the Niagara River to run his factories. The impact of the railroads on Buffalo, particularly their very wide dispersion throughout the city, can perhaps best be illustrated by a model. (See the mural at the Pearl Street Grill.)
8. **The Lackawanna Steel Company.** Founded by John Joseph Albright this facility, later Bethlehem Steel, eventually became the largest steel plant in the world. Albright also helped to develop the Pan American Exposition and power generation at Niagara Falls. The nature of the steel-making process, the role of steel-making in the stimulation of continued industrial growth, and the place of heavy industries in providing thousands of blue-collar jobs needs to be explored as Buffalo is fundamentally a blue-collar town. The personal histories of those who worked in these industries (railroads, steel, automobiles, etc.) are a central part of The Buffalo Story. The Pierce-Arrow Automobile Company, for example, began as a bicycle manufacturing facility that was located at the present Canal Side site.

- 9. Architecture and City Planning.** What was the impact of the enormous wealth generated by industrialization on the development of the city? Frederick Law Olmsted, Louis Sullivan, and Frank Lloyd Wright are among of the army of architects and city planners that transformed the design of the city that began with Joseph Ellicott's initial street grid of the early 1800s. Except for the Olmsted Parks – a tale in themselves – the centerpiece of this story could be the role of the Larkin Company, a soap manufacturing and distribution enterprise that created a marketing revolution. Company President Darwin Martin employed Frank Lloyd Wright to create an office building numerous houses for himself and his employees. The firm's marketing genius was Elbert Hubbard who ultimately founded the Roycroft Complex in East Aurora.
- 10. Niagara Falls and the Electrification of Buffalo.** Buffalo was the first city in the country to have electric street lighting. How did this come about? Edison's genius was not just the invention of the light bulb. More important, he created the first industrial research laboratory at Menlo Park, and the first electrical power generating and delivery system at Pearl Street Station in New York City. Edison saw the power generating potential of Niagara Falls to illuminate Buffalo and thereby demonstrate the commercial value of electric power as an energy source. The continuous generation, distribution, and application of cheap electric power in Niagara Falls opened a new chapter in the industrialization of Western New York while also transforming domestic life in myriad ways.
- 11. Glen Curtiss and the Aircraft Industry.** The story of how this motorcycle mechanic from Hammondsport, New York invented his own aircraft at the same time the Wright's were experimenting at Kill Devil Hills is an important piece of The Buffalo Story. Curtiss not only developed the aileron, which became the control system that ultimately won out, but also created the manufacturing process that resulted in the building of the famous Jenny, an aircraft widely used in World War I. The Wright's sued Curtiss for patent infringement but eventually settled the case by merging, resulting in the Curtiss-Wright manufacturing company based in Buffalo. It was not just airfoil design that solved the flight problem. Curtiss and the Wrights also created the lightweight internal combustion engine and the efficient propeller that made powered flight possible. This story of experimentation, ingenuity, and indefatigable problem solving by men with little formal education is a superb example of the practical genius that fueled the American technological and industrial success story.
- 12. Roswell Park and the Medical Community.** No *Story of Buffalo* would be complete without celebrating the ground-breaking cancer research of Roswell Park, who founded the first Cancer Research Center in the country in 1911 – a model for cancer study, clinical care, and education both nationally and internationally. Park was an accomplished musician, author, teacher, poet, astronomer, and civic leader as well as a surgeon. He was also an expert in the treatment of bullet wounds and probably could have saved the life of William McKinley if he had not been operating in Niagara Falls at the time McKinley was shot at the Pan American Exposition.

The above examples do not address the geological and pre-historic cultural stories of the Niagara Frontier. These stories should set the stage for the more in depth exploration of Buffalo's industrial history. There are many examples of how to illustrate how the Niagara Frontier was once a tropical sea. (I have seen a clever continental drift exhibit at the Rochester Museum and Science Center, and a very effective animated film explanation at the American Museum of Natural History.)

As for the formation of the Great Lakes and Niagara Falls, the former has been well done in video, and Paul Gromosiak, a Niagara Falls historian, has developed a fine model that explains the formation of the Falls. As for the Native American story, I think this should be done in diorama form and guided in its development by local Native American cultural experts such as Percy Abrams and Neil Patterson, Jr.

Finally, by telling these stories, and engaging the visitor in exploring how invention, technological development, and industrialization built Buffalo, we would hope to stimulate some reflection on the development of the country in the current century. What are the technological, and industrial challenges that we face today, and how will we meet those challenges? Given our present environmental concerns, how can we create a sustainable society that continues to provide useful work for all and new opportunities for invention and creative problem solving? What would such a society look like, and how do we go about building it? Can clever exhibit design stimulate curiosity about such matters? These are some of the questions that a thoughtful exploration of our past would hope to explore.

Attachment D – Application Form

CANALSIDE - VISITOR EXPERIENCE 2012 Assisted Programming Application

Date Submitted:

Contact Information:

Name:	<input type="text"/>	Title:	<input type="text"/>
Organization:	<input type="text"/>		
Address:	<input type="text"/>		
City:	<input type="text"/>	State:	<input type="text"/>
Zip Code:	<input type="text"/>	Phone:	<input type="text"/>
E-mail:	<input type="text"/>		

Is your Organization a registered 501(c)(3)? Yes No Pending

If Yes or Pending, please attach proof.

Programming Assistance being applied for:

- General (complete pages 1 - 5 only)
- Story of Buffalo (complete page 1 - 6)
- Special (complete pages 1 - 5 AND page 7)

*Please refer to the Request for Proposals for a description of the programming types and funding available.

Title of Program:

General Description:

Frequency:

<input type="radio"/> Single Day	Preferred Date/Time	<input type="text"/>	Backup Date/Time	<input type="text"/>
<input type="radio"/> Multiple Dates	List Dates/Times	<input type="text"/>		
<input type="radio"/> Weekend	Preferred Date/Time	<input type="text"/>	Backup Date/Time	<input type="text"/>

Date of Programming is critical because:

- Part of a Regional Event held on the requested date
- Significant date for the Organization (Anniversary, Birthday, etc.)
- The date is the reason for the event (Memorial Day, 4th of July, etc.)
- Date/Time are flexible

Provide any additional information on requested dates and/or times:

Location: (Refer to Map)

- Anywhere, our program is flexible
- Everywhere, our program is mobile by its nature
- We request the following land area(s):
 - Naval & Serviceman's Park*
 - Commercial Slip (Green Slope, Ruins, Whipple Bridge, Towpath)
 - Central Wharf (Great Lawn, Boardwalk, Stage/Lawn)
 - Cobblestone Streets (Lloyd, Prime, Hanover and Perry)
- We request to be on the water (Commercial Slip, Buffalo River)

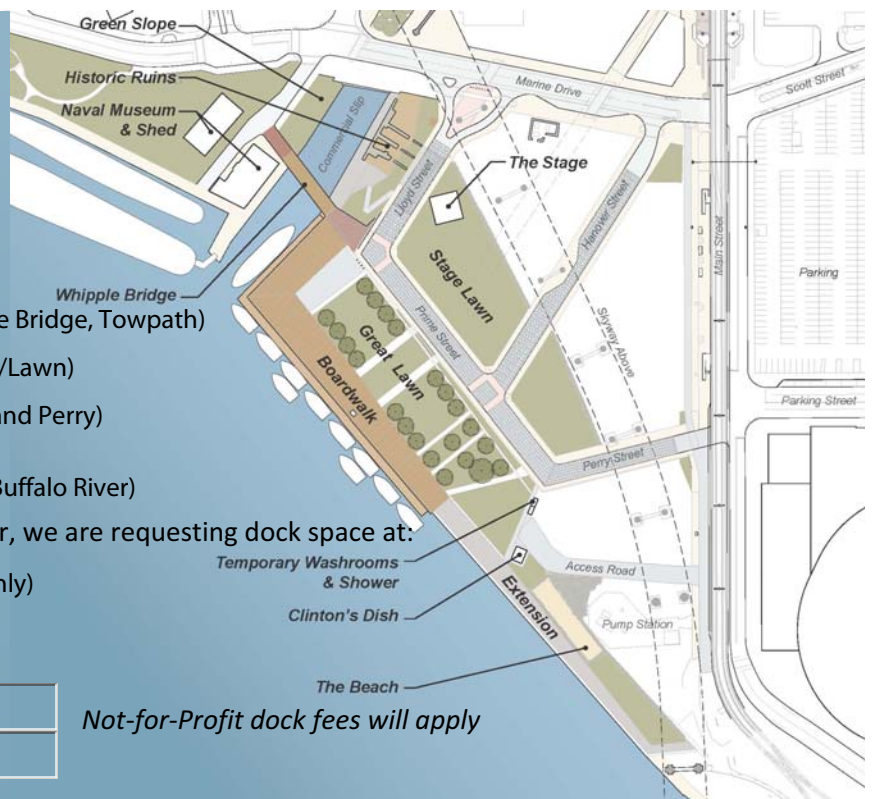
In addition to the program occurring on the water, we are requesting dock space at:

- Commercial Slip (historic or replica vessels only)
- Floating Docks

Number of vessels

Length of vessels (LF)

Not-for-Profit dock fees will apply



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

* Use of the Naval & Serviceman's Park facilities will require a signed agreement between them and your organization at the time of submitting this application. Any costs associated with the use of these facilities are the responsibility of the organization and will not be covered by Erie Canal Harbor Development Corporation.

Site Amenities Required:

Provide description for each Amenity required of ECHDC

Do Not Need	Stage	
Do Not Need	Sound	
Do Not Need	Lighting	
Do Not Need	Small Tent	
Do Not Need	Large Tent	
Do Not Need	Tables	
Do Not Need	Chairs	
Do Not Need	Additional Bathrooms	
Do Not Need	Additional Security	
Do Not Need	Site Cleanup	
Do Not Need	Temporary Storage	

Others:

Erie Canal Harbor Development Corporation expects to have the following amenities available at Canalside in 2012:

- Stage - 40 ft. x 40 ft. semi-permanent (1 construction trailer is also available as "green room" space).
- Sound and Lighting - can be provided through our vendor but will be "back-charged" to the organization's application.
- Small Tent - up to 6 small tents (10 ft. x 15 ft.) are available at no charge.
- Large Tent - can be provided through our vendor but will be "back-charged" to the organization's application.
- Tables - can be provided through our vendor but will be "back-charged" to the organization's application.
- Chairs - Adirondack chairs are available at no charge. Other types can be provided through our vendor but will be "back-charged" to the organization's application.
- Additional Bathrooms - 2 Mens and 2 Womens washrooms are available on site. Additional port-o-potties can be provided through our vendor but will be "back-charged" to the organization's application.
- Additional Security - Regular security staff maintains the site. Additional security staff can be provided through our vendor but will be "back-charged" to the organization's application.
- Site Cleanup - can be provided through our vendor but will be "back-charged" to the organization's application.



Stage



Boardwalk



Green Slope



Whipple Bridge



Stage/Lawn - Performance



Historic Ruins



Boardwalk Extension/Beach



Great Lawn

Budget:

	Applicant Cost (Check Box if In-Kind)	ECHDC Cost
Qualified Staff (Employees, Actors, Volunteers, etc.)	<input type="checkbox"/>	
Program Development, Training and/or Preparation	<input type="checkbox"/>	
Special equipment, tools and/or consumable supplies	<input type="checkbox"/>	
Marketing, advertising and/or promotional materials	<input type="checkbox"/>	
Site Amenities:		
Sound/Lighting		
Small and/or Large Tent		
Tables and/or Chairs		
Additional Bathrooms		
Additional Security		

APPLICANT Sub-Total

ECHDC Sub-Total*

**This is your Organization's Funding Request*

TOTAL PROGRAM BUDGET

<input type="checkbox"/>	Yes
<input type="checkbox"/>	Yes

ECHDC Sub-Total <= 50% of TOTAL PROGRAM BUDGET

ECHDC Sub-Total <= Programming Fund Maximum

Refer to RFP for Programming Fund Maximum

We plans to offset our Organization's costs by:

<input type="checkbox"/>	No	Sponsorships
<input type="checkbox"/>	No	Selling Concessions (No Alcohol)**
<input type="checkbox"/>	No	Selling Concessions (Including Alcohol)**
<input type="checkbox"/>	No	Vendor Fees
<input type="checkbox"/>	No	Gate/Entrance Fees or Ticket Sales***

** Organizations are made aware that concessions may be prohibited or restricted at certain times at the discretion of ECHDC.

*** ECHDC strongly discourages gate/entrance fees or ticket sales as these programs are receiving public funds. Organizations are made aware that requiring gate/entrance fees or ticket sales may be basis for rejecting this Application.

Attendance:

	2012 Estimated	2011	2010
Children (2-17)	<input type="text"/>	<input type="text"/>	<input type="text"/>
Adults (18-64)	<input type="text"/>	<input type="text"/>	<input type="text"/>
Seniors (65+)	<input type="text"/>	<input type="text"/>	<input type="text"/>
TOTAL:	<input type="text"/>	<input type="text"/>	<input type="text"/>

No
No

Our organization completed Programming at Canal Side in 2011
Our organization completed Programming at Canal Side in 2010

Provide specific details regarding the 2012 Estimates:

Provide specific details regarding the 2011 and 2010 attendance figures:

Insurance Requirements:

Refer to Section IV.D.4 and Exhibit A of the RFP for Insurance Requirements.

These insurance requirements are considered minimums and may be adjusted higher based on the submitted proposal.

Yes

Our organization has reviewed the minimum insurance requirements in the RFP and is confident we can provide the same.

General Programming Application Submitted By:

Name:

Title:

Signature:

General Programming Application is complete. Stop Here.
Story of Buffalo Programming Application continue to Page 6.
For Special Programming Application complete Page 7.

Title of Program:

Describe how your programming helps tell the Story of Buffalo:

Story of Buffalo Programming Application Submitted By:

Name:

Title:

Signature:

Only Special Programming Applicants complete this page

Title of Program:

Describe the unique and special nature of your programming:

Describe why your programming should occur at Canalside as opposed to another area of the City:

Will your Special Programming attract Regional, National or International attention? Describe.

Special Programming Application Submitted By:

Name:

Title:

Signature:

Exhibit A – General Terms & Conditions
GENERAL TERMS AND CONDITIONS

The acceptance of any Submittal shall be subject to, and contingent upon, the execution and delivery by ECHDC and/or ESDC of a contract for the services described herein, in form provided by ECHDC and/or ESDC.

- A. The contract shall contain, among other terms, certain provisions required by law or policies of the City and State, including, without limitation:

Provisions providing that the successful respondent:

1. is an independent contractor;
2. shall defend, indemnify and hold harmless the State, ECHDC, ESDC, City of Buffalo, Buffalo Place, Inc. and the Buffalo Sewer Authority, and their respective officers, directors, employees and agents from and against any claims or damages relating to the respondent's acts and omissions;
3. shall maintain financial and other records relating to the contract and make such records available for inspection and audit;
4. have no conflicts of interest with, or outstanding financial obligations owing to, the State, ECHDC, or ESDC.
5. maintains and provides the following insurance with insurers licensed to provide insurance in the State of New York: Commercial General Liability insurance of \$1 million per occurrence and \$2 million in the aggregate; Commercial Automobile Liability with a limit of \$1 million; and evidence of Workers Compensation/Employers' Liability Insurance. Such policies of insurance shall be in a form acceptable to, and shall include any conditions reasonably required by ECHDC and/or ESDC and shall name the State, ECHDC, ESDC, City of Buffalo, the Buffalo Sewer Authority, Buffalo Place, Inc., and their respective officers, directors, employees and agents as additional insureds;
6. is qualified to do business in the State of New York and is in receipt of all licenses, if any, required by applicable governmental entities; and

7. shall represent and warrant that neither it nor any of its directors, officers, members, or employees has any interest, nor shall they acquire any interest, directly or indirectly, which would conflict in any manner or degree with the performance of the services as set forth in the Contract. The successful respondent must further agree that in the performance of the services no person having such a conflict of interest shall be employed by it.
- B. News Release – Recipients of this RFP shall make no news/press release pertaining to this RFP or anything contained or referenced herein without prior written approval from ECHDC and/or ESDC. Any news release pertaining to this RFP may only be made in coordination with ECHDC and/or ESDC.
 - C. Prohibited Persons – No respondent to this RFP will be selected if an individual who is an owner, shareholder, member, partner, officer or director, or otherwise a principal and/or its management team is determined, in ECHDC's and/or ESDC's sole discretion, to have been convicted of a felony or a crime involving moral turpitude, to be an organized crime figure, to be under indictment or criminal investigation, to be in arrears or in default of any debt, contract or obligation to or with the City or State of New York, or any other of their instrumentalities or otherwise to be a prohibited person as defined by ECHDC and/or ESDC. The selected respondent and all principals thereof, if applicable, and/or owners, shareholders, members, partners, officers or directors of the respondent's team are subject to investigation by ECHDC and/or ESDC. The selection of a respondent may be revoked in the event that any derogatory information is revealed by such investigations.
 - D. Submittal Costs – ECHDC and/or ESDC shall not be liable for any cost incurred by the respondent in the preparation of its submittal to this RFP or, with respect to the respondent, for any work performed prior to the execution and delivery of the contract.
 - E. ECHDC and/or ESDC shall be the sole judge of each respondent's conformity with the requirements of this RFP and the merits of the submittal. ECHDC and/or ESDC reserves the right, in its sole discretion to: amend, modify or withdraw this RFP; waive any requirements or conditions or modify any provisions of this RFP with respect to one or more respondents; require supplemental statements and information from any respondents to this RFP; to award a contract to as many or as few or none of the respondents as ESDC may select; award a contract to entities who have not responded to this RFP; accept or reject any or all submittals received in response to this RFP; extend the deadline for submission of submittals; negotiate or hold discussion with one or more of the respondents; correct deficient submittals that do not completely conform with this RFP; reject any and all submittals and to cancel this RFP, in whole or in part, for any reason or no reason. ECHDC and/or ESDC may exercise any such rights at any time, without notice or liability to any respondent or other parties for their costs, expenses or other obligations incurred in the preparation of a submittal or otherwise.

- F. This RFP and any contract or agreements resulting herein are subject to all applicable Federal, State and local laws, rules, regulations and executive orders.
- G. Any modifications to this RFP shall be issued in writing by ECHDC and/or ESDC and posted on the ECHDC website. Nothing stated at any time by any representative of ECHDC, ESDC, the State, or of any other entity shall effect a change in, or constitute a modification to this RFP unless confirmed in writing by ECHDC and/or ESDC. Respondents may request clarification from ESDC prior to the submission deadline. Any such clarification from ECHDC and/or ESDC must be in writing in order to be binding on ECHDC or ESDC.
- H. ECHDC and/or ESDC is not obligated to pay any costs, expenses, damages or losses incurred by any respondent at any time unless ECHDC and/or ESDC has expressly agreed to do so in writing.
- I. ECHDC and/or ESDC shall not be obligated to pay any fee, cost or expense for brokerage commissions or finder's fees with respect to the execution of the contract. It shall be a condition of any contract that the respondent agree to pay the commission or other compensation due to any broker or finder in connection with the transaction, and to indemnify and hold harmless the State, the City, ECHDC and/or ESDC from any obligation, liability, cost or expense incurred by it as a result of any claim for commission or compensation brought by any broker or finder by reason of the transaction.
- J. ECHDC and ESDC reserve the right to modify the requirements set forth herein and to expand, limit or otherwise alter the scope of requested services.