

CITY OF BUFFALO URBAN RENEWAL AGENCY



REQUEST FOR PROPOSALS (RFP)

Internet Connectivity and Broadband Assessment Plan

Byron W. Brown, Mayor, City of Buffalo

Byron W. Brown, Chairman, Buffalo Urban Renewal Agency



ISSUE DATE: SEPTEMBER 2, 2020

SUBMISSION DEADLINE: SEPTEMBER 18, 2020 AT 5:00PM EST.

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1) PURPOSE

The City of Buffalo’s Buffalo Urban Renewal Agency (“BURA”) is seeking proposals from qualified consultants or consulting firms to provide internet connectivity and broadband analysis and assessment. While the digital divide is a critical topic in the City of Buffalo and many communities in the county, to-date there has not been a comprehensive analysis of the City’s particular broadband situation.

The purpose of the work is to provide BURA with a document to guide the use of local, state, and federal resources to improve broadband and internet connectivity in the City. In addition to its function as a resource guide, the document should direct strategies involving partnerships of public and private entities for the same purpose. Lastly, an overarching purpose is to provide a fairly comprehensive overview of broadband definitions, standards, and concepts in order to establish a shared understanding of broadband within the community.

This program is funded with a federal allocation of Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Housing and Urban Development’s Community Development Block Grant Coronavirus (CDBG-CV) funds, as part of BURA’s restorative response to the COVID-19 pandemic.

2) BACKGROUND

Effective broadband connectivity is a critical resource for City of Buffalo residents. With so much of life occurring digitally and online in the 21st century and in the COVID-19 and post COVID-19 world, it is essential that major efforts towards achieving digital equity are made. Digital equity in the City of Buffalo means that residents and small businesses have equal access to the internet, skills to connect to the internet and use devices, and the ability to purchase devices and to purchase access plans consistently and affordably. While strict standards of broadband access may be met in the City of Buffalo currently –through its infrastructure and provider presence – the demand for improved access will likely outpace these standards. Additionally these standards do incorporate cost components.

In reference, BURA considers the following reports as quality examples for the work it seeks to receive under this potential engagement:

- *Broadband Access in City of Columbus, Ohio: Assessment and Strategies for Addressing the Broadband Gap*
- *City of Kansas, Missouri: Digital Equity Strategic Plan*
- *Digital Equity Initiative Action Plan – City of Seattle, WA*

3) SCOPE OF WORK

BURA seeks a respondent to provide an internet connectivity and broadband assessment plan. The plan must provide data and analysis about the availability, differentiation, and lack of adoption of internet connectivity within the entire City of Buffalo. Additionally, the plan should describe the current status of internet connectivity, activity and physical infrastructure – including definitions of terms, metrics and standards ordinarily used by government and industry. Finally, the plan must

present solutions to close the “digital divide” within the City under different time horizons, e.g.: short-term or immediate solutions, medium-term, and long-term solutions.

Task 1A – Convene with City Working Group

The successful respondent will be asked to participate in and sometimes direct sessions of a City-led internet connectivity Working Group. The purpose of these sessions will be for the respondent to efficiently obtain information from professionals from various local institutions who are intimately familiar with the broadband resources, capacity, and plans in the City. The working group will also be made up of community leaders familiar with anecdotal and empirical information who will inform the discussions. The Working Group will collectively share information regarding fixed and wireless providers services, access, pricing, and any subsidies or programs. In addition to sharing information on resources, the Working Group will describe its goals for closing the digital divide. It is intended that the respondent would kick-off the engagement with a Working Group meeting or meetings to become familiar with basic local knowledge and then continue to respond and report to the Working Group as information is obtained and analyzed.

Task 1B – Community Engagement

In addition to the working group sessions described above, the respondent shall directly reach out to community groups that have a direct connection to internet connectivity demand, such as public libraries, local business associations, community health centers, and senior centers. The purpose of this outreach should be to further expand the context to understand the local challenges faced by the community. The respondent shall weave the findings of this community engagement effort into its communications with the working group and into the written report.

Task 2 – Analysis of Data and Local Resources

The successful respondent will assemble relevant data from public sources such as the US Census Bureau and the Federal Communications Commission (“FCC”), data from local government and local institutions to the extent possible, as well as private and/or propriety data to the extent possible and feasible. The respondent should describe its data collection activity and data analysis methodology to the working group, and, as described above, work with the working group to obtain local data that would aid in a complete analysis.

Task 3 – Produce Written Report

The respondent shall finally produce a written report consisting of the following elements:

- An introduction to internet and broadband connectivity including important terms (if necessary, provide an appendix of terms). Include description of existing and future need of broadband infrastructure. Also include description of mobile and fixed broadband access, and other types of access provided by local service providers.
- Findings of the analysis including:

- Maps and/or diagrams or visual displays of information of areas of need, areas that are well-supplied with fixed- and mobile-access, areas with access-types that are not publicly available, etc.
- Existing fixed service provider pricing and programs, and any subsidies or cost-reduction programs
- Existing mobile service provider pricing and programs, and any subsidies or cost-reduction programs
- Summary of local programs and/or developments planned or underway in the community to close the digital divide.
- Summary of local programs and/or developments planned or underway to close the digital divide as a result of the COVID-19 crisis.
- Summary of other regional, state, and federal programs and/or developments planned or underway to close the digital divide.
- Description of technologies that enable broadband access, including a listing or display of technologies currently available locally.
- Possible solutions for increasing broadband access including short-/immediate-term, medium-term, and long-term solutions to the problem with examples/ case studies of such solutions from other municipalities or states.

Task 4 – Present Report Findings

The respondent shall present its findings to the working group in a draft form. The respondent should plan to hold a working group meeting that provides an opportunity for working group members to ask questions and provide feedback. After the production of the draft report and working group session, the respondent shall prepare a final report for public distribution. Lastly, the respondent shall attend a public meeting, for example, a Buffalo Common Council session wherein the respondent presents and answers questions from the public.

4) QUALIFICATIONS

Special Qualifications:

- Experience in broadband analysis of a large municipality, broadband policies and development, broadband infrastructure policies and policy development; and project management with local government and agencies
- Excellent technical depth and ability to convey technical concepts to non-technical audiences in both written and presentation formats.
- Knowledge of state and federal law, rules and regulations related to broadband, internet, mobile, cable activity.

Submission of Qualifications:

- Contact information: name of firm formally responding, firm address, phone number, email, website, social media sites, etc.
- History of their firm, years in present business form, and resource capability to perform the requested services.
- Names, titles, education and experience, and descriptions of officers and relevant employees to perform work under the proposal.

- List of up to five (5) projects which demonstrate skills of similar work scope to that described herein.
- List up to five (5) references with contact information.

5) PROPOSAL EVALUATION AND SELECTION CRITERIA

The following criteria will be used to make a selection and recommendation to the Board of Representatives:

- *30% Qualifications and Experience* including: demonstrated experience in similar projects; business and technical reputation and capabilities, and, the experience of staff, financial stability and track record; project resources, skills, knowledge, and previous experience.
- *20% Project Plan and Schedule* including: proposed plan of approach and schedule; proposed plan for coordinating with BURA and/or agency and/or program manager; and quality of submission
- *5% References*
- *25% Fee Proposal*
- *20% Diverse Workforce and W/MBE Utilization:* the review of proposals will also include an analysis of each respondents' minority and women workforce composition, policies, M/WBE utilization and community involvement. Each respondent must provide demonstrative evidence of how it meets these factors. The utilization goal is: 15% minority workforce development, MBE utilization, community involvement, and policies. 5% Women workforce composition, WBE utilization, community involvement and policies.
- *100% Total*

At the completion of the evaluation, a total point value will be compiled for each evaluated proposal. The award recommendation(s), if any, will not necessarily be based on the lowest prices proposed or on the point values assigned.

Rejection of Proposals:

BURA reserves the right to reject any or all proposals received in response to this request for proposals for any reason and to eliminate any and all Respondents responding to this RFP from further consideration for this procurement., or to negotiate separately with any source whatsoever in any manner necessary to serve the best interests of BURA. BURA shall have the right at its discretion to determine not to award a contract based on this request for proposals and will not pay for the information solicited or obtained. The information obtained will be used in determining the proposal or proposals that best meets BURA's needs.

It is recognized that each Respondent may have developed unique and typical methods of service delivery. It is not BURA's intention to disqualify a Respondent due to variations in service delivery that do not adversely affect quality and performance. Any proposal offering services equivalent to or of better quality and performance than that requested, which provides the necessary service, will receive consideration and evaluation.

Addenda and Modifications:

BURA reserves the right, in its sole discretion, to amend this RFP at any time prior to the deadline for submission of the proposals. In the event that it becomes necessary to revise or expand upon any part of this RFP, all addendums, amendments, and interpretations to this RFP will be made in writing and posted on the City of Buffalo's and BURA's website at (www.city-buffalo.com and <https://www.buffalourbanrenewal.com/rfps/>). BURA may also endeavor to notify all Respondents to whom the RFP has been issued.

All addendums shall be incorporated as part of the RFP documents as though they were originally set forth. BURA does not assume any responsibility for the receipt of any addendum sent to any Respondent.

Any information supplied by BURA relative to this RFP must be considered in preparing proposals. All other contacts that a Respondent may have had before or after receipt of this RFP with any individuals, employees, subcontractors, consultants or representatives of BURA and any information that may have been read in any news media or seen or heard in any communication facility regarding this RFP should be disregarded in preparing responses.

Withdrawal of Proposals:

Unauthorized conditions, limitations, or provisions attached to a proposal may be cause for its rejection. No oral, telegraphic or telephonic proposals or modifications will be considered. The proposal may be withdrawn upon request by the Respondent without prejudice to the Respondent prior to, but not after the time fixed for opening of proposals, provided that the request for withdrawal is in writing, has been executed by the Respondent or the

Respondent's duly authorized representative, and has been filed with BURA's RFP Submission Contact.

Contract Negotiations:

Contract negotiations may be undertaken simultaneously during the evaluation of proposals with the finalist(s) as determined by BURA. BURA will not accept any changes to BURA's standard form of contract agreement.

6) SUBMISSION REQUIREMENTS

All Respondents will submit the following:

- a) *Cover Letter.* Provide a cover letter that references this RFP and confirms that all elements have been reviewed and understood. The cover letter should be on firm/ company letterhead and be executed by an individual of the firm/ company with authority to submit proposals.
- b) *Qualifications and Experience.* Provide a complete listing of all key personnel who will be assigned to this project. This will include the relevant experience and qualifications for this project, roles and responsibilities, leadership, etc., in addition to their availability to this project. Detail how your team meets the qualification requirements identified in the preceding section and provide supporting documentation.

- c) *Relevant Experience.* Provide a summary of your firms' experience providing each of the services identified in the Scope of Work. Provide sufficient detail so that BURA staff can easily determine whether or not the experience is relevant. Include the name of the client and when the services were provided for each. BURA staff fully intends to follow-up with your clients to confirm the engagement.
- d) *References.* Respondent shall provide references for comparable services. At least THREE (3) references shall be provided. The reference information shall include:
 - i) Client information (client name, contact person, contact). The contact person must be someone who was directly responsible for the work (manage, monitored, etc.) on behalf of the client.
 - ii) Description of the services provided, including when the services were provided. Provide a description of the project objective. Was the project a success from the client's perspective, and how was success measured?
 - iii) Provide examples and/or summaries of completed work for each of the references. Because effective communication with elected officials, residents, and staff is absolutely critical, please provide the very best examples of how your firm communicated with the community and stakeholders throughout the engagement.
- e) *Methodology and Approach.* Based on the Scope of Work herein, describe in detail how your firm will approach this project and ensure success. Please provide a detailed plan and methodology for accomplishing the work including, but not limited to, what will be expected of BURA staff during the engagement. The plan must include a detailed schedule of all activities, including milestones, project meetings, public consultation strategy, interim reports, progress reports, and other relevant steps. Include a recommended phasing of the specified work including, but not limited to, a description of the phases (and deliverables) in order, duration of the phases, and cost breakdown of the phases (the sum total of which must equal the lump sum amount).
- f) *Rates and Fees.* Respondent shall provide a lump sum fee for the services identified in the Scope of Work. Respondent shall also provide a schedule of hourly rates for each individual that will be assigned to this project, as well as any other fees associated with this work. The lump sum fee shall include all expenses (labor, materials, overhead and profit, equipment, travel, lodging, parking, postage, printing, computer, communications, phone, fax, reimbursable allowances, insurance, etc.) required by your firm to complete the specified services. In the event that additional services are required beyond the services identified in the Scope of Work, a schedule of hourly rates for each individual assigned to this project shall also be provided.
- g) *M/WBE.* Workforce: Respondent should describe any programs or actions they undertake to attract, recruit, train, retain and promote minority and female employees, partners and associates and respondent's current representation of minorities and women. Community Involvement: Respondent should describe any programs or initiatives they sponsor or support that further the development of minority or women-owned business enterprises. Respondent Policies: Respondent should describe any procurement policies or practices they have adopted that provide M/WBE suppliers or services business opportunities.

Responses should be limited to no more than fifteen (15) pages.

7) RFP SUBMISSION – CONTACT & QUESTIONS

Submit Proposal to:
Brendan Mehaffy, Esq.
Vice Chair
Buffalo Urban Renewal Agency
bmehaffy@city-buffalo.com

Submit Questions to:
Alex Carducci
Real Estate Financial Analyst
Mayor's Office of Strategic Planning, City of Buffalo
acarducci@city-buffalo.com

Submission of Questions:

The designee of this RFP shall be Alex Carducci, Real Estate Financial Analyst. Questions regarding the RFP shall be directed to the designee only. Any impermissible contact with any City/ BURA officer or employee regarding the RFP during the procurement period shall result in the rejection of any such Respondent's proposal. Respondents shall communicate in writing only. No other communications with the designee regarding the RFP are permitted during the procurement period. All questions, requests for clarification or additional information must be sent by email to Alex Carducci at acarducci@city-buffalo.com and must be received no later than 4:00 pm on Monday, September 7, 2020 @ 4:00 p.m. EST.

Respondents shall not communicate with the BURA's designee via any other method or outside of the time period set forth herein.

Questions received from all Respondents before registration will be answered and shared with all Respondents via the City's website at (www.city-buffalo.com) by 5:00 pm on Thursday, September 10, 2020. No other representatives of BURA are to be contacted regarding this RFP. The BURA accepts no responsibility for, and each Respondent agrees not to rely upon, any verbal or written statements or representations from any other person, whether or not employed by the BURA and/or BURA.

BURA may, in its sole discretion, also elect to provide both the question(s) and the written answer(s) to all known respondents via e-mail. Respondents are solely responsible for ensuring that the BURA has accurate contact information, including an e-mail address for the receipt of such correspondence. The BURA does not assume any responsibility for undelivered e-mails or for the receipt of any communication sent to any Respondent.

8) Timeline

Release of Request for Proposals:	Wednesday, September 2, 2020
Deadline for Questions:	Monday, September 7, 2020 at 5:00pm EST
Answers Posted to Website:	Thursday, September 10, 2020
Proposals Due:	Friday, September 18, 2020 at 5:00pm EST

9) BURA Reservation of Rights

Upon submission of a proposal in response to this RFP, each Respondent acknowledges and consents to the following conditions relative to the submission and review and consideration of its proposal:

- h)** All costs incurred by the Respondent in connection with responding to this RFP and for participating in this procurement process shall be borne solely by the Respondent.
- i)** BURA reserves the right, in its sole discretion, to reject any Respondent that submits incomplete responses to this RFP, or proposal that is not responsive to the requirements of this RFP.
- j)** BURA reserves the right, without prior notice, to supplement, amend, or otherwise modify this RFP, or otherwise request additional information.
- k)** All proposals in response to this RFP shall become the property of the BURA and will not be returned.
- l)** All proposals in response to this RFP shall constitute public records subject to disclosure.
- m)** BURA may request that Respondents personally attend or send representatives to BURA for interviews and a demonstration of Respondent's proffered services.
- n)** Any and all proposals in response to this RFP that are not received by the Division of Purchase by 5:00pm EST on September 18, 2020 will be rejected.
- o)** Neither BURA, nor its officers, officials nor employees shall be liable for any claims or damages resulting from the solicitation or preparation of the proposal in response to this RFP.
- p)** BURA reserves the right to reject such proposals from any person or corporation that is in arrears or default with BURA upon any debt and/or contract.

BURA reserves that it may, in its sole discretion, exercise the following rights and options with regard to this RFP and the procurement process in order to obtain the most advantageous offer for the BURA:

- a)** To waive irregularities and/or minor non-compliance by any Respondent with the requirements of this RFP;
- b)** To request clarification and/or further information from one or more Respondents after closing without becoming obligated to offer the same opportunity to all Respondents;
- c)** To enter into negotiations with one or more Respondents without being obligated to negotiate with, or offer the same opportunity, to all Respondents;
- d)** To reject any or all proposals or parts of proposals, to accept part or all of proposals on the basis of considerations other than lowest cost and to create a project of lesser or greater expense and reimbursement than described in this RFP or the Respondent's proposal based on the component prices submitted;

- e) To determine that any proposal received in response to this RFP complies or fails to comply with the terms set forth herein;
- f) To determine whether any perceived or actual conflict of interest exists that would affect or impair the award of any contract arising from this RFP to an Respondent(s);
- g) To waive any technical non-conformance with the terms of this RFP;
- h) To change or alter the schedule for any events called for in this RFP;
- i) To conduct investigations of any or all of the Respondents, as BURA deems necessary or convenient, to clarify the information provided as part of the proposal and to request additional information to support the information included in any proposal;
- j) To suspend or terminate the procurement process described in this RFP at any time. If terminated, BURA may determine to commence a new procurement process without any obligation to the Respondents;
- k) BURA shall be under no obligation to complete all or any portion of the procurement process described in this RFP.

Respondents are advised to submit a complete offer as their proposal. Any waiver, clarification or negotiation will not be considered as an opportunity for Respondents to correct errors in their proposal.

10) General Information

- a) Notice to Respondents: Respondents, before submitting a proposal, shall become fully informed as to the extent and character of the work required. No consideration will be granted for any alleged misunderstanding of the material to be furnished or work to be done, it being understood that the submission of a proposal is an agreement with all of the items and conditions referred to herein.
- b) Oral Presentations: BURA reserves the right to conduct individual interviews with finalists and to request best and final offers from any or all finalists. Each CBO may be required to provide oral presentations to discuss their proposed management techniques, answer questions from BURA's staff, and/or clarify their technical submittal.
- c) New York State Lobbying Act: All Bidders are required to execute an Affirmation of Understanding and Agreement that the Bidder will comply with the procedures and restrictions under the New York State Lobbying Act (Act), including but not limited to permitted contacts during the bidding and award process. Bidders must also execute a disclosure regarding any prior findings that the Bidder violated the Act.
- d) Withdrawal of the proposal: the proposal may be withdrawn upon written request from the respondent prior to the proposal closing date.
- e) Responsibilities of Respondent: The Respondent shall be responsible for the professional quality and technical accuracy of their advice and other services furnished by them. The Respondent will perform services with the degree of skill, which is normally exercised by recognized professionals with respect to services of a similar nature. Neither BURA's review, approval or acceptance of, nor payment for, any of the services required under the Contract shall be construed to operate as a waiver of any rights under the Contract or of any cause of action arising out of the performance of this Contract, and the Respondent shall be and remain liable

to BURA in accordance with applicable law for all damages to BURA caused by the Respondent's negligent performance of any of the services furnished under the contract. The rights of BURA provided for under the contract are in addition to any rights and remedies provided by law.

- f) Formation of Agreement/ Contract with Successful Respondent: The Contract to be negotiated as a result of this RFP shall be by and between the Respondent and the City of Buffalo Urban Renewal Agency and shall contain but shall not be limited to provisions included in this RFP. By submitting a proposal in response to the RFP, the Respondent accepts the terms and conditions set forth herein, as well as any additional terms and conditions required for adherence to federal regulations, sound fiscal management principles and the policies of the City of Buffalo Urban Renewal Agency.
- g) Workplace Diversity: The City of Buffalo Urban Renewal Agency is committed to achieving excellence in workplace diversity that encompasses the equity and social justice principles of the local, state and federal Equal Employment Opportunity laws and the City of Buffalo's policies that promote participation by minority and women owned business enterprises. The City encourages our contracting partners to adopt business methods and models that foster and strive for diversity within their workplaces as a matter of course.

In managing and valuing diversity, the City recognizes that it is the key component of effective people management as well as it is the key to significant organizational benefits such as enhancing productivity of all staff, enhanced equality of opportunity, recruitment and selection from a wider pool of talents, improved service and client satisfaction and a positive community image. It gives effect to the principles of Equal Employment Opportunity. The City encourages our contracting partners to achieve a workforce that reflects the profile of the broader community and capitalizes on this City's vibrant diversity of people.

- h) Living Wage Ordinance: The Respondent shall comply with the Living Wage Ordinance of the City of Buffalo (Buffalo City Code §96-19), if applicable. The ordinance applies to contracts in which the City pays or receives over \$50,000 and the employer has at least ten (10) employees. It does not apply to contracts for professional services. Compliance includes:
- Paying all covered employees, a living wage. Covered employees are all employees, full or part-time, employed in, on, or for the project or matter subject to the contract, except persons employed in construction work covered pursuant to federal or state prevailing wage laws.
 - Submitting quarterly reports to the Living Wage Commission, including the name, address, classification, period of employment and wage rate of all employees covered under the ordinance.
 - Posting two (2) copies of the Ordinance or a summary approved by the Living Wage Commission in conspicuous places where notices to employees and applicants for employment are customarily posted.
 - Informing employees making less than \$12 per hour of their possible right to the Federal Earned Income Credit and making available forms required to secure advance Earned Income Credit payments from Contractor.

The Respondent's violation of the ordinance will enable any aggrieved employee to file an action against the contractor for damages and/or a grievance with the City's Living Wage Commission. The City has the discretion to terminate this Agreement and pursue any other legal remedies if Respondent fails to comply with the ordinance.

Conflict of Interest Disclosure Form

Respondent Principals must review this form with all board members and agency staff.

The **Respondent** represents that none of its **employees, officers, compensated members, contractors or consultants** are, or for the duration of this agreement will be, employees of the City of Buffalo Urban Renewal Agency (BURA) nor are their family members or business relationships employees of BURA nor will their employees, officers, compensated members, contractors or consultants obtain a financial interest either for themselves or those whom they have immediate family or business ties, during their tenure or for one year thereafter.

The CBO must formally disclose all potential Conflicts of Interest to the City of Buffalo Urban Renewal Agency.

Disclosure: Are you, or are you related to (by blood, marriage, act of law, or business relationship) any person who is an employee of the City of Buffalo Urban Renewal Agency (BURA), the Municipal Housing Authority (BMHA), Board of Education, Sewer Authority or any other entity funded by Community Development Block Grant (CDBG)?

YES* NO

Print Name

Signature

Title

Date

***If yes, a full disclosure must be forwarded on official CBO letterhead to the City of Buffalo Urban Renewal Agency (BURA). The notice must include:**

Name:

Job Title or Position:

Disclosure must include:

1. Name of Relation
2. Department
3. Position
4. Relationship

The **Respondent** acknowledges receipt of this policy and verifies that all appropriate parties have been apprised of their obligation to disclose all potential conflicts of interest.

Board President's Signature: _____

Date: _____

Summary of Permitted Contract Under New York State Lobbying Act

Pursuant to State Finance Law §§139-j and 139-k, this “Request for Proposal” includes and imposes certain restrictions on communications between the City of Buffalo Urban Renewal Agency and a Bidder during the procurement process. A Bidder is restricted from making contacts from the earliest notice of intent to solicit offers or “Requests for Proposal” through final award and approval of the Procurement Contract by the City of Buffalo Urban Renewal Agency and, if applicable, the City of Buffalo Department of Administration and Finance (“restricted period”) to other than designated staff or consultants unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law §139-j(3)(a). Designated staff is identified in this Request for Proposals. City of Buffalo, the City of Buffalo Urban Renewal Agency employees are also required to obtain certain information when contacted during the restricted period and decide of the responsibility of the Bidder pursuant to the State Finance Law. Certain findings of non-responsibility can result in rejection of a contract award and in the event of two findings within a 4-year period, the Bidder is debarred from obtaining governmental Procurement Contracts. Further information about these requirements can be found at:

<http://www.ogs.state.ny.us/aboutOgs/regulations/defaultAdvisoryCouncil.html>

Each bidder that contracts with a governmental entity, and in this case The City of Buffalo Urban Renewal Agency, about a governmental procurement shall only make permissible contacts with respect to the governmental procurement, which shall mean that the bidder shall contact only the persons or persons designated by the City of Buffalo Urban Renewal Agency relative to the procurement, except that the following contacts are permitted:

1. submission of written proposals in the response to a request for proposals;
2. submission of written questions to a designated contact set forth in a request for proposals, when all written questions and responses are to be disseminated to all bidders who have expressed an interest in the request for proposals;
3. participation in a conference provided for in a request for proposals;
4. complaints by a bidder regarding the failure of the person or persons designated by the procuring governmental entity pursuant to this section to respond in a timely manner to authorized bidder contacts made in writing to the office of general counsel of the procuring governmental entity, provided that any such written complaints shall become a part of the procurement record;
5. bidders who have been tentatively awarded a contract and are engaged in communications with a governmental entity staff of the procuring governmental solely for the purpose of negotiating the terms of the procurement contract after being notified of tentative award;
6. contacts between designated governmental entity staff of the procuring governmental entity and a bidder to request the review of a procurement contract award;
7. (a) contacts by bidders in protests, appeals or other review proceedings (including the apparent successful bidder or proposer and his or her representatives) before the governmental entity conducting the procurement seeking a final administrative determination; (b) complaints of alleged improper conduct in a governmental procurement to the attorney general, district attorney, or court of competent jurisdiction; or (c) complaints of alleged improper conduct in a governmental procurement conducted by a municipal agency or local legislative body to the state comptroller’s office.

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

The Board President and Executive Director must review and sign this form.

Bidder affirms that it understands and agrees to comply with the procedures of the City of Buffalo Urban Renewal Agency relative to permissible Contacts as required by State Finance Law §139-j (3) and §139-j (6) (b) commonly known as the New York State Lobbying Act (Act). A summary of the Act regarding permitted contacts during the bid process is attached.

Contractor Name: _____

Contractor Address: _____

Executive Director (signature) (Print name) (Date)

Board Chairperson (signature) (Print name) (Date)

City of Buffalo – Living Wage Information

[Contractor] shall comply with the Living Wage Ordinance of the City of Buffalo (Buffalo City Code § 96-19), if applicable. The ordinance applies to contracts in which the City pays or receives over \$50,000 and the employer has at least ten (10) employees. It does not apply to contracts for professional services. Compliance includes:

☐ Paying all covered employees, a living wage. Covered employees are all employees, full or part-time, employed in, on, or for the project or matter subject to the contract, except persons employed in construction work covered pursuant to federal or state prevailing wage laws.

☐ Submitting quarterly reports to the Living Wage Commission, including the name, address, classification, period of employment and wage rate of all employees covered by the ordinance.

☐ Posting two (2) copies of the Ordinance or a summary approved by the Living Wage Commission in conspicuous places where notices to employees and applicants for employment are customarily posted.

☐ Informing employees making less than \$12 per hour of their possible right to the Federal Earned Income Credit and making available forms required to secure advance Earned Income Credit payments from Contractor.

[Contractor's] violation of the ordinance will enable any aggrieved employee to file an action against the contractor for damages and/or a grievance with the City's Living Wage Commission. The City has the discretion to terminate this Agreement and pursue any other legal remedies if CEO fails to comply with the ordinance.



City of Buffalo
Living Wage Commission

APPLICATION FOR CONTRACT WITH THE CITY OF BUFFALO

The City's Living Wage Ordinance applies to contracts for services in which the City pays – or receives – more than \$50,000 per year, and the contractor employs more than ten people. If you are bidding, responding to an RFP, or otherwise planning to make a contract with the City, you must complete this form, a copy of which will be forwarded to the City's Living Wage Commission. Your subcontractors need not file a separate Application, but they must pay a living wage. If you win the contract, you and your subcontractors will file quarterly reports with the Living Wage Commission.

You must certify that you will pay at least the hourly wages mandated by the Ordinance. **For 2020, the rate is \$12.33 if the worker receives health benefits from the employer and \$13.85 if the employee does not.** There is an automatic cost-of-living adjustment to the rate each January 1.

There are two exceptions to the Ordinance. Professional contracts such as legal, architectural, or engineering services are not covered by the Ordinance. Also, persons employed in construction work covered by prevailing wage laws are exempt from the Ordinance.

BUFFALO URBAN RENEWAL AGENCY
RFP – INTERNET CONNECTIVITY ASSESSMENT PLAN

The City department responsible for the contract should forward the completed Application for Contract of the employer chosen for the contract to: Living Wage Commission, c/o Cornell University ILR, 617 Main St., Suite 300, Buffalo, NY, 14203, lwcbuffalo@gmail.com.

1. Company Information

Company Name:	
Executive Officer:	
Address:	
City, State, Zip:	
Phone No.:	
Total No. of Employees:	

2. Please describe the specific project or service for which the contract is sought:

3. Contract Information

Dollar Value of Your Bid/Contract:	
Identifying City Contract or Project Number:	
Start and End Dates of Contract:	

4. If you answer "Yes" to any of these, you need not complete parts 5, 6, and 7

A) Are <i>all</i> persons who will work under the contract construction workers covered by federal or state prevailing wage laws?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
B) Is this a contract for professional services such as legal, architectural, or engineering?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
C) Do you employ less than ten people?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
D) Is the total value of the contract less than \$50,000 per year?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

5. List the employees who will work on this contract. Attach additional sheets as needed.

Job Title	Duties to be Performed	Hourly Wage	Receives Health Benefits?

6. Subcontractors

Will there be subcontractors?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, please provide name address, and phone for each subcontractor. Attach additional sheets as needed.	

7. Please provide a signature by an official of your company with the legal authority to make binding commitments.

I certify that if awarded a City contract I will fully comply with the Living Wage Ordinance.

Date:	<input type="text"/>	Signature:	<input type="text"/>
		Print:	<input type="text"/>
		Title:	<input type="text"/>

QUARTERLY EMPLOYER REPORT

Mandated by the Buffalo Living Wage Ordinance

Your company holds a City contract governed by the Buffalo Living Wage Ordinance. The law requires that employers pay the designated hourly “living wage” to their employees. It also requires that employers file this quarterly report with the Living Wage Commission. Please duplicate it for future use. Quarterly reports should be mailed to Living Wage Commission, c/o Cornell University ILR, 617 Main St., Suite 300, Buffalo, NY, 14203 or emailed to: lwcbuffalo@gmail.com.

Quarterly Reports must be filed within a month of the end of each quarter: i.e., by April 30th, July 31st, October 31st, and January 31st. Ordinance violations may result in monetary sanctions, suspension or termination of your contract and ineligibility for future city contracts.

Today's Date	
Period Covered by this Report	
Company Name	
Contact Person	
Address	
City, State, Zip	
Phone Number	
Describe the project or services provided to the City by your company during the last quarter	

Please provide on a separate sheet the following information for each employee who performed services under the contract during the last quarter:

Name of employee:					
Address of employee:					
Phone number:					
Type of work performed:					
Period of employment:					
Hourly wage rate:					
Health insurance provided:	<table border="1"><tr><td>YES</td><td></td><td>NO</td><td></td></tr></table>	YES		NO	
YES		NO			

I certify under penalty of perjury that:

- I have knowledge of the employment practices of this company;
- The information in this report regarding wages paid is true; and
- I understand that willful failure to report accurate information is a violation that may be penalized under the living wage ordinance.