

**CITY OF BUFFALO URBAN RENEWAL AGENCY –
REQUEST FOR PROPOSALS (RFP)
2021 Lead Hazard Reduction Contractor Recruitment SMALL
BUSINESS CONSULTANT**



Schedule of Key Action Dates

1. RFP Issue Date: July 23, 2021

2. Questions & Inquiries Due Date: July 30, 2021

Written questions must be sent via email: marino@city-buffalo.com No questions will be accepted by phone inquiries.

3. Notice of Intent to Respond Due Date: August 6, 2021

Any organization interested in responding to this RFP is required to submit a brief letter to the City of Buffalo Urban Renewal Agency (BURA) that expresses the respondent's intention to submit a package for consideration. The letter must include: the legal name of the organization, address, authorized contact person, title, contact phone number, and email address. The letter must be addressed to the BURA contact person:

Christine Marino, Program Manager
City of Buffalo Urban Renewal Agency
Room 315 City Hall, Buffalo, N.Y. 14202
marino@city-buffalo.com

4. Response Submission Date: Postmarked no later than August 20, 2021

The sealed package must be via email, with subject line:

[Respondent Name] –Lead Hazard Contractor Recruitment RFP

5. Anticipated Program Start-Up Date: October 1, 2021

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OVERVIEW

SUMMARY INTRODUCTION: The City of Buffalo Urban Renewal Agency (BURA) is seeking submittals from qualified organizations to serve as a SMALL BUSINESS CONSULTANT to facilitate the recruitment and retention MWBE and non-MWBE construction contractors to support the successful completion of lead remediation in residential properties in the City of Buffalo.

All organizations interested in applying to provide programs and services must meet the requirements specified in this Request for Proposals (RFP). Respondents must have qualified staff on hand for this program and be ready to begin work on the anticipated contract start-up date of **October 1, 2021**. It is anticipated that a minimum of **1 SMALL BUSINESS CONSULTANT** will be selected to work on a prepared scope of services. Additional program and activity benchmarks, specific to geographic priority areas, will be negotiated upon the award of the contracts to the selected organizations.

OBTAINING A COPY OF THE RFP: To obtain a copy of the RFP, organizations can visit our website at [http://www.city-buffalo.com/Home/City Departments/Office of Strategic Planning](http://www.city-buffalo.com/Home/City_Departments/Office_of_Strategic_Planning), contact the City of Buffalo Urban Renewal Agency at 851-4769 or pick-up a copy in Room 920 or Room 315 City Hall. Any addenda issued for this RFP will be published at the above-referenced website and will be provided to all groups that have submitted a Notice of Intent to Respond letter to BURA.

RIGHTS RESERVED: BURA reserves the right to accept or reject any and all responses, in whole or in part, received because of this solicitation and to waive minor irregularities. Furthermore, BURA reserves the right to make a whole award, partial award, or no award at all.

SECTION I – INTRODUCTION

1.1 SUMMARY STATEMENT: The City of Buffalo Urban Renewal Agency (hereinafter referred to as “BURA”) is a public benefit corporation created in part to eliminate or prevent the spread of deterioration through residential rehabilitation and to act in the public interest on behalf of the citizens of the City of Buffalo. BURA manages the City of Buffalo’s Community Development Block Grant (CDBG), the CARES Act Community Development Block Grant (CDBG-CV), the HOME Investment Partnerships Program (HOME) and a HUD Federal Lead Hazard Reduction Grant.

The purpose of this RFP is to select a SMALL BUSINESS CONSULTANT to assist BURA with small business recruitment and retention such that there are sufficient number of construction businesses available to bid and complete lead remediation work funded in whole or in part by the City of Buffalo.

In order to be considered for participation in the program, the SMALL BUSINESS CONSULTANT must:

- document by its immediate past and current activities that it has the ability to implement the eligible activities and tasks; and
- document the experience and the capacity of the staff to implement the proposed scope of services and expend program funds in a timely manner.

It is anticipated that this RFP will result in the selection of 1 SMALL BUSINESS CONSULTANT who will work on a prepared scope of services. One or more agencies or organizations may choose to partner in applying for this RFP. The lead SMALL BUSINESS CONSULTANT must be designated in the response to the RFP. The lead SMALL BUSINESS CONSULTANT will be responsible and remain fully liable for the work done by the support agencies or organizations.

The selected SMALL BUSINESS CONSULTANT will be compensated for the satisfactory performance and completion of the minimum tasks associated with the program.

The term of the program will be for an initial period of one year (tentative contracts dates are July 1, 2021 – June 30, 2022). The BURA shall have the sole exclusive right to offer the option to extend the period for up to a one-year extension.

II – GENERAL INFORMATION

- 2.1 NOTICE TO SMALL BUSINESS CONSULTANT:** The SMALL BUSINESS CONSULTANT, before submitting a proposal, shall become fully informed as to the extent and character of the work required and is expected to completely familiarize themselves with the requirements of the solicitation and specifications. 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.
- 2.2 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 SMALL BUSINESS CONSULTANT 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.
- 2.3 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.
- 2.4 WITHDRAWAL OF THE PROPOSAL:** The proposal may be withdrawn upon written request from the SMALL BUSINESS CONSULTANT prior to the proposal closing date.
- 2.5 CONTRACTING WITH SMALL AND MINORITY FIRMS, WOMAN'S BUSINESS ENTERPRISE AND LABOR SURPLUS AREA FIRMS:** The City of Buffalo Urban Renewal Agency, per HUD Regulations Section 85.36(e), requires the prime contractor (SMALL BUSINESS CONSULTANT) to take affirmative steps to select such small and minority firms, women's business enterprise and labor surplus area firms as subcontractors.
- The grantee (BURA) and sub grantee (SMALL BUSINESS CONSULTANT) will take all necessary affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible.
 - Affirmative steps shall include:
 - Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
 - Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
 - Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises;
 - Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises;
 - Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce; and
 - Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (e)(2) (i) through (v) of this section.
- 2.6 SUBCONTRACTING:** Any person undertaking a part of the work under the terms of the Contract, by virtue of any agreement with the SMALL BUSINESS CONSULTANT, must receive approval of the City of Buffalo Urban Renewal Agency prior to any such undertaking. In the event the SMALL BUSINESS CONSULTANT desires to subcontract some part of the work specified herein, the SMALL BUSINESS CONSULTANT shall furnish with their proposal the names, qualifications, and experience of their proposed subcontractors.

Subcontractors shall conform, in all respects to the provisions specified for the SMALL BUSINESS CONSULTANT. The SMALL BUSINESS CONSULTANT shall, however, remain fully liable and responsible for the work done by their subcontractors. The City of Buffalo Urban Renewal Agency may terminate the Contract if the subcontracting is done without BURA's prior approval.

- 2.7 RESIDENCY GOAL:** The selected SMALL BUSINESS CONSULTANT agrees that (i) in the hiring of any contractor, subcontractor, or a person acting on behalf of the contractor or subcontractor, preference shall first be given to qualified local contractors who have resided in the City of Buffalo for at least six (6) consecutive months immediately prior to the commencement of their employment for the performance of work and (ii) any contractor or subcontractor will work towards ensuring a minimum residency goal of 25% of workforce to include qualified residents in the City of Buffalo.
- 2.8 COLLABORATIONS:** A SMALL BUSINESS CONSULTANT with limited small business experience is encouraged to partner with another experienced provider. The SMALL BUSINESS CONSULTANT selected for participation in the program, however, will remain fully liable and responsible for the work done by their partners.
- 2.9 RESPONSIBILITIES OF THE SMALL BUSINESS CONSULTANT:** The SMALL BUSINESS CONSULTANT shall be responsible for the professional quality and technical accuracy of their advice and other services furnished by them. The SMALL BUSINESS CONSULTANT 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 SMALL BUSINESS CONSULTANT shall be and remain liable to BURA in accordance with applicable law for all damages to BURA caused by the SMALL BUSINESS CONSULTANT'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.
- 2.10 FORMATION OF AGREEMENT/CONTRACT WITH SUCCESSFUL SMALL BUSINESS CONSULTANT:** The Agreement to be negotiated as a result of this RFP shall be by and between the SMALL BUSINESS CONSULTANT and the homeowner's and shall contain but shall not be limited to provisions included in this RFP. By submitting a proposal in response to the RFP, the SMALL BUSINESS CONSULTANT 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.
- 2.11 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 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 partners to achieve a workforce that reflects the profile of the broader community and capitalizes on this City's vibrant diversity of people.

2.12 LIVING WAGE ORDINANCE: The SMALL BUSINESS CONSULTANT 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.

The SMALL BUSINESS CONSULTANT'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 SMALL BUSINESS CONSULTANT fails to comply with the ordinance.

SECTION III – SCOPE & REQUIREMENTS

3.1 SCOPE OF WORK:

Lead paint is a neurotoxin that causes damage to the brain. While lead paint was banned in 1978, lead paint hazards are still prevalent in the City of Buffalo given the age of the housing stock and decades-long deferred maintenance which causes lead paint to chip, peel, flake and degrade into dust. Lead paint chips or dust are inhaled or ingested, which causes lead poisoning and irreparable harm to children.

In September 2020, the City of Buffalo was awarded a federal Lead Hazard Reduction Grant in the amount of \$2,000,300 to reduce lead paint hazards in approximately 110 units of housing on the City's West Side and Schiller Park neighborhoods. The City of Buffalo/BURA and the Erie County Health Department, which was awarded its own \$5.6 M lead remediation grant in 2019, will work collectively to identify properties that pose a risk to small children and engage construction contractors to remediate lead to improve the health and safety of the property's occupants. Lead remediation activities primarily include removing lead-based paint, painting surfaces, and replacing old windows and doors. Lead remediation activities must be performed by lead certified contractors who are licensed and insured to do lead remediation work in the City of Buffalo.

One major obstacle to the successful completion of the City's federal grant, as well as other increasingly available grants and loans for owners to remediate lead, is the small number of construction firms who have historically bid on lead remediation work. Anecdotal evidence indicates that low participation rate is due, in part, to barriers in obtaining necessary certifications and insurances, slow paying practices, perceived obstacles to City licensing, and lack of knowledge on how to participate in bid processes.

With this RFP, the BURA seeks assistance from a SMALL BUSINESS CONSULTANT to pursue a more focused and methodical approach to understanding the barriers to participation while simultaneously acting to recruit and retain new and existing firms to bid on publicly funded lead activities. The overall objective of this RFP is to build long-term contractor capacity within the City of Buffalo to assist with the remediation and repair of housing. A secondary, but equally important objective, is to support the short-term completion of the City's 2020 federal grant by connecting existing contractors to bid opportunities to ensure timely completion of the federal grant. In addition, the grant provides \$25,000 in direct financial assistance to business owners to obtain the licenses and certifications they need to perform the work. Finally, the City is committed to the recruitment and retention of minority and women owned business enterprises (MWBES) into the lead-based paint and light construction sector. Special attention must be paid to the unique barriers to entry and challenges faced by MWBES seeking to enter the market, and bid on publicly funded home repair contracts.

The SMALL BUSINESS SMALL BUSINESS CONSULTANT selected from this RFP will perform the following tasks:

1. Develop and maintain a list of existing construction contractors in the Western New York region that specialize in painting and window replacement who are either 1) lead certified but not licensed; 2) licensed but not lead certified; or 3) neither certified nor licensed in the City of Buffalo.
2. Engage contractors to recruit them to participate in lead remediation bids as well as understand and document obstacles to their participation in lead remediation work. Outreach should include one-on-one meetings, surveys, and events as needed. By the end of the SMALL BUSINESS CONSULTANT contract term, BURA has established a goal of a minimum of (2) new contractors willing and able to perform lead remediation work in the City of Buffalo.
3. Engage with MWBE community to assess interest and capacity to bid on lead remediation work and identify barriers to entry into the publicly funded home repair market.
4. Connect interested contractors to available resources including Erie County Lead Certification courses, the EPA's Lead-Based Paint Renovation, Repair, and Painting Program (RRP) classes, MWBE certification at the State and County level, and small business development services available through non-profit business development organizations.
5. Facilitate the expenditure of \$25,000 available for contractor certification and business supports.
6. Produce a report for BURA describing barriers to entry for MWBE and non-MWBE firms entering the small home repair and lead remediation market in the City of Buffalo and keep the list of eligible contractors available and current for BURA use.
7. Provide quarterly reports to BURA on the progress of recruitment and retention efforts.

The total available funds allocated for this contract are \$75,000.

3.2 INSURANCE REQUIREMENTS: The SMALL BUSINESS CONSULTANT shall have in force and shall maintain, at its own expense, insurance in not less than the following amounts during the performance of service called for under the contract. The SMALL BUSINESS CONSULTANT must, prior to the contract execution, and for each extension of the contract, furnish to BURA certificates of insurance as evidence of such coverage stated below. In addition, the City of Buffalo and the Buffalo Urban Renewal Agency must be named as additional insureds on the policy; and the certificate holder must be the City of Buffalo and the Buffalo Urban Renewal Agency, 920 City Hall, Buffalo, NY.

- A. Workmen's Compensation and Disability Insurance - covering the administrator's employees as required by New York State Law.
- B. Comprehensive Bodily Injury and Property Damage Liability Insurance:
 - a. General Aggregate (Other than Products-Completed Operations) \$2,000,000
 - b. Products-Completed Operations Aggregate Limit \$1,000,000
 - c. Personal & Advertising Injury Limit \$1,000,000
 - d. Each Occurrence Limit \$1,000,000
 - e. Comprehensive Automobile Liability Insurance - Combined single limit of \$1,000,000 covering bodily injury and property damage.
 - f. Professional Liability/Errors and Omissions - \$1,000,000 per occurrence if required in the sole discretion of BURA.

No contract will be executed with the administrator until the current certificates of insurance have been received and approved by the Office of Strategic Planning. If the insurance as evidenced by the certificates furnished by the administrator expires or is cancelled during the term of the contract, services and related payments will be suspended.

SECTION IV – EVALUATION & SELECTION

- 4.1 SELECTION PROCESS:** BURA reserves the right to accept any application and negotiate an agreement with any respondent. The successful respondents will be required to comply with all applicable equal opportunity laws and regulations. BURA reserves the right to reject any or all submissions, or to waive any defect or irregularity. At its sole discretion, BURA reserves the right to contact bidders and ask them for required information omitted from the bid package. BURA may contact bidders by telephone or by facsimile during its review of a bid package to clarify submitted information. BURA further reserves the right to award contracts to the respondents that, in the judgment of the selection staff and the City of Buffalo Urban Renewal Agency, best serves the need of the residents of the City of Buffalo.
- 4.2 EVALUATION AND SELECTION:** Staff will conduct a completeness review evaluation on all responses received by the closing deadline. Finalists may be selected for interviews. Staff may request technical assistance from any source within the City of Buffalo or Buffalo Urban Renewal Agency.
- 4.3 QUALIFYING PROPOSALS:** Staff shall first review each Proposal for compliance with the mandatory requirements of this RFP. Failure to comply with any requirements of this procurement may disqualify a SMALL BUSINESS CONSULTANT'S Proposal. BURA reserves the right to waive a requirement and/or minor

irregularities when it is in BURA's best interest to do so. **Qualification Proposals will not be opened publicly.**

- 4.4 FINAL BENCHMARKING AND SELECTION:** Each proposal received shall be subject to the same review and evaluation process. Proposals will be reviewed and will be scored by the Evaluation and Selection Staff and then they will then make recommendations to the City of Buffalo Urban Renewal Agency Vice Chairman or his/her designee for award.

Based on the initial review of Proposals, BURA may invite, without cost to itself, ranking finalists to make a presentation of their proposal and their capabilities as a further consideration in the selection process. BURA reserves the right to make an award with or without negotiations or to request best and final offers. Program participation will be granted to those entities whose Proposal best meets with BURA's requirements at the time of award.

- 4.5 PROPOSALS PROPERTY OF BURA:** All packages submitted in response to this Request for Proposals become the property of BURA and may be appended to any formal documentation that would further define or expand the relationship between BURA and the successful SMALL BUSINESS CONSULTANT.

SECTION V – CONTENT OF SUBMISSIONS

- 5.1 GENERAL INSTRUCTIONS:** To receive consideration under this RFP, submissions must be made in accordance with the following general instructions. All RFP packages must contain the following information in the order shown and numbered as followed. The SMALL BUSINESS CONSULTANT may not change the order to the questions for the page formatting. All responses to the questions should be typed, single or double spaced, using not less than 12-point font and 1-inch margins. Facsimile copies of the submission will not be accepted.

Respondents must complete the entire application and the package will be reviewed and scored on the basis of the information provided by the organization.

1. A cover letter, on business stationery, which provides the official proposal with the name, email address, telephone number and facsimile number of the individual with whom BURA personnel may communicate about the RFP. The signature of the person signing the submission shall be in long hand. The RFP submission must be signed by a person with the legal authority to enter into a contractual relationship in the name of the respondent organization.
2. A statement that the RFP response will be valid for at least 60 days.
3. A table of contents with pages numbers indicated.
4. Requested Forms/Attachments:
 - Attachment I – SMALL BUSINESS CONSULTANT Information
 - Attachment II – SMALL BUSINESS CONSULTANT Qualifications
 - Attachment III – Understanding of Safe Work Practices
 - Attachment IV – Conflict of Interest Disclosure

- Attachment V – New York State Lobbying Act
- Attachment VI – City of Buffalo Living Wage

- 5.2 REQUIRED INFORMATION:** Submissions must include all items listed under requested forms. All attachments must be submitted at the same time as the RFP response. Late proposals will not be considered. **Verbal, faxed, or email submittals will not be accepted.**
- 5.3 PRE-CONTRACTUAL EXPENSES:** BURA shall not be liable to a respondent for any and all costs incurred or liabilities and/or claims related to this RFP and/or the Scope of Work encompassed in this RFP incurred prior to or in anticipation of a fully executed agreement by/with BURA and the SMALL BUSINESS CONSULTANT. BURA shall be held harmless and free from all liability, claims or expenses whatsoever, incurred by, or on behalf of, any persons or organization responding to this RFP.

6.1 - ATTACHMENT I – SMALL BUSINESS CONSULTANT Information

Directions: Insert the requested information in the space provided.

Agency/Firm Name: _____

Address: _____

Business Phone Number: _____

Business Fax Number: _____

Business E-mail address: _____

Web Site: _____

Contact Person: _____

Title: _____

Federal Tax Identification Number: _____

This firm is a (check one):

Corporation ☐ Partnership ☐ Sole Proprietorship ☐ Not for Profit ☐ LLC ☐

State Certified Woman or Minority Owned Firm? Answer Yes or No _____

If yes, Certification Number: _____

Names and address of **all** principals, partners, officers, etc.:

Name: _____

Address: _____

Name: _____

Address: _____

If additional space is needed to list all principals, etc., please attach a separate sheet listing all the information.

If a not-for-profit, include a copy of your current board members.

How long has your organization been in business? Number of years: _____

6.2 - ATTACHMENT II – SMALL BUSINESS CONSULTANT Qualification Detail

1. Describe your past experience with small business development, recruitment and retention in any market or industry.
2. Describe the qualifications of key staff who will administer this program. Include any rehab or lead safe work practices training attended by these employee(s) during the past two years.
3. **List and attach** the certification(s) or license(s) held by the key staff who will work with this program.
4. Describe your administrative systems and list the financial software used by your company.
5. Describe how you propose to implement the contractor recruitment and retention activities. What are your current policies and procedures?
 - List each step or provide a flow chart.
 - Include staff and anticipated time frames needed to complete the program.
6. Describe any partnerships that exist or will be created to administer the program. Describe how you will contract with and monitor your partner's work.

6.3 - ATTACHMENT III – Understanding of Safe Work Practices

The SMALL BUSINESS CONSULTANT acknowledges their understanding of Safe Work Practices and will work to train and assist contractors entering the market on federal, state, and local requirements.

EPA Lead: Renovation, Repair and Paint Program:

The EPA's Lead-Based Paint Renovation, Repair, and Painting Program (RRP) is a federal regulatory program that affects contractors, property managers, and others whose work may disturb painted surfaces. The program applies to those individuals that conduct renovation, remodeling, or paint removal activities on residential houses, apartments, and child-occupied facilities such as schools and day care centers built before 1978. The RRP includes pre-renovation education as well as training, certification, and work practice requirements.

Pre-renovation education requirements are effective now:

Contractors, property managers, and others who perform renovations for compensation in residential housing, apartments, and child occupied facilities built before 1978 are required to distribute the lead pamphlet, "Renovate Right" before starting renovation work.

Training, certification, and work practice requirements became effective April 2015:

Firms are required to be certified, their employees must be trained in the use of lead-safe work practices, and lead-safe work practices that minimize occupants' exposure to lead hazards must be followed. A firms' employees must take an EPA approved 8-hour training course in order to obtain certification and become a "certified renovator".

If individuals had previously taken an 8-hour approved lead safe work practices training course, then a 4-hour EPA approved RRP refresher course is required.

The undersigned representative of:

has acknowledged the responsibilities regarding the Renovation, Repair and Paint Program.

SMALL BUSINESS CONSULTANT'S Signature

Date

Print Name

****Please provide all applicable lead certificates.****

**6.4 - ATTACHMENT IV – Conflict of Interest Disclosure -
to be completed by all Staff and Board Members**

The **SMALL BUSINESS CONSULTANT** represents that none of its **employees, officers, compensated members, Administrators or SMALL BUSINESS CONSULTANTS** are, or for the duration of this agreement will be, employees of the City of Buffalo Urban Renewal Agency (BURA) or City of Buffalo nor are their family members or business relationships employees of BURA or the City of Buffalo nor will their employees, officers, compensated members, Administrators or SMALL BUSINESS 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 SMALL BUSINESS CONSULTANT must formally disclose all potential Conflicts of Interest BURA.

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, 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 **SMALL BUSINESS CONSULTANT** 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 Contacts 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 SMALL BUSINESS 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 are identified in this Request for Proposals. City of Buffalo Urban Renewal Agency employees are also required to obtain certain information when contacted during the restricted period and make a determination 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) 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;
 - i. complaints of alleged improper conduct in a governmental procurement to the attorney general, district attorney, or court of competent jurisdiction; or
 - ii. complaints of alleged improper conduct in a governmental procurement conducted by a municipal agency or local legislative body to the state comptroller’s office.

ATTACHMENT V – New York State Lobbying Act - continued

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

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.

By: _____ Date: _____

Name: _____

Title: _____

Administrator Name: _____

Administrator Address: _____



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. **From July 1, 2021 to July 1, 2022, the living wage rate is \$15.84.** There is an automatic cost-of-living adjustment to the rate each July 1st.

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.

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?	☐ Yes	☐ No
B) Is this a contract for professional services such as legal, architectural, or engineering?	☐ Yes	☐ No
C) Do you employ less than ten people?	☐ Yes	☐ No
D) Is the total value of the contract less than \$50,000 per year?	☐ Yes	☐ 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?	☐ Yes ☐ 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: _____ Signature: _____
 Print: _____
 Title: _____



City of Buffalo Living Wage Commission

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:	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.