

CHADWICK BAY REGIONAL DEVELOPMENT CORPORATION

338 Central Ave., Suite 210
Dunkirk, NY 14048
716-679-5157
mktampio@gmail.com
www.chadwickbayrdc.com



Daniel Schrantz, Chairman
Louis Delmonte, Vice-Chair
Donald Steger, Treasurer
Katherine Tampio
Executive Director/Secretary

Request for Proposal FOR LEAD CONSULTANT

Chadwick Bay Regional Development Corporation

March 14, 2012

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I. INTRODUCTION

The Chadwick Bay Regional Development Corporation (the "Corporation") is a local development corporation formed pursuant to Section 1411 of the New York Not-For-Profit Corporation Law to facilitate economic development, business development, job creation, and economic opportunities within the Chadwick Bay, NY Region (the "Region").

The Corporation is seeking proposals from qualified professional environmental engineering firms located and authorized to do business in the State of New York to provide services as a lead consultant to develop an implementation plan for the creation of the Chadwick Bay Regional Water District using as a model the very successful Niagara County Water District which was established in 1958. The lead consultant will supply all of the project activities - engineering, legal, appraisal and financial services – as one proposal with the understanding the engineering firm, in almost all cases, will have to respond to the proposal as a team with subcontractors (municipal Law, certified appraisal services, municipal financial advisors) to be retained by the lead engineering firm. Due to the varied activities that will have to be undertaken as part of the project, all consultants will have to be full service firms with extensive experience in working with local governments.

A prior Feasibility Report for the Regional Water System completed January 2010 is available by e-mail attachment upon request.

The implementation plan will include the following tasks: conduct educational meetings, develop intermunicipal cooperation agreements, environmental review, GIS mapping and inventory, asset management inventory analysis, water treatment/distribution master plan, financial analysis, investigate future geographic expansion and create an operation plan.

II. PROPOSAL PROCEDURES

a. Anticipated Schedule of Proposal

Issue RFP	March 14, 2012
Proposals Due	April 18, 2012

b. Preparation of Proposal

Each proposal shall be prepared concisely, avoiding the use of elaborate promotional materials beyond those sufficient to provide a complete, accurate, and reliable presentation. For ease of review, the proposals must follow the outline in the section of this

Request for Proposals (“RFP”) entitled Mandatory Proposal Response Requirements. Each Response should be clearly numbered and the full question listed.

c. Number of Proposal Copies

Ten (10) hard copies and five (5) electronic Compact Disc copies of the proposal shall be submitted to:

Kathy Tampio, Executive Director
Chadwick Bay Regional Development Corporation
338 Central Ave, Suite 210
Dunkirk, NY 14048

(716) 679-5157

mktampio@gmail.com

d. Inquiries and Submission of Proposals

Questions about the RFP and submission of proposals shall be directed in writing to the Executive Director by mail or e-mail.

All proposals must be delivered, either by hand delivery or by certified mail in a sealed envelope, to the above office on or before April 18, 2012 at 2:00p.m. Proposals received after the above date and time will not be considered. The Corporation is under no obligation to return proposals. It is requested that any and all contact with the authorized contact person be made by e-mail.

e. Time and Location of Proposer’s Presentation

Selected proposers may be requested to provide oral presentations. Those proposers will be notified to arrange appointments for such presentations.

f. Effective Period of Proposals

A proposal may be withdrawn at any time prior to the date specified as the closing date for acceptance; however, no respondent may withdraw or cancel a proposal for a period of ninety (90) days following the closing date for acceptance, nor shall the successful respondent withdraw or cancel or modify the proposal, after having been notified that the proposal has been accepted by the Corporation, except at the request of the Corporation, or with the Corporation’s written consent.

g. Method of Award

After the Proposal Due Date, Corporation representatives will begin to evaluate the proposal packages. The Corporation reserves the right to hold all proposals for a period of up to 180 days beyond the final date for submission of proposals before making any determination.

In order to facilitate choosing the best proposal for the Corporation, each proposal will be scored via an evaluation system. Merit will be evaluated with emphasis on the following factors:

- Prior experience in performing services of the type contemplated by this RFP
- Overall expertise and organizational strength
- Cost
- References and Reputation

h. Right of Rejection by the Corporation

Notwithstanding any other provisions of this RFP, the Corporation reserves the right to award this contract to the vendor that best meet the requirements of the RFP, and not necessarily to the lowest bidder. Further, the Corporation reserves the right, for any or no reason and in its sole and absolute discretion, to (1) amend, in whole or part, withdraw or cancel this RFP, and (2) accept or reject any or all proposals prior to execution of the services contract for any or no reason and with no penalty to the Corporation.

i. Award of Contract

The Corporation shall select a lead consultant by means of a Notice of Award. Neither the selection of a lead consultant nor the issuance of a Notice of Award shall constitute the Corporation's acceptance of the proposal or a binding commitment on behalf of the Corporation to enter into a services contract with the consultant, as any binding arrangement must be set forth in definitive documentation signed by both parties and shall be subject to all requisite approvals.

j. Contract Negotiations

The Corporation intends to enter into contract negotiations with the lead consultant selected by the Board of Directors of the Corporation (the "Directors"), who shall be required to enter into a written contract (hereinafter, the "Contract") with the Corporation for the Lead Consultant services in a form approved by the Directors.

- The Corporation reserves the right to negotiate the terms and conditions of the Contract with the selected proposer, if any. These negotiations could include all aspects of services and fees. Neither the selection of a vendor nor the negotiation of the Contract with such vendor shall constitute the Corporation's acceptance of the proposal or a binding commitment on behalf of the Corporation to enter into a Contract with such vendor, as any binding arrangement must be set forth in the Contract signed by both parties and is subject to all requisite approvals.

k. Contract Term

It is the intent to award Contract for an initial one-year period, with the option to renew it for an additional one-year period, for a

possible total Contract term of two years, subject to the Corporation's right of early termination as provided in the Contract. The decision to renew the Contract will be at the sole discretion of the Corporation.

III. LEAD CONSULTANT REQUIREMENTS – PURPOSE & SCOPE

The purpose of the RFP is to inform the private sector of a potential business opportunity to provide Lead Consultant services to the Corporation as described by the following tasks:

TASK 1: Host Group Educational Meetings

Hold a kick off meeting for all interested City, Town and Village officials to learn about the successful Niagara County Water District and the types of intermunicipal agreements that have been utilized in other areas of the State to allow existing debt and capital assets to be acquired and/or managed by the new entity. The agenda would allow a large amount of time for the Chadwick Bay Communities to interact with the representatives from the Niagara County Water District and other communities that have developed intermunicipal agreements to consolidate their systems. In addition, all the participants would be asked to jointly develop an outline of tasks and activities that would be appropriate for the participating communities to pursue.

Possible presenters could include representatives from the following:

- Niagara County Water District
- Genesee County Water District, which has vast experience in reaching consensus on the best way to purchase existing water treatment facilities and incorporate them into a regional system
- Joint Black River Initiative in Jefferson County
- NYS Rural Water representatives
- Funding Agencies
 - USDA Rural Development
 - Appalachian Regional Commission
 - NYS Environmental Facilities Corporation
 - NYS Department of State

At least two additional meetings will be held for participating communities. The meetings will include a mid-point status report and a review of final project recommendations regarding the formation of a regional water district.

TASK 2: Legal Services to Develop Intermunicipal Cooperation Agreements and Formation

A full service law firm will be retained to develop intermunicipal cooperation agreements and draft documents needed for district

formation. The firm will be selected through an open competitive RFP procedure. The firm will be selected after reviewing the costs and professional experience of the firms responding to a request for proposal.

Activities to be performed by the selected law firm will include the following:

- Draft regional water district legislation to be submitted to State Legislature
- Develop intermunicipal cooperation agreements regarding disposition of assets and assumption of existing debt service obligations
- Legal assistance required to prepare map, plans and reports as needed
- Legal assistance required for SEQR

TASK 3: Environmental Review

Complete the following SEQR/SERP items related to the project.

- Lead Agency Designation
- Complete SEQR Part 1
- Conduct Coordinated Review
- Complete SEQR Part 2 and 3
- Complete Negative Declaration Resolution for CBRDC. Notify appropriate publication agencies
- Coordinate and attend a public hearing
- Prepare a Map, Plan, and Report for distribution to the CBRDC, CBRDC Attorney, and funding agencies
- Investigate long term funding opportunities for this project including DWSRF, USDA Rural Development, and conventional bonding
- Review of current regulatory compliance for each community
- Develop timeline for a phased approach to district formation
- Meet with the Chautauqua County Health Department to review the design
- Prepare a Water Supply and Withdrawal Permits for submission to NYS Department of Environmental Conservation

TASK 4: GIS Mapping and Inventory of all Community Waterlines

Gather existing waterline information from all CBRDC communities. Information gathered will include:

- Location
- Diameter
- Material
- Year Installed
- Length

Input waterline information into GIS format

Generate GIS maps and summary report showing summary of assets by material, diameter, and year installed.

Identify existing large diameter waterlines (larger than 12-inch) that could be used as transmission waterlines under the CBRWA

Identify “gaps” in the transmission system.

TASK 5: Asset Management Inventory Analysis

The Lead Consultant as well as an industrial appraisal company will complete this task. The appraisal company will be selected through an open competitive bid procedure.

An asset management inventory analysis of existing treatment plants and transmission mains will be completed to determine the value of the existing infrastructure that would be purchased by the new District.

The appraisal report will:

- Identify the condition of existing facility components and determine items for reuse
- Identify need for additional land for tanks, pumping stations, etc.
- Perform an appraisal on existing facilities to determine the residual monetary values of real estate, equipment, tanks and pumps, etc.

TASK 6: Complete Water Treatment/Distribution Master Plan

The Lead Consultant will complete a Water Treatment/Distribution Master Plan that will include planning activities, operational reviews, hydraulics, and proposed improvements.

Planning Activities:

- Determining current demands
- Project future demands
- Proposed demands
- 20 year population projections

Operation reviews:

- Water loss evaluation
- Water meter evaluation
- Identify high water users throughout the system

Hydraulics:

- Evaluate pump stations
- Evaluate impacts of using different combinations
- Evaluate water treatment plants (Dunkirk, Brocton, Fredonia)
- Evaluate transmission main locations
- Evaluate storage tank locations

Proposed Improvements:

- Identify distribution upgrades
- Identify treatment plant upgrades

TASK 7: Financial Analysis

The Lead Consultant will be responsible for the completion of this task as well as a municipal financial advisor. The advisor will be selected through an open competitive RFP process.

A detailed financial analysis will be completed that evaluates current debt service of each community and amounts outstanding to include the following activities:

- Identify current water rates for each community of Treatment
- Perform a detailed financial rate study on the sustainability of each community’s water system without consolidation.
- Develop financial projections and estimated operating budgets for the proposed regional water system.
- Develop a financing plan for the purchase of existing facilities and new infrastructure improvements for the new regional water system.

TASK 8: Investigate Possible Future Geographic Expansion

The Lead Consultant will be responsible for the completion of this task as well as Chadwick Bay representatives. Possible future geographic expansion will be investigated to include the following activities:

- Review possible service area expansion plans with each community
- Develop future water demands for expansion

TASK 9: Development of Operation Plan

The Lead Consultant will be responsible for the completion of this task as well as Chadwick Bay representatives. An Operation Plan will be developed to include the following activities:

- Determine who is responsible for maintenance of the waterlines
- Identify materials stockpile requirements
- Identify equipment stockpile requirements
- Pooling of resources
- Outline basic operation procedures for waterline breaks, emergencies, etc.

IV. MANDATORY PROPOSAL RESPONSE REQUIREMENTS

Please submit the following in your proposal:

a. Narrative Response shall include:

- Service Summary: This should provide a description of the key points of your proposal.
- Qualifications: Provide background information on your firm, including but not limited to

- i. Business overview
 - ii. The age of the business
 - iii. Names, addresses and position of all persons having a financial interest in the company
 - iv. State of incorporation
 - v. The number of employees
 - vi. Annual revenue of the firm
 - vii. Names and resumes of employees
 - viii. Summary of relevant accomplishments – specifically the Corporation is seeking to champion the creation of a Chadwick Bay Water District or Authority. Respondents are specifically required to reference their experience with such a project.
 - ix. Experience with local development corporations or similar entities undertaking economic development, business development, or job creation activities and any other attributes that are relevant to these types of projects.
 - x. Any other information that will permit the Corporation to determine capability of vendor to meet all contractual requirements.
 - xi. Identify:
 1. Has your firm ever been cited by any authority for unscrupulous practice?
 2. Does your firm have any past or present suits with any current or former customers?
 - Fees/Costs: Provide information pertaining to fees or costs associated with your proposal, including hourly rates charged for the services of employees.
 - Additional information that you believe pertinent to the Corporation's requirements.
- b. **References:** Names, titles, addresses and phone numbers of key contracts for up to 5 not-for-profit corporations and or municipalities that are existing customers.
 - c. **Identify all adverse determinations** against your firm, or its employees or persons acting on its behalf, with respect to actions, proceedings, claims or complaints concerning violations of federal, state or municipal equal opportunity laws or regulations.
 - d. **Has your firm, or any of its employees present or past, or anyone acting on its behalf, ever been convicted of any crime or offense arising directly or indirectly from the conduct of your firm's business or has any of your firm's officers, director or persons exercising substantial policy discretion ever been convicted of any crime or offense involving business or financial misconduct or fraud?** If so, please describe any such convictions and surrounding circumstances in detail.

- e. **A description of any action, suit, proceeding or investigation pending or threatened** against your firm including, without limitation, any proceeding known to be contemplated by government authorities or private parties.
- f. **Has your firm, or any of its employees, or anyone acting on its behalf been indicted or otherwise charged in connection with any criminal matter** arising directly or indirectly from the conduct of your firm's business which is still pending, or has any of your firm's officers, directors or persons exercising substantial policy discretion been indicted or otherwise charged in connection with any criminal matter involving business or financial misconduct or fraud which is still pending? If so, please describe any such indictments or charges and surrounding circumstances in detail.
- g. **Resumes:** Please provide resumes of the individuals who would comprise your operational team. Describe only the people who would actually work on the Corporation's account. Specify the role each would play, as well as what backup coverage would be available in time of conflicting engagements.
- h. **Conflict of Interest:**
 - Please disclose:**
 - Any material financial relationships that your firm or any firm employee has that may create a conflict of interest or the appearance of a conflict of interest in contracting with or representing the Corporation.
 - Any family relationship that any employee of your firm has with any Director, officer or employee of the Corporation that may create a conflict of interest or the appearance of a conflict of interest in contracting with or representing the Corporation.
 - Any other matter that your firm believes may create a conflict of interest or the appearance of a conflict of interest in contracting with or representing the Corporation.
 - Please describe:**
 - Any procedures your firm has, or would adopt, to assure the Corporation that a conflict of interest would not exist for your firm in the future.

V. ADDITIONAL INFORMATION

- a. All materials submitted in response to this RFP will become the property of the Corporation.
- b. The Corporation reserves the right to conduct discussions with, and to request additional information from, one or more proposers. No proposer shall have any rights against the Corporation as a result of such discussions.

- c. The Corporation reserves the right to negotiate separately with any source whatsoever.
- d. The Corporation reserves the right to waive any irregularity in any proposal received or any other aspect of this procurement.
- e. Proposers are advised that from the date this RFP is issued until the contract, no contact with Corporation personnel in any way related to this solicitation is permitted, except as shall be authorized by the individual designated herein as the Corporation's contact person as identified in Section II d herein.
- f. Each proposal prepared in response to this RFP will be proposed solely at the cost and expense of the proposer with the express understanding that there will be no claim whatsoever for reimbursement from the Corporation.
- g. Submission of a proposal in response to this RFP shall constitute an offer on the part of the successful proposer to execute a Contract substantially as described therein.
- h. News releases or other public announcements related to this RFP shall not be made by any party receiving this RFP without the prior written approval of the Corporation.
- i. The Corporation and its respective officers, directors, agents, members and employees makes no representation or warranty and assumes no responsibility for the accuracy of the information set forth in this RFP. Further, the Corporation does not warrant nor make any representations as to the quality, content, accuracy or completeness of the information, text, graphics, links or other facet of this RFP once it has been downloaded or printed from this or any server, and hereby disclaims any liability for technical errors or difficulties of any nature that may arise in connection with the Website on which this RFP may be posted, or in connection with any other electronic medium utilized by respondents or potential respondents in connection with or otherwise related to the RFP.
- j. All proposals submitted to the Corporation in response to this RFP may be disclosed in accordance with the standards specified in the Freedom of Information Law, Article 6 of the Public Officers Law of the State of New York ("FOIL"). A firm submitting a proposal may provide in writing, at the time of its submission, a detailed description of the specific information contained in its submission which it has determined is a trade secret and which, if disclosed, would substantially harm such firm's competitive position. This characterization shall not be determinative, but will be considered by the Corporation when evaluating the applicability of any exemptions in response to a FOIL request.