

## Buffalo Urban Development Corporation

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### **BUDC Downtown Committee Wednesday, August 16, 2023 City Hall – Room 901 12:00 Noon**

#### Agenda

1. Approval of Minutes from April 19, 2023 *(Action)(Enclosure)*
2. Buffalo's Race For Place – Downtown Waterfront Improvement Plan Project Update Presentation *(Informational)*
3. Ralph Wilson Park – Atlantic Testing Laboratories Contract for Environmental Sampling and Consulting Services *(Action)(Enclosure)*
4. Ralph Wilson Park – MVVA Contract Amendment #11 *(Action)(Enclosure)*
5. Ralph Wilson Park - General Update *(Informational)*
6. Buffalo's Race For Place – General Update *(Informational)*
7. Partner Updates *(Informational)*
8. Adjournment *(Action)*

**Minutes of the Meeting  
of the  
Downtown Committee  
of  
Buffalo Urban Development Corporation**

**65 Niagara Square  
920 City Hall  
April 19, 2023  
12:00 p.m.**

Committee Members Present:

Catherine Amdur  
Daniel Castle  
Nathan Marton  
Brendan R. Mehaffy (Committee Chair)  
Kimberley Minkel  
Karen Utz

Committee Members Absent:

Darby Fishkin  
Dottie Gallagher  
Darius G. Pridgen

Officers Present:

Brandye Merriweather, President  
Rebecca Gandour, Executive Vice President  
Mollie Profic, Treasurer  
Kevin J. Zanner, Secretary

Guests Present: Katie Campos, Ralph Wilson Park Conservancy; Alexis M. Florczak, Hurwitz Fine P.C.; Kelly Maloney, Gilbane Building Company; Antonio Parker, BUDC Project Manager; Mike Schmand, Buffalo Place; and Christine Scott Thomson, MIG (via Zoom).

**Roll Call:** The meeting was called to order at 12:09 p.m. A quorum of the Committee was present.

- 1.0 Approval of Minutes of the March 15, 2023 and January 18, 2023 Meetings** – The minutes of the March 15, 2023 meeting of the Downtown Committee were presented. Ms. Minkel made a motion to approve the March 15, 2023 meeting minutes. The motion was seconded by Ms. Utz and unanimously carried (6-0-0). The minutes of the January 18, 2023 meeting of the Downtown Committee were then presented. Ms. Minkel made a motion to approve the January 18, 2023 meeting minutes. The motion was seconded by Mr. Marton, and (with Ms. Utz abstaining) carried with five affirmative votes (5-0-1).
- 2.0 Ralph C. Wilson, Jr. Centennial Park – Project Update Presentation** – Kelly Maloney presented the Ralph C. Wilson, Jr. Centennial Park project update. Ms. Maloney provided an overview of the bridge, park core and marine bid packages. The bridge steel package will be awarded in the next week and will be the first package awarded due to long lead times for steel. The park sustained considerable damage from the November and December 2022 winter storms and safety fencing has been installed around the park. A decision was made to close the park during construction and Gilbane is taking over safety logistics for the park. Descoping of the bid packages will take place before the guaranteed maximum price (GMP) for the contract with the City is determined.

Ms. Merriweather then introduced Katie Campos, the Executive Director of the Ralph Wilson Park Conservancy for an update. Ms. Campos provided background regarding the Conservancy and her role

as Executive Director, which includes community engagement and fundraising. Ms. Campos noted that the Conservancy is hosting a community meeting on May 9<sup>th</sup> at Waterfront Elementary.

- 3.0 Buffalo's Race for Place – Downtown Waterfront Improvement Plan Project Update by MIG Consulting** – Ms. Merriweather introduced Ms. Scott-Thomson, project manager for MIG on the Inner Harbor Public Realm study, for a presentation regarding the project. Ms. Scott-Thomson provided an overview of the project and components of a great public realm plan. The MIG team has been reviewing past documents and plans, including the BOA, Niagara River Plan, and Greenway Plan, in order to shape its Public Realm to be issued. Ms. Scott-Thomson also reviewed the public and stakeholder engagement efforts being undertaken, which has include meetings, presentations, open houses, and surveys, and also addressed equity aspects of the project. The next meeting will be held at the end of May, and the project team's work will be completed by mid-June.
- 4.0 Buffalo's Race for Place – General Update** – Ms. Merriweather presented an update regarding Buffalo's Race for Place. A test run of the lighting system for the library underpass was conducted last week. Counsel is preparing a memorandum of understanding for BUDC and the Buffalo and Erie County Public Library regarding the matching funds being provided by the Library for the underpass lighting project. Ms. Merriweather also commented on BUDC efforts to assist the small business community, and plans to engage a firm to complete a marketing and engagement strategy for downtown.
- 5.0 Partner Updates** – Mr. Schmand provided the Buffalo Place partner update. The Downtown Farmers Market is set to begin its season on June 1<sup>st</sup>, and Thursday & Main will begin June 8<sup>th</sup> at Fountain Plaza. For the 2022 Main Street grants, \$300,000 in grant funds will be awarded to nine projects. Buffalo Place was notified that contractors have begun to charge for quotes, and has been advised that the grant program will cover these costs. Buffalo Place's contract with the City of Buffalo is set to expire at the end of July 2023. In response to a question from Mr. Mehaffy, Mr. Schmand discussed the recent Common Council resolution regarding co-mingling events on Chippewa. Ms. Minkel added that a contract has been awarded to enhance curb appeal along the 400 block of Main Street. Construction is set to begin this summer.
- 6.0 Adjournment** – There being no further business to come before the Downtown Committee, on motion made by Ms. Minkel, seconded by Mr. Marton and unanimously carried (6-0-0), the April 19, 2023 meeting of the Downtown Committee was adjourned at 12:58 p.m.

Respectfully submitted,

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Kevin J. Zanner  
Secretary

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### Item 3

## MEMORANDUM

**TO:** BUDC Downtown Committee

**FROM:** Antonio Parker, Project Manager

**SUBJECT:** Ralph Wilson Park – Atlantic Testing Laboratories Contract for Environmental Sampling and Consulting Services

**DATE:** August 16, 2023

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At its February 22, 2022, meeting, the BUDC Board of Directors approved an amendment to an existing agreement between BUDC and SJB Services, Inc. (“SJB”) for additional environmental services at Ralph Wilson Park (the “Services”). The Services were to be performed by SJB for a not to exceed amount of \$40,000. These Services did not need to be performed at the time and no funds have been expended to date.

Recently, SJB was acquired by Atlantic Testing Laboratories (“ATL”), a WBE certified business. BUDC’s Project Manager, Gardiner & Theobald (“G&T”), is recommending that ATL perform the scope of work described below as needed for the Project for the original not to exceed amount of \$40,000. The cost of these services will be paid through Wilson Grant 3, which was previously approved by the BUDC Board of Directors at its April 28, 2020, meeting. ATL is not assuming existing contracts held by SJB and if approved, BUDC would be entering into a new contract with ATL for this work.

The scope of work includes:

- Providing an Asbestos Project Monitor, Lead Project Monitor and Polychlorinated Biphenyls (PCB) Project Monitor to track applicable provisions of the contract.
- Providing necessary equipment to collect air and/or wipe samples on an as-needed basis.
- Collecting and submitting air samples to a New York State Department of Health Environmental Laboratory Approval Program for testing.
- Submitting wipe samples to the New York Department of Health ELAP laboratory for analysis.

- Providing environmental consulting and processing permits or applications pertaining to petroleum and chemical bulk storage programs, waste management, and investigation work plans and remedial action plans.
- Assisting with abatement design and site-specific variances.
- Reviewing existing facility data and documents.
- Corresponding with regulatory agencies.
- Developing investigation work plans, sampling plans, remedial action plans, and/or site management plans.
- Providing waste management guidance.

This item is being presented for recommendation as a “single source” procurement according to BUDC’s procurement policy. The single source exception to seeking competitive proposals applies to “a situation where, even though two or more vendors are available to supply the required goods or services, BUDC determines that: (i) one particular vendor has unique knowledge or expertise concerning the required goods, services or project, rendering the use of the competitive procedures impractical; and (ii) considering the benefits, the cost to BUDC is reasonable. ATL possesses unique knowledge and expertise regarding the Ralph Wilson Park project through its acquisition of SJB and retention of nearly all SJB staff that were involved in providing due diligence services since July 2020 for the Ralph Wilson Park project. The benefit to BUDC is that ATL can seamlessly continue providing its services and complete the necessary environmental scope of work without significant onboarding or start-up costs.

**ACTION:**

I am requesting that the BUDC Downtown Committee recommend that the Board of Directors (i) approve the Atlantic Testing Laboratories contract in the not to exceed amount of \$40,000.00 for the environmental scope of work described above for the Ralph Wilson Park project; and (ii) authorize the BUDC President or Executive Vice President to execute the contract and take such other actions as are necessary to implement this authorization.

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### Item 4

## MEMORANDUM

**TO:** BUDC Downtown Committee

**FROM:** Antonio Parker, Project Manager

**SUBJECT:** Ralph C. Wilson, Jr. Centennial Park –MVVA Contract Amendment #11

**DATE:** August 16, 2023

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On March 28, 2023, the BUDC Board of Directors approved the 10<sup>th</sup> amendment to the Master Service Agreement (the “MVVA Agreement”) with Michael Van Valkenburgh Associates (“MVVA”) for construction administration services for Phases 1 and 2 of construction at Ralph C. Wilson, Jr. Centennial Park (“Ralph Wilson Park”).

An additional amendment to the MVVA Agreement is now required to include early value engineering services to be performed by MVVA and its subconsultants. Preliminary work has commenced, and the scope of services includes reviewing stone specifications with the quarries, changing the ductile iron pipe water line to PVC, reviewing planting mix soils with the proposed soil supplier, and undertaking studies to find the placement of additional soil to avoid it being trucked off-site. BUDC’s project manager Gardiner & Theobald is recommending these services for approval in the amount of \$37,750. The cost of this work will be funded through Wilson Grant 6, which was accepted by the BUDC Board of Directors at its March 30, 2021, meeting. There are no restrictions to this funding as all Wilson Grant 6 contingencies have been met.

### ACTION

I am requesting that the BUDC Downtown Committee (i) recommend that the BUDC Board of Directors approve an amendment to the MVVA Agreement in the amount of \$37,750 for early value engineering work to support the Ralph Wilson Park project; and (ii) authorize the BUDC President or Executive Vice President to execute the amendment to the MVVA Agreement and take such other actions as are necessary to implement this authorization.