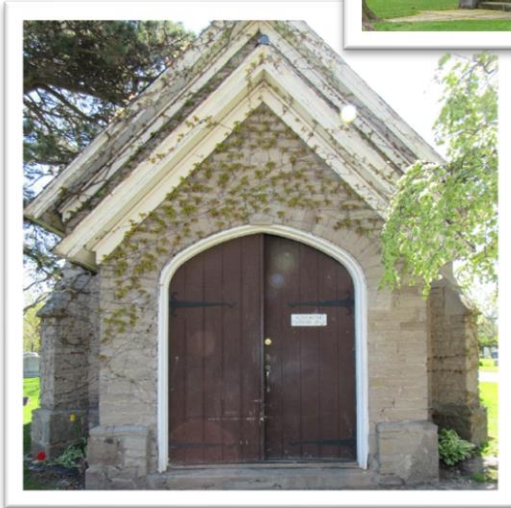


Request for Proposals

Architectural/Engineering Design Services for **Oakwood Cemetery Capital Improvements** Niagara Falls, New York.



Solicitation Issue Date: September 12, 2024

Proposal Due Date: October 28, 2024, 2:00 PM EST

Issued by:

Oakwood Cemetery Association

747 Portage Road
Niagara Falls, New York 14301

All contacts/inquiries shall be made by email to the following address:

cbacon@bacon.law

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I. INVITATION TO SUBMIT PROPOSALS

The Oakwood Cemetery Association (“Oakwood”), a 501(c)(13) New York not-for-profit corporation, is seeking to retain professional architectural and engineering (A/E) firms and/or teams (the “Consultant”) to provide design, bid, and construction administration and inspection services related to the historic restoration and structural repair of three of its historic buildings, located at 747 Portage Road, Niagara Falls, NY.

Funding for this project is being provided by the “Regional Revitalization Partnership” (RRP) between New York State and the local philanthropy. RRP is a \$300M comprehensive economic development strategy and public-private partnership that maximizes impact and leverages additional investment for Niagara Falls, Buffalo’s East Side, and Rochester. This community-driven, collaborative strategy takes a holistic approach to economic development and is designed to build community wealth through multiple paths.

RRP was developed in collaboration with New York State Governor Kathy Hochul and Empire State Development (ESD) and is supported by ESL, Evans Bank, Max and Marian Farash Charitable Foundation, Five Star Bank, KeyBank/First Niagara Foundation, William & Sheila Konar Foundation, M&T Bank, Ralph C. Wilson, Jr. Foundation, and partners in the cities of Buffalo, Niagara Falls, and Rochester.

All work is subject to City of Niagara Falls Historic Preservation Commission and State Historic Preservation Office (SHPO) consultation and other procurement and contracting requirements.

Oakwood Cemetery Association has been and will continue to be an equal opportunity organization. All qualified Minority and Women-Owned Business Enterprise (MWBE) suppliers, contractors and/or businesses will be afforded equal opportunity without discrimination because of race, religion, national origin, sex, age, disability, sexual preference or Vietnam Era Veterans status.

II. PROJECT BACKGROUND

Oakwood Cemetery, which was established in 1852, is one of the largest surviving historic resources in Niagara Falls. At 18 acres, it still maintains its original T.D. Judah-designed landscape (including five historic structures) and is both a locally-designated historic landmark and on the National Register of Historic Places. An important cultural heritage site within the Niagara Falls National Heritage Area, the cemetery is located approximately one mile from Niagara Falls State Park and is a stop along the route of the seasonal Discover Niagara Shuttle, which connects visitors from Niagara Falls State Park to dozens of destinations along the Niagara River Corridor north to Lake Ontario and east to Lockport, NY. Oakwood hosts numerous public programs throughout the year focused on the city’s history and heritage, including historic walking tours and events.

The Cemetery’s 1877 Chapel, 1913 Green & Wicks Mausoleum, and 1922 Stone Office all need architectural and other structural repairs in order to stabilize them and make them visitor ready.

III. EXISTING CONDITIONS

A. 1913 Mausoleum

The mausoleum is occasionally open to the public for special events hosted by Oakwood. It is not accessible in accordance with the Americans with Disabilities Act (ADA) requirements, nor does it contain plumbing, mechanical, or electrical equipment or service in the building.

The mausoleum is a symmetrical cross-shaped Neoclassical Revival building with an east-facing entrance. It is constructed of cut granite (exterior) and marble (interior). Four steps lead up to a set of bronze doors with a transom. Architects Green and Wicks designed the center pavilion portion of the mausoleum with a higher ceiling to be used as a chapel or gathering space. Two private crypts in the east end of the center section are closed off from the general public by decorative metal gates. Each has a leaded stained-glass window set into a white/grey marble surround and metal frame. One of the private crypts was purchased by the locally prominent Schoellkopf family and a Louis Comfort Tiffany designed window was installed. The other two private crypts are on each side of the entrance vestibule. They also have metal gates separating the private/family crypts from the public areas. To the north and south of the center pavilion, there are long wings with community vaults stacked five rows high. The mausoleum has a capacity of 360 crypts, most of which had been privately purchased by 1943.

During the summer of 2017, an A/E firm examined the building and developed a historic structures report used to help identify the funding need. The existing conditions are described in more detail in the historic structures report linked in Section IV below. The examination revealed that the building was structurally sound but in need of significant architectural repairs, including: (1) roof restoration; (2) exterior masonry grind and repoint; (3) masonry wall repair at window locations; (4) marble wall replacement at window locations; (5) window repair; (6) clerestory window repair; (7) scupper, downspout & buried drainpipe repair; (7) repair/replace warped marble crypt slabs; (8) ceiling plaster repair; (9) replace interior copper clerestory gutters; (10) replace bronze window grilles; (11) stained glass repair (Tiffany); (12) copper door repair; (13) add electrical service; (14) add ventilation/dehumidification system.

The building was listed as a contributing structure of the historic Oakwood Cemetery when placed in the New York State and National Registers of Historic Places in 2014, and contributes to the Cemetery's Niagara Falls local landmark status designation in 2012.

B. 1877 Chapel/1956 Crematory

Located just inside the cemetery gate, the chapel/crematory is a small one-story Gothic Revival ashlar masonry building with pitched slate roofs. Originally built in 1877, it was converted in 1956 to house a cremation retort. A goal of this Project is to restore this building to a chapel, to the extent practicable. The original retort was decommissioned in 2020 when a new crematory building was erected, but the equipment still remains inside the building and will require removal as part of this Project. The building is currently not accessible to the public for any reason due to the presence of the retort.

During the summer of 2017, an A/E firm examined the building and developed a historic structures report used to help identify the funding need. The existing conditions are described in more detail in the historic structures report linked in Section IV below. Hazardous Materials testing for this building identified asbestos and lead are present. The examination identified the following necessary repairs: (1) slate roof replacement, including repair to metal ridges and vent stacks; (2) chimney removal; (3) exterior wall repair, including repointing, cracked stone repair, and buttress repair; (4) removal of exterior vegetation; (5) gate repair; (6) paint and trim work; (7) stone entrance step replacement; (8) and door repair. In addition, this Project will entail removal of the original retort.

In addition, funding is being provided to restore the interior of the building as well, which improvements are not included in the historic structure report. These improvements include (1) removing the large retort; (2) repairing the floor; and (3) electrical upgrades, including installation of new lighting fixtures.

The building was listed as a contributing structure of the historic Oakwood Cemetery when placed in the New York State and National Registers of Historic Places in 2014 and contributes to the Cemetery's Niagara Falls local landmark status designation in 2012.

C. 1922 Stone Office

This Arts & Craft style building at the west edge of the cemetery has served as the office since it was built in 1922. Only minor changes to the simple interior layout have been made over almost the last hundred years, as evidenced by the original drawings. The changes that have been made to the building include toilet room fixture and layout modifications.

During the summer of 2017, an A/E firm examined the building and developed a historic structures report used to help identify the funding need. The existing conditions are described in more detail in the historic structures report linked in Section IV below. The examination identified the following necessary repairs: (1) slate roof replacement; (2) chimney repair or replacement; (3) repointing exterior limestone walls, window sill stones, and door frames; (4) exterior masonry cleaning; (5) window reglazing and glass repair; (6) exterior paint and trim work; (7) exterior door repair; (8) hot water heater replacement; (9) electrical upgrades; and (10) ADA accessibility upgrades.

In addition, funding is being provided to restore the interior of the building as well, which improvements are not included in the historic structure report. These improvements include bathroom fixture and flooring replacement and interior wall painting.

Like the Mausoleum and Chapel/Crematory, this building was listed as a contributing structure of the historic Oakwood Cemetery when placed in the New York State and National Registers of Historic Places in 2014 and contributes to the Cemetery's Niagara Falls local landmark status designation in 2012.

IV. SCOPE OF SERVICES

Oakwood is seeking to retain A/E Consultant services to provide design, bid and construction administration and inspection services related to the aforementioned restoration/rehabilitation improvements at Oakwood Cemetery (the "Project"), within a specified total design and construction budget of \$2,500,000.

The Project will consist of various capital improvements to the buildings to improve structural conditions and allow for their expanded use as a tourism attraction in the City of Niagara Falls. Because of the buildings' existing conditions, they have only been able to be used in a limited capacity. The vision is to expand hours for visitation and access to the amenities provided at these facilities once restoration/rehabilitation activities are completed. These improvements are both aesthetic and functional, and include:

- Structural and MEP Work: Critical items pertaining to the building integrity and life safety;
- Accessibility: addresses ADA/accessibility concerns; and
- Historic Renovations: benefit the user experience.

Oakwood is seeking a Consultant to provide necessary services including, but not limited to, the scope of work described generally below:

A. Task A: Schematic Design

The Consultant will be responsible for working with Oakwood to further define the programming requirements for the various improvements and develop a single schematic design. A kickoff meeting is anticipated.

The Consultant shall review the Historic Structure Reports available at the links below:

Historic Structure Reports:

Mausoleum: <https://drive.google.com/file/d/0B-MnSGWCcOzAWWZTUTM0bDFxUOE/view?usp=sharing&resourcekey=0-PmYZnSC1U4JO8hn5EQHIOQ>

Chapel/Crematory: <https://drive.google.com/file/d/0B-MnSGWCcOzAaHpCeTRQN1EzOHc/view?usp=sharing&resourcekey=0-KcvttpF-HnWGfzjmnXO3g>

Office: <https://drive.google.com/file/d/0B-MnSGWCcOzAWTBiVXFxMEVmS0k/view?usp=sharing&resourcekey=0-DWEDv04e66yP4kvOqzeSQ>

The Consultant shall liaison with regulatory agencies on behalf of Oakwood, including consultation with NFHPC and SHPO, as necessary to identify necessary consultation and permit/approval requirements.

The Consultant will be responsible for providing an outline specification, identifying specification sections and major building material systems and finishes.

The Consultant will be responsible for providing a schematic design estimate of probable costs. The estimate shall include major components and identify escalation factors.

The Consultant will be responsible for preparing a schedule for the construction period, identify phased work and any long-lead time for specialty items.

The Consultant will be responsible for issuing schematic design documents that are in compliance with the program, the budget, and the schedule as set forth by Oakwood.

Schematic Design Deliverables:

Drawings: In general, drawings shall indicate the scale and relationship of project components. All plans have spaces generally defined, with representative area plans generally graphically fixed. Full building elevations shall be generally graphically fixed for typical areas with representative wall sections drawn. It shall also include where applicable: preliminary civil drawings, structural plans with foundations defined, columns sized and located, and lateral design defined.

Other: Design and performance requirements including outline specification, estimate of probable cost, and construction schedule as detailed above.

B. Task B: Design Development

The Consultant will be responsible for working with Oakwood to complete design development for the structures, interiors for the required spaces, exterior/site lighting and signage.

All miscellaneous consultant work shall be sufficiently developed that could impact structure design, performance and coordination.

The Consultant will be responsible for providing a draft of all specification sections and front-end documents.

The Consultant will be responsible for updating the schematic design estimate of probable costs.

The Consultant will be responsible for preparing an update schedule for the construction period.

The Consultant will be responsible for issuing design development documents that are in compliance with the program, the budget, and the schedule as set forth by Oakwood.

Design Development Deliverables:

Drawings: Site drawing(s) that depict the locations of all structures to be restored/rehabilitated and general depiction of existing and any new site elements defined. As applicable, structure drawings shall generally be graphically complete except for minor coordination. Exterior elevations shall be graphically complete. All section drawings shall be cut and structure coordinated with the current structural drawings. As applicable, MEP/FP horizontal collection and distribution zones shall be addressed in building sections. Typical wall sections shall be depicted at 1/2" or 3/4" scale with notes and dimensions. Representative larger scale partial details at 1 1/2" or 3" scale shall also be provided as necessary. Foundation / basement sections shall be completed, as applicable. Interior and floor material selections shall be scheduled and/or specified. Finish design of spaces shall be initiated.

Other: Design and performance requirements confirmed, draft specification sections, updated estimate of probable cost, and updated construction schedule as detailed above.

C. Task C: Construction Documents

The Consultant will be responsible for working with Oakwood to complete all required construction documents.

The Consultant will be responsible for providing complete specification sections and front-end documents.

The Consultant will be responsible for preparing a final cost estimate.

The Consultant will be responsible for preparing a final schedule for the construction period.

The Consultant will be responsible for submitting, as necessary, structural, civil, electrical, mechanical, and any other calculations used in the design. Design calculations shall be submitted in hardcopy format, bound and sealed by a professional where applicable.

The Consultant will be responsible for issuing construction documents that are in compliance with the program, the budget, and the schedule as set forth by Oakwood.

The Consultant will be responsible for conferring with all necessary regulatory agencies and incorporate their comments into the Construction Documents.

The Consultant will be responsible for developing and secure all necessary permits.

The Consultant will be responsible for developing the scope of work for a Request for Proposals for special inspection services required during construction, if required.

Construction Documents Deliverables:

Drawings: All required drawings shall be considered 100% complete and final.

Other: Design and performance requirements re-confirmed, final specification sections, final estimate of probable cost, final construction schedule, calculations, final special inspections RFP scope of work, and permits as detailed above.

D. Task D: Signature Submittal

The Consultant will be responsible, following a review and incorporation of comments from Oakwood, to produce original Contract Documents, stamped and signed by an architect or engineer appropriately licensed to practice in the State of New York, for signature by Oakwood.

The Consultant will be responsible for submitting to Oakwood all final construction quantities.

Signature Submittal (Bid Documents) Deliverables:

Drawings: Two sets of original stamped drawings and electronic files (both AutoCAD and PDF format).

Other: Two sets of unbound original specifications. Cost estimate and schedule shall be submitted in electronic form (original format and pdf), as well as hardcopy.

E. Task E: Bidding and Awarding

The Consultant will be responsible for the advertising and award process, including pre-qualifying potential bidders, attendance at pre-bid meetings, reviewing and providing responses to bidder inquiries, preparing and issuing addendums as needed, responding to Requests for Information submitted by potential bidders, and assistance in reviewing bids.

The Consultant will be responsible for providing a written recommendation as to the low bid submission and contract award.

F. Task F: Construction Administration

The Consultant will be responsible for providing construction contract administration services in conformance with Oakwood's construction schedule.

The Consultant Team shall be a representative of, and shall advise and consult with, Oakwood during the construction phase.

The Consultant will be responsible to provide services, including:

- Check detailed construction drawings, shop and erection drawings, and substitutions submitted by the Contractor for compliance with permits and contract documents.
- Review specific non-routing laboratory, shop, and mill test reports of materials and equipment as directed by Oakwood.
- Address Request for Information (RFIs) from the Contractor and Building and Safety inspectors.

- Prepare record (as-built) drawings on original contract documents as per the data supplied by the selected Oakwood Construction Contractor.
- Prepare preliminary and final punch lists for substantially completed construction work.
- The Consultant shall review and prepare responses to requests for information from the Contractor.

The Consultant will be responsible to provide field services, including:

- Periodic visits to the site to observe the work in progress and provide appropriate reports, including attendance at weekly progress meetings. Provide written reports from site visits.
- Observe and report to Oakwood on any performance test required by contract documents.
- Attend final inspections of Project's completed construction contracts.

G. Task G: Construction Inspection

The Consultant will be responsible for providing periodic construction inspection services in conformance with Oakwood's construction schedule and commensurate with the scale of the ultimate scope of the Project.

The Consultant will be responsible to provide Inspection services, including:

- Performing daily site inspection visits to the project site to determine if facilities being constructed in compliance with the Contract Documents, approved contract change orders, and any other permit requirements.
- Performing field inspection and other quality control activities.
- Assisting in the preparation of punch-list and inspection of punch-list corrective actions and review redlined record drawing (As-Built) plans of all aspects (mechanical, electrical, etc.) of project.
- Participating in all required conferences and progress meetings on a weekly basis.
- As necessary, monitoring of corrective actions taken by the Contractor needed to fix work that is not in compliance with Contract Documents.
- Reviewing and approving Contractor's survey layouts, line, grade, elevation, etc. of all work.
- Keep a daily diary (log), including any Incident (accident) Reports and take pictures of the project. A daily Inspection Report identifying work done by the Contractor and pay items worked on shall be completed by the next business day for review and filing.

- Reviewing Contractor's compliance with all regulatory requirements (including ADA, SHPO, etc.) and mitigation measures.
- Reviewing Contractor's compliance with workplace safety and health standards and notify Oakwood of any noncompliance.
- Providing services during construction close-out, including securing all warranty items for Oakwood.

The Scope of Services may be amended to reflect changes in the scope of work, duration of work, and/or changes in the project budget.

V. SELECTION PROCESS & REQUIREMENTS

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

A. Skills Required

The selected Consultant team should be proficient and have demonstrated experience in projects of a similar nature. The following minimum qualifications of the Consultant (prime) submitting proposals to be considered for evaluation include:

- Ten years of experience providing A/E services for projects of similar scope, complexity and visibility;
- Experience on three projects of a similar nature (i.e., assembly/event space, building rehabilitation, historic preservation);
- Experience with regulatory agencies, process and permitting.

In evaluating proposals submitted pursuant to this request; Oakwood places high value on the following factors, not necessarily in order of importance:

- Approach in methodology with respect to the scope of services that demonstrates maximum comprehension of and ability to provide such services;
- Commitment of principals to lead the team and devote time to the project;
- Experience of Consultant and staff being assigned to the project in general, and in particular, providing consulting services to municipalities, economic development agencies, and/or other governmental agencies.
- Quality of work product as demonstrated in submitted work samples of past projects;
- Quality of work product including client satisfaction and problems that may have arisen during construction reflecting on the constructability of the design drawings;

- Efforts representing outstanding principles of design quality, including “inspiration” (creating buildings, districts and public spaces that are extraordinary in their ability to elevate visitor’s everyday experience), “understanding” (synthesizing disparate or contradictory information in an energetic way so that the whole is greater than the sum of the parts), and “risk-taking” (by starting with fundamentals to go beyond easy and safe design solutions);
- Ability of the prime Consultant to identify sub-consultants with the necessary qualifications for a project of this type.
- Ability of the Consultant to complete projects within design schedules and to maintain budget.
- Conformity with or exceeding applicable Oakwood policies noted herein, including specific policies relating to non-discrimination and affirmative action subcontracting goals.
- Cost of services.

B. Selection Process

Final selection will be based on the Proposal score (100 points total) and the interview performance score (100 points total). Oakwood reserves the right to:

- Seek clarification and revisions of proposals
- Upon the sole discretion of Oakwood, select from the submitted proposals or create a “short list” of respondents to enter into an “interview phase” for final selection.
- Upon the sole discretion of Oakwood, forego an interview phase in the event of a limited number of qualified responses.
- Seek a final and best offer from respondents.
- Make an award under the RFP in whole or in part.
- Require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring full and complete understanding of an offeror’s proposal and/or to determine an offeror’s compliance with the requirements for the solicitation.
- Make revisions to the scope of work after contract award to ensure that the project goals are met.

The selection will be based on evaluation of the submitted proposals using the factors listed below. Selection shall be based on “best value”, made in accordance with the following evaluation criteria and weights as follows:

- Experience/qualifications of the proposed Consultant team and staff to undertake the Architecture requirements of the Project – 25 points;
- Experience/qualifications of the proposed Consultant team and staff to undertake the Engineering requirements of the Project – 25 points;
- Quality of work product as demonstrated in submitted work samples of past projects, including historic restoration/rehabilitation projects and efforts representing outstanding principles of design quality. Please also include references for the projects included. – 15 points;
- Understanding of this Project as it relates to the success of the entire Niagara Falls National Heritage Area (<https://www.discoverniagara.org/>) – 10 points;
- Ability of the Consultant to complete projects with fast-track design schedules and to maintain budget – 10 Points;
- Cost of Services – 10 Points;
- Diversity Practices – 5 points

Scores shall be based on evaluation criteria and weights as developed by Oakwood and based, in part, on the submitted proposals. If applicable, short-listed respondents shall be provided any specific questions related to their proposals in advance of the interview.

C. Proposal Requirements

Consultants are required to submit one (1) signed original, five (5) hard copies, and one (1) electronic pdf copy (flash drive preferred) of the Proposal.

The Proposal shall be limited to no more than 100 single-sided or 50 double-sided pages. Three-ring binders will not be accepted. Required Forms do NOT count against the page limit.

The proposal shall be prepared exactly in the order presented herein. Sections 1-5 should be bound in a single volume. Please limit Sections 1 and 2 to a total of twenty-five (25) one-sided pages. Examples of relevant projects and resumes should be included in Section 3. Proposals shall contain the following information:

Section 1. Experience, Structure, and Personnel

a. Each Respondent shall submit materials that highlight its unique strengths, design talents, architectural philosophy, sensitivity to the public realm, approach to creating space, breadth of knowledge and experience, and experience with the specific uses similar to those of each of the uses proposed for the buildings.

b. A history of the Consultant's experience providing architectural/engineering design services to economic development organizations, municipalities, other governmental entities.

c. A description of the Consultant's organizational structure noting the principals, project manager(s), and professional staff who would work directly with Oakwood for the duration of this Project. Include resumes of key people in Section 3. The information provided should indicate if persons with primary work responsibility meet the minimum professional qualifications for education and experience for historic preservation [see attachment A]. Please keep resumes to one (1) page each.

d. Overall description of the Consultant's relevant work. In Section 3, include examples of up to five (5) historic preservation projects that the Consultant has completed.

e. Innovative and outstanding work experience and unique qualifications. Consultants with superlative buildings, sites or competition entries shall present examples of work that address one or more of the following list:

- Experience in designing vibrant, safe, and inviting public places; projects that create spaces that balance the pedestrian realm with adjacent uses.
- Experience with projects that exhibit extraordinary design excellence with an emphasis on environmental consciousness and sustainability to create long- lasting economic and social value.

f. Respondents should provide an overview or synopsis of projects where the Consultant worked as Architect. Include the client, the name of contact persons who are able to provide references from the client, a description of the nature of the work, the size and complexity of the project, total budget, construction cost, total design cost, the dollar amount of fees for the firm, and the agreed fee arrangements.

g. Please include a list of recent relevant projects, identifying those projects that involved the New York State Office of Parks, Recreation and Historic Preservation in their role as the SHPO.

h. A representation that the Consultant can devote significant and appropriate design staff and support staff to the project for all phases of design and construction.

i. Any other information that you believe would make the Consultant's work on behalf of Oakwood superior to that of other respondent's information.

Section 2. Methodological Approach

a. A description of how the Consultant would work with Oakwood and the various project partners, as well as the regulatory agencies in the design of the project.

b. A statement explaining the Consultant's design philosophy.

- c. A description of how the Consultant intends to address the scope of services set forth in Section IV of this RFP.
- d. A description of how the Consultant intends to maintain the fast-track schedule, including specific methods that would be employed.
- e. A list of subconsultants by respective discipline.
- f. A description of how the Consultant's response will promote the participation of Minorities and Women on this project.

Section 3. Additional Information

- a. Resumes of key staff (principals, project manager(s) and senior professional staff). Please keep resumes to one (1) page per person.
- b. Examples of up to five (5) historic preservation projects that the firm has completed in its specific discipline(s). Include the client, the name of a contact person who is able to provide a reference, a description of the nature of the work, the size and complexity of the project, construction cost, design costs, the dollar amount of the design fee for this firm, and the agreed fee arrangements.

Section 4. Fee Proposal

- a. A proposed fee for all Consultant services delineated by task, as outlined in Section IV Scope of Services. The proposal must include a detailed staffing plan broken down by task.
- b. The hourly rate of each principal and staff member whose resume is provided or whose job category may be required.
- c. A list of anticipated reimbursable expenses and the rate charged for each without markup. Please indicate under reimbursables, a detailed list of working models, presentation models, renderings, or other work product to be furnished during each state of services which is not included in basic services covered by the proposed fee schedule and the cost for each.
- d. For Tasks F and G, assume construction will occur over a 30-week period beginning with contract award in Q3-Q4 2025 and construction starting Q1, 2026.

Although proposed fees will be taken into account, Oakwood reserves the right to negotiate a lower or different fee structure with any Consultant that is selected.

NYS Licensing Requirement

The Consultant and sub-consultants required to certify documents shall be licensed to practice architecture, engineering, landscape architecture, and land surveying in the State of New York.

D. Other Certifications & Requirements

1. Business Participation Opportunities for MWBEs

Because this effort is being funded through ESD, it is subject to NYS policies for Non-Discrimination and Contractor & Supplier Diversity. The Consultant shall be required to achieve an overall New York State certified Minority- and Women-Owned Businesses (MWBEs) Participation Goal of 30% of the total contract amount (pursuant to 5 NYCRR §142.8 & Article 15A, Executive Law). The overall goal shall include a combined MWBE Participation/Subcontracting Goal of 30%. In addition, the Consultant shall be required to use Good Faith efforts to achieve a Service-Disabled Veteran Owned Business (SDVOB) Participation/Subcontracting goal of 6% of the total contract amount. The Contractor, by bidding on the contract, acknowledges understanding and support of this policy and pledges to fully cooperate with Oakwood in meeting NYS requirements as set forth in the Bidding and Contract Documents.

A directory of NYS-certified MWBEs can be viewed at <https://ny.newnycontracts.com>. A directory of certified SDVOBs can be viewed at <https://online.ogs.ny.gov/SDVOB/search>.

In order to demonstrate their plan for MWBE and SDVOB participation, respondents shall submit with their proposals ESD's Office of Contractor and Supplier Diversity (OSCD) Form 4, which is available at:

<https://esd.ny.gov/sites/default/files/OCSD-4-Utilization-Plan.pdf>

2. Compliance with NYS Finance Law 139J and 139K

Because this effort is being funded in part through ESD, State Finance Law Sections 139-j and 139-k (collectively, the "Procurement Requirements") apply to this RFP. These Procurement Requirements govern permissible communications between potential Respondents and ESD or other involved governmental entities with respect to this RFP. Compliance with the Procurement Requirements requires that 1) all communications regarding this RFP, from the time of its issuance through final award and execution of any resulting contract (the "Restricted Period"), be conducted only with the designated contact person listed below; 2) the completion by Respondents of the Offeror Disclosure of Prior Non-Responsibility Determinations, and 3) the completion of the Offeror's Affirmation of Understanding and Agreement pursuant to State Finance Law. These completed forms shall be included in A/E Consultant's Proposal and can be found in Exhibits D & E at the end of this RFP.

This is not a complete presentation of the provisions of the Procurement Requirements. A copy of State Finance Law Sections 139-j and 139-k can be found at:

https://cdn.esd.ny.gov/CorporateInformation/Data/RFPs/RequiredForms/PermissibleContactsPolicy_Jan2007.pdf .

In addition, Respondents must also complete and submit as part of their Proposal the Conflict of Interest Disclosure Statement, which can be found in Exhibit F.

3. Insurance Coverage

Please note that upon selection for this Project, the Consultant will be required to demonstrate/provide the following insurance coverage, including “additionally insured”:

- Commercial General Liability insurance providing both bodily injury (including death) and property damage insurance - \$1 million per occurrence / \$2 million aggregate / \$3 million umbrella.
- Auto Liability insurance - \$1 million each accident.
- Must show evidence of Workers’ Compensation insurance and Disability Benefits insurance in compliance with the laws of the State of New York and Employers Liability insurance with limits of \$1 million Bodily Injury each Accident, \$1 million Bodily Injury by Disease - Policy Limit and \$1 million Bodily Injury - Each Employee.
- Oakwood Cemetery Association, and the New York State Urban Development Corporation d/b/a Empire State Development, and the NYS Office of Parks, Recreation, and Historic Preservation must be named as additional insureds on a primary and non-contributory basis on all of the following policies: Commercial General Liability, Auto Liability, and Excess Liability policies.
- As respects General Liability, the additional insured endorsements shall be on forms at least as broad as ISO Forms CG 20 10 07 04 & CG 20 37 07 04 combined and shall not include any exclusions that limit the scope of coverage beyond that provided to the named insured. All policies listed above should include a waiver of subrogation in favor of Oakwood.
- Professional Liability Insurance of \$5 million each claim / \$5,000,000 policy term aggregate.

VI. PRE-SUBMITTAL CONFERENCE

Oakwood will be made available at a non-mandatory, pre-proposal conference/tour **October 3rd at 6PM at 747 Portage Road, Niagara Falls**. Respondents will have the opportunity to ask questions about the Project and/or submittal requirements of the RFP.

VII. PROJECT COST AND SCHEDULE

The total project cost will be established by Oakwood after scope negotiations are completed. A cost plus fixed fee compensation payment method will be used.

The major projected milestones on the consultant selection schedule are as follows:

1. RFP Advertised: September 12, 2024
2. Pre-Submittal Conference: Thursday, October 3, 2024 at 6:00 P.M.

3. Deadline for Submission of Questions: Thursday, September 26, 2024. Questions should be emailed to Chris Bacon at cbacon@bacon.law.
4. Deadline for Oakwood to Respond to Questions: Thursday, October 3, 2024
5. Proposals Due: Monday, October 28, 2024 at 2:00 P.M.
6. Interviews (if conducted): week of November 18, 2024.
7. Oakwood Board Approval: December, 2024.

The Contract Term is expected to begin in January 2025 and end in with the completion of construction, anticipated by the late-2027/early 2028, with final bid documents advertised by Q3-Q4 2025.

VIII. TIME AND PLACE OF SUBMISSION

Respondents will not receive compensation or reimbursement of any expenses associated with preparing and/or submitting the proposal.

Respondents are required to submit one (1) original, five (5) copies, and one (1) electronic copy of their submittal prior to two o'clock (2:00 P.M.) local time on Monday, October 28, 2024. Responses shall be firmly sealed in an envelope or box and contain the Respondent's name and return address.

Please be advised that under no circumstances will Oakwood obligate itself to consider a response which is received after the deadline or does not include the basic items described above.

Responses shall be delivered to:

Christine Bacon
Attn: Oakwood Cemetery, A/E Design Services
747 Portage Road
Niagara Falls, NY 14301

Oakwood reserves the right to reject a submittal if any document or item listed in this RFP is incomplete, improperly executed, indefinite, ambiguous, and/or is missing. Additionally, factors such as, but not limited to the following may also disqualify a respondent without further consideration:

- Evidence of collusion among Respondents;
- Any attempt to improperly influence any member of the evaluation panel or Committees;
- Discovery that a Respondent purposely misled or knowingly provided false or inaccurate information in a submittal;

- A Respondent's default under any type of agreement, which resulted in the termination of that agreement.

Oakwood reserves the right to reject any and all submittals and to waive any informalities or irregularities in procedure.

IX. ADDITIONAL INFORMATION

Any or all questions or requests for additional information or documents shall be submitted in written form will be accepted no later than close of business on September 26, 2024 and can only be made to:

Christine Bacon (cbacon@bacon.law)

Questions and answers will be sent via Addendum posted on the NYSCR website on October 3, 2024. Additional information may become available, and substantive questions and document requests may be made available at any point during this process.

X. ATTACHMENTS

Exhibit A: Minimum Qualifications for Professional Education and Experience as related to Historic Preservation Projects

Exhibit B: Affirmative Action and Minority and Women Owned Business Enterprises Requirements

Exhibit C: Proposal Cover Page

Exhibit D: Offeror Disclosure of Prior Non-Responsibility Determinations

Exhibit E: Offeror Affirmation of Understanding and Agreement

Exhibit F: Conflict of Interest Disclosure Statement

**Exhibit A: Minimum Qualifications for Professional Education
and Experience as related to Historic Preservation Projects**

Professional shall mean an individual practicing in the areas of architecture, engineering, landscape architecture, archaeology or historic preservation. In the following definitions, a year of full-time professional experience need not consist of a continuous year of full-time or part-time experience. These qualifications define the minimum education and experience required. In some cases, additional areas or levels of expertise may be determined necessary depending on the complexity of the project and the nature of the property involved.

1. Archaeology: a graduate degree in archaeology, anthropology or a closely related field plus:

- at least one full year of full-time professional experience or equivalent specialized training in archaeological research, administration or management; and
- at least four months of supervised field and analytic experience in general North American archaeology; and
- demonstrated ability to carry research to completion.

In addition to these minimum qualifications, a professional in prehistoric (i.e., pre-European settlement) archaeology shall at have least one year of full-time professional experience at a supervisory level in the study of archaeological resources of the prehistoric period. A professional in historic archaeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the historic period.

2. Architecture, engineering or landscape architecture: a professional degree in architecture, engineering or landscape architecture plus at least three years of full-time professional experience; or a State license to practice.

3. Historic architecture, historic engineering or historic landscape architecture: a professional degree in architecture, engineering or landscape architecture, or a State license to practice; plus one of the following:

- a graduate degree in historic preservation, architectural history, preservation planning or a closely related field and at least two years of full-time professional experience on historic preservation projects; or
- at least three years of full-time professional experience on historic preservation projects.

4. Historic preservation:

- a graduate degree in preservation, architectural history, art history, historic preservation planning or a closely related field, plus two years of full-time professional experience on historic preservation projects; or
- a bachelor's degree in historic preservation, architectural history, art history, preservation planning or a closely related field, plus four years of full-time professional experience on historic preservation projects; or

- completion of a recognized training program in historic preservation, or a bachelor's degree in an unrelated field, plus five years of full-time professional experience on historic preservation projects; or
- ten years of full-time work experience on historic preservation projects.

Exhibit B: Affirmative Action and Minority and Women Owned Business Enterprises Requirements

1. The consultant/contractor will not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability, or marital status, and will undertake or continue existing programs of affirmative action to ensure that minority group persons and women are afforded equal opportunity without discrimination. Such programs shall include, but not be limited to, recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, rates of pay or other forms of compensation, and selection for training or retraining, including apprenticeship and on-the-job training.
2. At the request of the Office of Parks, Recreation, and Historic Preservation (PARKS) or the Oakwood Cemetery Association, the consultant/contractor shall request each employment agency, labor union, or authorized representative of works with which it has a collective bargaining or other agreement or understanding and which is involved in the performance of this contract to furnish a written statement that such employment agency, labor union or representative shall not discriminate because of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will cooperate in the implementation of the consultant's/contractor's obligation hereunder.
3. The consultant/contractor will state, in all solicitations or advertisements for the employees placed by or on behalf of the contractor in the performance of this contract, that all qualified applicants will be afforded equal employment opportunity without discrimination because of race, creed, color, national origin, sex, age, disability or marital status.
4. The consultant/contractor will include the provisions of paragraphs (1) through (3) of this subdivision in every subcontract or purchase order in such a manner that such provisions will be binding upon each subcontractor or vendor as to its work in connection with the contract with the Oakwood Cemetery Association.
5. Every consultant/contractor and subcontractor shall submit to the Oakwood Cemetery Association such compliance reports relating to the implementation of its affirmative action and minority and women-owned business enterprise utilization plan as shall be requested by PARKS.
6. The consultant/contractor and its subcontractors shall make good faith efforts to meet goal requirements of the project agreement. Good faith efforts may include:
 - a. Advertisement in appropriate general circulation, trade and minority and women-oriented media;
 - b. Timely notice of job and contract opportunities;
 - c. The development and maintenance of lists for purposes of notifying minorities and women of employment and contracting opportunities; and
 - d. Maintenance of records required by the Office of documenting the contractor's actions, which identify minorities and women soliciting employment and contract opportunities.
7. Sanctions may be imposed for a consultant's /contractor's failure to comply with these requirements.

Prior to the award of the contract, the successful bidder shall submit an (Affirmative Action Plan or Affirmative Action Policy Statement) and a Minority and Women-Owned Business Enterprise Utilization Plan. The consultant/contractor shall be responsible for submitting Affirmative Action/Equal Employment Opportunity and Minority and Women-Owned Business Enterprise Compliance Reports and making good faith efforts to meet Affirmative Action/Equal Employment Opportunity and Minority and Women-Owned Business Enterprise goals. Sanctions may be imposed for failure to comply with Affirmative Action/Equal Employment Opportunity and Minority and Women-Owned Business Enterprise contract requirements.

Exhibit C

OAKWOOD CEMETERY ASSOCIATION

PROPOSAL COVER PAGE

Structural Engineering Design Services

Restoration of Oakwood Cemetery Mausoleum | Chapel | Office

The applicant must complete this form and submit with the full application.

ORGANIZATION INFORMATION.

Organization (legal name): _____

Tax ID/EIN: _____

PRIMARY CONTACT INFORMATION.

Full Name: _____

Title: _____

Address:

City: _____ State: _____ ZIP: _____

Telephone: _____ Email: _____

PROPOSAL CHECKLIST.

- Cover Page Completed (*this page*)
- Narrative Response (*8-pg max*)
- Attachment D Form Completed:
Offerer Disclosure of Prior Non-Responsibility Determinations
- Attachment E Form Completed:
Offerer's Affirmation of Understanding and Agreement
- Attachment F Form Completed:
Conflict of Interest Disclosure
- Key Staff Bios (*2-pg max*)
- High Level Start-Up Plan (*2-pg max*)
- Fee Proposal (*2-pg max*)

Exhibit D

OFFERER DISCLOSURE OF PRIOR NON-RESPONSIBILITY DETERMINATIONS

Structural Engineering Design Services

Restoration of Oakwood Cemetery Mausoleum | Chapel | Office

Background:

Under New York State Finance Law § 139-k(2), covered governmental entities are obligated to obtain specific information regarding prior non-responsibility determinations. This information must be collected in addition to the information that is separately obtained pursuant to State Finance Law § 163(9). In accordance with State Finance Law § 139-k, an Offerer must be asked to disclose whether there has been a finding of non-responsibility made within the previous four (4) years by a Governmental Entity due to: (a) a violation of State Finance Law § 139-j or (b) the intentional provision of false or incomplete information to a Governmental Entity. The terms "Offerer" and "Governmental Entity" are defined in State Finance Law § 139-k(l). State Finance Law § 139-j sets forth detailed requirements about the restrictions on Contacts during the procurement process. A violation of State Finance Law § 139-j includes, but is not limited to, an impermissible Contact during the restricted period (for example, contacting a person or entity other than the designated contact person, when such Contact does not fall within one of the exemptions).

As part of its responsibility determination, a covered governmental entity must consider whether an Offeror fails to timely disclose accurate or complete information regarding the above non-responsibility determination. In accordance with law, no Procurement Contract shall be awarded to any Offeror that fails to timely disclose accurate or complete information under this section, unless a finding is made that the award of the Procurement Contract to the Offeror is necessary to protect public property or public health safety, and that the Offeror is the only source capable of supplying the required Article of Procurement within the necessary timeframe.

Instructions:

A Governmental Entity must include a disclosure request regarding prior non-responsibility determinations in its solicitation of proposals or bid documents or specifications or contract documents, as applicable, for procurement contracts. The following sections must be completed and submitted by the individual or entity seeking to enter into a Procurement Contract.

1. Has any Governmental Entity made a finding of non-responsibility regarding the individual or entity seeking to enter into the Procurement Contract in the previous four (4) years?

(Please circle one) NO YES

If yes, please answer the next questions:

a. Was the basis for the finding of non-responsibility due to a violation of State Finance

Law § 139-j?

(Please circle one) NO YES

b. Was the basis for the finding of non-responsibility due to the intentional provision of false or incomplete information to a Governmental Entity?

(Please circle one) NO YES

c. If you answered yes to any of the above questions, please provide details regarding the finding of non-responsibility below.

Governmental Entity: _____

Date of Finding of Non-Responsibility: _____

Basis of Finding of Non-Responsibility: _____

(Add additional pages as necessary)

2. Has any Governmental Entity or other governmental agency terminated or withheld a Procurement Contract with the above-named individual or entity due to the intentional provision of false or incomplete information?

(Please circle one) NO YES

If yes, please provide details below:

Governmental Entity: _____

Date of Termination or Withholding of Contract: _____

Basis of Termination or Withholding of Contract: _____

(Add additional pages as necessary)

Full Address (Number, Street, City/Town, State, ZIP): _____

Name and Title of Person Submitting Form: _____

Offerer certifies that all information provided to the Governmental Entity with respect to State Finance Law § 139-k is complete, true and accurate.

Signature: _____ **Date:** _____

Printed Name/Title: _____

Exhibit E

OFFERER’S AFFIRMATION OF UNDERSTANDING AND AGREEMENT

Restoration of Oakwood Cemetery Mausoleum | Chapel | Office

Background:

New York State Finance Law §139-j(6)(b) provides that:

Every Governmental Entity shall seek written affirmations from all Offerors as to the Offeror’s understanding of an agreement to comply with the Governmental Entity’s procedures relating to permissible contracts during a Governmental Procurement pursuant to subdivision three of this section.

Instructions:

A Governmental Entity must obtain the required affirmation of understanding and agreement to comply with procedures on procurement lobbying restrictions regarding permissible Contacts in the restricted period for a procurement contract in accordance with State Finance Law §§ 139-j and 139-k. It is recommended that this affirmation be obtained as early as possible in the procurement process, such as when the Offeror submits its proposal or bid.

Please complete the following:

Offerer affirms that it understands and agrees to comply with the procedures of the Government Entity relative to permissible Contacts as required by State Finance Law § 139-j (3) and § 139-j (6)(b).

Signature: _____ Date: _____

Printed Name/Title:

Contractor/Entity Name: _____

Contractor Address: _____

Exhibit F

CONFLICT OF INTEREST - DISCLOSURE STATEMENT

Restoration of Oakwood Cemetery Mausoleum | Chapel | Office

Offeror of services must disclose any possible conflict of interest with the Oakwood Cemetery Association (“Association”) or the Oakwood Cemetery Heritage Foundation, Inc. (“Foundation”), including, but not limited to, any personal or professional relationship with the Association or Foundation, and any if their Employees or Board Members. You must disclose if a known current or past relationship exists between you or any member of your firm with the Association or Foundation, or any of their Employees or Board Members, and if so, please explain. If, to your knowledge, no relationship exists, this should also be stated. A failure to disclose such a relationship may result in the cancellation of a contract. This form must be completed and returned with your proposal in order for your proposal to be considered complete and eligible for consideration.

I CERTIFY THAT:

NO KNOWN CONFLICT OF INTEREST EXISTS WITH OAKWOOD CEMETERY ASSOCIATION OR OAKWOOD CEMETERY HERITAGE FOUNDATION, INC., THEIR EMPLOYEES AND/OR BOARD MEMBERS

A CONFLICT OF INTEREST MAY EXIST (Please explain): _____

NO KNOWN RELATIONSHIP EXISTS WITH OAKWOOD CEMETERY ASSOCIATION OR OAKWOOD CEMETERY HERITAGE FOUNDATION, INC., THEIR EMPLOYEES AND/OR BOARD MEMBERS

RELATIONSHIP EXISTS (Please explain relationship): _____

I CERTIFY THAT:

(1) I, as an officer of this organization, or per the attached letter of authorization, am duly authorized to certify the information provided herein is accurate and true; (2) I have fully disclosed any potential conflict of interest; and (3) My organization shall comply with all State and Federal EEOC and Non-Discrimination requirements and conditions of employment.

Printed Name _____ Title _____

Signature _____ Date _____