

CITY  OF
BUFFALO

MAYOR BYRON W. BROWN'S OFFICE OF STRATEGIC PLANNING

REQUEST FOR PROPOSALS

MOHAWK PARKING RAMP
477 WASHINGTON ST. BUFFALO, NY 14203



**BUFFALO'S
RACE
FOR
PLACE**

DATE ISSUED:
Friday, December 11, 2020

PROPOSAL SUBMISSION DEADLINE:
Friday, April 30, 2021 • 12:00 pm (EST)

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I. INTRODUCTION

Mohawk Ramp at 477 Washington St. is a parking ramp owned by The City of Buffalo (“City”). Buffalo is rapidly developing its vision as a future epicenter of innovation, talent, and inclusion. In response to Buffalo’s transforming regional economy, global technology and recruitment trends, and related talent attraction needs, Mayor Brown W. Brown has launched the “Race for Place” initiative to sustain the advancement of the City of Buffalo and the downtown corridor. Mayor Byron W. Brown is committed to creating a downtown that is vibrant, accessible and where people want to live, work and raise a family for future generations to come.

The City of Buffalo (“City”) is issuing a Request for Proposals (RFP) for the redevelopment of the Mohawk Ramp at 477 Washington St, Buffalo, NY, 14203. This RFP is seeking a qualified developer or development team with expertise, development credentials, financial capacity, and experience to acquire and redevelop the property in accordance with the City of Buffalo’s Unified Development Ordinance (“The Green Code”). The City prefers all development proposals include a residential and commercial component.

This RFP instructs prospective developers and/or development teams to submit proposals that meet all RFP requirements. All proposals must comply with federal and state laws and city ordinances.

II. PROJECT NARRATIVE

The site of the Mohawk Ramp presents a unique opportunity to create a mixed-use development in the heart of downtown Buffalo. Located in the N1-D zone (downtown/regional-hub), there is opportunity for a substantial mix of uses on this property. The Mohawk Ramp currently holds 629 parking stalls on multiple floors and is positioned on the corner of East Mohawk and Ellicott Street. It is situated in proximity to Buffalo’s largest office buildings, prized entertainment and restaurant venues, and transit including NFTA Metro Rail and numerous NFTA bus lines. As a result, the site has the capability to activate public spaces, walkable areas, and new business development in downtown Buffalo.

The City of Buffalo has seen over seven billion dollars in investment since 2012 and over three billion dollars in downtown Buffalo alone. Economic development in the downtown corridor continues to push forward. It will be sustained through Mayor Bryon W. Brown’s plans to increase housing stock and improve downtown infrastructure, streetscapes, intelligent technology and placemaking design. As we prepare for the future of mobility, it is important for us to consider new forms of transportation and the potential impact they may have on city design and development. In late February 2020, the Congress of New Urbanism (CNU) partnered with the City of Buffalo to explore how current and future land uses, including street design, can accommodate the mobility solutions of future decades, while also providing lively public spaces for our city residents. In December 2020, CNU released a report along with recommendations from a public design workshop they hosted in Buffalo earlier this year. Universal design approaches, affordable and accessible transportation mobility, and the reimagination of Buffalo streetscapes will be important to make Buffalo’s vision of the future a reality. Mayor Byron W. Brown has committed to working with various stakeholders, strategic partners, and community members to incorporate CNU’s recommendations into new city strategies and initiatives. Developers should consider findings from the

Congress of New Urbanism’s “The Future of Mobility: Remaking Buffalo for the 21st Century” 2020 report¹ as they craft their proposals.

To meet the increasing housing demand in the City of Buffalo and the downtown corridor, many new residential projects such as 201 Ellicott are already planned or underway. The Seneca One redevelopment will improve a 1.2 million square foot complex, including the tallest building in Buffalo, and will produce 1,500 new jobs, over 100 new apartment units, retail, and other amenities. M&T Bank will be the anchor tenant in the redevelopment and will locate its technology division there. The redevelopment of One Seneca Tower will accelerate the downtown demand for housing, services, and transit – respondents to this RFP should contemplate the effect of this and other downtown projects.

Downtown Buffalo is prepared for new development driven by demand for talent attraction and our modern workforce. To meet talent attraction needs and global technology and recruitment trends, proposals should consider development that facilitates pedestrian and bike friendly activity, public transit usage, innovative and attractive environments, and the integration of talent attraction activities such as Be in Buffalo.² The City of Buffalo is also looking to encourage more first floor activation in the downtown, adding to street level vibrancy and walkability in the district. Lastly, proposals should consider opportunities to improve the relationship between the development and the surrounding public realm.

A. Neighborhood Land Uses

The development site is located downtown Buffalo near the Theater and Entertainment Districts. Immediately surrounding the site are multistory mixed-use office, apartment, and retail buildings. Most notably, it is in close proximity to the Washington Apartments, Alexandre Apartments, the Sinclair, and the upcoming 201 Ellicott Street project that will include 201 residential units and the Braymiller Market. Additionally, the site is one block from the Rand office building and Hilton Garden Inn. The restaurants and retail shops located within short walking distance of the site add to the neighborhood character. See image above. Historical district parcels are highlighted in light green. The Mohawk parcel is in the N1-D zone (regional, downtown hub) indicated by dark purple in the map image above.



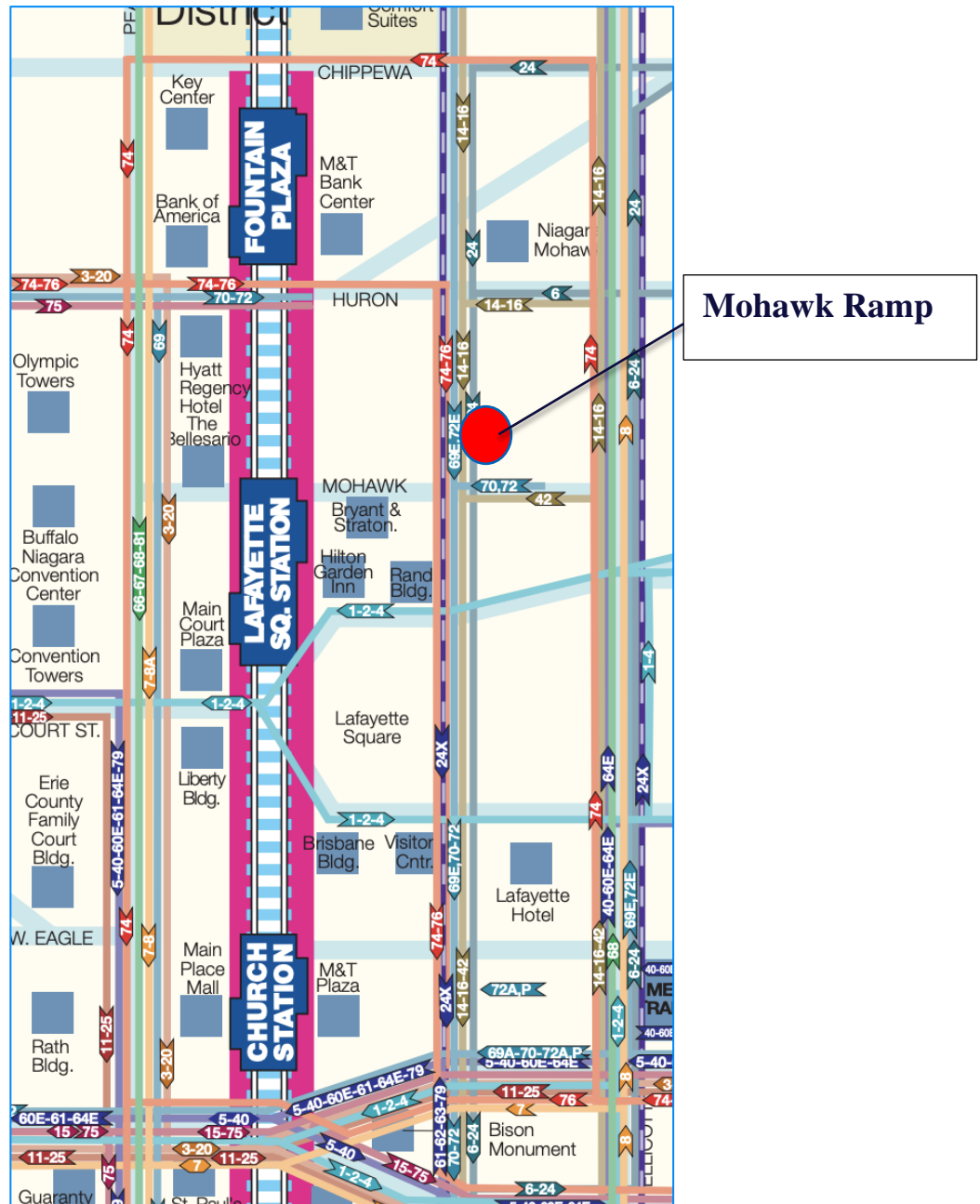
Major employers include: M&T Bank, Bank of America, Evans Bank, Delaware North, New Era Cap, numerous law firms, restaurants, entertainment, and bars; and local, state, and federal governments and agencies.

¹ The Future of Mobility: Remaking Buffalo for the 21st Century CNU report may be found at raceforplacebuffalo.com.

² Be in Buffalo is a local talent attraction organization. Please find more information at beinbuffalo.com.

B. Neighborhood Access

The site is well served by public transportation. The NFTA Metro Rail Lafayette Station is within a block of the Mohawk Ramp. Additionally, the property is surrounded by numerous bus stops and lines, see below NFTA Downtown Buffalo transportation map excerpt.



C. Project Financial Assistance

To enable an intensive mixed-use development that meets the high transit, access, commercial and housing demands of downtown, the City will consider project financing assistance. Respondent must demonstrate to the City's sole satisfaction that any assistance requested is necessary and reasonably sufficient for any project's financial viability.

The respondent is encouraged to explore a wide array of possible financial assistance mechanisms from sources including but not limited to, New York State General Municipal Law Article 16 and Article 18-c, partial public ownership of project elements, Property Assessed Clean Energy (PACE), as well as project benefits resulting from contribution to the Buffalo Infrastructure Accelerator District (PIF Accelerator District).

III. PROJECT SNAPSHOT

Site Location	Bounded by East Mohawk, Washington, and Ellicott Streets. 477 Washington Street, Buffalo, NY 14203. SBL: 111.46-8-9.
Site Description	The Site is a City-owned parcel in Downtown Buffalo. The property is currently in use as a municipal parking ramp.
Lot Size	Property is approximately 49,896 square feet (1.14 acres). Dimensions approx.: 189.5' x 264'.
Land Use/ Zoning	The Site is currently in the N1-D zone (downtown/regional hub).
Type of Development	Mixed-use development – housing and transit demand. Development proposals must be Green Code compliant.
Project Financial Assistance	Respondent is encouraged to explore a wide array of financial assistance potentials.
Disposition/Acquisition	The City will enter into a Designated Developer Agreement (“DDA”) with the chosen developer once the RFP proposals are evaluated. See Sale/Development Cost section for more details.
Government Approvals	The DDA will be subject to Common Council approval as well as planning and zoning board approvals.

IV. SUBMISSION REQUIREMENTS

Prospective purchasers must not owe the City of Buffalo any debt or have violations on any property in the City and are encouraged to visit the property and surrounding area prior to submitting their proposal.

The deadline to submit proposals is **Friday, April 30th, 2021 at 12:00 p.m.** Proposals received after this date and time shall not be considered.

Proposals and a photocopy of the check for the RFP administration fee set out below, must be received electronically via email sent to **Lisa Hicks** at lhicks@buffalony.gov.

Respondents looking to electronically submit proposals too large for email transmission should notify Lisa Hicks no later than 24 hours prior to the published RFP deadline to request a secure link to upload the electronic files.

The RFP administration fee of \$100.00 USD must be received as a check made out to the City of Buffalo at the time of proposal submission. Checks must be sent by registered mail at the address below:

**LISA HICKS, DIRECTOR OF DEVELOPMENT
CITY OF BUFFALO MAYOR'S OFFICE OF STRATEGIC PLANNING
65 NIAGARA SQUARE, ROOM 901
BUFFALO, NY 14202.**

All questions or inquiries regarding the RFP must be submitted in writing to lhicks@buffalony.gov.

Questions and inquiries will be accepted from all interested parties until **Friday, April 2nd, 2021 at 12:00 p.m.** No responses will be provided for questions and inquiries received after this time. Questions received from all Respondents will be answered and shared with all Respondents via the City's website at (www.city-buffalo.com) by 12:00 pm on Tuesday, April 6, 2021.

City of Buffalo Office of Strategic Planning (OSP) accepts no responsibility for, and each Respondent agrees not to rely upon, any verbal or written statements or representations from any other person, whether or not employed by OSP. OSP may, in its sole discretion, also elect to provide both the question(s) and the written answer(s) to all known respondents via e-mail. Respondents are solely responsible for ensuring that OSP has accurate contact information, including an e-mail address for the receipt of such correspondence. OSP does not assume any responsibility for undelivered e-mails or for the receipt of any communication sent to any Respondent.

Developers interested in this RFP are strongly advised to attend a **pre-proposal conference** to be held on FRIDAY, APRIL 9, 2021 AT 11:00AM, via teleconference. The conference is intended to provide clarification of any specifications, where needed, and to respond to all technical inquiries. Representatives may not appear on behalf of more than one company. The teleconference will be recorded and available for subsequent review upon request by an Offeror.

Listed below is the anticipated schedule for all actions related to this RFP. In the event that there is any change or deviation from this schedule, such change will be posted on the City’s website at (www.city-buffalo.com)

Schedule:

Release of Request for Proposals:	Friday, December 11, 2020
Deadline for Questions:	Friday, April 2, 2021 at 12:00 pm EST
Answers Posted to Website:	Tuesday, April 6, 2021 at 12:00 pm EST
Pre-proposal Conference:	Friday, April 9, 2021
Proposals Due:	Friday, April 30, 2021 at 12:00pm EST

V. PROPOSAL REQUIREMENTS

Proposals must include the following information in a brief and concise format – not to exceed fifteen (15) pages (single spaced, 12 pt. font) of narrative. The City of Buffalo reserves the right to request additional information during the evaluation of responses and to reject any or all proposals.

A. Development Description/ Approach

As a separate attachment labeled *Development Description*, explain in detail the general approach to developing the Property including:

- A brief description of the project.
- The proposed use or uses of the building including square footage, mix of tenants, owners and services. Developers must keep in mind that the incorporation of structured parking is a requirement for all proposals.
- Outline a plan to work and partner with surrounding community, including collaboration with both public and private institutions.
- Discussions of market conditions that support the proposed uses.
- Demonstrate a detailed knowledge of the district in which the property is located and how the proposed project will add to the character of the district.
- Inclusion is a core value to Mayor Brown’s Administration. The project must show meaningful participation from certified Minority and Women-Owned Business Enterprises (M/WBE), minority and women workforce participation and mentor protégé opportunities at all project levels, including, financing, management, design, and construction.

B. Sale/Development Cost

Proposals must clearly state the offer/bid for the property.

- Proposed Purchase Price, unless otherwise permitted by law, the City of Buffalo is required to dispose of real property at the highest marketable value and that should be considered by the developer or development team in preparing the development costs.
- Proposals must clearly state the offer/bid for the property and provide justification.
- An appraisal establishing a sale price must be prepared if an acceptable proposal is selected.
- The appraisal and sale price are subject to review and approval of the City of Buffalo Appraisal Review Board and the City of Buffalo Common Council.
- The determination for eligibility for various incentive programs is the responsibility of the developer and or development team.

C. Developer Financial Ability and Information

As part of the review process the developer or development team must be prepared to submit financial information.

- Financial Readiness: Submit a letter of good standing issued by a bank or lending institution that provides information with regards to length of time developer has held an account along with proof of funds and demonstrates financial capacity.
- Detail experience: With any public funding sources that may be used for the redevelopment of the proposed project, including but not limited to Brownfield cleanup program tax credits, New York State HCR, and local tax incentives.

Note: The release of this information will be restricted subject to the City's compliance with the Freedom of Information Law and other State and Federal statutes.

The developer must be prepared to provide the following within ten (10) days of a request from the City of Buffalo:

- Current Financial Statements: Developer or development team should submit a current financial statement in addition to financial statements for the previous two years. In case of a newly formed development entity, the proposal should include a financial statement of the general partners or corporate affiliate(s), prepared by a Certified Public Accountant and including the most recent audit of all parties. The statement should show the assets, liabilities, and net worth of the developer or development team.

- Other disclosures: Include any prior negative financial history involving the proposed developer or development team and/or its owners, partners, shareholders, and board members. In the body of the proposal, the developer or development team must address the following questions:
 - Has the developer or development team or any of the affiliated individuals listed defaulted on a real estate obligation? If so, please explain.
 - Has the developer or development team or any of the affiliated individuals listed been delinquent on a commercial or housing development debt? If so, please explain.
 - Has the developer or development team or any of the affiliated individuals listed been the defendant in any legal suit or action? If so, please explain.
 - Has the developer or development team or any of the affiliated individuals, listed declared bankruptcy or made compromised statements with creditors? If so, please explain.
 - Are there any current legal proceedings or judgments recorded against the developer or development team or any of the affiliated individuals listed? If so, please explain.
 - Has the developer or development team or any of the affiliated individuals ever been debarred or prohibited from bidding on work by any state or federal agencies such as the U.S. Department of Housing and Urban Development, U.S. Small Business Administration, Erie County or the Dormitory Authority of New York State? If so, please explain.

D. Preliminary Design Submission

As a separate attachment provide the following information:

- **Development Budget:** include development cost estimates and detailed work description of all work items proposed to be accomplished and include basis for estimate, engineering estimate, etc.
- **Financing Sources and Uses:** in conjunction with the development budget, include a Sources and Uses statement detailing anticipated funding from debt, equity, public equity, grant, and any other anticipated sources.
- **10-Year Stabilized Operating Budgets/ Pro Formas:** include stabilized operating budget(s) for the project including potential revenues by type, vacancy losses, detailed expenses, reserve funds, and debt service figures. If the respondent contemplates separate ownership of uses – e.g. parking ramp distinct from housing – separate pro formas must be provided for each use.

- **Project Schedule:** include anticipated project start date, important milestones, and anticipated date of completion. Note: The City reserves the right to request additional information i.e. renderings, in the case that construction will substantially change the site.

E. References

Provide three (3) references from projects previously undertaken by the developer.

Attach any supplemental documentation that you believe may assist us in the review of your application, including letters of commitment from funding sources and other evidence of financing commitments.

THE CITY OF BUFFALO RESERVES THE RIGHT TO REJECT ANY OR ALL PROPOSALS SUBMITTED

VI. EVALUATION CRITERIA

The City will enter into an agreement for the transfer of the Property with the applicant whose proposal best meets the following selection criteria and offers the greatest prospect of successful completion.

A. Quality of Plan

- **Completeness of Application Proposal:** all required documents have been submitted and the project is presented in a clear and concise manner.
- **Proposed Development must be consistent with local plans:** proposal must prove to have impacts on the extent to which the project will be an asset to the neighborhood, the City and the region.
- **Proposed Development must incorporate transportation.** The proposed development must justify use choices that reflect the high demand for transit access to downtown and downtown living. The City has a strong preference for proposals that incorporate housing components.
- **Project Readiness:** Overall reasonableness and feasibility of executing the developer's proposed development plan. The likelihood of timely progress toward closing on a property transfer agreement leading to the positive redevelopment of the site.
- **Environmental Readiness:** Applicants must be able and prepared to address any and all environmental issues which includes, but is not limited to, asbestos removal, mold, lead, etc.
- **Inclusion:** Inclusion is a core value to Mayor Brown's Administration. The proposed development must demonstrate meaningful participation from certified Minority and Women-Owned Business Enterprises (M/WBE), minority and women workforce participation and mentor protégé opportunities at all project levels, including, financing, management, design, and construction.

B. Experience & Qualifications

- Background, qualifications, experience, and expertise of the development team and any affiliated partner in like ventures or similarly sized development or completed similar project(s) but smaller in size and scope.
- Include developer's experience in working and partnering with communities as well as both public and private partners. In addition, it should detail previous success in engaging the participation of adjoining neighborhoods and communities in the development process.
- Neighborhood economic development/job creation and/or retention.
- Projects stressing diversity within development team, workforce, and tenant/owners.

C. Financial Considerations

- Proposals must clearly state the offer/bid for the property and provide rationale and supporting documentation for assumptions.
- Project budget is complete and all sources and uses of funds are clearly defined and documented with evidence of commitments; costs are limited to amounts or percentages specified in the request for proposals.
- Cost effectiveness, reasonableness of the development budget.
- The financial feasibility based on realistic development and operating pro forma.
- Reasonable certainty of prospective cash flows incorporated into team's analysis.
- Demonstrated financial capacity of the team and its individual members.

D. Competitive Preferences

- Preference will be given to mixed-use developments that incorporate affordable housing.
- Proposals that envision creative and cost-effective solutions for structured parking will be more favorable.
- Submissions that have a strong community engagement plan and plan to meet or exceed MWBE goals will be more favorable.

- Submissions that consider an activation of the street level, and an increase to urban vibrancy, while facilitating pedestrian and bicycle friendly streetscape areas will be more favorable.
- Submissions that consider improvement to the public realm will be more favorable.

VII. RESERVATIONS

- The City reserves the right to stop the selection process at any time if it is considered to be in the best interest of the City. The City also reserves the right to reject any or all proposals submitted.
- The City reserves the right to seek additional information from respondents and related entities.
- All decisions related to this RFP are subject to all applicable federal, state, and local laws and regulations, and the policies and procedures of the City of Buffalo.
- All costs associated with the preparation of the proposal, as well as any other related materials, will be borne by the respondent.
- The determination for eligibility for various incentive programs is the responsibility of the developer or development team.

VIII. TERMS AND CONDITIONS

The City will enter into an agreement with a preferred developer who will retain that status for a period of twelve (12) months. The designation will be subject to the following terms and conditions:

- The successful negotiation of a Contract of Sale for approval by the City of Buffalo Common Council.
- Payment of a designation fee which shall be no more than \$2,000 per month, such amount to be determined based upon the appraised value or project value, payable within five (5) days from the date of designation - by Council - and due thereafter the first day of every month. In the event developer shall exercise its option to acquire said property pursuant to the Contract of Sale to be negotiated by developer and the City, said designation fee shall be credited towards the purchase price. If the developer shall not proceed with the redevelopment of the property within the designation period, developer shall forfeit all monies paid on account and the City shall retain all such monies.
- Developer is responsible for performing any soil test borings and soil investigations, as per license agreement to be granted by the City, for the purpose of determining, to developer's satisfaction, the suitability of the site for its intended use, and the presence or absence of hazardous substances as such term is used in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, (C.E.R.C.L.A) 42 U.S.C. § 9601 et seq.; The Hazardous Materials Transportation Act, as amended, 49 U.S.C. § 1801 et seq.; The Resource Conservation and Recovery Act, as amended, 42 U.S.C § 6901 et

seq.; Articles 15 and 27 of the New York State Environmental Conservation Law or any other federal, state, or local law, regulation, rule, ordinance, by-law, policy guidance, procedure, interpretation, decision, order, or directive, whether existing as of the date hereof, previously enforced or subsequently enacted.

- Individuals and/or corporations having outstanding taxes, water bills, parking tickets, user fee and/or demolition liens or any other liens or obligations owed to the City of Buffalo, or code violations existing on any property owned by them, are not eligible for designation.
- Upon signing of a Contract of Sale, payment by the developer to the City of a non-refundable deposit, in the amount of ten percent (10%) of the agreed to purchase price.
- Submission by the developer or development team of monthly progress reports to the Office of Strategic Planning, Division of Real Estate.

XI. GENERAL REQUIREMENTS

1. Non-Discrimination

The successful developer(s) shall not discriminate against any employee or applicant for employment because of race, color, creed, religion, ancestry, sex, national origin, affection preference, disability, age, marital status or status with regard to public assistance or as a disabled veteran or veteran of the Vietnam era. Such prohibition against discrimination shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation and selection for training, including apprenticeship.

The successful developer(s) shall agree to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the City, setting forth this nondiscrimination clause. In addition, the developer(s) shall, in all solicitations or advertisements for employees placed by or on behalf of the developer(s), state that all qualified applicants will receive consideration for employment without regard to race, creed, religion, ancestry, sex, national origin, affectional preference, disability, age, marital status or status with regard to public assistance or status as disabled veteran or veteran of the Vietnam era, and comply in all other aspects with the requirements the Buffalo City Code and Ordinances.

2. Americans with Disabilities Act Compliance Provisions

Any developer(s) awarded a contract pursuant to the RFP are required to abide by the regulations of the Americans with Disabilities Act of 1990 (ADA) which prohibits discrimination against individuals with disabilities. The contractor will not discriminate against any employee or applicant for employment because of their disability and will take affirmative action to ensure that all employment practices are free from such discrimination. Such employment practices include but are not limited to the following: hiring, promotion, demotion, transfer, recruitment or recruitment advertising, layoff, discharge, compensation and fringe benefits, classification, referral, and training. The ADA also requires vendors associated with the City of Buffalo to provide qualified applicants and employees with disabilities with reasonable accommodation that does not impose undue hardship.

Developer(s) also agree to post in a conspicuous place, accessible to employees and applicants, notices of their policy on non-discrimination.

In the event of the contractor's noncompliance with the non-discrimination clauses of this contract, this contract may be canceled, terminated, or suspended, in whole or in part, and the contractor may be declared ineligible by the Buffalo Common Council from any further participation in City contracts in addition to other remedies as provided by law.

3. Applicable Law

The laws of the State of New York shall govern all interpretations of this contract, and the appropriate venue and jurisdiction for any litigation which may arise hereunder will be in those courts located within the County of Erie, State of New York, regardless of the place of business, residence, or incorporation of the developer. Each party agrees that all claims and matters shall be heard and determined in any such court and each party waives any right to object to such filing on venue, forum non-convenient or similar grounds.

4. Conflict and Priority

In the event that a conflict is found between provisions in any contract arising from this Request for Proposals, the successful developer's proposal or the City's Request for Proposals, the provisions in the following rank order shall take precedence: 1) Contract; 2) Request for Proposals; and 3) developer's proposal.

5. Ownership of Materials

All finished or unfinished documents, data, studies, surveys, maps, models, photographs, reports, or other materials resulting from any contract arising from this RFP shall constitute the property of the City. The City may use, extend, or enlarge any document produced under the contract without the consent, permission of, or further compensation to the developer.

6. Disclaimer

This RFP and the process it describes are proprietary to the City and are for the sole and exclusive benefit of the City. This RFP is not binding on the City. No other party, including any developer to this RFP or further developers to any RFP that may be issued by the City, is intended to be granted any rights hereunder. Any response to this RFP, including written documents and verbal communication, except for materials marked as trade secrets or confidential, may be subject to public disclosure by the City, or any authorized agent of the City. Any materials submitted or ideas elicited in response to this RFP shall be the sole and absolute property of the City with the City having title thereto and unrestricted use thereof.

7. Publicity

All publicity (including, but not limited to, news releases, news conferences, and commercial advertising) relating to this RFP and/or the services or products sought by this RFP and/or any contract awarded pursuant to this RFP shall require the prior written approval of the City.

8. Freedom of Information Law

The City of Buffalo is subject to the provisions of Article 6 Section 89 of New York State Public Officer's Law, entitled the Freedom of Information Law. All proposals, in their entirety, submitted in response to this Request for Proposal shall constitute a record subject to public disclosure pursuant to the Freedom of Information Law. It is the sole responsibility of each developer to this Request for Proposal to identify those portions deemed to constitute a "trade secret" or proprietary information of the commercial enterprise. Any such information shall be clearly marked "CONFIDENTIAL". The phrase trade secret is more extensively defined to include a formula, process, device or compilation of information used in one's business which confers a competitive advantage over those in similar businesses who do not know it or use it. The subject of the trade secret must not be of public knowledge or of a general knowledge in the trade or business. A corresponding letter, on company letterhead, must be provided describing the factors and extent to which the disclosure of the "CONFIDENTIAL" information would cause substantial injury to the competitive position of the commercial enterprise. The entire proposal shall not be marked "CONFIDENTIAL". Any portion of the proposal that is not clearly identified as "CONFIDENTIAL" may be disclosed pursuant to the Freedom of Information Law. **THE CITY OF BUFFALO DOES NOT ASSUME ANY RESPONSIBILITY WHATSOEVER TO ANY OFFEROR IN THE DISCLOSURE OF RECORDS PURSUANT TO THE FREEDOM OF INFORMATION LAW, COURT ORDER, OR ANY OTHER METHOD OF DISCLOSURE PROVIDED FOR UNDER THE LAW.**

9. Conflicts of Interest

Confidentiality and lack of potential conflicts of interest is vital to maintaining the integrity of every contract entered with the City. **Therefore, each developer must disclose any perceived, potential, or actual conflicts of interests and/or relationships/connections.** Such relationships may include, but are not limited to, connections to persons and organizations within the City of Buffalo through:

1. Professional or Political associations
2. Political donations
3. Blood or Marriage
4. Friendships
5. City of Buffalo employees who currently work for your company, or come to work for your company during the RFP process, and after (should you receive a contract from the City of Buffalo) as employees or consultants
6. Union Affiliations/Memberships
7. Board Member

Each Proposer further agrees that no member of the governing body, officer, employee or agent of the City shall have any pecuniary interest or otherwise, direct or indirect, in the any contract arising from this RFP.

All proposals must include the Statement of Compliance and Conflicts of Interest Form. See page 16.

10. Statement of Compliance and Conflicts of Interest Form

Your signature below denotes that your organization, company, or corporation and/or the officers, directors, employees or agents thereof have reviewed and agreed to comply with State Finance Law §139-k. No past or present lobbyist, employee, officer or board member of your organization, company or corporation may contact any past or present City of Buffalo Employee, Union Leader, Elected Official (City or otherwise) in an attempt to influence the outcome of the RFP decision. Additionally, any potential or identified conflicts of interest shall be disclosed. As conflicts are discovered, they must be disclosed in writing, to the designated contact person identified in the RFP, during the entire RFP, award, contract negotiation, ratification, and execution process and even after contract award.

Conflict or Potential Conflict:

Signature: _____

Company: _____

Title: _____

Date: _____