

BUFFALO

SEWER AUTHORITY

TO: Capital Projects Program Management
RFP Holders

DATE: August 1, 2023

FROM: Rosaleen B. Nogle, PE

SUBJECT: Addendum to Capital Program
Management RFP

Affirmation of receipt of this addendum shall be included in cover letter of your proposal.

- Q1: Are firms allowed to provide larger graphic/visual items (i.e. organizational chart, schematics, etc.) on 11 x 17" paper?
- A1: Yes, please include them as folded in items within the bound proposal.
- Q2: Per Section F - Submission Format (RFP Page 5), it is understood that an original copy is required. Regarding Appendix F: DBE Plan and Appendix G: MWBE Utilization Plan, are we required to provide an ink signature, or just type the individual's name as the forms indicate?
- A2: On forms that indicate typing (electronic signature), a typed signature is acceptable. If a signature is indicated, an ink signature will be required.
- Q3: Regarding the "...development of a comprehensive capital projects plan..." (RFP page 6): Would this plan include existing BSA facilities only; or would it also include any other facilities that will be completed during the duration of the Program?
- A3: The comprehensive capital projects plan covered under the initial one year of contract would include only existing BSA facilities. It would be expected that in consultation with Buffalo Sewer staff, annual updates to this plan will be made throughout the duration of the contract and that these updates would include those facilities currently under construction, in design, and those that will be constructed and designed throughout the duration of the Program.
- Q4: Would BSA be amenable to respondents providing a summary of hourly labor billing rates and a commitment to an annual escalation percentage in lieu of the direct salary rates outlined in Table 2?
- A4: No, Buffalo Sewer will require all proposing firms to utilize Tables 1 & 2 in their price proposals.
- Q5: Regarding Co-Location at the Authority's offices – will space at City Hall and the WWTP be made available to the selected Program Manager?
- A5: A private office at City Hall and cubicle spaces at both City Hall and Bird Island Treatment Facility together with access to common spaces at both City Hall will be made available to the selected Program Manager. Additional office space availability will be considered in proposals.
- Q6: Please consider extending the submission due date to later than Monday August 14, 2023 – the end of that week (or later) would be very helpful to provide our best response.
- A6: Timelines for this RFP are very tight, however an extension to Friday, August 18, 2023 at 3:00 PM will be granted to ensure all proposing firms are able to best respond.

- Q7: In 2021, BSA issued a \$50+ Million environmental impact bond, prequalified nearly two dozen consulting companies, and was expected to build 200 acres of green stormwater infrastructure from that tax-free issuance. Can BSA provide an update on the progress of that initiative?
- A7: Design of work under the Environmental Impact Bond (EIB) is underway. Projects funded under this bonding include Buffalo Sewer's betterment to the City of Buffalo's Bailey Avenue and Jefferson Avenue Streetscape projects. Additional work will involve residential streetscape and utility improvements in Lovejoy, Ellicott, Masten, and Fillmore districts. Work in and around Hennepin Park is also in design. The pre-approved consulting firms list has been used for developing these projects, for the development of a separate private Green Infrastructure Grant Program that will be funded through Buffalo Sewer directly rather than through the EIB. Additionally, a green infrastructure program manager and third-party verifier have also been contracted with through this bonding and the prequalified list.
- Q8: Can BSA comment upon the relevance of environmental impact bond funded initiative and this program? Are they connected at all? If yes, does the BSA hope to continue using that list of consulting firms for any green infrastructure project under this program?
- A8: This program management program will not be funded through the EIB. Buffalo Sewer will continue to use the list of consulting firms identified in Board Item #31 of the September 30, 2020, throughout the entirety of the EIB. It will be necessary that the program manager contracted under this RFP is in communication with the program manager for the EIB projects to ensure comprehensive LTCP tracking and reporting, however it is not contemplated that the program manager contracted under this LTCP will replace that program manager or be responsible for ensuring delivery of those projects.
- Q9: RfP states "THE AUTHORITY is seeking proposals from *professional engineering consulting teams*". Does it mean that you are are looking for advisory services, not an at-risk service provider? Please clarify.
- A9: Buffalo Sewer seeks a Professional Engineering consulting team to provide management, preliminary engineering design services, and engineering oversight for capital projects as outlined in this RFP.
- Q10: First paragraph in section III says "oversight" of capital projects, while Paragraph IV B asks for "safeguards ensuring performance". Please clarify who is at-risk for the oversight. BSA or the Program Manager?
- A10: Buffalo Sewer is responsible for ensuring our facilities are maintained and that the goals of the LTCP are met and can face penalties from regulatory officials including but not limited to fines and imprisonment for not delivering on these responsibilities. The Program Manager is charged with ensuring that fully developed timelines are submitted and reviewed from both project specific design teams and construction contractors and that any changes in cost, scope, and schedule are thoroughly vetted and justified and if any deviations from regulatory deadlines are necessary, that such deviations are truly unavoidable. Failure by the Program Manager to meet these goals and other stated in this RFP may result in termination of the contract and/or partial payments on late deliverables.
- Q11: The third paragraph isn't clear as to who will "provide LTCP projects"? BSA or the Consultant? The same paragraph implies that the Consultant will provide "Program Management Services". Is this staff augmentation or an at-risk role?
- A11: The Buffalo Sewer Authority is responsible to the regulators for providing LTCP projects in conformance with the existing Administrative Order and any future regulatory instruments.
- Q12: RfP states "The initial year's contract value for this engineering contract is estimated at \$6,000,000.00 (six million dollars)". Will the program management contract be roughly \$6 Million a year or is that amount over the entire project period of five years?

- A12: It is anticipated that the program management contract will be roughly \$6,000,000.00 per year.
- Q13: RfP states “In addition, the Program Manager will be charged with oversight of an estimated \$25,000,000.00 (twenty-five million dollars) in additional capital construction projects each year.” Does BSA plan to have the Program Manager oversee and pay the technical teams for the \$25 Million/year worth of projects? Or does BSA plan to directly hire/pay technical teams for the \$25 Million/year worth of projects.
- A13: Buffalo Sewer will abide by all federal, state and local laws in procuring technical teams to supplement the work of the program manager in developing capital projects. The program manager will provide oversight assistance and ensure schedule, budget, and scope compliance by these technical teams, together with grant and loan compliance review and assurance, will draft RFPs for technical teams for Buffalo Sewer managerial approval, and will be part of the proposal review teams for technical team procurement, however the Board of the Buffalo Sewer Authority will approve all contracts and the Buffalo Sewer Authority’s contracting and payment process will be utilized for all contracts.
- Q14: Could BSA elaborate upon its access and sources of funding? Is there a need for the Program Manager to come up with public funding or private finance? Do the existing sources of funding come with any federal requirements at all?
- A14: Funding for this program management Program will be procured by Buffalo Sewer Authority through bonding. Funding for projects that will be managed through it is expected to be a mix of rate payer funded capital funds, bonding by the Buffalo Sewer Authority, and federal and state loans, grants, and other financial instruments.
- Q15: 55% of the selection points are set aside for public participation provisions, community benefits program, inclusion of local residents and historically excluded groups, and inclusion of M/W/DBEs. We applaud BSA for prioritizing these themes. As you know, via Justice40, the Federal Government has made it a goal that 40 percent of the overall benefits of certain Federal investments flow to disadvantaged communities that are marginalized, underserved, and overburdened by pollution. Does BSA have any comment on the relevance of Justice40 to this program and the hiring of the Program Manager?
- A15: Buffalo Sewer has prioritized ensuring that historically excluded and environmental justice communities are engaged in our capital program because they are our rate payers and ensuring that they are engaged in the process is essential to its success. Justice40 shares in these goals and has provided Buffalo Sewer new access to financial instruments and for that we are grateful to our federal partners, but our commitment stands independent of federal and/or state priorities.
- Q16: Would building construction and/or growing design capacity be considered as part of the community benefits program?
- A16: Yes.