



October 4, 2010

**Re: Request for Proposal
New York State Brownfield Opportunity Area
Nomination Phase Consulting Services**

The City of Rochester Division of Environmental Quality (DEQ) invites you to submit a Proposal for preparation of a Nomination Phase Study and performance of related services for the City of Rochester under the New York State Department of State's Brownfield Opportunity Area program. Seven (7) copies of your Proposal must be delivered to the City of Rochester Division of Environmental Quality, Room 300B, 30 Church Street, Rochester New York 14614 by 4:00 PM, on October 26, 2010 in order to be considered. Proposals must be hand delivered or mailed to DEQ's designated representative, Vicki Brawn, Division of Environmental Quality, 30 Church Street Room 300B, Rochester, New York 14614.

A. Background Information

The City of Rochester proposes to develop a BOA Nomination for the Vacuum Oil – South Genesee River Corridor, an area of approximately 58 acres that is characterized by 26 suspected or confirmed brownfield sites. The BOA is located in southwest Rochester and falls within City Planning Sector 4. The area borders the western bank of the Genesee River and includes an underprivileged minority community located adjacent to historic and vibrant neighborhoods within the City of Rochester. Notably the BOA is also located immediately across the Genesee River from the University of Rochester campus.

The combination of proximity to the river and historical uses of the sites, especially the the former Vacuum Oil refinery, indicate that the brownfields are contributing to soil and groundwater contamination and potentially could be impacting river water quality. The City has been awarded a \$214,000 New York State Brownfield Opportunity Area land use planning grant from the New York State Department of State for the initial 58 acre area that is centered on the location of the former Vacuum Oil site, a Standard Oil of New York Refinery facility. The City's grant application, including the BOA Prenomination Study, in pdf format with detailed site background can be found at our web page under the Project title "Former Vacuum Oil - South Genesee River Corridor Brownfield Opportunity Area."

Exxon Mobil Corporation, the successor corporation to Standard Oil Company of New York, is in the process of completing environmental investigations on a portion of the former refinery site under a Stipulation Agreement with NYSDEC. Exxon Mobil is no longer in ownership of any of the land; portions of the site are owned by the City of Rochester, and several parcels are in private ownership. Because of these factors, several essential aspects of the cleanup and redevelopment process present challenges and opportunities that will require better definition through this project:

1. Exxon Mobil has signed a petroleum spill cleanup stipulation agreement with the NYSDEC but is NOT currently in the state's brownfield cleanup program which provides limited liability releases and cleanup and redevelopment tax credits.
2. Environmental investigations have been initiated on portions of the former refinery site, but many areas remain under characterized.
3. Some uses of portions of the refinery site since it was decommissioned in the 1930's, such as an auto junkyard, complicate the interpretation of environmental data and liability;

4. Rochester's largest employer, the University of Rochester, situated across the Genesee River recently worked with a private developer to site a large, modern off-campus student housing facility within the BOA just south of the former refinery site.

5. The City is completing a feasibility study and preliminary design study to convert a former rail bridge connecting the University to the former refinery site to a pedestrian bridge

6. Large, successful brownfield cleanup and redevelopment projects have been completed both north and south of the BOA and on the other side of the River. The BOA is the only significant remaining underdeveloped area on the Genesee River south of downtown Rochester and covers over a mile of riverfront property.

7. A very active and organized community is located within and adjacent to the BOA. Community and neighborhood groups have been briefed on the BOA project

8. It is expected that the University of Rochester, Exxon Mobil, landowners on the former refinery site, community group members, a City council member and the site advisor will be among the members of the project steering committee.

B. BOA Consultant Scope of Services

The City is soliciting proposals for BOA land use planning and consulting services necessary for the preparation and approval of a Nomination Study for the BOA project. For reference we have attached a copy of the NYSDOS approved State Assistance Contract for this project. Please refer to the attached State Assistance Contract BOA work plan for the specific scope of work requirements for this project.

The City has identified the following Consultant scope of services from the approved work plan. The Consultant's scope of services will be to perform the following Tasks:

Component 1: Project Start-up

Tasks 1.6 and 1.7

The Consultant will participate in an initial project scoping meeting, develop the project outline for review by the City and NYSDOS, prepare and distribute meeting summaries and the project outline as identified in the approved work plan.

Component 3: Community Participation and Techniques to Enlist Partners

Tasks 3.1 and 3.2

The Consultant will be responsible for management and documentation of the public participation tailored to the VO-SGRC BOA nomination study process. The Consultant will assist the City and the Brownfield Redevelopment Site Advisor in efforts to inform and work with potential project partners as well as prepare the required community participation plan and summary of techniques to involve partners.

Component 4: Draft Nomination Study

Tasks 4.1, 4.2, 4.3 A, B, C, & E (with assistance from the Brownfield Redevelopment Site Advisor – see Section 4.3 D)

The Consultant will be responsible for preparation of Sections 1, 2, and 3 of the Draft Nomination and all associated work products and mapping. The City will provide available plans, reports and documents for the Consultant to consider in the analysis and preparation of the Draft nomination study. A list of documents that will be available to the selected Consultant is attached to this RFP.

The City Division of Environmental Quality will assist the Consultant in the identification of brownfield, abandoned and vacant sites within the BOA by providing readily available environmental information on properties within the boundary. The DEQ has a significant amount of information and investigation data for the former Vacuum Oil Refinery Site which, because of its size, location and prominence, should be assumed by the Consultant when completing Task 4.3 and Task 4.4 to be a primary strategic brownfield site within the BOA.

The Brownfield Redevelopment Site Advisor services identified in Section 4.3.D of the Work Plan will be used to assist the Consultant in the completion of 4.3.E and 4.4 and provide input into the identification and selection of strategic sites and parcels.

During the performance of the Economic and Market Trends Analysis the Consultant will focus on a micro economic analysis of the southern portion of the City and immediately adjoining areas, the University of Rochester, and the BOA neighborhoods. The analysis will need to evaluate the conditions, and opportunities that currently and in the future will likely affect the BOA. The Consultant shall ensure that the economic and real estate analysis is based on sound, local data, and identifies those entities most likely to locate and invest within the BOA.

The Draft Nomination Study shall include sufficient descriptions and graphic materials to establish an illustrative master plan for identified and recommended interim and future land uses, recommended zoning requirements and changes, strategic brownfield site reuse and redevelopment opportunities, and recommended infrastructure improvements. The Nomination Study master plan elements and process for this project need to satisfy the requirements of Article 18-C of the state Municipal Redevelopment Law (see Component 8) and must be prepared in a manner that would facilitate the establishment of an Urban Renewal District.

Component 5: Completion, Approval and Distribution of the draft Nomination

Tasks 5.1, 5.2, 5.3, 5.4

Component 6: Final Nomination and Advancing to Step 3

Tasks 6.1 and 6.2

Component 7: NYS Environmental Quality Review

Task 7.1 and support to the City for Task 7.4

Component 8: Redevelopment Plan under NYS Municipal Redevelopment Law

Completion of this task will be dependent in part of whether legislative changes are made to NYS authorizing tax increment finance statute. A separate TIF Scoping Study is being prepared by others and will be provided to the selected Consultant.

Component 9: Project Reporting

The Consultant shall be responsible for preparing project reporting for City review and approval as required during the course of the project.

Component 10: Meetings (required but not separately identified the approved BOA work plan)

For purposes of submitting a proposal the Consultant shall assume it will be required to attend the following project meetings:

1. Eight (8) Quarterly Coordination Meetings with the City Project Staff & NYSDOS representative
2. Eight (8) Quarterly Project Steering Committee Meetings
3. Six (6) Neighborhood Meetings

It is expected that the Consultant will also attend, arrange, and participate in any meetings required for the performance and completion of the scope of services for the Component Tasks.

In the course of completion of the required tasks, the City will provide the Consultant with readily available plans, environmental reports, supporting project information and relevant data. The City will also keep the Consultant informed of City initiatives and actions within the BOA that could have bearing on the analysis for or preparation of the nomination study. The Consultant's proposal and proposed fee should be based on the level of effort required to satisfy all the requirements of the above activities and the deliverables identified in these referenced work plan sections.

C. Proposal Submittal Requirements

Proposals will require both general information and information specific to the types of projects and programs undertaken by the DEQ. Provide the following general information at the beginning of your Proposal. Incomplete information will be viewed as non-responsive. Service Categories are identified in Section II B.

1. General Information

a. Name, address, e-mail address, telephone number, fax number and title of contact person for the Proposer.

b. Company Name, Type of Business (i.e., corporation, limited liability company, partnership, sole proprietorship, etc.) and Tax ID number of Proposer.

2. Narrative Statement and Project Approach

Provide a narrative description of four pages or less describing your firm or team's approach toward the development of the BOA Nomination Study for the Vacuum Oil – South Genesee River Corridor and why the City of Rochester should consider your firm for BOA nomination phase services. The project approach need not repeat all the requirements of the BOA Work Plan or Section B of this RFP, rather the Narrative Statement and Project Approach should demonstrate the Consultant's understanding of the primary Vacuum Oil – South Genesee River Corridor BOA issues and opportunities. The Consultant should outline its approach toward implementing the project and identify key Tasks, project activities, and decisions. In addition to the four page narrative, the Consultant should also include a narrative or listing of any assumptions made in the preparation of the Proposal.

3. Project Staff

The proposal must include resumes of the proposed Consultant project manager and those individuals who would provide the BOA consulting services discussed in Section B. Distinguish between in-house and proposed subconsultant services. If possible and where applicable, please provide the names and qualifications of subconsultants that your firm anticipates would be used for these services. Provide a basic project organizational chart, and identify the geographic location of the personnel and offices providing specific services and areas of expertise.

By identifying and presenting the qualifications of staff, the Proposer is indicating its intention to assign these individuals to work with the City. If key personnel change prior to receipt of a request for proposal, the Proposer, when submitting a proposal, will need to notify the City of the personnel change and submit the qualifications of any replacement personnel. Replacement personnel should be as qualified or more qualified than the person they replace.

4. Experience and Capabilities

Provide a description of your firm/project team's experience and capabilities with:

a. The NYS Department of State Brownfield Opportunity Area program

Indicate the number and types of BOA projects that your firm or project team has or is currently undertaking. For each project identify the BOA project municipal or nonprofit client with a contact person and telephone number. Provide information on your firm's roles and responsibilities for the identified BOA projects. Provide a more detailed written case study or example of a BOA project that your firm has undertaken with the most similarity to the Vacuum Oil – South Genesee River Corridor BOA project. Include descriptions of the type of economic and real estate analysis completed for any cited BOA projects.

b. Municipal and Institutional Land Use Master Planning

Indicate the number and types of master planning projects that your firm or project team has or is currently undertaking including your firm's roles and responsibilities in such projects. Identify relevant experience with land use planning for urban areas with environmental impairments, the development of waterfront land use master plans for municipalities and institutions, and planning for the creation of urban renewal districts and tax increment financing districts. Provide the name and telephone number for the appropriate contact person for those projects identified.

c. NYS Department of Environmental Conservation's Voluntary and Brownfield Cleanup Programs

Indicate the number and types of NYS VCP and BCP environmental investigation and cleanup projects performed directly by your firm. Identify both your firm's project manager and the NYSDEC project manager for each project.

5. References

Please provide up to three references for your firm or team that can attest to the performance and quality of work provided by your firm for the BOA scope of services identified in Section B. Provide names, organizational affiliations, and phone number for each reference.

6. Fee Proposal

The fee is to be based on a cost plus fixed fee contract structure. Each fee proposal must include the following items:

A summary table indicating for each Component from Section B of this RFP (1) direct and indirect labor expenses; (2) the proposed fixed fee amount and the percentage of the total proposed project budget that the fee represents; (3) proposed direct expenses and equipment charges, if any; and (4) any proposed subcontractor charges.

In addition please provide detail tables presenting itemized costs for 1,3, and 4 above. The detail tables must be presented according to the same project tasks identified in Section B. The detailed labor cost table must show estimated staff titles, hours, rates and costs by project tasks.

7. Scheduling and Workload

Please provide a proposed project schedule and indicate a commitment that your firm could provide for the BOA project. Please provide a statement indicating your capacity to provide all necessary services given current and projected workloads over the next 18-24 months. State any assumptions you feel are necessary.

D. Proposal Evaluation

The City will evaluate and rank responsive proposals that it receives. Proposals will be evaluated on a combination of (1) the narrative statement, demonstrated understanding of the project, and proposed approach, (2) the proposer's experience, expertise, project personnel qualifications, and references, and

(3) the proposed fee, budget presentation, and schedule. Interviews will likely be held before making a final Consultant recommendation. The agreement for this Project will be awarded to the most responsive proposal that exhibits the most reasonable cost. Pending City Council authorization, a professional services agreement will be executed between the City and the Consultant. If the professional services agreement with the selected Consultant cannot be executed in timely matter, the City may terminate negotiations and solicit services for this Project from other consultants that submitted proposals.

The City when awarding professional services agreements gives preference to organizations with offices located within the City of Rochester. The use of City individuals or companies as subcontractors or sub consultants is also encouraged.

It shall be the Proposer's sole risk to assure delivery of its Proposal to the designated office by the designated time. The DEQ will not evaluate any Proposals received after the deadline specified in this RFP. No substantive changes or interpretations will be made to the RFP except by written addendum. DEQ may reject any Proposal considered to be non-responsive.

Upon a determination that such actions would be in the best interests of the City of Rochester, the City in its sole discretion reserves the right to reject and refuse to consider any or all of the submitted Proposals received in response to this document.

E. Contracting

The project scope of services outlined in Section B and the basic services fee will be based on required BOA work plan tasks and related support services required by the City of Rochester and NYSDOS. Task budget amounts will not be exceeded without prior written approval of the City. The City's project work plan milestones, including the selection of the Consultant, and all major project deliverables will be subject to review and acceptance by the New York State Department of State as a primary funding agency to the BOA nomination phase project. Attached with this proposal is a copy of the City's State Assistance Contract with the State of New York.

Affirmative Action

New York State requirements include affirmative action good faith efforts to subcontract at least 8.8% of the dollar value of the contract to Minority Owned Business Enterprises (MBE's) and least 8.8% of the dollar value of the contract to Women Owned Business Enterprises (WBE's). The Consultant's proposal must include a plan of the actions that the Consultant will take to meet or demonstrate good faith effort to meet the Affirmative Action goals for the project.

For general information on ways to meet M/WBE requirements please contact Ms. Sandra Simon, City of Rochester Affirmative Action Officer, at 585-428-6190.

City of Rochester Living Wage Requirement

The City is herein providing notice of the Consultants requirement, if selected, to comply with the requirements of Section 8A-18 of the Municipal Code of the City of Rochester, known as the "Rochester Living Wage Ordinance," in the event that payments by the City to the Consultant under this program exceed fifty thousand dollars (\$50,000) during a period of one year. A copy of the Living Wage requirements will be provided with the professional services agreement if your firm is selected.

F. Notes to Proposers

The anticipated term for the BOA Nomination project will be 18-24 months. Additional services and time extensions may be necessary and will be subject to mutual agreement.

It shall be the Proposer's sole responsibility to assure delivery of its Proposal to the designated office by the designated date and time.

For this Request for Proposals solicitation, the City will not have a pre-submittal informational meeting. After reviewing Proposals the City may request an interview(s) with a Proposer(s) prior to making a

selection. No changes or substantive interpretations will be made to the RFP except by written addendum. The City may reject any Proposal considered to be non-responsive to this request for qualifications. Proposals should be prepared simply and economically, providing a straightforward, concise description of the Proposer's qualifications.

Upon a determination that such actions would be in the best interests of the City of Rochester, the City in its sole discretion reserves the right to reject and refuse to consider any or all of the submitted Proposals received in response to this document.

Thank you for your interest in this project and for taking the time to consider working with the City of Rochester. Feel free to contact me at (585) 428-5978 or Vicki Brawn (585) 428-6294 if you have questions about this RFP process.

Sincerely,

Mark D. Gregor,
Manager, Division of Environmental Quality

Attachments

c: Paul Holahan, Commissioner, DES
Bret Garwood, NBD
Joe Biondolillo, DES/DEQ
Elaine Miller, NYSDOS
Bart Putzig, NYSDEC

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Reference Documents:

- Phase 1 and Phase II Environmental Site Investigation Reports for several properties within the Vacuum Oil-South Genesee River Corridor Brownfield Opportunity Area.
- City of Rochester Brownfield Opportunity Area Vacuum Oil-South Genesee River Corridor Nomination Phase Grant Application & Proposed Brownfield Opportunity Area Prenomination Study Report, May 2006.
- Tax Increment Financing Scoping Study for the City of Rochester, prepared by Redevelopment Economics, September 2010.
- Local Waterfront Revitalization Program Update, Rochester, New York (DRAFT) – City of Rochester, April 2007.
- Rail Based Transit Proposal for Rochester, New York, Stone Consulting and Design, Inc., April 2002.
- South Genesee River Corridor Study, Rochester, NY, City of Rochester, May 2001.
- Rochester 2010: The Renaissance Plan, City of Rochester, April 1998.
- Rochester Light Rail Transit Economic Development Feasibility Study, Wilbur, Smith and Associates, April 1998.
- Lehigh Valley Corridor Feasibility Study: Draft Phase 1, Bergmann Associates, February 1995.
- Vision 2000: A Plan for Downtown, Lane, Frenchman and Associates December 1990.
- Genesee River South Corridor Land Use and Development Plan, Lane, Frenchman and Associates, Sept. 1986.
- Genesee River South Corridor Plan: DGEIS, Lane, Frenchman and Associates, September 1986.
- Rochester Housing Study, Interface Studio LLC, July 2007.
- National Heritage Corridor - Manifest for a 21st Century Canalway, Eric Mowers and Associates, June 2005.