



ERIE COUNTY

REQUEST FOR PROPOSAL (RFP) TO PROVIDE

Program Administration Services

for the ***Erie County Storefront Revitalization
Program***

RFP #2021-048VF

December 17, 2021

**Dan Castle, AICP, Commissioner
Department of Environment and Planning
EDWARD A. RATH COUNTY OFFICE BUILDING
95 FRANKLIN STREET
BUFFALO, NEW YORK 14202**



COUNTY OF ERIE, NEW YORK
REQUEST FOR PROPOSALS (“RFP”)
RFP #2021-048VF

To Provide: **PROGRAM ADMINISTRATION SERVICES**

for the

Erie County Storefront Revitalization Program

I. INTRODUCTION

The County of Erie, New York (the “County”) is currently seeking Proposal Statements from qualified not-for-profits/program administrators interested in providing Program Administration Services for the new Erie County Storefront Revitalization Program. The objective of the program is to financially assist Erie County business owners with exterior storefront improvements and upgrades. Eligible improvements are limited to exterior work that improves the appearance of the business and makes it more attractive to customers and visitors. Erie County anticipates \$10 million of 2022 County Operating Funds being made available for this program.

A Fact Sheet (Appendix A) is attached that further describes the Storefront Revitalization Program. It should be stressed that the Erie County Department of Environment and Planning is interested in retaining services for two, separate but related components of this Program. Firms may respond to one or both of these components, depending on their capacity and level of expertise. They may also bid on both components of work and utilize sub-contractors for any portion thereof. Finally, firms responding to this RFP will be asked to include their estimation of how many cases they can work on within a month’s time. Erie County may utilize the services of multiple firms to reach target expenditure goals.

Proposers interested in providing said service are invited to respond to this request.

It is the County's intent to select the Proposer(s) that provide the best solution for the County's needs.

The County reserves the right to amend this RFP. The County reserves the right to reject any or all of the proposals, or any part thereof, submitted in response to this RFP, and reserves the right to waive formalities, if such action is deemed to be in the best interest of the County. The County reserves the right to request additional information

from any proposer. The County reserves the right to award negotiated contracts to one or more proposers.

This RFP is not intended and shall not be construed to commit the County to pay any costs incurred in connection with any proposal or to procure or contract with any firm.

The County will only contract with firms that do not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability, marital status, sexual orientation, citizenship status or any other status protected by New York State and Federal laws.

II. PROPOSAL PROCEDURES

A. ANTICIPATED SCHEDULE OF PROPOSAL

The following schedule is for informational purpose only. The County reserves the right to amend this schedule at any time.

Issue RFP:	December 17, 2021
Pre-Proposal Meeting:	January 11, 2022 (see #7 below for more details)
Proposals Due:	January 19, 2022

B. GENERAL REQUIREMENTS

1. Each proposal shall be prepared simply and economically avoiding the use of elaborate promotional materials beyond what is sufficient to provide a complete, accurate and reliable presentation.
2. One (1) original and five (5) copies shall be submitted. Proposals **MUST** be signed. Unsigned proposals will be rejected.
3. Submission of the proposals shall be directed to:

Tuona Batchelor, Director of Business Assistance
Erie County Department of Environment and Planning
Edward A. Rath County Office Building
95 Franklin Street, Room 1014
Buffalo, New York 14202

All proposals must be delivered to the above office on or before January 19, 2022 at 4:00 p.m. Proposals received after the above date and time will not be considered. The County is under no obligation to return proposals.

4. Requests for clarification of this RFP must be written and submitted to Tuona Batchelor at Erie County Department of Environment and Planning, Edward A.

Rath County Office Building, 95 Franklin Street, Buffalo, New York 14202 or Tuona.Batchelor@erie.gov no later than 4:00 p.m. on January 5, 2022. Formal written responses will be distributed by the County on or before January 10, 2022. NO COMMUNICATIONS OF ANY KIND WILL BE BINDING AGAINST THE COUNTY EXCEPT FOR THE FORMAL WRITTEN RESPONSES TO ANY REQUEST FOR CLARIFICATION.

5. Proposers may be required to give an oral presentation to the County to clarify or elaborate on the written proposal. Those proposers will be notified to arrange specific times.
6. No proposal will be accepted from nor any agreement awarded to any proposer that is in arrears upon any debt or in default of any obligation owed to the County. Additionally, no agreement will be awarded to any proposer that has failed to satisfactorily perform pursuant to any prior agreement with the County.
7. Proposers are encouraged to attend an optional pre-proposal meeting which will be held via WebEx on January 11, 2022 at 10:00 am. Those wishing to participate in the WebEx must register ahead of time with Marie Thornton at Marie.Thornton@erie.gov to receive an invite/access code for the meeting.

All proposers submitting proposals must sign the certification on page 13 and must include a cost proposal in a separate sealed envelope clearly labeled with the proposer name, due date of proposal, proposal name (“Program Administration Services – Storefront Revitalization Program” RFP #2021-048VF) and Cost Proposal.

III. SCOPE OF PROFESSIONAL SERVICES REQUIRED & PROPOSAL CONTENTS

The Erie County Storefront Revitalization Program has been created to assist area business owners (see **Appendix A – Fact Sheet** for more information) with exterior improvements that improve and enhance the visual appeal, functionality, and/or pedestrian interface with customers. \$10 million in the Erie County 2022 Budget is being set aside for this program. Grants of up to \$40,000 will be made to eligible businesses. Erie County anticipates funding approximately 200-250 businesses over a rolling application period of 30-60 days (note – application window may be extended if funds remain unspent). Further detail is as follows:

Component #1 – Program Administration Services

Scope of Services: The program administrator will be responsible for the following:

1. Receive, evaluate and score applications based on criteria in section of IV of this RFP. Erie County DEP will sign off on the proposed scoring.
2. Verify eligibility of Applicants.
3. Set up a tracking/monitoring system of all applications (both funded and non-funded) to be shared with County staff.
4. On-going coordination with architecture/design firm handling the design and construction component.
5. Coordinate contract execution between business owner/contractor for approved work and maintain copies in project file. Note – contract form template to be provided by Erie County. Collect required building ownership documentation, contractor insurance information, etc...
6. Process payment of contractor invoices.
7. Track project schedules, and ensure that funds are being spent in an appropriate and timely manner.
8. Project close out and transfer of files to County for retention.

**Reference should be made to the attached APPENDIX A -Fact Sheet for further information regarding the role of Erie County staff and the Program Administrator.*

REQUIRED PROPOSAL CONTENTS

- A. Pricing - Proposal Fee:** Program Administrator fee shall be on a **per case** basis.

For purposes of this RFP, firms should submit a listing of rates to be utilized for the two-year duration of this engagement.

- B. Staff Capacity:** Respondent(s) shall bid on and include an estimation of the number of cases they anticipate being able to work on per month. Note – Erie County may choose multiple firms for this engagement in order to expend funds in the most time-efficient manner as possible.
- C. Similar Engagements:** The responding firm(s) shall submit a description of projects related in nature to this request and prepared by professional staff that will be assigned to the project.
- D. Team Members and Project Manager:** The proposal shall list all individuals who will work on the project as well as the project manager, and include

resumes for all. Include the hourly rate for assigned staff. Clearly identify the Primary Contact for this engagement.

- E. **References:** A minimum of two professional references including names and telephone numbers shall be included in the proposal.
- F. Evidence of any proposed **MBE/WBE** firm participation. If proposer is a Certified M/WBE Enterprise, include Erie County Certification Letter with proposal.
- G. If proposer is a **Veteran Owned Business**, proposer should include letter indicating company s 51% or more Veteran-Owned.
- H. Proposers must **sign “Schedule A – Certification & Fee”** form.
- I. **Effective Period of Proposals** - All proposals must state the period for which the proposal shall remain in effect (i.e. how much time does the County have to accept or reject the proposal under the terms proposed). Such period shall not be less than 180 days from the proposal date.
- J. **Copies:** One (1) original and five (5) copies of each proposal are required. Submit all copies to: Tuona Batchelor, Director, Business Assistance, no later than 4:00 p.m. on January 19, 2022.
- K. **All proposers submitting proposals must sign the certification on page 13 and must include a cost proposal in a separate sealed envelope clearly labeled with the proposer name, due date of proposal, proposal name (“Program Administration Services – Storefront Revitalization Program” RFP #2021-048VF) and Cost Proposal.**

IV. MISCELLANEOUS INFORMATION

- 1. **Evaluation Criteria:** A committee of representatives from the Erie County Office of Business Assistance will review the proposal against the following criteria. Note – the criteria are not necessarily listed in order of importance.
 - ✓ Experience of Firm(s) in performing similar engagements;
 - ✓ Evaluation of the proposer’s fee submission. It should be noted that while price is not the only consideration, it is an important one;
 - ✓ Staff capacity to process cases as expeditiously as possible;
 - ✓ Quality of proposal relative to style, comprehensiveness and content;
 - ✓ A determination that the proposer has submitted a complete and responsive proposal as required by this RFP;
 - ✓ An evaluation of the proposer’s projected approach and plans to meet the requirements of this RFP;
 - ✓ Reference checks;
 - ✓ M/WBE and/or Veteran Owned Business Participation;

- ✓ Performance at interview (if required);
- ✓ Proposers MUST sign the Proposal Certification attached hereto as Schedule A;
- ✓ No proposal will be accepted from nor any agreement awarded to any proposer that is in arrears upon any debt or in default of any obligation owed to the County. Additionally, no agreement will be awarded to any proposer that has failed to satisfactorily perform pursuant to any prior agreement with the County.

**The above selection criteria are provided to assist proposers and are not meant to limit other considerations which may become apparent during the course of the selection process.*

Selection Process

All proposals timely received and complete will be evaluated and ranked by a three (3) to five (5) person selection committee. The evaluation is based on the written proposals using a numerical score sheet related to the questions posed in the proposal guidelines.

When the evaluations are complete, the respondents' proposals are ranked. The proposal receiving the best overall rating is ranked first.

2. **Time Period:** The engagement will extend two (2) years from the date of contract execution.
3. **Erie County Contact Person:**

Ms. Tuona Batchelor, Director, Business Assistance, Erie County Department of Environment and Planning, Edward A. Rath County Office Building, 95 Franklin Street, Buffalo, New York 14202 (Tel.) 716-858-2950. Tuona.Batchelor@erie.gov

CAVEATS

- A. Erie County Department of Environment and Planning reserves the right to reject any and all proposals.
- B. The Erie County Department of Environment and Planning reserves the right to issue written notice to all participating firms of any change in the proposal submission schedule should the County determine in its sole discretion that such changes are necessary.
- C. Acceptance by the Erie County Department of Environment and Planning of any proposal submitted pursuant to this Request for Proposal shall not constitute any implied intent to enter into a contract for consultant services.

V. STATEMENT OF RIGHTS

UNDERSTANDINGS

Please take notice, by submission of a proposal in response to this request for proposals, the proposer agrees to and understands:

- that any proposal, attachments, additional information, etc. submitted pursuant to this Request for Proposals constitute merely a suggestion to negotiate with the County of Erie and is not a bid under Section 103 of the New York State General Municipal Law;
- submission of a proposal, attachments and additional information shall not entitle the proposer to enter into an agreement with the County of Erie for the required services;
- by submitting a proposal, the proposer agrees and understands that the County of Erie is not obligated to respond to the proposal nor is it legally bound in any manner whatsoever by submission of same;
- that any and all counter-proposals, negotiations or any communications received by a proposing entity, its officers, employees or agents from the County, its elected officials, officers, employees or agents shall not be binding against the County of Erie, its elected officials, officers, employees or agents unless and until a formal written agreement for the services sought by this RFP is duly executed by both parties and approved by the Erie County Legislature, the Erie County Fiscal Stability Authority, and the Office of the Erie County Attorney.

In addition to the foregoing, by submitting a proposal, the proposer also understands and agrees that the County of Erie reserves the right, and may at its sole discretion exercise, the following rights and options with respect to this Request for Proposals:

- To reject any or all proposals;
- To issue amendments to this RFP;
- To issue additional solicitations for proposals;
- To waive any irregularities in proposals received after notification to proposers affected;
- To select any proposal as the basis for negotiations of a contract, and to negotiate with one or more of the proposers for amendments or other modifications to their proposals;
- To conduct investigations with respect to the qualifications of each proposer;
- To exercise its discretion and apply its judgment with respect to any aspect of this RFP, the evaluation of proposals and the negotiations and award of any contract;
- To enter into an agreement for only portions (or not to enter into an agreement for any) of the services contemplated by the proposals with one or more of the proposers;

- To select the proposal that best satisfies the interests of the County and not necessarily on the basis of price or any other single factor;
- To interview the proposer(s);
- To request or obtain additional information the County deems necessary to determine the ability of the proposer;
- To modify dates;
- All proposals prepared in response to this RFP are at the sole expense of the proposer and with the express understanding that there will be no claim whatsoever for reimbursement from the County for the expenses of preparation. The County assumes no responsibility or liability of any kind for costs incurred in the preparation or submission of any proposal;
- While this is a RFP and not a bid, the County reserves the right to apply the case law under General Municipal Law § 103 regarding bidder responsibility in determining whether a proposer is a responsible vendor for the purpose of this RFP process;
- The County is not responsible for any internal or external delivery delays which may cause any proposal to arrive beyond the stated deadline. To be considered, proposals MUST arrive at the place specified herein and be time stamped prior to the deadline.

CONTRACT

After selection of the successful proposer, a formal written contract will be prepared by the County of Erie and will not be binding until signed by both parties and, if necessary, approved by the Erie County Legislature, and the Office of the County Attorney. NO RIGHTS SHALL ACCRUE TO ANY PROPOSER BY THE FACT THAT A PROPOSAL HAS BEEN SELECTED BY THE COUNTY FOR SUBMISSION TO THE ERIE COUNTY LEGISLATURE FOR APPROVAL. THE APPROVAL OF SAID LEGISLATURE MAY BE NECESSARY BEFORE A VALID AND BINDING CONTRACT MAY BE EXECUTED BY THE COUNTY.

[The term of the contract shall be for a two (2) year period commencing upon contract execution by both parties. The County, in its sole discretion may extend the agreement beyond its initial term for up to one (1) additional 1-year period at the same prices and conditions.]

INDEMNIFICATION AND INSURANCE

The proposer accepts and agrees that language in substantially the following form will be included in the contract between the proposer and the County:

“In addition to, and not in limitation of the insurance requirements contained herein the Consultant agrees:

(a) that except for the amount, if any, of damage contributed to, caused by or resulting from the negligence of the County, the Consultant shall indemnify and hold harmless the County, its officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorneys' fees or loss arising directly or indirectly out of the acts or omissions hereunder by the Consultant or third parties under the direction or control of the Consultant; and

(b) to provide defense for and defend, at its sole expense, any and all claims, demands or causes of action directly or indirectly arising out of this Agreement and to bear all other costs and expenses related thereto.

Upon execution of any contract between the proposer and the County, the proposer will be required to provide proof of the insurance coverage described in **Schedule “B.”**

Insurance coverage in amount and form shall not be deemed acceptable until approved by the County Attorney.

INTELLECTUAL PROPERTY RIGHTS

The proposer accepts and agrees that language in substantially the following form will be included in the contract between the proposer and the County:

All deliverables created under this Agreement by the Consultant are to be considered “works made for hire”. If any of the deliverables do not qualify as “works made for hire”, the Consultant hereby assigns to the County all right, title and interest (including ownership of copyright) in such deliverables and such assignment allows the County to obtain in its name copyrights, registrations and similar protections which may be available. The Consultant agrees to assist the County, if required, in perfecting these rights. The Consultant shall provide the County with at least one copy of each deliverable.

The Consultant agrees to indemnify and hold harmless the County for all damages, liabilities, losses and expenses arising out of any claim that a deliverable infringes upon an intellectual property right of a third party. If such a claim is made, or appears likely to be made, the Consultant agrees to enable the County’s continued use of the deliverable, or to modify or replace it. If the County determines that none of these alternatives is reasonably available, the deliverable will be returned.

All records compiled by the Consultant in completing the work described in this Agreement, including but not limited to written reports, source codes, studies, drawings, blueprints, negatives of photographs, computer printouts, graphs, charts, plans, specifications and all other similar recorded data, shall become and remain the property of the County. The Consultant may retain copies of such records for its own use.

NON-COLLUSION

The proposer, by signing the proposal, does hereby warrant and represent that any ensuing agreement has not been solicited, secured or prepared directly or indirectly, in a manner contrary to the laws of the State of New York and the County of Erie, and that said laws have not been violated and shall not be violated as they relate to the procurement or the performance of the agreement by any conduct, including the paying or the giving of any fee, commission, compensation, gift, gratuity or consideration of any kind, directly or indirectly, to any County employee, officer or official.

CONFLICT OF INTEREST

All proposers must disclose with their proposals the name of any officer, director or agent who is also an employee of the County of Erie. Further, all proposers must disclose the name of any County employee who owns, directly or indirectly, an interest of ten percent or more in the firm or any of its subsidiaries or affiliates.

There shall be no conflicts in existence during the term of any contract with the County. The existence of a conflict shall be grounds for termination of a contract.

COMPLIANCE WITH LAWS

By submitting a proposal, the proposer represents and warrants that it is familiar with all federal, state and local laws and regulations and will conform to said laws and regulations. The preparation of proposals, selection of proposers and the award of contracts are subject to provisions of all Federal, State and County laws, rules and regulations.

CONTENTS OF PROPOSAL

The New York State Freedom of Information Law as set forth in Public Officers Law, Article 6, Sections 84 et seq., mandates public access to government records. However, proposals submitted in response to this RFP may contain technical, financial background or other data, public disclosure of which could cause substantial injury to the proposer's competitive position or constitute a trade secret. Proposers who have a good faith belief that information submitted in their proposals is protected from disclosure under the New York Freedom of Information Law shall:

- a) insert the following notice in the front of its proposal:

“NOTICE

The data on page 13 of this proposal identified by an asterisk (*) contains technical or financial information constituting trade secrets or information the disclosure of which would result in substantial injury to the proposer's competitive position.

The proposer requests that such information be used only for the evaluation of the proposal, but understands that any disclosure will be limited to the extent that the County considers proper under the law. If the County enters into an agreement with this proposer, the County shall have the right to use or disclose such information as provided in the agreement, unless otherwise obligated by law.”

and

b) clearly identify the pages of the proposals containing such information by typing in bold face on the top of each page" * **THE PROPOSER BELIEVES THAT THIS INFORMATION IS PROTECTED FROM DISCLOSURE UNDER THE STATE FREEDOM OF INFORMATION LAW.**"

The County assumes no liability for disclosure of information so identified, provided that the County has made a good faith legal determination that the information is not protected from disclosure under applicable law or where disclosure is required to comply with an order or judgment of a court of competent jurisdiction.

The contents of the proposal which is accepted by the County, except portions "Protected from Disclosure," may become part of any agreement resulting from this RFP.

SCHEDULE "A"

PROPOSER CERTIFICATION & FEE

Program Administration Services

The undersigned agrees and understands that this proposal and all attachments, additional information, etc. submitted herewith constitute merely an offer to negotiate with the County of Erie and is NOT A BID. Submission of this proposal, attachments, and additional information shall not obligate or entitle the proposing entity to enter into a service agreement with the County of Erie for the required services. The undersigned agrees and understands that the County of Erie is not obligated to respond to this proposal nor is it legally bound in any manner whatsoever by the submission of same. Further, the undersigned agrees and understands that any and all proposals and negotiations shall not be binding or valid against the County of Erie, its directors, officers, employees or agents unless an agreement is signed by a duly authorized officer of the County of Erie and, if necessary, approved by the Erie County Legislature and Erie County Fiscal Stability Authority and the Office of the County Attorney.

It is understood and agreed that the County of Erie reserves the right to reject consideration of any and all proposals including, but not limited to, proposals which are conditional or incomplete. It is further understood and agreed that the County of Erie reserves all rights specified in the Request for Proposals.

It is represented and warranted by those submitting this proposal that except as disclosed in the proposal, no officer or employee of the County of Erie is directly or indirectly a party to or in any other manner interested in this proposal or any subsequent service agreement that may be entered into.

Proposer Signature

Date

of Cases Able to Work on **Per Month**

SCHEDULE "B" – INSURANCE REQUIREMENTS

County of Erie Standard Insurance Certificate

LAW-1 INS (Rev. 3/06)



This certificate does not amend, extend or alter the coverage afforded by the standard form policies listed below.

I Insured Name Address Zip Phone No.	III Companies Affording Coverages A B C D
II Issuing Agency Name Address Zip Phone No.	

IV This is to certify that the policies listed below have been issued to the insured named above and are in force at this time.		Policy Number	Effective Date & Expiration	Limits of Liability in Thousands		
Indicate Type of Insurance By Checking the Box				Check the Box	Occurrence	Aggregate
Company Letter - from III above	1. General Liability <input type="checkbox"/> Comprehensive Form <input type="checkbox"/> Premises and Operations <input type="checkbox"/> Products/Completed Operations <input type="checkbox"/> Independent Contractors <input type="checkbox"/> Contractual <input type="checkbox"/> Personal Injury <input type="checkbox"/> Broad Form Property Damage <input type="checkbox"/> Explosion, Collapse <input type="checkbox"/> Underground Hazard			<input type="checkbox"/> Bodily Injury <input type="checkbox"/> Property Damage OR <input type="checkbox"/> Combined Single Limit		
	2. Automobile Liability <input type="checkbox"/> Comprehensive Form OR <input type="checkbox"/> Schedule Form <input type="checkbox"/> owned <input type="checkbox"/> hired <input type="checkbox"/> non-owned			<input type="checkbox"/> Bodily Injury <input type="checkbox"/> Property Damage OR <input type="checkbox"/> Combined Single Limit		
	3. Excess Liability <input type="checkbox"/> Umbrella Form OR <input type="checkbox"/> other than umbrella <input type="checkbox"/> auto <input type="checkbox"/> general <input type="checkbox"/> both			Bodily Injury & Property Damage Combined \$ _____ Self Insured Retention \$ _____		
	4. Worker's Compensation & Employer's Liability Disability Benefits			Statutory Statutory		
	5. Other <input type="checkbox"/>					

V. County of Erie is included as an additional Insured under the following Policy numbers: _____

VI. Description of Operations: It is understood that this coverage on behalf of the insured is for all locations in the County of Erie, NY. _____

VII. Cancellation/Non-Renewal: Should any of the policies noted above be cancelled before expiration thereof or not renewed by the Insured, the issuing company will endeavor to mail _____ days advance written notice to the Certificate Holder, but failure to mail such notice shall impose no obligation or liability of any kind upon the company, its agents or representatives. _____

VIII. Name and Address of Certificate Holder & Recipient of Notice: County of Erie c/o Department of Law 95 Franklin Street, Room 1634 Buffalo, NY 14202 716-858-2200	Date Issued _____ Auth. Representative _____ Firm name & address _____ _____ _____
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FOR COUNTY USE ONLY:

Name of County Dept. Requesting Certificate	_____
Purchase Order or Contact Number	_____
Vendor Insurance Classification	_____

INSTRUCTIONS FOR COUNTY OF ERIE STANDARD INSURANCE CERTIFICATE

- I. Insurance shall be procured and certificates delivered before commencement of work or delivery or merchandise or equipment.
- II. CERTIFICATES OF INSURANCE
 - A. Shall be made to the "County of Erie, Dept. of Law, Suite 300, 69 Delaware Ave., Buffalo, N.Y. 14202."
 - B. Coverage must comply with all specifications of the contract.
 - C. Executed by an insurance company, agency or broker, which is licensed by the Insurance Department of the State of New York. If executed by a broker, notarized copy of authorization to bind or certify coverage must be attached.
- III. Forward the completed certificate to : County of Erie, (Department or Division) responsible for entering into the agreement for construction, purchase, lease or service.
- IV. Minimum coverage with limits are as follows:

Vendor Classification	A Construction and Maintenance	B Purchase or Lease of Merchandise or Equipment	C Professional Services	D Property Leased To Others Or Use Of Facilities Or Grounds	E Concession-Aires Services	F Livery Services	G All Purposes Public Entity Contracts
Comp. Gen. Liab.	\$1,000,000	\$500,000 CSL	\$500,000 CSL	\$1,000,000	\$500,000 CSL	\$1,000,000	\$500,000 CSL
- Prem. & OPS	INCLUDE		INCLUDE	INCLUDE	INCLUDE	INCLUDE	INCLUDE
- Prods. & Comp. OPS	INCLUDE	INCLUDE	INCLUDE	INCLUDE	INCLUDE	INCLUDE	INCLUDE
- Independ. Contract.	INCLUDE	INCLUDE	INCLUDE	INCLUDE	INCLUDE	INCLUDE	INCLUDE
- Contractual	INCLUDE		INCLUDE	INCLUDE	INCLUDE	INCLUDE	INCLUDE
- Broad Form P.D.	INCLUDE	Note: Comprehensive Form Not Required					See note below
- X.C.U.							
- Personal Injury			INCLUDE	INCLUDE	INCLUDE	INCLUDE	INCLUDE
- Liquor Law				INCLUDE	see note below		
- Host Liquor							INCLUDE
Auto Liab.	\$1,000,000 CSL		\$1,000,000 CSL	\$1,000,000 CSL	\$1,000,000 CSL	\$1,000,000 CSL	\$1,000,000 CSL
- Owned	INCLUDE		INCLUDE	INCLUDE	INCLUDE	INCLUDE	INCLUDE
- Hired	INCLUDE		INCLUDE	INCLUDE	INCLUDE	INCLUDE	INCLUDE
- Non-Owned	INCLUDE		INCLUDE	INCLUDE	INCLUDE	INCLUDE	INCLUDE
Excess Umbrella Liab.	\$1,000,000 see note below	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000 see note below
Worker's Compensation & Employers Liability	STATUTORY	STATUTORY	STATUTORY	STATUTORY	STATUTORY	STATUTORY	
Disability Benefits	STATUTORY	STATUTORY	STATUTORY	STATUTORY	STATUTORY	STATUTORY	
Professional Liab.			\$1,000,000				
Erie County To Be Named Add'l Insd. On	Gen. Liab., Auto Liab., & Excess	Broad Form Vendors May Be Required	Gen. Liab., Auto Liab., & Excess	Gen. Liab., Auto Liab., & Excess	Gen. Liab., Auto Liab., & Excess	Gen. Liab., Auto Liab., & Excess	Gen. Liab., Auto Liab., & Excess

* Construction contracts require excess Umbrella Liability limits of \$3,000,000.
 ** Snow removal contracts require evidence of broad form property damage.
 *** In the event the concessionaire is required to have a N.Y.S. license to dispense alcoholic beverages an endorsement for liquor liability is required.
 **** Transportation of people in buses, vans or station wagons requires \$3,000,000 excess liability.

NOTE: Workers Compensation & Employers Liability plus NYS Disability Benefits does not apply to self employed individuals.

V. In some circumstances it will be necessary to require alternate coverage and limits which will be defined in the bid specifications, contract, lease or agreement. The alternative specifications should be evidenced on the certificate in lieu of the standards printed above.

VI. The "ACORD" form certificate may be used in place of the County of Erie Standard Insurance Certificate, provided that all of the above referenced requirements are incorporated into the "ACORD" form certificate.



APPENDIX A FACT SHEET



Storefront Revitalization Program

December 17, 2021

The Erie County Department of Environment and Planning (ECDEP) hereby establishes the following guidelines and procedures for the implementation of a Storefront Revitalization Program. Funding for this program will be provided through Erie County 2022 Budget Appropriations. The objective of the program is to provide grant funds to eligible businesses throughout Erie County to assist them with exterior façade upgrades and improvements.

1. **Program Goals**

- To improve the physical appearance and enhance the curb appeal of eligible businesses.
- To strategically invest in and strengthen our local small-business economy that is building back from the covid pandemic.

2. **Funding Available**

\$10 million is being allocated within the 2022 Erie County Budget to help area businesses. Grants of up to \$40,000 will be made available per business. The business owner shall be responsible for all costs in excess of \$40,000.

3. **Eligible Activities**

Eligible activities include the repair, replacement and/or installation of existing building façade materials (siding, brick/masonry repair, etc...), awnings, signage, window and door treatments, roof replacement, and lighting. Permanent outdoor fixtures such as planters, benches, and bike racks are also eligible. Grounds improvements such as paving and landscaping are eligible if they are incidental to the main rehab work to the building. It is anticipated that only in rare occasions will grounds improvements satisfy the test for meeting the incidental work definition.

Interior renovations are not eligible for assistance under this program.

Eligible activities also include items necessary to insure building compliance with federal Americans With Disabilities (ADA) regulations.

It should be stressed that routine maintenance or repair items and new façades that mask building architecture are not eligible for assistance.

4. Eligible Areas

All businesses within Erie County who meet the criteria outlined in Paragraph 5 are eligible to apply. There are no area restrictions or limitations outside of requirement that business address is physically located within Erie County.

5. Eligible Applicants

Eligible applicants are owners or lessees of occupied commercial/retail properties that are located within Erie County. Local franchises are eligible (national franchises are not). Eligible applicants include any occupied retail business structure that is operating in conformity with the Municipality's zoning regulations. Business must be current on Federal, State, and Local taxes, including property taxes, for the building they wish to improve through the program. Also, eligible applicants can have no pending petition for bankruptcy protection, and no pending liability claims.

Further Criteria:

- Eligible Entities include: C-Corp, S-Corp, LLC, LLP, Partnership (JV, Gen, Limited), sole proprietorship whereby they have employees who are on a payroll and pay payroll taxes
- Must provide evidence or proof of business license or permit
- Business must have earned less than \$5 Million in Annual Gross Income for 2020 and 2019
- Must have 75 or fewer employees as of March 17, 2020
- Show proof of Employees paying Payroll Taxes prior to March 17, 2020

6. Ineligible Applicants:

- Non-profit businesses (for-profit subsidiaries are eligible)
- Financial businesses primarily engaged in the business of lending, such as banks, finance companies, and factors (pawn shops, although engaged in lending, may qualify in some circumstances)
- National Chain Franchises
- Life insurance companies
- Government-owned entities (except for businesses owned or controlled by a Native American tribe)
- Businesses principally engaged in teaching, instructing, counseling, or indoctrinating religion, whether in a religious or secular setting
- Businesses which 1) present live performance of a prurient sexual nature or 2) derive directly or indirectly more than *de minimis* gross revenue through the sale of products or services, or the presentation of any depictions or displays, of a prurient sexual nature
- Unless waived by SBA for good cause, businesses that have previously defaulted on a Federal loan or Federally assisted financing, resulting in the Federal government or any of its agencies or Departments sustaining a loss in any of its programs, and businesses owned or controlled by an applicant or any of its Associates which previously owned, operated, or controlled a business which defaulted on a Federal loan (or guaranteed a loan which defaulted) and caused the Federal government or any of its agencies or Departments to sustain a loss in any of

its programs. For purposes of this section, a compromise agreement shall also be considered a loss

- Businesses primarily engaged in political or lobbying activities

7. Match Requirement

There is no match requirement for this program. Please note that business owner does not need to come up with funds up front for this program. Erie County will pay contractor directly for work completed up to \$40,000.

8. Compliance with Local Municipal Government Regulations

All facade improvements funded through this program must be carried out in a manner that insures full compliance with any local, state, and federal regulations applicable to the Project. This includes any local building permits or requirements.

It also includes compliance with the Americans With Disabilities Act and the Architectural Barriers Act. As a condition of participating in the Erie County Storefront Revitalization Program, business owners will be required to incorporate alterations to the exterior of the structure to insure compliance with the Uniform Federal Accessibility Standards.

This only pertains to that part of the exterior which may be altered as part of the building improvement project such as entrance doors.

9. Design Review

Business owners shall submit an application identifying, in general terms, the proposed improvements and an estimate of the cost of the proposed improvements. Owner will need to include photos of existing conditions, quote or cost estimates, along with any photos/renderings of improvements to be made. A description of proposed colors, materials, dimensions etc...should be included with the application. If the proposal is eligible for assistance, the Program Administrator shall meet with the business owner to obtain more detailed information including property maps, historic drawings (if within or near to historic site and/or district), photographic inventory, and detailed information concerning desired improvements and other items as necessary. The Program Administrator shall forward the package to the Project Architect who in turn shall schedule a meeting with the business owner in anticipation of preparing a subsequent work writeup. Business owner must have final approval of scope from Project Architect before proceeding.

Upon acceptance of the plans for the proposed improvements by the business owner, the owner shall obtain written cost estimates from at least two contractors. The business owner would then select the contractor and so inform the Program Administrator, who will send out an Owner/Contractor Agreement to be executed. Assistance under the program will generally be based on the lowest responsible bid; however, the business owner may select a higher bidder provided the Project Architect provides a written summary justifying same.

NOTE: Erie County strongly encourages full adherence to the recommendations prepared by the Project Architect for each structure. This may at times require costs over the maximum amounts allowed under the program. In order to encourage close adherence to architect recommendations the County may

increase the grant amount. The increase would only occur if the rehab work solely included those elements recommended in the project architects schematic plan.

10. Grant Approval and Payment Procedures

Upon approval by the Project Architect, the County will authorize a written commitment to the business owner in an amount not to exceed \$40,000. The owner and the contractor shall then enter into a contract for the improvements.

11. Final Payment Procedures

Upon completion of the improvements, the business owner shall notify the Program Administrator so that they can schedule an inspection to ensure conformity with the approved design plans and specifications. The Project Architect and/or Program Administrator and the business owner must approve and sign off on all construction work before submitting a final payment request. Said payment request must include receipts or other items documenting the entire cost of work. The County will approve disbursement of funds to the contractor after the business owner has provided verification that the work has been completed as proposed.

12. Application Process

Application forms to participate in the Program are available here (insert link to webpage). All applications will be accepted on a rolling basis, over a 30-60 day timeframe. Erie County may extend the application deadline based on demand for the program. Each application will then be scored.

The following applicants will receive weighted points/consideration in scoring:

- Applicants who are certified as a minority-owned business (MBE)
- Applicants who are certified as a woman-owned business (WBE)
- Applicants who are veterans with a service connected disability
- Applicants with lower total revenue from data from their 2019 & 2020 tax return
- Applicants who are from the same commercial business district increase their score (with the intended goal of making more of an impact in that particular commercial center)
- Condition of the existing storefront (must submit photos and related documentation of existing conditions with application). Projects that have potential Building Code violations which would be corrected by the storefront investment will increase their score
- Extent to which an Applicant's business relies on walk-in customers and/or on-site sales, vs online or remote sales. The more walk-in customers the higher their score
- Awarding of funds to businesses geographically dispersed throughout Erie County

13. Self-Help Projects

Self-help projects are not eligible for project assistance.

14. Compliance with New York State Historic Preservation Guidelines

Certain buildings located within or adjacent to State/National Historic Registry Districts, or those that are eligible for inclusion on the Registry, will require consultation with the New York State Historic Preservation Office (SHPO). This may require use of specific materials or rehab techniques to insure retaining of historic quality. For example, repair of original windows may be required rather than outright replacement. Compliance with these standards may add to the overall rehabilitation cost. Erie County will consider increasing the cost of a rehabilitation project to cover certain added costs necessary to comply with NYS SHPO standards. This recognizes the Countywide significance of preserving the region's historic legacy. These cases will be reviewed and funding determined on a case-by-case basis.