



Buffalo Niagara Waterkeeper

721 Main Street
Buffalo, NY 14203

Request for Proposals

Feasibility and Design of Floodplain Reconnection of Buffalo Creek
West Seneca, Erie County, New York

March 2022

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Contents

- I. INTRODUCTION 1
- II. PRE-PROPOSAL MEETING AND PROPOSAL SUBMITTAL REQUIREMENTS 3
- III. EVALUATION OF PROPOSALS 5
- IV. ANTICIPATED SCOPE OF SERVICES 6
- V. REPORTING..... 7
- VI. INSURANCE..... 7
- VII. INDEMNIFICATION 7
- VIII. QUESTIONS REGARDING THE RFP 7
- IX. MISCELLANEOUS 8

Figures:

Figure 1 – Project Location and Focus Areas

Attachments:

Attachment A – Proposal Scorecard

Request for Proposals
Feasibility and Design of Floodplain Reconnection of Buffalo Creek
West Seneca, Erie County, New York

I. INTRODUCTION

Buffalo Niagara Waterkeeper (Waterkeeper) is a community-based, not-for-profit organization that leads regional efforts to safeguard water resources for present and future generations and connects

people to the water through education, recreation, and preservation. Waterkeeper received funding from the National Coastal Resilience Fund for the project described in this proposal.

Waterkeeper is seeking a Consultant, or team of Consultants (“Consultant”), to provide professional services to determine the opportunity for and develop preliminary designs for reconnecting Buffalo Creek to its historic floodplain (“Project”). The Project is located in the Town of West Seneca in Erie County, New York. Waterkeeper is issuing this Request for Proposals (RFP) for professional services including: a desktop analysis of the project area, identification of parcel ownership, coordination of discussions with said property owners, field analysis of parcels with willing landowners, convening public meeting(s), and the development of preliminary designs and cost estimates.

A. Objective

The ultimate purpose of the project is to identify and verify opportunities for reconnecting Buffalo Creek to its floodplain to address reoccurring residential flooding, and to develop preliminary designs based on verified on-the-ground opportunities.

B. Site Location, History, and Context

This project is located on Buffalo Creek in the Town of West Seneca (Town), NY just upstream of the confluence with Cayuga Creek to form the Buffalo River (Figure 1). The Town is located just outside of Buffalo, NY, having a population of 45,000 within 21sq mi and is transected by 9 major highways, including the NY State Thruway, making it an ideal location for both residential and commercial development. The fertile floodplains that created the Town either have been, or are threatened to be, eliminated to provide opportunities for the community to grow. Since the 1920s, the Town has seen a population increase of nearly 500% and it can be assumed that the population within the Town will continue to grow, and new residential and commercial development will follow suit. The community has experienced a long history of flood damages and impacts associated with rapid snowmelt, heavy rainfall, and ice jams and is cited as the community that experiences the largest impacts from flooding along the Buffalo Creek corridor.

The Lexington Green neighborhood was developed in the mid-1960s on top of the former Buffalo Creek channel which was filled with gravel and excavated materials from a sediment

Request for Proposals
Feasibility and Design of Floodplain Reconnection of Buffalo Creek
West Seneca, Erie County, New York

control project. The neighborhood is located along a bend of Buffalo Creek, with the Creek traveling along the north and east sides for approximately 0.5 miles. 90 homes were built within the neighborhood all of which are still occupied as of 2022.

Significant ice jam flooding occurred in the Lexington Green neighborhood in the Spring of 1971 and 1979 prompting the USACE's report 'Flood Plain Management Planning Assistance for the Town of West Seneca New York: Buffalo Creek'. The report took a comprehensive look at flooding issues in the area and suggested the installation of a levee adjacent to the creek; however, this was never implemented.

The next documented severe flood events in the Lexington Green neighborhood occurred within six weeks of each other in early 2014 – January 11th and February 21st. These were both classified as 100-year events and damage was estimated to be nearly \$1.2 million. Following these events, the Town of West Seneca constructed a levee using recycled concrete along a portion of Buffalo Creek. This levee is considered temporary by the USACE and is not accredited by FEMA. After these events, the USACE completed their 'Federal Interest Determination: Lexington Green' (2016) report which examined potential protection measures such as levees, flood benches, ice control structures, early warning systems, and ice management. The USACE terminated this study based on lack of Federal interest due to lack of economic efficiency.

On February 4 and 5, 2019, the Town again experienced significant ice-jam flooding that impacted and caused the evacuation of the School Street neighborhood along the south side of Buffalo Creek, just west of the Union Road bridge and just upstream from the Lexington Green neighborhood. Another severe event occurred mid-February, 2022 causing water levels to rapidly rise and leading to the emergency evacuation of several neighbors.

In November 2018, New York State Governor Andrew Cuomo announced the Resilient NY Initiative in response to devastating flooding in communities across the State in the preceding years. The Buffalo Creek watershed was chosen as one of the study sites for this initiative. Overseen by the New York State Department of Environmental Conservation and Office of General Services, the Resilient NY flood study identified the causes of flooding within the Buffalo Creek watershed and developed, evaluated, and recommended effective and ecologically sustainable flood and ice jam hazard mitigation projects. Three high risk areas for flooding were identified in the final report 'Resilient NY Flood Mitigation Initiative: Buffalo Creek' (2020), including the Lexington Green Neighborhood. One of the alternatives presented in the report is the creation of a floodplain bench upstream of the Lexington Green neighborhood which would increase the cross-sectional flow and add storage area during times

Request for Proposals
Feasibility and Design of Floodplain Reconnection of Buffalo Creek
West Seneca, Erie County, New York

of high flows alleviating flooding downstream. It is important to note that this report did not identify specific parcels on which to create the bench, parcel ownership, parcel conditions, or willingness from the property owners to allow for construction of a flood mitigation project on their land.

C. Project Budget

Waterkeeper has a budget for this Scope of Services described in this RFP not to exceed \$75,000.

D. Project Timeline

The consultant must agree to start work immediately following notification of award and contract execution. It is anticipated that the project will commence in April 2022 and completed within six months.

II. PRE-PROPOSAL MEETING AND PROPOSAL SUBMITTAL REQUIREMENTS

Pre-Proposal Meeting:

A mandatory, virtual, pre-proposal meeting will be held on March 8, 2022 at 9am EST.

Advanced registration is required using the following link:

<https://us02web.zoom.us/meeting/register/tZYtduqprTijGNSKT5ENs4XzwdybuhKIOTze> .

After registering, you will receive a confirmation email containing information about joining the meeting. Registration and attendance by the primary consultant at the pre-proposal meeting is mandatory for those wishing to submit a proposal.

Proposal Submission:

One (1) digital version of the complete proposal saved as a .pdf file shall be delivered via email to the person named below no later than Thursday March 31, 2022, at 3pm EST. Late, corrupt, or incomplete proposals may be rejected. Proposal files shall be clearly labeled to identify the name of the Consultant and the Project name and may not exceed 20 MB (multiple files are acceptable). Proposals will receive a confirmation email of receipt within one business day of submittal.

Proposals must be delivered to:

Bonnie Majda
Administrative Assistant
bmajda@bnwaterkeeper.org

Request for Proposals

Feasibility and Design of Floodplain Reconnection of Buffalo Creek West Seneca, Erie County, New York

Proposals must include the following:

1. The Consultant is expected to provide an executive summary and a project approach letter to convey their understanding of the project goals and deliverables. The project approach letter should outline the methodology envisioned for the design and should provide a general description of the tasks required to accomplish the project goals. If the Consultant has recommendations for tasks or deliverables outside of those listed in this RFP under the *Anticipated Scope of Services*, these proposed tasks should be clearly highlighted as “Consultant Recommendations” in the project approach letter and work plan. The letter must be signed by a person in the firm with the authority to obligate the Consultant to perform the commitments contained in the proposal. Submission of the letter will constitute a representation by your firm, that your firm, is willing and able to perform the commitments contained in the proposal.
2. Organization description.
3. Designation of an office and individual (Project Manager) who will be directly responsible for all activities of the Consultant in connection with this Project.
4. Resumes of Project personnel with direct responsibility for completion of work.
5. Identification and resumes of all sub-Consultants and what tasks they will be conducting if applicable.
6. Three (3) references for work of projects of a similar nature that have been completed by the Consultant.
7. Detailed description of the items included within the *Anticipated Scope of Services*, in the order which they are listed.
8. Detailed time schedule for Project completion.
9. Detailed cost proposal following the *Anticipated Scope of Services* outline identified within this RFP. Total cost for Consultant services including breakdown of costs for each task and sub-task. Recommendations outside of the *Anticipated Scope of Services*, as outlined in this RFP, should be highlighted in the Project approach letter.
10. A statement certifying that the proposer is not currently employed by, or affiliated with, Buffalo Niagara Waterkeeper.
11. A statement providing availability of all required insurance at the time of contract execution and that the selected Consultant will hold Buffalo Niagara Waterkeeper harmless during the contract period.
12. Statements that the Consultant and employees are legally able to work in the United States and New York State, specifically.
13. Statement disclosing any personal or financial interest between any member of Consultant Team and BNW. A conflict of interest shall be defined as an interest which occurred in the past three years and which may cause bias or the presumption of bias.

Request for Proposals
Feasibility and Design of Floodplain Reconnection of Buffalo Creek
West Seneca, Erie County, New York

III. EVALUATION OF PROPOSALS

Waterkeeper will review all proposals submitted in accordance with this RFP. All proposals will be reviewed in accordance with, and be subject to, the criteria, procedures, submission requirements, and other requirements outlined in this RFP. Proposals will be evaluated based on (but not limited to): Clarity of proposal, understanding of the Project, Project work plan, Project schedule, budget, experience/past performance of team, experience of Project manager, team qualifications, etc. Please see Attachment A for additional information.

After receipt and Waterkeeper's review of the proposals, Waterkeeper may, at its discretion, interview one or more Consultants that submitted a proposal, to allow the Consultant teams an opportunity to present their proposal and answer Waterkeeper's questions.

The Project will be awarded to one Consultant that will be held solely responsible for providing the professional services required for the Project.

Waterkeeper will award the contract to the Consultant whose proposal, at Waterkeeper's discretion, is in the best interest of the Project. Buffalo Niagara Waterkeeper is not required to select the lowest bidder.

Waterkeeper does not assume the responsibility or liability of costs incurred by Consultants responding to this RFP or to any subsequent requests for proposals, interviews, additional information, submissions, etc. prior to issuance of an agreement.

Minimum Qualifications of Consultants

All Consultants submitting a proposal shall be actively engaged and experienced in, or shall subcontract to sub-Consultants who are directly experienced in, the nature of work described in this RFP. The selected Consultant must:

1. Demonstrated ability and experience in hydrologic modeling and developing nature-based floodplain reconnection projects.
2. Be able to provide professional design services including the development of preliminary designs, modeling results, and cost estimates.
3. Include team members experienced in engaging landowners and facilitating public meetings and shall possess the ability to convey technical information verbally, graphically and in written format.
4. Be willing to travel to, and be present at, landowner and public meetings in the Town of West Seneca, NY.

Request for Proposals
Feasibility and Design of Floodplain Reconnection of Buffalo Creek
West Seneca, Erie County, New York

IV. ANTICIPATED SCOPE OF SERVICES

Task 01 – Kick-off Meeting

Prior to beginning work, the selected Consultant will participate in a virtual Project kick-off meeting with Waterkeeper and selected partners. The purpose of the meeting will be to introduce all members of the Project team, review Project communication protocols, review the final scope of services, review and finalize the Project schedule, and to discuss milestones and deliverables. Attendance by key Project members is mandatory.

Task 02 – Background Review, Parcel Ownership, and Public Meeting

Sub-Tasks will include, but will not be limited to:

1. Consultant will review all prior data on flooding in the Project location. The Resilient New York report that will serve as the basis for this project and can be viewed at the following website: <https://www.dec.ny.gov/lands/121102.html>.
2. Consultant will use their best professional judgment to determine which parcels (Primary Focus area Figure 1) identified in the Resilient New York report are the most feasible to meet project goals if reconnected to the creek channel. Additional adjacent sites may be evaluated as well (Secondary Focus Area Figure 1). Consultant will rank sites based on their potential for flood water storage and provide a written summary report of their findings.
3. Consultant will determine landownership of ranked parcels and secure contact information.
4. Working with the Town of West Seneca and Waterkeeper, Consultant will guide conversations with parcel landowners to determine their interest in including their properties in the project. Opportunities for easements or purchase of the properties are anticipated to be part of the conversation.
5. Once willing landowners are identified (targeted parcels), Consultant will facilitate a public meeting to inform interested stakeholders on the project. Consultant will develop and present a presentation based on work to date.

Task 03 – Site Reconnaissance, Preliminary Design, Metrics, and Cost Estimates

Sub-Tasks will include, but will not be limited to:

1. Targeted parcels will be assessed via site visits to determine current conditions of the shoreline, riparian, and adjacent areas to guide the design process. Consultants shall thoroughly review all existing site conditions and constraints and provide a background conditions report.
2. Consultant shall develop preliminary designs (30%) for a floodplain reconnection project that includes the targeted parcels identified through Task 02.

Request for Proposals
Feasibility and Design of Floodplain Reconnection of Buffalo Creek
West Seneca, Erie County, New York

3. Based on the preliminary site design and parcel data, Consultant shall perform modeling to determine if implementation would result in measurable effects on creek water surface elevations and lessen the risk of flooding in the Lexington Green Neighborhood and quantify the measurable impacts of implementation.
4. Consultant will develop an opinion of probable cost for final design/engineering and project implementation which will be used to secure additional funding for design development and implementation.

Task 04 – Meetings with Waterkeeper and the Town of West Seneca

The selected Consultant will meet with Waterkeeper and the Town of West Seneca at critical times during Tasks 02 and 03. Consultant to facilitate meetings and provide meeting minutes as necessary.

V. REPORTING

The selected Consultant will be required to submit monthly progress reports with payment requests as identified in the Agreement between Waterkeeper and the selected Consultant.

VI. INSURANCE

The selected Consultant will be required to maintain the types and limits of insurance listed below. Certificates naming BNW and the Town of West Seneca as additional insured, which reflect a Waiver of Subrogation will be required. Certificates of insurance must be provided to BNW prior to the commencement of the Project.

The types and limits of insurance as required by BNW include:

- A commercial General Liability Policy of at least \$1,000,000; \$2,000,000 aggregate and;
- Auto Insurance coverage of \$1,000,000 including rented and unowned vehicles; and
- Umbrella Insurance with at least \$2,000,000 in coverage; and
- New York State Worker’s Compensation Coverage; and
- Professional Insurance of at least 1,000,000; and
- Pollution Liability Insurance of at least \$1,000,000.

VII. INDEMNIFICATION

The selected Consultant will be required to indemnify and hold harmless BNW and their agents and employees.

VIII. QUESTIONS REGARDING THE RFP

Responders who have any questions regarding this RFP/Project are permitted to submit questions in writing to Bonnie Majda, Administrative Assistant, at the following e-mail address:

Request for Proposals

Feasibility and Design of Floodplain Reconnection of Buffalo Creek
West Seneca, Erie County, New York

bmajda@bnwaterkeeper.org with the subject line “Questions Regarding RFP for West Seneca Floodplain Reconnection”. All questions must be received by 3pm EST on Friday, February 18, 2022. Questions will be answered in writing and sent to all consultants that were in attendance at the mandatory Pre-Proposal meeting, via e-mail correspondence. No questions will be answered over the phone.

Other Waterkeeper personnel are not authorized to discuss this request for proposals with responders, before the proposal submission deadline. Contact regarding this RFP with any person not listed above could result in disqualification.

IX. MISCELLANEOUS

Waterkeeper reserves the right to postpone or withdraw this RFP; to accept or reject any and all proposals; to modify or amend the terms of this RFP, or to waive any requirement of this RFP with respect to one or more respondents; to negotiate or hold discussions during the interview process (if conducted) regarding the terms of any proposal received in response to this RFP, or take any other actions with respect to issuance or award of this RFP; all as Waterkeeper may deem to be in the best interest of Waterkeeper and the Project.

In accordance with 2C.F.R.§200.322, the Consultant shall consider during design to the greatest extent practicable, a preference for the purchase, acquisition, or use of goods, products or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products).

Waterkeeper does not assume the responsibility or liability of costs incurred by Consultants responding to this RFP or to any subsequent requests for proposals, interviews, additional information, submissions, etc. prior to issuance of an Agreement.

Preliminary designs, and associated model results and CAD files become property of Waterkeeper at the end of the project.

Figures

Request for Proposals
Feasibility and Design of Floodplain Reconnection of Buffalo Creek
West Seneca, Erie County, New York

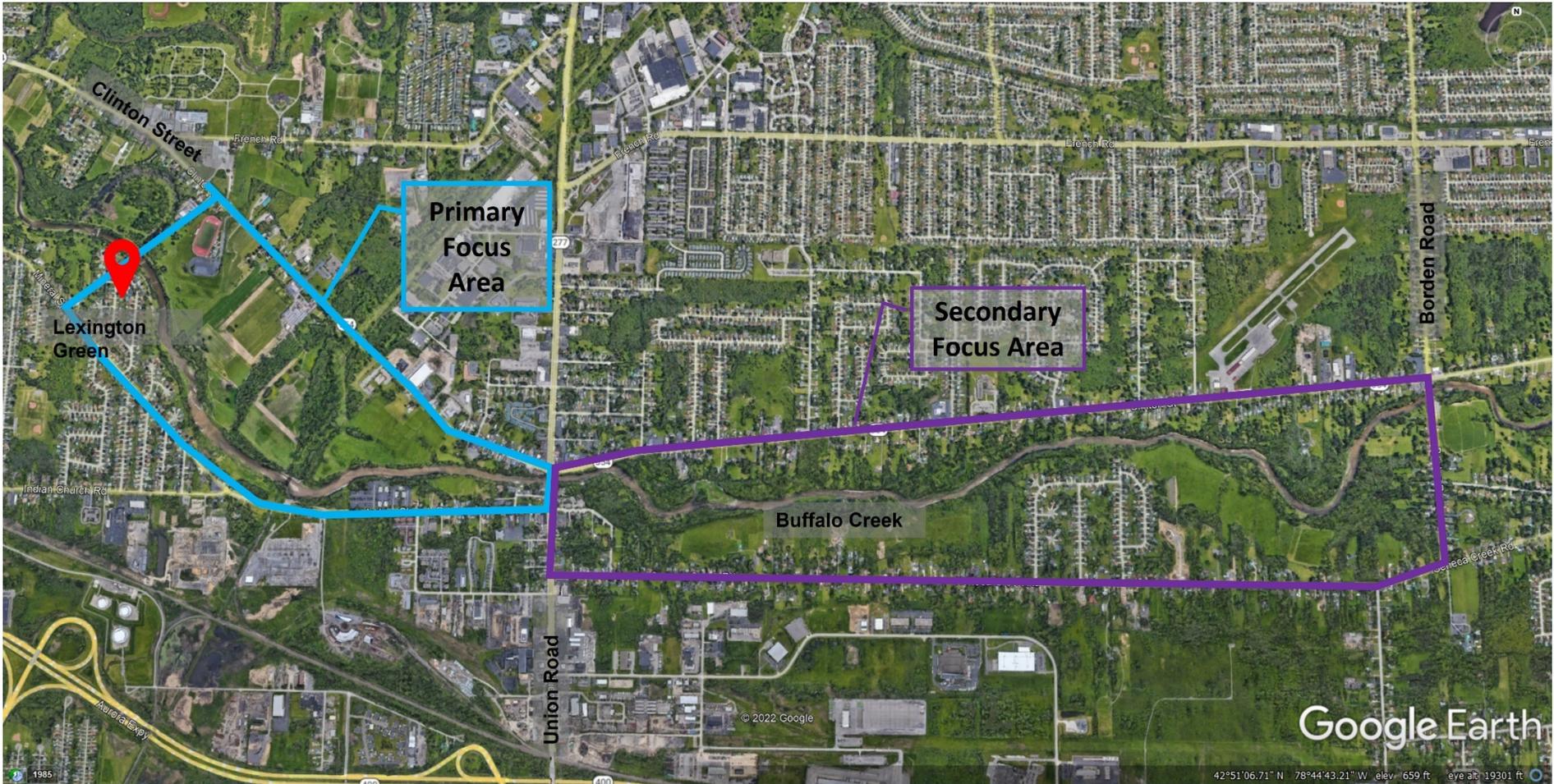


Figure 1 - Project Location and Focus Areas

Attachments

PROPOSAL SCORECARD FOR PROFESSIONAL DESIGN SERVICES

Project Name: _____
 Consultant Team: _____
 Date Reviewed: _____
 Reviewer Initials: _____



PROPOSAL SUBMITAL REQUIREMENTS: All boxes must be checked "yes" by the project manager to begin scoring proposal			
	Y	N	Notes
Was consultant at pre-proposal walk?	<input type="checkbox"/>	<input type="checkbox"/>	
Was submission received by indicated deadline?	<input type="checkbox"/>	<input type="checkbox"/>	
Executive Summary and Project Approach Letter	<input type="checkbox"/>	<input type="checkbox"/>	
Organization Description	<input type="checkbox"/>	<input type="checkbox"/>	
Designation of a Primary Point of Contact	<input type="checkbox"/>	<input type="checkbox"/>	
Resumes of Project Personnel	<input type="checkbox"/>	<input type="checkbox"/>	
Resumes of sub-Consultants if Applicable	<input type="checkbox"/>	<input type="checkbox"/>	
Three (3) References for Work of a Similar Nature	<input type="checkbox"/>	<input type="checkbox"/>	
Anticipated Scope of Services Presented in Order Shown in RFP	<input type="checkbox"/>	<input type="checkbox"/>	
Project Schedule	<input type="checkbox"/>	<input type="checkbox"/>	
Pricing Proposal	<input type="checkbox"/>	<input type="checkbox"/>	
Statement that the Consultant is not Currently Employed by, or Affiliated with, BNW	<input type="checkbox"/>	<input type="checkbox"/>	
Statement Providing Availability of Required Insurance	<input type="checkbox"/>	<input type="checkbox"/>	
Statement of Legally Able to Work in the United States and NYS	<input type="checkbox"/>	<input type="checkbox"/>	
Statement Disclosing Conflict of Interest	<input type="checkbox"/>	<input type="checkbox"/>	

SCORING MATRIX		Score / 100 pts.
1 Understanding of the Project: (25 pts.)		
Did consultant team understand the objective, did they capture this understanding in the Executive Summary? (10 pts.)		
Was there a clear description of the project approach and methodology in the Project Approach Letter? (10 pts.)		
Did the proposal clearly explain the Tasks outline in the Anticipated Scope of Work? (5 pts.)		
2 Qualifications and Experience of the Project Team: (55 pts.)		
Has the Project Team worked together in the past on similar projects? (5pts.)		
Project Team contains a member who is experienced in landowner outreach, coordinating and facilitating public meetings, and presenting technical information to the public. (10 pts.)		
Project Team contains a member who is experienced in nature-based floodplain design. (10 pts.)		
Project Team contains a member who is experienced in hydrology and modeling freshwater stream systems. (10 pts.)		
Familiarity with the Resilient NY Flood Mitigation Initiative. (10 pts.)		
Past experience on 3 or more similar projects? (10pts.)		
3 Cost: (15pts.)		
Cost for all Tasks outlined in the Anticipated Scope of Work is within the \$75,000 budget. (5pts.)		
Any cost savings or in-kind work proposed? (10pts.)		
4 Project Schedule: (5 pts.)		
Project team's work plan (Scope of Services) delivers on all key tasks within the project schedule? (5 pts.)		
TOTAL SCORE:		

ADDITIONAL COMMENTS: