



Request for Proposals
Professional Design Services for
Buffalo Blueway Sites at South Buffalo Charter School And
The DEC Harlem Road Fishing Access Site

February 2023

Buffalo Niagara Waterkeeper
721 Main Street
Buffalo, NY 14203
(716) 852-7483
www.bnwaterkeeper.org

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I. INTRODUCTION

A. INVITATION TO SUBMIT PROPOSALS

Buffalo Niagara Waterkeeper (BNW) 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. BNW received funding from Empire State Development for the creation of a series of public access sites on the Buffalo River. Two locations are included as part of this Request for Proposals (RFP): South Buffalo Charter School located at 154 South Ogden Street, City of Buffalo and The New York State Department of Environmental Conservation’s Harlem Road Fishing Access Site located 880 Harlem Road, Town of West Seneca. Hereafter the sites are combined and referred to as “Project”.

BNW is seeking a consultant or team of consultants (Consultant) to provide professional design services and construction contract administration services for the Project. Services (described fully in Section II.C – Anticipated Scope of Services) include relevant background data collection, permitting, final design development, stamped engineering plans, construction bid assistance, and construction contract administration. Proposals are hereby invited for the Project, in accordance with details included in this RFP.

This project has a project goal of 30% inclusion of New York state certified Minority and Women Owned Business Enterprises (MWBE) and encourages MWBE entities to apply. BNW further encourages Consultants and Contractors to include MWBE entities on their project teams at the same 30% goal. Consultants must utilize and document their Good Faith Efforts to retain MWBE entities as required by 5 NYCRR 142.8.

B. PROJECT SUMMARY

All work performed for BNW must be accomplished with the protection of water resources and the environment in mind. The purpose of this Project is to evaluate two separate parcels (South Buffalo Charter School AND The DEC Harlem Road Fishing Access Site) to design a Buffalo Blueway site at each location to improve public access along and to the Buffalo River. The sites should be designed to effectively promote passive and active recreation at these waterfront locations. The upgraded access points should increase visibility and accessibility within site boundaries while also remaining considerate of broader linkages to the water-based Buffalo Blueway trail system as well the anticipated landside Buffalo River Greenway trail system. All project elements should strive to meet ADA requirements where possible.

Design objectives and potential components are described below.

South Buffalo Charter School:

- Convert a portion of the current bus parking lot into a parking area for Blueway site users. This may include new striping patterns, signage, and curb cuts.
- Creation of a new, removable paddle sport entry/exit point on the shoreline.
- Develop a sustainable trail system to access the paddle sport launch area and natural areas along the shoreline.

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- Creation of a planting plan to highlight and enhance native vegetation while increasing shoreline stability.
- Siting of signage, benches, and Blueway marker.

DEC Harlem Road Fishing Access Site:

- Upgrade the existing paddle sport launch.
- Update current pathways.
- Create seating areas using natural materials.
- Creation of a native planting plan for the site with a focus on stabilizing the current shoreline.
- Siting of signage, benches, and Blueway marker.
- Any proposed enhancements to this site must be made for the sole purpose of supporting fishing and paddle sport boat use by pedestrians. Any enhancement that does not relate to these two activities will not be considered.

C. SITE DESCRIPTION

South Buffalo Charter School

This site is located along the Buffalo River and is approximately 7 miles upstream of Lake Erie at 154 South Ogden Street, City of Buffalo, Erie County, New York 14220. This project site consists of the portion of land between the northern parking lot and the southern edge of the Buffalo River, from South Ogden Street west to the railroad line. Prior to the construction of the South Buffalo Charter School, this site was a vacant lot that was used extensively by the community for passive recreation and for dumping of construction type debris. The site entered into the NYSDEC Brownfield Cleanup Program to address contaminants of concerns in the soil and groundwater, particularly PAH's, metals, VOC's, and petroleum. Remediation at this site was completed in 2014 and a Site Management Plan remains in place (C915268).

The site is currently home to South Buffalo Charter School which developed the parcel and built the school facilities that opened in the Fall of 2014. The main school building is disconnected from the Buffalo River by a parking lot and wide strip of natural vegetation causing the river to be unknown and inaccessible by the students, teachers, and parents. The school provides education to children in grades K-8 of various physical abilities and are eager to have a Buffalo Blueway site on their property for the use of their students and community. The current project area consists of a functioning parking lot, mowed grass, and a riparian area containing vegetation of varying quality.

DEC Harlem Road Fishing Access Site

This site, owned and operated by New York State Department of Environmental Conservation, is located along the Buffalo River approximately 8 miles upstream from Lake Erie at 880 Harlem Road, Town of West Seneca, 14224. Once completed, this Blueway site will be the furthest upstream on the Buffalo River and the first outside of the City of Buffalo making it an important access site for recreational users of the Blueway system. The site currently serves the community

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by providing public access for fishing and passive recreation and contains a large parking lot, walkway, and a formalized, wooden paddle sport launch.

This project site has seen various, small-scale restoration efforts over the past decade, but requires additional improvements to make it safer, more accessible, and comfortable for visitors of all ages and abilities. The current walkway from the parking lot is ill-defined which has led to a makeshift pathway being created down a steep hill. The existing paddle sport launch area is constructed of timber and concrete and provides entry into the waterway, but needs adjustment due to fluctuating water levels. The majority of the site is dominated by Japanese Knotweed, which will need to be addressed through this project with the use of native vegetation to stabilize the site.

D. PROJECT BUDGET AND TIMELINE

The pricing proposal for the design development and construction contract administration services outlined in this RFP should not exceed \$190,000. It is anticipated that design development will take 8 months to complete, permits to be submitted in November 2023, construction implementation to begin in Spring of 2024, and final completion by December 2024.

II. PROPOSAL SUBMITTAL REQUIREMENTS

A. PROJECT APPROACH LETTER

The Consultant must include 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. 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 Consultant's firm, that the Consultant or Consultant's firm is willing and able to perform the commitments contained in the proposal. If the Consultant has recommendations for tasks or deliverables outside of those listed in this RFP under the Anticipated Scope of Services (outlined in Section C, below), these proposed tasks should be clearly highlighted as "Consultant recommendations" in the Project approach letter and work plan.

B. CONSULTANT QUALIFICATIONS

The Consultant submitting a proposal shall be actively engaged and experienced in, and/or shall subcontract to entities who are directly experienced in the nature of the work described in this RFP. The Consultant shall be able to provide professional design services including development of complete construction contract documents that are professionally sealed by a New York State Licensed Professional Engineer. The consultant team should include team members with hydrological engineering experience, experience in shoreline habitat restoration in freshwater riverine environments, and the creation of public access sites. The Consultant shall be experienced in identifying and obtaining all needed permits and agency notifications, if necessary. The Consultant shall be able to provide construction contract administrative services in coordination with BNW during implementation.

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The Consultant shall submit an organizational description, organizational chart (with designation of Primary Point of Contact) and resumes of the primary project team members and sub-consultants. Responding consultants should also provide a minimum of three (3) examples (including references) of projects of a similar nature that have been completed.

Respondents shall be willing to travel to, and be present at, on-site and off-site professional and public meetings and work proactively with Project partners. Respondents shall possess the ability to convey technical information verbally and in written format and be willing to work proactively with Project partners, especially during the design process.

C. ANTICIPATED SCOPE OF SERVICES

Task 01 – Project Kick-Off Meeting

Within ten (10) business days of BNW issuing Notice of Award, the selected Team will participate in a pre-project logistics meeting with BNW and project partners. All primary members of the Consultant team must be in attendance as well as all relevant subconsultants. 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, review permitting strategy, and to discuss design milestones and deliverables. The meeting may also be used for the Team to present any preliminary design concepts.

Task 02 – Background Review/Surveys/Data Collection/Existing Conditions Report

Tasks will include, but are not limited to:

1. Consultant shall conduct in-person site visits and reconnaissance of the Project site. Site visits will include BNW's Project manager and primary members of the Consultant team to ensure that necessary personnel are familiar with site conditions and constraints. Photographs, general measurements, and inspections will be used to identify existing cover, materials, and obstructions present and initiate planning for design elements and specific data collection efforts.
2. Consultant shall complete physical and desktop data collection necessary for design development and securing permits. This can include, but is not limited to, topographic, bathymetric, and boundary surveys, geotechnical evaluations, and hydrologic analysis.
3. The Consultant shall evaluate all site constraints and considerations to determine placement of Project elements.
4. The Consultant shall submit to BNW an existing conditions report which adequately describes the existing conditions of the Project site based on background review, surveys, and data collection and will be used as the basis of design. The data collected should be analyzed and applied to the design concept to inform any potential changes. The reports will also serve as a basis for comparison of pre and post construction conditions.

Task 03 – Design Development

Based on the surveys, data collection, background reviews, and assessment of existing conditions, the Consultant shall develop two preliminary project designs, one for each site. The

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Consultant will lead a Design Kick-Off meeting with BNW and other necessary project team members to share the results of the site assessment phase and present preliminary design concepts to gather input before progressing into technical design development.

Utilizing feedback from the Design Kick-Off meeting, the Consultant will develop a modified conceptual design (30% design) for submittal to BNW. The Consultant will participate in a minimum of one meeting with BNW and their project partners to discuss the 30% design. At this stage, the Consultant will be expected to lead one public engagement meeting to share progress and details with the community and gather input.

Next the Consultant will develop a 60% design package that includes engineering plans, costs, drafts of key specification sections to support the proposed design, and an outline of the full specifications package. Design plans will incorporate existing conditions data, any newly collected data (such as bathymetric or topographic data), and proposed concepts into a combined package to outline the work. Drawings will include general notes to outline requirements for the work, legend entries, cross sections, details sufficient to describe the concepts and approaches.

The Consultant shall incorporate BNW's comments on the 60% design before further refining the design elements to 90% completion. At the 90% check-in, the Consultant shall submit a draft bid package containing preliminary frontend documents and Project specifications. BNW will supply Consultant with standard documents from the Engineers Joint Contract Documents Committee (EJCDC®) as the foundation for this deliverable. Draft frontends and specifications shall be submitted to BNW in Microsoft Word format. BNW will review the package and provide feedback and edits to the Consultant.

The Consultant will then develop the final construction contract document bid package, stamped by a New York State Licensed Professional Engineer, sufficient for the construction of all Project elements. The Consultant is expected to collaborate directly with BNW throughout design development and construction contract document production.

Check-ins, either in-person or virtually, with BNW are required to occur at each review phase including 30%, 60%, 90% and 100% completion. The Consultant shall satisfactorily address feedback before progressing the design to the next phase or finalization. The Consultant is required to submit an opinion of probable cost to BNW at 60%, 90%, and 100% completion.

Task 04 – Permitting

The Consultant shall identify all required permits necessary for the implementation of the Project. Consultant shall complete all work necessary for obtaining approved permits for Project implementation, including all federal, state, multi-state, and/or local permitting for both project locations. Consultant must undergo appropriate coordination and consultation with the New York State Historic Preservation Office ("SHPO"). Consultant shall coordinate communications with all permitting agencies and authorities and shall prepare all permit applications including required plans and drawings. All permit fees shall be identified by the Consultant and payment of such will be the responsibility of BNW. All permits must be submitted by the 90% check-in.

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Consultant shall finalize all permit applications, including required plans and drawings for review by BNW. Upon BNW's approval of the permit package and acquisition of approved signatures, the Consultant shall submit to the responsible agency. The consultant will be the primary point of contact for questions from the permitting agencies about the permit package and will keep BNW informed of the progress.

BNW has undertaken the State Environmental Quality Review (SEQR). A negative declaration for the Buffalo Blueway Project was received on April 19, 2018

Task 05 – Construction Contract Administration Services

Bidding and Awarding: The Consultant shall lead the construction contractor bid process. The Consultant is expected to lead the pre-bid meeting, serve as primary point of contact throughout bidding, review and provide responses to bidder inquiries, provide assistance in reviewing bids for technical qualifications and pricing, and provide BNW with their recommendation on contractor selection.

Construction Contract Administration and Observation: The Consultant shall provide all required construction contract administration and observation services in conformance with BNW's construction schedule up to final acceptance. The consultant must possess the ability to field fit Project needs according to conditions and the ability to adjust to changes in real time to reduce or balance costs with contractors.

Construction contract administration and observation tasks will include, but are not limited to:

- Answer Requests for Information (RFIs) and provide clarification to contract documents.
- Review and approve submittals including applications for payment.
- Provide direct management of contractors.
- Perform site visits as deemed appropriate by design professional to determine if work is proceeding in accordance with Contract Documents and Project schedule.
- Prepare construction progress observation reports and morning construction tailgate meeting minutes and submit them to BNW.
- Provide professional recommendations for any Change Orders.
- Coordinating delivery of record drawings.
- Scheduling substantial completion walkthrough, developing punch-list, and issuing certificate of substantial completion.
- Scheduling final walkthrough, ensuring punch-list items were satisfactorily completed and issues Notice of Final Acceptability.

Period of Establishment (POE): The Consultant shall be retained to provide assistance after issuance of the certificate of substantial completion through the POE. Substantial completion is anticipated to occur in Fall of 2024, with a POE extending through the end of November, 2024. During the POE, the Consultant shall conduct site visits to observe design performance of the constructed Project, and if deemed appropriate by the design professional, recommend any corrective action that should be taken by the Contractor prior to final acceptance of work at the end of the POE.

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Final Acceptance and Issue Notice of Acceptability of Work: After a final walkthrough of the site at the conclusion of the POE, and if design is functioning as intended, the Consultant will notify BNW and the Contractor that they have determined that the work is acceptable by issuing a 'notice of acceptability of work'. After the notice is received, BNW will make the final payment to Consultant and Contractor and close-out the Project.

Task 06 – Reporting

Monthly Progress Reports are required to be submitted to BNW along with detailed invoicing. Reporting due dates will be set by BNW and will be identified in the Agreement between BNW and the selected Consultant.

A short summary report stating the goals of the Project and tasks completed to reach those goals will be required from the selected Consultant at the time of their request for final payment. The following items must be included as a separate appendix to the final Project report:

- Construction contract drawings, specifications, and associated notes or reports.
- Summary of all monthly progress reports submitted to BNW.
- Written Documentation outlining Good Faith Efforts under 5 NYCRR §142.8 to procure and utilize M/WBEs.
- Any other report as may be required by ESD and provided to consultant by BNW.

D. PROJECT SCHEDULE

Upon receipt of award notification, the selected Consultant will work with BNW's legal department to execute a contract for services. Once the contract is executed, the Consultant may begin the tasks outlined in the Scope of Services. The Consultant is anticipated to begin their services in March 2023.

The Consultant will develop the 100% construction contract document bid package, stamped by a NYS Licensed Design Professional (Engineer), sufficient for the construction of all Project elements (final designs), by March 2023. Construction Bid Advertisement will be released in January 2024 with construction commencement anticipated for early-Spring 2024. All construction must be substantially complete by the Fall of 2024. POE will extend until the end of November 2024.

The Consultant must agree to commence work on the issue date and to fully complete the Project within the time limit specified in the Agreement. All deliverables identified in the Anticipated Scope of Services are targeted for completion by November 31, 2024.

E. PRICING PROPOSAL

The pricing proposal must be broken down by each task and sub-task. Each task and subtask must be identified in the same order as outlined within the Anticipated Scope of Services.

The Consultant is encouraged to recommend items and their costs that might be deleted or added to the Project to improve the outcome of the Project or provide cost savings. Any such suggested additions or deletions must be identified with highlighting and must include a

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statement explaining the reason for the recommendation and any the potential impact upon the Project's overall budget or schedule.

All costs must be included in the proposal including administrative costs (travel, printing, per-diem, etc.). Please include a total cost for completion of the entire proposal at the bottom of the pricing proposal.

F. REQUIRED STATEMENTS

Respondents must provide the following statements:

1. Statement that the proposer is not currently employed by, or affiliated with, BNW.
2. Statement listing all previous proposals submitted to BNW in the past three (3) years.
3. Statement providing availability of all required insurance at the time of contract execution and that the selected Consultant will indemnify and hold BNW and landowners harmless during the contract period.
4. Statements that the Consultant and employees are legally able to work in the United States and New York State specifically.
5. Statement certifying a lack of bribery and collusion.
6. An organizational Equal Employment Opportunity Statement or complete Office of Contractor and Supplier Diversity Equal Employment Opportunity Policy Statement (OCSD Form 1), Attachment C.
7. Empire State Development Office of Contractor and Supplier Diversity Staffing Plan (OCSD Form-2), for prime and any sub-contractors Attachment C.
8. Empire State Development Office of Contractor and Supplier Diversity MWBE and SDVOB Utilization Plan (OCSD Form-4) for prime and any sub-contractors, Attachment C.

III. SUBMITTAL REQUIREMENTS

A. QUESTIONS REGARDING THIS RFP

A pre-proposal meeting will be held on February 9th, 2023, at 9 am EST at the Project Sites. Attendance by the primary Consultant at the pre-proposal meeting is mandatory for those intending to submit a proposal. Meeting will begin at the NYSDEC Harlem Rd Fishing access site in the main parking lot (880 Harlem Road, West Seneca, NY). The group will then travel to South Buffalo Charter School (154 South Ogden Street) where they will meet in the northernmost parking-lot. Participants are strongly encouraged to review this RFP and come prepared with questions. We strongly encourage any Consultant that intends upon attending the pre-proposal meeting to RSVP to bmajda@bnwaterkeeper.org by 2pm EST on February 7th, 2023 so that we may inform you in the case of meeting postponement or cancellation due to inclement weather or other factors.

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: bmajda@bnwaterkeeper.org with the subject line "RFP Questions Regarding SBCS and Harlem Rd". All questions must be received by 2pm EST on February 24th, 2023. Questions will be

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answered in writing and sent to all participants that attended the mandatory Pre-Proposal meeting, via e-mail correspondence. No questions will be answered over the phone.

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

B. SUBMITTAL INSTRUCTIONS

Project Proposals are due by 2pm EST on March 9th, 2023.

The proposal must include, and be formatted, as per the following:

- A. Project Approach Letter
- B. Consultant Qualifications
- C. Anticipated Scope of Services
- D. Project Schedule
- E. Pricing Proposal
- F. Required Statements

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 2 pm EST on March 9th, 2023. 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

C. EVALUATION OF PROPOSALS

BNW and the landowners 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 D for the Scorecard and, additional information.

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

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Consultant interviews (remotely), if deemed necessary by BNW, are anticipated to occur the week March 20th, 2023. All respondents will be notified in writing as to whether they were selected or not selected to provide the services described in this RFP on March 28th, 2023.

The Project will be awarded to one Consultant that will be held solely responsible for providing the professional services required for the Project. BNW will award the contract to the Consultant whose proposal, at BNW's discretion, is in the best interest of the Project. BNW is not required to select the lowest bidder.

The selected Consultant will be required to enter into an Agreement with BNW, using BNW's standard Agreement. Consultant shall not begin any work outlined within the RFP prior to execution of mutually agreed upon written Agreement executed by both parties.

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

IV. MISCELLANEOUS

BNW 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 BNW may deem to be in the best interest of BNW 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).

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Attachment A

Site Locations and Anticipated Project Boundaries

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Attachment B

DEC Harlem Road Fishing Access Site Photos

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Attachment C

NYS Office of Contractor and Supplier Diversity (OCSD) Forms

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Attachment D

Proposal Scorecard For Professional Design Services