



**Buffalo Niagara Waterkeeper**

721 Main Street  
Buffalo, NY 14203

**Request for Proposals**

Buffalo Creek Floodplain Reconnection Final Design and Permitting  
West Seneca, Erie County, New York

March 2024

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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 the National Coastal Resilience Fund for the project described in this proposal.

BNW is seeking a Consultant, or team of Consultants (“Consultant”), to provide professional services to develop final designs and permitting documents for reconnecting Buffalo Creek to its historic floodplain (“Project”). The Project is located in the Town of West Seneca in Erie County, New York. BNW is issuing this Request for Proposals (RFP) for professional services including but not limited to: coordination of discussions with property owners, coordination of applicable land transactions, convening a public meeting, development of final designs, cost estimates, construction documents, and development of permit application packages.

**B. PROJECT SUMMARY**

The purpose of this Project is to utilize innovative, nature-based solutions to combat flooding impacts on the Lexington Green neighborhood by reconnecting Buffalo Creek to its historic floodplain. By looking to naturalize shorelines and create living systems the project will increase the capacity of the creek system to mitigate current flooding issues and handle changes in water volumes that is expected to occur in our region as a result of climate change. All work performed for BNW must be accomplished with the protection of water resources and the environment in mind.

The goal of the Project is to design a floodplain bench (or series of floodplain benches) and associated riparian areas to allow for unobstructed stream inundation during periods of high flow.

**C. SITE DESCRIPTION, 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.

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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 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 of high flows alleviating flooding downstream.

Buffalo Niagara Waterkeeper received funding from the National Coastal Resilience Fund in 2022 to oversee a consultant's efforts to identify parcels upstream of the Lexington Green Neighborhood that would alleviate the impactful flooding events. Three contiguous parcels (Figure 1) were identified that

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will lessen surface water elevation by up to 2 feet during 100-year storms based on preliminary modeling results. 30% design phase documents were developed for the priority area which recommended grading and bank and channel stabilization features.

This project will build upon the 30% design plans with the ultimate goal of having an implementable project that reduces the risk and severity of flooding in the Lexington Green neighborhood.

**D. PROJECT BUDGET AND TIMELINE**

The pricing proposal for design services should include a budget that does not exceed \$400,000.

This project will begin in May 2024. All tasks described in this RFP, including approved permits shall be completed by January 2025.

**E. 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. Demonstrate 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 final designs, modeling results, and cost estimates.
3. Include team members experienced in engaging landowners, land protection, 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.

**II. ANTICIPATED SCOPE OF SERVICES**

**TASK 01 – KICK-OFF MEETING**

Within ten (10) business days of BNW issuing the Notice of Award, the selected Consultant will participate in a Project kick-off meeting with BNW 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 AND DATA COLLECTION**

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

1. Review of all prior data and reports related to project location including but not limited to:

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- a. The Resilient New York report that serves as the basis for this project and can be viewed at the following website: <https://www.dec.ny.gov/lands/121102.html>.
  - b. The “Feasibility and Design of Floodplain Reconnection of Buffalo Creek” Report and 30% Design Submission. Documents can be obtained via:  
<https://bnwaterkeeper.org/buffalo-creek-floodplain-reconnection-project-in-west-seneca/>.
2. Consultant shall conduct in-person visits to 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 and visual assessments will be obtained to identify planning for design elements and specific data collection needs.
  3. 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, modeling, and ice jam and hydrologic analysis.

#### **TASK 03 - PARCEL OWNER COORDINATION, LAND PROTECTIONS, AND PUBLIC MEETING**

Sub-Task will include, but not limited to:

1. Working with the Town of West Seneca and BNW, Consultant will guide conversations with parcel landowners to determine their continued interest in including their properties in the project.
2. The Consultant will work with BNW and the Town of West Seneca to acquire land protection and/or land agreements on the identified parcels. Consultant will be expected to help guide the project team through the process of developing long-term landowner agreements and acquiring easements on the parcels.
3. Prior to beginning the 60% design phase, the Consultant (with support from BNW) will coordinate and lead a public meeting to refresh the community on the goals of the project, the findings from the preliminary designs, and gather input and support. Background information as to why the project is necessary, a review of the data collected, description of the restoration techniques, benefits of the project to reduce flooding and increase habitat, and methods for construction will be presented.
4. During the 90% design phase, the Consultant (with support from BNW) will coordinate and lead one public meeting to present the nearly complete design plans to the community. Consultant will present publicly digestible graphics of design plans and flood reduction potential.

#### **TASK 04 – DESIGN DEVELOPMENT**

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

1. Based on the surveys, data collection, background reviews, existing conditions, and 30% site design, Consultant shall develop 60%, 90%, and 100% design plans for the project.
2. Prior to beginning the 60% site design, Consultant shall lead a kick-off meeting with BNW and project partners to share any insight gained during Background Review and provide any thoughts or concerns on the 30% design. The main objective of this meeting is to gather

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- input and reach consensus on the designs before progressing into technical design development.
3. Consultant will develop a 60% design package that includes engineering plans and specifications to support the proposed design based on existing conditions and any newly collected data.
  4. The Consultant shall incorporate BNW's and project partners comments on the 60% design before further refining the design elements to 90% completion.
  5. 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. BNW will supply Consultant with standard documents from the Engineers Joint Contract Documents Committee (EJCDC®) as the foundation for this deliverable.
  6. Check-ins, either in-person or virtually, with BNW are required to occur at each review phase including 60%, 90% and 100% completion. In addition to BNW review meetings, the Consultant will be expected to lead Technical Advisory Committee meetings, and meetings with partners and any other relevant stakeholder groups, to review the design.
  7. The Consultant is required to submit an opinion of probable cost to BNW at 60%, 90%, and 100% completion.

**TASK 05 – PERMITTING**

The Consultant shall identify and perform work necessary to obtain all required federal, state, or local permits necessary for the implementation of the project. 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 permits must be submitted at the 90% design phase after review and approval by BNW. All permit fees shall be identified by the Consultant and payment of such will be the responsibility of BNW. 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.

**TASK 06- REPORTING**

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

**III. PROPOSAL SUBMITTAL REQUIREMENTS**

**A. PRE-PROPOSAL MEETING**



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A mandatory, virtual, pre-proposal meeting will be held on Thursday March 28, 2024 at 1pm EST.

Advanced registration is required using the following link:

<https://us02web.zoom.us/meeting/register/tZMvdOuhqTsuEtZfsOICRSqtxr3GBBIX9ohY>

After registering, you will receive a confirmation email from ZOOM 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.

**B. EXECUTIVE SUMMARY AND PROJECT APPROACH LETTER**

The Consultant is required 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 overall implementation of the project and a general description of the tasks required to accomplish the project goals. Submission of the letter will constitute a representation by your Team, that your Team is willing and able to perform the commitments contained in the proposal. The letter must be signed by persons in the individual companies with the authority to obligate the Consultant and Contractor to perform the commitments contained in the proposal. If the Team 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 “Team Recommendations” in the project approach letter.

**C. PROPOSAL SUBMISSION**

**Project Proposals are due by 2pm on April 12, 2024.**

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

1. Executive Summary and Project Approach Letter
2. Consultant Qualifications
  - a. Organizational description
  - b. Designation of an office and individual (Project Manager) who will be directly responsible for all activities of the Consultant in connection with this Project.
  - c. Resumes of Project personnel with direct responsibility for completion of the work.
  - d. References for work of projects of a similar nature that have been completed by the Consultant.
3. Anticipated Scope of Services
  - a. Detailed description of items included within the Anticipated Scope of Services, in the order which they are listed.
4. Project Schedule
5. Pricing Proposal
  - a. Total cost for Consultant services, including breakdown of costs for each Task and Sub-Task. Recommendations outside of the Anticipated Scope of Services should be highlighted in the Project approach letter.
6. Required Statements
  - a. Respondent must provide the following statements:
    - i. Certifying that they are not currently employed by or affiliated with BNW.

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- ii. Providing availability of all required insurance at the time of contract execution. The selected Team will be required to maintain the types and limits of insurance listed below. Certificates naming BNW and property owners 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:
- iii. 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; 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
- iv. That they will indemnify and hold harmless BNW and their employees during the contract period.
- v. Certifying that they and their employees are legally able to work in the United States and New York State, specifically, and are legally authorized to provide the services reflected in the proposal.
- vi. 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.
- vii. Statement that Consultant is in compliance with the terms of 2 C.F.R. Part 180, Subpart C and specifically has not been disbarred for any reason as outlined under 2 C.F.R Section 180.800(a) in the past three (3) years.

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 Friday April 12, 2024, at 2pm EST. Proposal files shall be clearly labeled to identify the name of the Consultant 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](mailto:bmajda@bnwaterkeeper.org)

#### **IV. 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: [bmajda@bnwaterkeeper.org](mailto:bmajda@bnwaterkeeper.org) with the subject line "Questions Regarding RFP for West Seneca Floodplain Reconnection." All questions must be received by 2pm EST on Friday, April 4, 2024. Questions will be compiled, answered in writing, and sent to all consultants 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 request for proposals with responders before the proposal submission deadline. Contact regarding this RFP with any person not listed above could result in disqualification.

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**V. EVALUATION OF PROPOSALS**

BNW 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 BNW's review of the proposals, BNW 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 BNW'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.

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

BNW 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.

**VI. 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).

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

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Figure 1 - Project Focus Areas

# PROPOSAL SCORECARD FOR PROFESSIONAL DESIGN SERVICES

Project Name: Buffalo Creek Floodplain Reconnection Final Design and Permitting \_\_\_\_\_  
 Consultant Team: \_\_\_\_\_  
 Date Reviewed: \_\_\_\_\_  
 Reviewer Initials: \_\_\_\_\_



<b>PROPOSAL SUBMITAL REQUIREMENTS: All boxes must be checked "yes" by the project manager to begin scoring proposal</b>			
	Y	N	Notes
Was consultant at pre-proposal meeting?			
Was submission received by indicated deadline?			
Executive Summary and Project Approach Letter included?			
Organization Description included?			
Designation of a Primary Point of Contact?			
Resumes of Project Personnel included?			
Team includes NYS licenced professional engineer?			
References For Work Of A Similar Nature included?			
Anticipated Scope of Services (Tasks 1-6) included?			
Project Schedule included?			
Pricing Proposal included?			
Pricing Proposal within the budget provided?			
All Required Statements included?			

<b>SCORING MATRIX</b>	Score / 100 pts.
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<b>1 PROJECT UNDERSTANDING: (65 pts.)</b>	
The Executive Summary and Project Approach Letter show an understanding of Project goals and deliverables. (30 pts.)	
Proposal clearly outlines tasks (1-5) in the Anticipated Scope of Services (35 pts.)	
> Task 01 - Project Kick-off (2 pts.)	
> Task 02 - Background Review and Data Collection (10 pts.)	
> Task 03 - Parcel Owner Coordination, Land Protections, and Public Meeting (8 pts.)	
> Task 04 - Design Development (8 pts.)	
> Task 05 - Permitting (5 pts.)	
> Task 06 - Reporting (2 pts.)	

<b>2 QUALIFICATIONS: (21 pts.)</b>	
Team includes members with hydrological modeling experience, engineering experience, and experience in developing nature-based floodplain reconnections projects (8 pts.)	
Team has experience in final designs, modeling results, and cost estimates (8 pts.)	
Team includes members with experience in engaging landowners, land protection, and facilitating public meetings. (5 pts.)	

<b>3 PROJECT EXPERIENCE: (10 pts.)</b>	
Project example(s) of nature-based stormwater management (5 pts.)	
Project example showing teams capacity to perform hydrologic analysis and modeling (5 pts.)	

<b>4 PROJECT SCHEDULE: (2 pts.)</b>	
Includes all major milestones and provides clear road map for satisfying project schedule (2 pts.)	

<b>5 PROPOSAL PRICING: (2 pts.)</b>	
Overall clarity of cost breakdown (2 pts.)	

**TOTAL SCORE:**

**ADDITIONAL COMMENTS:**