



Request For Quotes

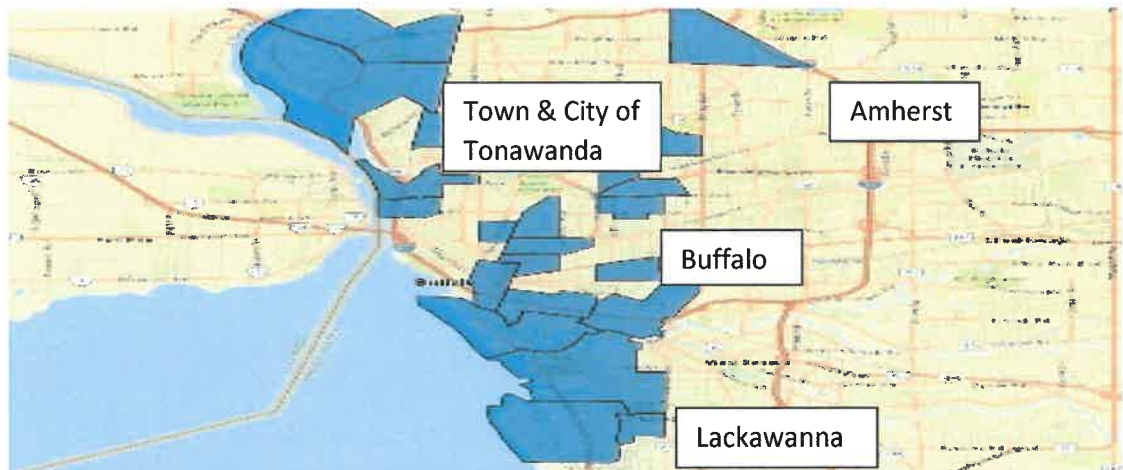


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**Consultant for Marketing/Investment
Attraction for Erie County, New York's
Opportunity Zones**

I. RFQ Overview

The Buffalo and Erie County Industrial Land Development Corporation (ILDC) are seeking quotations from a select list of qualified marketing firms to develop a strategy to help leverage and attract investment into Erie County's Opportunity Zones.

Background on Opportunity Zones

Opportunity Zones (OZ) were established by the U S Congress in the Tax Cuts and Jobs Act of 2017 to encourage long-term investments in low-income communities. The tax incentive provides relief to individuals and businesses that have significant capital gains if they elect to invest into Opportunity Funds.

Federal Opportunity Zones present Erie County with a unique opportunity to bring investment to areas that have historically struggled to attract investment and resulting development. To maximize this opportunity, the region must deploy a holistic approach to marketing, business support services, alignment of state laws and local incentives, capital investment and attraction strategies, as well as engagement of community-based development and service partners.

The **Opportunity Zone program** establishes a mechanism that enables investors with capital gains tax liabilities across the country to receive favorable tax treatment for investing in Qualified Opportunity Funds that are certified by the U.S. Treasury Department. The **O-Funds** use the capital invested to make equity investments in businesses and real estate in Opportunity Zones designated by each state.

Opportunity Zones Steering Committee

In January 2019, the ECIDA convened an informational meeting including 30 + economic development professionals and community stakeholders to discuss the federal **Opportunity Zone** incentive program. The conversation focused on the need for participants to work together to capitalize on this incentive for the benefit of the region.

The ECIDA formed an **Opportunity Zone Working Committee** to best position the region to capitalize on Opportunity Zone legislation and ultimately connect regional and national capital to projects that provide economic and social benefits to low-income communities. The Opportunity Zone Working Group is comprised of the following organizations, along with a description of their roles in attracting investment to Erie County's Opportunity Zones:

RESOURCES

IRS FAQs

<https://www.irs.gov/newsroom/opportunity-zones-frequently-asked-questions>

Economic Innovation Group

<https://eig.org/opportunityzones>

Novogradac

<https://www.novoco.com/resource-centers/opportunity-zone-resource-center/guidance/novogradac-opportunity-zones-mapping-tool>

ESD

<https://esd.ny.gov/opportunity-zones>

LISC

www.lisc.org

CDFI

www.cdfifund.gov/pages/opportunity-zones.aspx

QOZ Market Place

www.QOZmarketplace.com

- **Erie County Industrial Development Agency (ECIDA)** and its affiliate **Buffalo and Erie County Industrial Land Development Corporation (ILDC)** a private non-profit which serves as Erie County's land economic development corporation, will act as project facilitator.
- **Harris Beach PLLC** will provide legal expertise, guidance and technical assistance to guide regional partners through local regulatory requirements.
- **City of Buffalo Office of Strategic Planning** is in the process of developing an Opportunity Zone Prospectus, including all five O-Zone communities, to market to investors.
- **Invest Buffalo Niagara** will host a dedicated Opportunity Zone page on the IBN website, which will include ability to remarket to interested parties by establishing an automated workflow that would send follow up emails.
- **Additional community and economic development partners are:**
 - County of Erie
 - Town of Amherst/Amherst IDA
 - City of Lackawanna
 - Town of Tonawanda
 - City of Tonawanda
 - LISC Buffalo
 - Niagara Frontier Transit Authority (NFTA)
 - Rep. Brian Higgins Office
 - Empire State Development
 - Buffalo Niagara Partnership
 - World Trade Center Buffalo Niagara
 - John R. Oishei Foundation
 - National Grid

II. PROJECT LOCATION/AMENITIES

There are approximately 8,700 census tracts in the country that qualify for Opportunity Zone Funds. New York State has 514 approved and designated Opportunity Zones; Erie County has 23 designated O-Zones within the following communities:

- City of Buffalo (17)
- City of Lackawanna (2)
- Town of Amherst (1)
- City and Town of Tonawanda (3)

III. GENERAL DESCRIPTION

A. Background

The Opportunity Zone Working Group partners have secured grant funding from the John R. Oishei Foundation and National Grid to help support the development and implementation of a plan to collectively market its Opportunity Zones and generate viable interest in Opportunity

Zone investable projects. The formation of a Project Team is encouraged to address the range of deliverables.

IV. GENERAL PROPOSAL REQUIREMENTS:

Proposals must address each of the following items:

A. Scope of Services

On behalf of the Erie County Opportunity Zone Working Group, the ILDC is seeking a consultant to attract new investments related to the new federal Opportunity Zone tax incentive. The Working Group has drafted a *Prospectus* for use as a professional marketing document in physical and electronic formats.

In order to support the Erie County Opportunity Zone Working Group's efforts to attract investment to the region's Opportunity Zones, the ILDC is proposing to engage the services of a marketing consultant to provide one or more of the following phases of services.

Phase I

Deliverables – Review

- Review the work to-date of the Erie County Opportunity Zone Working Group, including the *Prospectus and Invest Buffalo Niagara web page*, and provide feedback/recommendations.
- The consultant shall become conversant of the fundamentals of the Erie County Opportunity Zones, the identified projects therein, as well as the general economic development landscape, and the Opportunity Zone-possessing local municipalities. This work shall result in the consultant assisting each Opportunity Zone Community in determining and defining its unique identity (brand) and assets, as well as defining Erie County's Competitive Advantage.
- Review current/proposed social media strategy – the Invest Buffalo Niagara website and prospectus web hosting, and the paid media strategy (LinkedIn). Provide general commentary and recommendations.

Phase II

Marketing Strategy and Implementation

Building from the consensus around Erie County's Opportunity Zones' Competitive Advantage, a marketing strategy is needed to generate investment interest.

Deliverables – Marketing Strategies

- Identify *types* of O-Zone Participants – *Investors* (e.g. national funds, high net worth individuals, local funds, etc.) and *End Users* (e.g. Existing and potential businesses and developers). Communicate to Working Group, which *types* of Opportunity Zone Participant are most likely to be attracted to invest in Erie County.

- Develop a general marketing and communication strategy to reach *types* of Opportunity Zone Participants most likely to invest in Erie County – for example, for national funds, a Prospectus mailer or direct solicitation. Share your strategy and rationale with the Working Group.

Phase III

Deliverable – Business Development

- Following the marketing strategies, the consultant should generate no fewer than 20 of new viable leads to investment, development, or business opportunities.
- For each engagement, the consultant shall produce a brief summary including the comments of the potential Opportunity Zone Participant. The purpose of the summary will be to inform the Working Group of interest level, as well as understanding of what projects, resources, incentives, metrics, etc. are encouraging or not encouraging about investment in Erie County Opportunity Zones.

*This initial engagement will be for a term not to exceed **six months** with the potential for options to renew. An expedited schedule will be looked upon favorably.*

B. Cost and Budget

The consultant contract will be a fixed price or lump sum cost contract. Therefore, all proposals must contain a Lump Sum Cost Quote for the scope of services delineated above, inclusive of all expenses (there will be no reimbursables). Proposals must include a breakdown of the costs by the tasks outlined in the scope of services as follows:

Phase I – Research/Review _____

Phase II - Marketing Strategy _____

Phase III - Business Development/Lead Generation _____

Travel & Expenses _____

Also, please provide breakdown between the prime consultant and sub-consultants.

C. Responses shall also include:

- Experience of firm in providing similar services.
- Listing of key personnel, backgrounds, credentials and relevant experience.
- Hourly billing rates for key personnel.
- Minority and Women-Owned Enterprise Utilization
- Certificate of Liability Insurance

- Completed New York State Finance Law forms (Attachments A, B & C)

D. Submission of Proposal Requirements

Please submit Quotations to:

Buffalo and Erie County Industrial Land Development Corporation
95 Perry Street, Suite 403, Buffalo, New York, 14203
Attn: Lori Szewczyk

Interested parties should submit their RFQs electronically at lszewczyk@ecidany.com on or before 4:00 PM, September 25, 2019. Proposals, including attachments, must not exceed 35 pages.

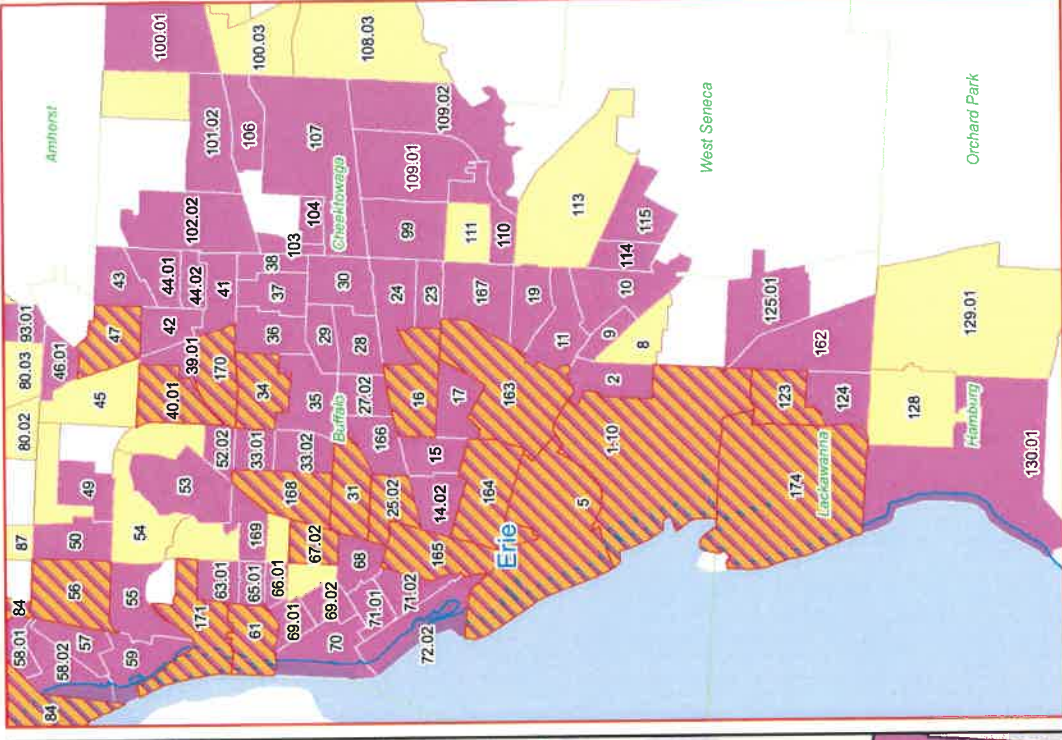
ILDC does not assume the responsibility or liability for costs incurred by firms responding to this RFQ or to any subsequent requests for proposals, interviews, additional information, submissions, etc. prior to issuance of a contract.

THE ILDC RESERVES THE RIGHT TO REJECT ANY OR ALL PROPOSALS, AND THE RIGHT TO WAIVE ANY INFORMALITIES THEREIN.

Buffalo and Erie County Industrial Land Development Corporation
Marketing/Investment Attraction for Erie County Opportunity Zones
Request for Quote

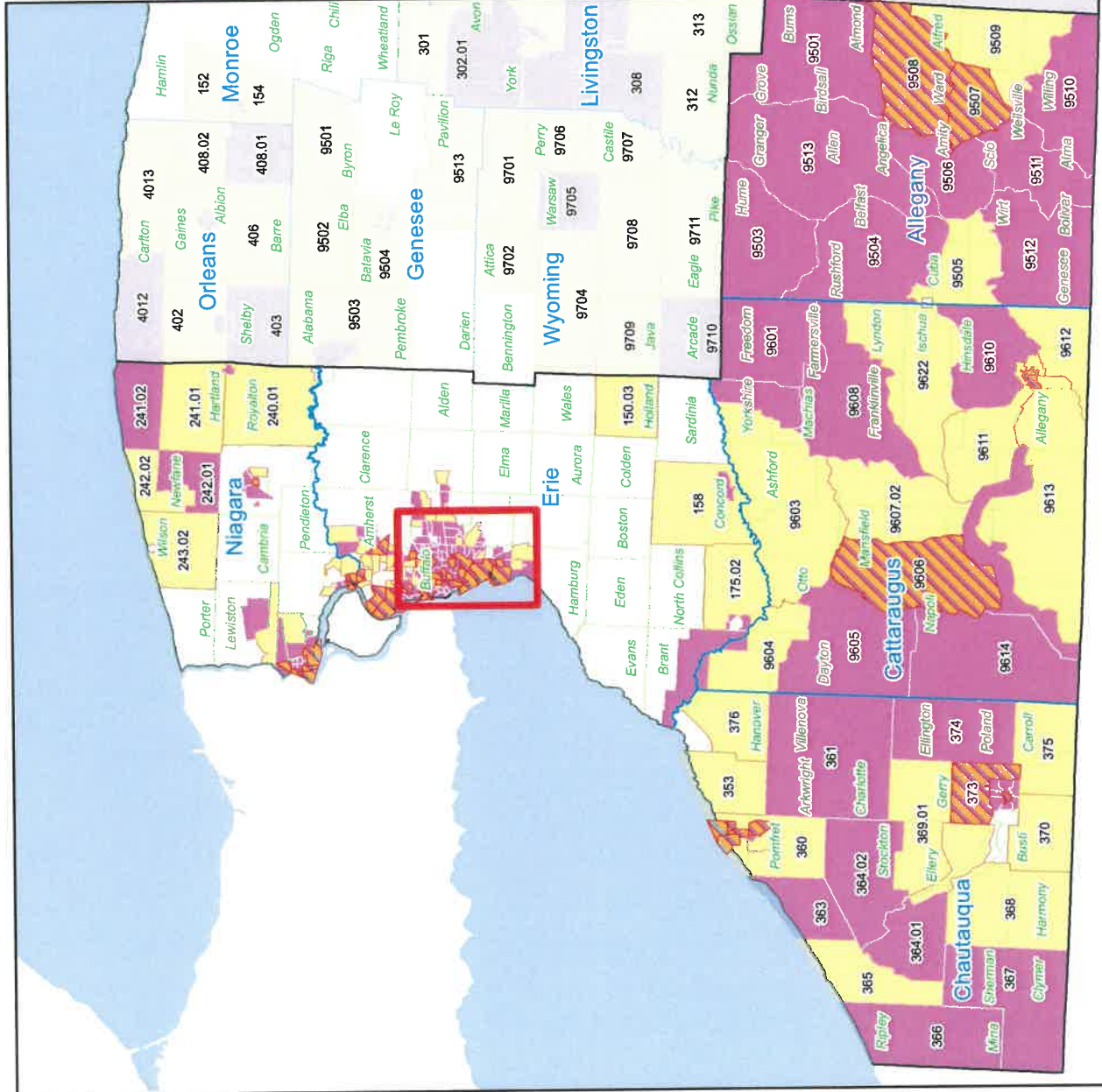
ATTACHMENTS

Opportunity Zone Map
Insurance Requirements
Certification Regarding Lobbying
NYS Finance Law Requirement



Qualified Census Tracts

- Suggested Census Tracts (43)
- Low Income Communities (LICs) (171)
- Eligible Non-LIC Contiguous Tract (64)



Western New York - Federal Opportunity Zones





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	CONTACT NAME:	
	PHONE (A/C, No, Ext):	FAX (A/C, No):
INSURED	E-MAIL ADDRESS:	
	INSURER(S) AFFORDING COVERAGE	
	INSURER A:	
	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Blanket Broad Form <input type="checkbox"/> Contractual GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC	X	X				EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTIONS \$ 10,000		X				EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below				Y/N	N/A	WC STATU-TORY LIMITS OTHER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Certificate Holder shall be named as Additional Insured per ISO Form CG 20 26-Additional Insured Designated Person or Organization. Coverage applies on a Primary and Non-Contributory Basis.

CERTIFICATE HOLDER**CANCELLATION**

Erie County Industrial Development Agency
 95 Perry Street, Suite 403
 Buffalo, NY 14203

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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NEW YORK STATE FINANCE LAW REQUIREMENTS

Permissible Contacts

Pursuant to State Finance Law §§139-j and 139-k, this Solicitation/Request for Proposal includes and imposes certain restrictions on communications between the ILDC and an Offerer/bidder during the procurement process. An Offerer/bidder is restricted from making contacts from the earliest notice of intent to solicit Request for Proposals through the final award and approval of the Procurement Contract by the ILDC and, if applicable, Office of the State Comptroller (“restricted period”) to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law §139-j(3)(a). Designated staff, as of the date hereof, are identified on page 1 of this solicitation. ILDC employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the Offerer/bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four (4) year period, the Offerer/bidder is barred from obtaining governmental Procurement Contracts. Further information about these requirements can be found at <http://www.ogs.state.ny.us/aboutOgs/regulations/defaultAdvisoryCouncil.html>.

Offerer/Bidder’s Affirmation of Understanding of and Agreement pursuant to State Finance Law §139-j (3) and §139-j(6)(b)

State Finance Law §139-j(6)(b) requires that the ILDC seek written affirmations from all Offerers/bidders as to the Offerer’s/bidder’s understanding of and agreement to comply with the ILDC’s procedures relating to permissible contacts (described above) during a Governmental Procurement pursuant to subdivision three of this section. It is recommended that this affirmation be provided to the ILDC as early as possible in the procurement process, such as when the Offerer/bidder submits its proposal or bid. Attachment A may be used to satisfy this requirement.

Offerer’s/Bidder’s Certification of Compliance with State Finance Law §139-k(5)

New York State Finance Law §139-k(5) requires that every Procurement Contract award subject to the provisions of State Finance Law §§139-k or 139-j shall contain a certification by the Offerer/bidder that all information provided to the ILDC with respect to State Finance Law §139-k is complete, true and accurate. It is recommended that the certification be provided to the ECIDA as early as possible in the process, such as when an Offerer/Bidder submits its proposal, bid or other form of offer. Attachment B may be used to satisfy this requirement.

Offerer/Bidder Disclosure of Prior Non-Responsibility Determinations

New York State Finance Law §139-k(2) obligates the ILDC to obtain specific information regarding prior non-responsibility determinations with respect to State Finance Law §139-j. This information must be collected in addition to the information that is separately obtained pursuant to State Finance Law §163(9). In accordance with State Finance Law §139-k, an Offerer/bidder must disclose whether there has been a finding of non-responsibility made within the previous four (4) years by any Governmental Entity due to: (a) a violation of State Finance Law §139-j or (b) the intentional provision of false or incomplete information to a Governmental Entity. The terms “Offerer” and “Governmental Entity” are defined in State Finance Law §139-k(1). State Finance Law §139-j sets forth detailed requirements about the restrictions on Contacts during the procurement process. A violation of State Finance Law §139-j includes, but is not limited to, an impermissible Contact during the restricted period (for example, contacting a person or entity other than the designated contact person, when such Contact does not fall within one of the exemptions).

NEW YORK STATE FINANCE LAW REQUIREMENTS

As part of its responsibility determination, State Finance Law §139-k(3) mandates consideration of whether an Offerer/bidder fails to timely disclose accurate or complete information regarding the above non-responsibility determination. In accordance with the law, no Procurement Contract shall be awarded to any Offerer/bidder that fails to timely disclose accurate or complete information under this section, unless a finding is made that the award of the Procurement Contract to the Offerer/bidder is necessary to protect public property or public health safety, and that the Offerer/bidder is the only source capable of supplying the required Article of Procurement within the necessary timeframe. See State Finance Law §§139-j (10)(b) and 139-k(3).

The ILDC must include a disclosure request regarding prior non-responsibility determinations in accordance with State Finance Law §139-k in its solicitation of proposals or bid documents or specifications or contract documents, as applicable, for procurement contracts. Attachment C entitled "Offerer Disclosure of Prior Non-Responsibility Determinations" must be completed by the Offer/bidder and submitted to the ILDC.

Public Disclosure

Responses submitted under this Request for Qualifications are subject to public disclosure under the New York State Freedom of Information Law. If the respondent does not want certain data disclosed for any purpose other than for the evaluation of the submitted proposal, the respondent must prominently identify sections or pages of the response which they wish to have restricted. Such sections shall be restricted from disclosure, if allowed by law.

Contract Termination Provision

New York State Finance Law §139-k (5) provides that every procurement contract award subject to the provisions of State Finance Law §§139-k and 139-j contain a provision authorizing the ILDC to terminate the contract in the event that the certification is found to be intentionally false or intentionally incomplete. This statutory contract language authorizes, but does not mandate, termination. "Governmental Entity" and "procurement contract" are defined in State Finance Law §139-k(1). If a contract is terminated in accordance with State Finance Law §139-k (5), the BCIDA is required to include a statement in the procurement record describing the basis for any action taken under the termination provision.

ILDC Termination Provision

Pursuant to New York State Finance Law §139-k(5), the ILDC reserve the right to terminate any contract in the event it is found that the certification filed by the Offerer in accordance with New York State Finance Law §139k was intentionally false or intentionally incomplete. Upon such finding, the ILDC may exercise its termination rights by providing written notification to the Offerer/bidder in accordance with the written notification terms of this contract.

NEW YORK STATE FINANCE LAW REQUIREMENTS

ATTACHMENT A

Affirmation of Understanding & Agreement pursuant to State Finance Law §139-j (3) and §139-j (6) (b)

I affirm that I understand and agree to comply with the procedures of the ILDC relative to permissible contacts as required by State Finance Law §139-j (3) and §139-j (6) (b).

By: _____ Date: _____

Name: _____ Title: _____

Contractor Name: _____

Contractor Address: _____

NEW YORK STATE FINANCE LAW REQUIREMENTS

ATTACHMENT B

Offerer/Bidder Certification:

I certify that all information provided to the ILDC with respect to State Finance Law §139-k is complete, true and accurate.

By: _____ Date: _____

Name: _____ Title: _____

Contractor Name: _____

Contractor Address: _____

NEW YORK STATE FINANCE LAW REQUIREMENTS

ATTACHMENT C

Offerer Disclosure of Prior Non-Responsibility Determinations

Name of Individual or Entity Seeking to Enter into the Procurement Contract:

Address: _____

Name and Title of Person Submitting this Form: _____

Contract Procurement Number: _____

Date: _____

1. Has any Governmental Entity made a finding of non-responsibility regarding the individual or entity seeking to enter into the Procurement Contract in the previous four years? (Please circle):

No

Yes

If yes, please answer the next questions:

2. Was the basis for the finding of non-responsibility due to a violation of State Finance Law §139-j (Please circle):

No

Yes

3. Was the basis for the finding of non-responsibility due to the intentional provision of false or incomplete information to a Governmental Entity? (Please circle):

No

Yes

4. If you answered yes to any of the above questions, please provide details regarding the finding of non-responsibility below.

Governmental Entity: _____

Date of Finding of Non-responsibility: _____

Basis of Finding of Non-responsibility:

(Add additional pages as necessary)

5. Has any Governmental Entity or other governmental agency terminated or withheld a Procurement Contract with the above-named individual or entity due to the intentional provision of false or incomplete information? (Please circle):
No Yes

6. If yes, please provide details below.

Governmental Entity: _____

Date of Termination or Withholding of Contract: _____

Basis of Termination or Withholding: _____

(Add additional pages as necessary)

Offerer certifies that all information provided to the ECIDA with respect to State Finance Law §139-k is complete, true and accurate.

By: _____ Date: _____
Signature

Name: _____ Title: _____