



## Request for Proposals

### *Consulting Services - Zoning Code Update*

*Date of Issuance: 03/05/2024*

*Proposal Deadline: 03/25/2024*

## **Overview**

The city of Lackawanna will utilize *Smart Growth Program* funds obtained through the New York State Department of State Office of Planning, Development and Community Infrastructure (DOS) to develop a Zoning Code Analysis & Update that aligns local land use regulations with community vision.

Supported by its Mayor, City Council, Department of Development (including Code Enforcement) and Zoning and Planning Boards, the city will review and update its Zoning Ordinance to reflect Smart Growth Principles, align with the city's Comprehensive Plan, and appropriately, effectively, and productively plan for future land use.

The city of Lackawanna (Contractor) and its Zoning Advisory Committee shall revise its Zoning Code pursuant to the zoning enabling statutes contained in General City Law §20(24) and §20(25). The Zoning Code Update will be developed in accordance with its adopted Comprehensive Plan, ensuring a development pattern that a) is consistent with the municipality's-built form, b) serves as a guide for future sustainable growth within the municipality, c) enhances the local cultural identity and d) protects natural and cultural local resources.

## **Location**

Lackawanna is a city in Erie County, New York. It was settled in the 1850's as part of West Seneca in an area then known as Limestone Hill. It was incorporated and named as a separate city in 1909 after the Lake Erie shoreline within its boundaries was chosen as a new plant location for the Lackawanna Steel Company (later acquired by Bethlehem Steel). The city's population as of the 2020 Census was 19,949. Lackawanna shares a border with the city of Buffalo to the north, town of West Seneca to the east, and town of Hamburg to the south. The western boundary is Lake Erie.

## **Background**

The city of Lackawanna recognizes the need to update its Zoning Ordinance to reflect Smart Growth recommendations set forth in its 2016 Comprehensive Plan Update, while taking into consideration recommendations from recently completed Brownfield Opportunity Area and Local Waterfront Revitalization Projects as well as the Western New York Regional Economic Development Council's "State of the Region: Western NY 2021 Annual Report"

Lackawanna has experienced growth and progress following the adoption of a unified tax rate in 2020 that incentivized economic progress and attention, particularly as it relates to the development within the downtown and commercial corridors, as well as the redevelopment of the former Bethlehem Steel site.

The "State of the Region: Western NY 2021 Annual Report" also identifies tourism as a key priority. Our Lady of Victory Basilica is located in the heart of the city's Central Business District, and the Erie County Botanical Gardens is also right on the outskirts of the city and the First Ward of Lackawanna sits right on the shore of Lake Erie. Zoning updates will facilitate tourism by fostering connections between areas of interest and amenities such as lodging and restaurants. The city, in partnership with its residents and community stakeholders, seeks to review and update its Zoning Ordinance to spark greater tourism and attraction, as well as economic development.

The city has adopted various amendments to its Zoning Ordinance since the Comprehensive Plan Update; however, full integration is necessary to align land use with community vision. Funding assistance is vital to better prepare the city for future development opportunities to improve quality of life and provide the appropriate amenities.

## **Scope of Work**

The Zoning Code must address the following general Smart Growth principles, in addition to the elements suggested by the New York State statutes:

- Promote mixed land uses in focus areas
- Create an adequate range of housing opportunities and choices
- Promote development and redevelopment where infrastructure is adequate and sustainable
- Build on traits that make a distinctive and attractive community with a strong sense of place
- Promote well-planned and well-placed public spaces
- Promote sustainable, compact neighborhoods
- Increase mobility and circulation within jurisdictional lines and improve connectivity with areas outside of jurisdictional lines. Support Regional sustainable mass transit that reduces the local level of greenhouse gas emissions I.E. Metro Rail South
- Promote walkable/bikeable neighborhood designs
- Promote and integrate clean energy resources and related incentives
- Improve green infrastructure and resident's participation to this effort
- Increase resiliency to extreme weather events
- Encourage social diversity and integration
- Expand planning and implementation efforts across jurisdictional lines, to increase effectiveness, sustainability, and resiliency
- Promote community and stakeholder collaboration in planning

Respondent's proposal shall address each of the following tasks, with a separate cost for each identified task, using the same identifying language, including any paragraph or section numbers or letters as used in the RFP. These tasks are as outlined in the city's DOS s grant work plan. The successful respondent will be responsible for assisting the city in meeting its obligations under the terms of its grant with the DOS.

Please note, the city will consider alternative or limited approaches to each task on a case by case basis. In such instances, the respondent will need to propose how the task will be accomplished by the consultant, the city, and/or other project partners in satisfaction of the city's obligations to the Department of State as outlined in its grant contract and work plan. The final scope of work to be carried out by the consultant will be negotiated in advance of contracting with the city.

### **1. Zoning Advisory Committee Meetings (NYS Task 5)**

The consultant shall meet with the Zoning Advisory Committee (as organized by the city) on a regular basis during the planning process to advance the preparation, review, integration and approval of the Zoning Code and to organize and conduct community participation events. During the first meeting, the Zoning Advisory Committee will review project requirements, roles and responsibilities, transfer necessary information to the consultant(s), if applicable, and identify new information needs, and next steps. The Zoning Advisory Committee or the Consultant (if applicable), will prepare and distribute a brief meeting summary clearly indicating the understandings reached at the meetings.

All subsequent meetings will advance the preparation of the Zoning Code, and assess the evolution of the project, identify new information needed, changes in roles and responsibilities, and next steps. Work on subsequent tasks shall not proceed prior to Department of Development review.

Products: Minutes from Zoning Advisory Committee meetings, presentation materials, and/or maps/infographics related to the Zoning Code.

## **2. Public Participation Plan (NYS Task 6)**

Prepare a Community Participation Plan that describes the public outreach and participation efforts that will be conducted during the development of the Zoning Code, pursuant to the local and state statutes. At a minimum, the Community Participation Plan shall include in-person or virtual interviews with local and regional stakeholders, a community tour, a public information meeting, one or more public workshops, one or more public hearings, and a webpage with links to announcements, presentations and documents prepared during the planning process. The Community Participation Plan shall identify key individuals, organizations and entities to be involved, and identify roles and responsibilities in coordinating the entire outreach process, logistics, and the proposed schedule of the proposed public outreach and participation efforts.

All public outreach and participation efforts will be publicized in the community through press releases, announcements, individual mailings, robocalls, digital media and any other appropriate means. Public access must be provided to each meeting or workshop. Outreach efforts should encourage participation from populations who are frequently underrepresented in this process. A summary of each public outreach and participation efforts will be made available to the public in written form and through other appropriate means, such as a website.

Products: Draft and final Community Participation Plan.

## **3. Community Tour and Stakeholder Interviews (NYS Task 7)**

Organize and conduct a community tour to obtain an on-the-ground understanding of local conditions and issues. The purpose of the tour is to provide contextual understanding of the municipality to the consultant team (as applicable) / ZAC and ground truth desktop analyses. Following completion of the tour, identify a set of topics that shall be discussed with stakeholders to obtain additional relevant information and elicit stakeholder reactions and suggestions.

Products: Community tour photos and a summary of interview findings.

## **4. Public Information Sessions (NYS Task 8)**

Conduct at least two public information sessions, as identified in the Public Participation Plan. The purpose of the sessions is to identify Smart Growth oriented solutions to current issues. The first session will be held after the conclusion of the Community Tour and Stakeholder Interviews. It will introduce the Zoning Code update to the public, provide an overview of the planning process, and describe findings from the Community Tour and the Stakeholder Interviews.

The second session will take place after the conclusion of the draft regulations. It will provide the public with the opportunity to provide input on the draft regulations. The Contractor may choose to hold additional public information sessions as needed.

Products: Public Information sessions held. Minutes/summary of meeting prepared including any presentations or handouts and submitted to the Department of Development.

## **5. Local Regulations Assessment and Recommendations Report (NYS Task 9)**

The purpose of the Local Regulations Assessment and Recommendations Report is to evaluate the applicability of DOS Smart Growth Principles to the existing regulatory, natural, and built environment. The report may include, as applicable, but is not limited to: a) an analysis of existing development regulations, b) prior and current planning and zoning efforts, c) physical details of the community, including its current and historic built patterns and architecture, d) natural resources such as prime agricultural lands, soil types, floodplains, topography, aesthetic resources, e) Critical Environmental Areas including current road network, blocks and lots, building types, public spaces, neighborhoods, and building form. The analysis shall also include an examination of existing land uses, density, and community design elements like setbacks, building height, and street width.

The Report shall include tangible, implementable recommendations for changes to the Zoning Code based on the DOS Smart Growth Principles, and the findings from analyses conducted in this section. The Zoning Advisory Committee shall work with the consultant team (if applicable) to collect best practices that could be used by the community and to articulate the best local approach to achieve the vision reflected in the Comprehensive Plan and other adopted planning documents. The Advisory Committee shall review the report before submitting it to the Department of Development.

The Draft Report shall be submitted to the Department of Development for review and comment. Department of Development comments shall be incorporated into the final report.

Products: Draft and final report published online and submitted to the Department of Development.

## **6. Proposed Local Regulations (NYS Task 10)**

Draft Zoning Code, based on the local regulations assessment and recommendations report. The Zoning Advisory Committee shall review the content of the new or amended local regulations with the city's Department of Development before submission to the Mayor and City Council for review and comments. The Zoning Advisory Committee shall work with the consultant(s), if applicable, to integrate the Zoning Code into the municipality's existing code while ensuring the Draft Code is consistent with the municipality's adopted Comprehensive Plan, the Department of State's Smart Growth Principles, and other state statutes.

The Draft Zoning Code shall be reviewed by the Zoning Advisory Committee before being submitted to the Department of Development.

Products: Draft Zoning Code submitted to the Department of Development and to the Zoning Advisory Committee

## **7. Mayoral and Municipal Board Review (NYS Task 11)**

Submit the proposed local regulations to the Mayor and City Council for review, comments, and recommendations. The comments received shall be addressed by the Zoning Advisory Committee and consultant (if applicable) before initiation of the SEQRA compliance process. The proposed local regulations shall be made available for public review on the municipal website.

The recommendations of the Mayor and City Council shall be reviewed by the Advisory Committee before being submitted to the Department of Development.

Products: Comments received from the municipal board and revised proposed local regulations submitted to the Department of Development.

## **8. Environmental Quality Review (NYS Task 12)**

Prepare materials necessary for compliance with the State Environmental Quality Review Act (SEQRA) and local LWRP Consistency Review Law. The adoption of a new or amended Comprehensive Plan is classified as a Type I action, pursuant to the State Environmental Quality Review Act (SEQRA) and 6 NYCRR Part 617.

The Comprehensive Planning Committee or the consultant(s) shall comply with SEQRA requirements and, if appropriate, prepare the Generic Environmental Impact Statement (EIS) to provide a review of land use actions proposed in the comprehensive plan. The local municipal board shall declare to be the Lead Agency for the action of adopting the new or amended comprehensive plan.

The Department of Development recommends the following resource:

- Department of Development of Environmental Conservation's SEQR Handbook available at <https://www.dec.ny.gov/permits/6188.html> for guidance on the use of SEQR in the planning process.

Products: SEQR documents. Copies of all SEQR documents shall be submitted to the Department of Development.

#### **9. County Planning Board Review (NYS Task 13)**

The city's Department of Development and/or Consultant shall submit the revised local regulations to Erie County for review and recommendations, pursuant to the required referral under General Municipal Law §239-m of the New York State General Municipal Law. The city of Lackawanna and the Consultant shall address the comments received from the county before the public hearing.

Products: Comments received from Erie County and revised proposed local regulations submitted to the Department of Development.

#### **10. Public Hearing (NYS Task 14)**

Following completion of the new and amended Zoning Code, conduct a public hearing to solicit comments on the new or amended regulations. The new or amended Zoning Code shall be made available in hard copy form in the municipal offices, on its website/project website and other key locations throughout the community. The public hearing will be publicized through press releases, announcements, individual mailings, social media and online postings and any other appropriate means at least ten days prior to the date of the public hearing.

The minutes of the public hearing shall be reviewed by the Zoning Advisory Committee before being submitted to the Department of Development.

Products: Published announcements and the minutes of the public hearing submitted to the Department of Development.

#### **11. Final Local Regulations and Local Adoption (NYS Task 15)**

Address all of the received comments and recommendations and produce the final version of the proposed local regulations for adoption by the City Council and subsequent filing with the City Clerk and in the office of the Secretary of State.

Products: Adopted local regulations and copy of the resolution of adoption submitted to the Department of Development.

## 12. MWBE Reporting (NYS Task 16)

Comply with MWBE Reporting Requirements by completing the following actions:

- Submit Form C - Workforce Employment Utilization to report the actual work force utilized for this contract broken down by specified categories (every March 31, June 30, September 30 and December 31).
- Submit Form D - MWBE Utilization Plan to indicate any state-certified MWBE firms selected to work on this contract. Form D must be updated and submitted to the Department of Development whenever changes to the selected MWBE firms occur (addition or removal).
- Record payments to MWBE subcontractors using DOS funds through the New York State Contract System (NYSCS).

Technical assistance for use of the NYSCS system can be obtained through the NYSCS website at <https://ny.newnycontracts.com> by clicking on the “Contact Us & Support” link.

Products: Ongoing reporting through NYSCS during the life of the contract. Form C submitted on a quarterly basis and Form D submitted as necessary.

## 13. Project Status Reports (NYS Task 17)

Submit project status reports semi-annually (every June 30 and December 31) on the form provided, including a description of the work accomplished, the status of all tasks in this work plan, schedule of completion of remaining tasks, and an explanation of any problems encountered.

Products: Completed project status reports submitted during the life of the contract.

## 14. Final Project Summary Report and Measurable Results (NYS Task 18)

Submit the Final Project Summary Report and Measurable Results electronically at: <https://forms.office.com/g/eZERFeEeKM>.

Products: Final Project Summary Report and Measurable Results submitted to the Department of Development

## Project Duration

The consultant will be expected to complete the planning process and present the final documents to the Department of Development for review and adoption by the City Council within fifteen (15) months from the date of contract execution.

## Project Budget

**The cost of the work shall not exceed \$100,000.00** including all professional services, expenses, overhead, and profit. It is anticipated the work will begin in April 2024 and shall be completed in fifteen (15) months. It is anticipated that completion of each task deliverable will serve as the basis for payment. The consultant must submit a brief progress report with each invoice describing the progress on each task.

Respondents to the RFP are required to include a recommended project approach based on their expertise and experience with similar projects. The City reserves the right to modify the above- mentioned scope of services based on project approaches that may be recommended by respondents, and all RFP document holders shall be notified of such changes.

## Draft/Final Deliverables

Per the NYS Work plan, unless otherwise specified in the Work Plan tasks, the Contractor shall submit products in the following formats:

- Draft products: one digital copy of each product must be submitted in Microsoft Word and Adobe® Acrobat® Portable Document Format (PDF), created using 300 dpi scanning resolution.
- Final products: one electronic copy of each product must be submitted in Microsoft Word, PDF (20 MB maximum, per PDF), created using 300 dpi scanning resolution. In addition, one paper copy of each final product (including reports, designs, maps, drawings, and plans) must be submitted.
- Electronic data for all Geographic Information System-based mapping products and associated spatial data must be submitted in either ArcGIS format, or similar product acceptable to the Department of Development, and comply with the requirements for Contract GIS Products. Formal metadata must be provided with all digital GIS data which includes, at minimum, a file summary/abstract, intended use, data, source data, and author information.
- Electronic data for all designs, drawings, and plans must be submitted in the original software that they were created (such as CAD format or other similar product acceptable to the Department of Development), as well as in JPG format.
- Photographs and images must be submitted in JPG format with a minimum resolution of 300 dpi, must be dated and captioned with the location and a brief description of the activity being documented, and include any associated metadata (including the photo's GPS location where available).

## Proposal Submission Requirements

For evaluation purposes, each proposal submission shall include, at a minimum, the following items listed below.

1. **Letter of Interest** - This brief letter will summarize the consultant's understanding of the scope of work.
2. **Qualifications** - Qualifications must be provided in writing to the city.
3. **Approach to the Project** - Provide a description of the consultant's approach to accomplishing the project. This includes a proposed scope of work describing the approach to accomplishing the objectives stated in the RFP and identifying the methodology proposed. The consultant is encouraged to include suggestions or supplemental tasks which may enhance the project or streamline the scope of work and improve cost effectiveness. Clearly articulate all assumptions regarding date, information, and the role that you expect from the city.
4. **Public Outreach and Communication** - Provide a description of the proposed public input process.
5. **Project Schedule** - Provide an outline of an expected timeline and major milestones for the scope of work. The estimated start date is April 15, 2024.
6. **Project Budget** - Provide a detailed outline of cost for completing the scope of work. This should include material costs and a not to exceed figure as well as all other costs that may be incurred for the delivery of services requested.
7. **Additional Information** - Any other information you would like to submit that you feel will assist us in the evaluation of your qualifications.
8. **Proposal Submissions** - submit two (2) hard copies and one electronic copy as follows:

Hard Copy:

City of Lackawanna  
City Hall  
714 Ridge Road  
Department of Development – Room 309  
Lackawanna, NY 14218

Electronic Copy

lackawannadevelopment@lackny.com



## **Timeline**

The city's proposed timeline for reviewing proposals, interviews, and selection will be within 10 days after the March 25, 2024 deadline. Signed contract will be proposed for the April 8, 2024 City Council meeting.

## **Proposal Review Criteria**

Award of this proposal will be to the consultant deemed best qualified to perform the services outlined in this RFP and other services deemed necessary by the city.

Proposals received for this RFP will be reviewed by an evaluation committee comprised of City staff and the Committee. The city of Lackawanna will select a consultant based upon a thorough review of the merits of the proposals received. Consultant will be chosen based on their ability to best meet the overall expectations of the city.

Evaluations will consider the following:

- Understanding of the Scope of Work
- Familiarity with the city of Lackawanna
- Experience with Department of Development of State funding
- Past Performance on Similar Projects
- Qualifications & Experience of Proposed Staff
- Proposed Schedules & Budgets
- Ability to complete all project tasks
- Overall Strategy and Quality of Proposal
- Ability to meet MWBE goals

After evaluating the proposals, the city may select the top 2-3 consultants for follow-up interviews. Only key team members, including sub-consultants, who will be directly responsible for the work should participate. Based upon results of the interview, the City will select a consultant.

Upon selection, the consultant will be contacted to finalize a contract, which will include fee structure, project schedule and any additional scope of services that may result from the interview.

The City reserves the right to reject all proposals. The City reserves the right to waive any requirement or condition of the RFP upon finding that it is in the best interest of the public to do so.

## **MBE/WBE Requirements**

An overall goal of 30% for Minority and Women-Owned Business Enterprises ("MWBE") has been established for this project

This requirement is further broken down into specific goals of 15% for Minority- Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation.

For purposes of providing meaningful participation by MWBEs and achieving the Contract Goals established, the selected consultant (if not an M/WBE firm itself should reference the directory of New York State Certified MBWEs found at the following internet address: <https://ny.newnycontracts.com/FrontEnd/VendorSearchPub1ic.asp>

**APPENDIX A**

**PROPOSER GUARANTEES**

I. The proposer certifies it can and will provide and make available, as a minimum, all services set forth in Nature of Services Required.

II. The proposer has read the entire request for proposal, and agrees that the rights and prerogatives as detailed are retained by the city of Lackawanna.

III. The proposer agrees to be bound by the contractual requirements delineated.

Signature of Official: \_\_\_\_\_

Name (typed): \_\_\_\_\_

Title: \_\_\_\_\_

Firm: \_\_\_\_\_

Date: \_\_\_\_\_

**PROPOSER WARRANTIES**

I. Proposer warrants that it is willing and able to obtain an errors and omissions insurance policy providing a prudent amount of coverage for the willful or negligent acts, or omissions of any officers, employees or agents thereof.

II. Proposer warrants that it will not delegate or subcontract its responsibilities under an agreement without the prior written permission of the city of Lackawanna.

III. Proposer warrants that all information provided by it in connection with this proposal is true and accurate.

Signature of Official: \_\_\_\_\_

Name (typed): \_\_\_\_\_

Title: \_\_\_\_\_

Firm: \_\_\_\_\_

Date: \_\_\_\_\_