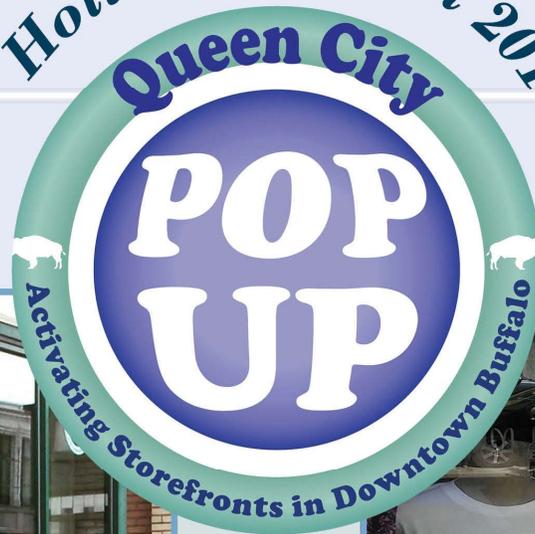


# REQUEST FOR PROPOSALS

## Holiday Edition 2016



Mayor Byron W. Brown, Buffalo Urban Development Corporation, Buffalo Place and Working for Downtown are encouraging the Western New York retail community to submit proposals to the Queen City Pop-Up Project. This initiative is designed to encourage retail activity along downtown Main Street by creating new “pop-up” shops that feature local retailers. The winners of the Queen City Pop-Up Project will receive free rent in a select retail location from November 10, 2016 – December 24, 2016.

### PROJECT SPONSORED BY



**KEY SUCCESS, LLC**



## **INTRODUCTION:**

Buffalo is rapidly changing with the redevelopment of Downtown. More than \$5.6 billion of investment is taking place in Buffalo, with a major portion occurring Downtown. Downtown's rich cultural scene, sports, entertainment and unique offerings bring 7 million visitors annually. With three primary areas of development, and countless projects completed and in the works, it is impossible to miss the huge transformation going on Downtown.



HARBORCENTER, a \$250 million mixed-use entertainment destination on the Erie Canal Harbor, sponsors multiple planned events annually for residents and visitors. The Buffalo Niagara Medical Campus has a \$1.5 billion impact on the region and will employ 20,000 professionals by 2018. The Larkin District has morphed from an abandoned industrial complex to an expanding, thriving public space and business area focused around Larkin Square.

The tremendous expansion at Canalside and HarborCenter on the waterfront, the Buffalo Niagara Medical Campus, IBM's new Information Technology Hub at Fountain Plaza and other projects will help bring 12,000 new jobs to the greater Downtown area. This will take the current Downtown workforce of 58,000 to 70,000 in just a few years. Downtown Buffalo also has a strong pedestrian presence, with peak lunchtime volumes of over 2,000 pedestrians per hour in the central business district. With the workforce population increasing significantly, the pedestrian crowd can be anticipated to increase.

The City of Buffalo's Cars Sharing Main Street project has successfully returned vehicular traffic to the 500 and 600 blocks of Main Street, adding to the vibrancy of Main Street and encouraging downtown retail.

With the influx of new jobs paired with a 97% Downtown apartment occupancy rate, Buffalo currently has over 400 new housing units coming online and plans for a total of 2,000 new units in Downtown Buffalo by 2018. Over 600 new hotel rooms will be added by 2018 and over 20 new restaurants are now open for business, all of which will open within blocks of our "Pop-Up" retail location. BUDC, Buffalo Place and Working for Downtown invite your business to participate in the remarkable opportunity to *Live, Work and Play* in Downtown Buffalo through our Queen City Pop-Up project.

## **REQUEST FOR PROPOSALS:**

### **Queen City Pop-Up – Activating Storefronts in Downtown Buffalo**

The Queen City Pop-Up is a partnership between Buffalo Urban Development Corporation, Buffalo Place Inc. and Working for Downtown. We are currently seeking proposals from prospective pop-up retail tenants for the holiday season. The ultimate goal of the Queen City Pop-Up Project is to create a vibrant Downtown that serves as a destination for the Western

New York Region. We will achieve this goal by facilitating the short-term lease of vacant storefronts in Downtown Buffalo to assist small retailers with entering the downtown market.

Downtown Buffalo is experiencing many positive changes in the form of redevelopment, infrastructure improvements, new restaurants and residential opportunities. Queen City Pop-Up will transition empty storefronts into vibrant retail shops to create new and exciting destinations and a positive economic impact on Downtown Buffalo. This innovative program will serve as a catalyst for retail and small business development. It will also provide opportunities for workers, residents and visitors to shop and strengthen the rebirth of Downtown Buffalo.

The Queen City Pop Up program allows local retailers to set up shop rent free for a two month period in prime retail space in the 500 block of downtown Main Street. Roughly 3,100 employees work within the 500 block, which has recently been open to vehicular traffic and is home to Fountain Plaza, a public venue that draws year round visitors. Together, these attributes provide a great opportunity for retailers to test the downtown market and to grow their customer base. Please see the attached photo of the location (Exhibit A).

**Are you interested in opening a storefront in Downtown Buffalo?** If so, we want to hear from you. The winners of the Pop-Up project will receive free rent from November 10, 2016 through December 24, 2016 (“Pop-Up Period”) in a retail space located at 50 Fountain Plaza Suite #115 that fronts Fountain Plaza and the 500 block of Main Street in downtown Buffalo. The winners will also have the option to continue the lease with Key Success LLC following the Queen City Pop-Up period.

### **Proposal Requirements**

- Completed Business Overview Application
  - Include 5-10 images or samples of your products, a marketing plan and marketing materials
  - Business plans are also appreciated by the review team if available; all documents are kept internal to the Review Committee

### **Leasing Details**

- The winners of the Queen City Pop Up project will be awarded with free rental space during the pop up period in 50 Fountain Plaza, Suite #115, Buffalo, NY 14202. The space will include internet, heating/cooling and access to restroom facilities. Tenants will be required to supply their own displays, tables, etc. and to cover their utility usage. Following the completion of the pop-up period, the Queen City Pop-Up vendors will have the option to continue leasing space directly with Key Success LLC.

## **Timeline**

RFP Issued: Tuesday, September 27, 2016

- Property Open House: Wednesday, October 5, 2016 from 4pm – 6pm
- Deadline for pop-up project application: **Monday, October 17, 2016 at 4:00 pm**
- Interviews with top applicants and selection: Week of October 17, 2016
- November 5, 2016: Winners of Pop-Up initiative move into space. Retailers should expect to open no later than November 10, 2016.

## **Proposal Selection**

**Submit completed applications no later than 4:00 pm on Monday, Oct. 17, 2016 to:**

Brandye Merriweather, Vice President – Downtown Development

Buffalo Urban Development Corporation

95 Perry Street, Suite 404

Buffalo, N.Y. 14203

[bmerriweather@buffalourbandevelopment.com](mailto:bmerriweather@buffalourbandevelopment.com)

Re: Queen City Pop-Up Project

**Submissions will be accepted by email, hand delivery or mail.**

Any questions should be submitted in writing to Brandye Merriweather at:

[bmerriweather@buffalourbandevelopment.com](mailto:bmerriweather@buffalourbandevelopment.com)

The purpose of this RFP process is to identify potential temporary and long-term tenants for 50 Fountain Plaza, Suite #115. The selection team has the right to accept or reject any or all proposals submitted in response to the RFP if none of the proposals are deemed adequate to meet the goals of this development project. BUDC will notify all applicants of the results of the selection process within three weeks of the submission deadline.

## **Evaluation Criteria**

Timely submitted proposals shall be evaluated based on the assessment of:

1. The Proposer's soundness, completeness and creativity of the business plan and marketing strategy.
2. The Proposer's experience, capacity and availability of personnel.
3. Investment in your business concept. We want to see entrepreneurs who will use this opportunity to take their business to the next level.
4. The Proposers interest in opening a retail location on Main Street in downtown Buffalo.

### **Community Resources for Business Planning**

- The Small Business Development Center is available to assist retailers with writing a business plan. Please utilize them if necessary before turning in your application.
  - **Susan McCartney, Small Business Development Center**  
**Buffalo State College, Cleveland Hall Room 206, Buffalo, NY (716) 878-4030**
- The Mayor's Office of Strategic Planning is available to assist with obtaining City of Buffalo approvals.
  - **Tuona Batchelor, Mayor's Office of Strategic Planning**  
**Buffalo City Hall, 65 Niagara Square, Room 920, Buffalo, NY (716)851-5053**

## ***About the Partners:***

### **Buffalo Urban Development Corporation**

The Buffalo Urban Development Corporation (BUDC) is a not for profit Development Corporation chaired by Mayor Byron W. Brown and sponsored by the City of Buffalo. BUDC is the designated agency for downtown development. BUDC is responsible for the implementation of the Buffalo Building Reuse Project, a strategy designed to revitalize downtown Buffalo. The Buffalo Building Reuse Project encourages the adaptive reuse of vacant and underutilized buildings, increasing downtown's residential base, improving downtown infrastructure and assisting developers, businesses and retailers with financial tools and incentives. The Buffalo Building Reuse Project is deeply rooted in encouraging partnerships and collaborative efforts to continue the momentum occurring in downtown Buffalo.

### **Buffalo Place Inc.**

Buffalo Place Inc. is the not-for-profit organization dedicated to improving the economic health and quality of life in Downtown Buffalo. Buffalo Place manages the Downtown core surrounding the pedestrian mall, which was developed as part of the Light Rail Rapid Transit Project. Buffalo Place activities are partially funded by special charges paid over and above property taxes within Downtown's Special Charge District. The Special Charge District includes Main, Pearl and Washington Streets from Goodell Street to the Buffalo River. Buffalo Place District property owners have a substantial investment in Downtown and are committed to Downtown's success. Buffalo Place strives to make Downtown Buffalo clean, safe and fun.

### **Working For Downtown**

Working For Downtown works to promote and help improve the quality of life in Downtown Buffalo by fostering an interest in civic and downtown development. Through member education and cooperation with other representatives, Working For Downtown supports the effort to revitalize Buffalo's Downtown.

### **Key Success LLC and Ciminelli Real Estate Corporation**

Through a partnership, owners Key Success LLC and property manager Ciminelli Real Estate Corporation oversee the iconic Fountain Plaza complex. Ciminelli Real Estate Corporation was originally established in 1981 as a small development company in Buffalo, N.Y. While its headquarters remain in Western New York, the company has since evolved into a full service commercial real estate firm with over 150 employees in 4 states. Ciminelli currently offers a comprehensive array of commercial real estate services including facilities and asset management, troubled asset management, leasing, acquisitions, dispositions, and development services in all of New York State, Pittsburgh and Philadelphia, Pennsylvania, Tampa and Orlando, Florida, and Connecticut. Its ongoing commitment to the businesses and residents throughout the communities in which it has operated has helped to grow its portfolio to 12 million square feet of office, flex, medical, industrial, and retail space.



**Key Success, LLC**



# Queen City Pop-Up Application



Name: \_\_\_\_\_

Business Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Best way to contact you? \_\_\_\_\_

How many square feet do you require? \_\_\_\_\_

What amenities do you require? (land-lines, wi-fi, etc.) \_\_\_\_\_

Are you available to occupy and open your pop-up shop by Nov. 10, 2016? \_\_\_\_\_

Are you available to help prepare your pop-up location for occupancy? \_\_\_\_\_

The project requires the tenant to be responsible for all store equipment and furniture (tables, seating, etc.). Are you prepared to do this? \_\_\_\_\_

Do you plan to open a shop if you are not selected to participate in the Pop-Up Project?  
\_\_\_\_\_

## **Products/Service**

Describe your shop concept and product(s):

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Proposed number of employees: \_\_\_\_\_

**History**

Is this an existing business or start-up?

How long has it been established?

Do you currently have a retail location?

If yes, where is it located?

Are you considering locating in downtown Buffalo?

**Marketing**

What is the average price of your products/services?

Who are your target customers and how do you plan to reach those customers?

Describe your marketing strategy:

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Explain how your business will affect Downtown residents, workers and visitors:

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If you are an existing business, list your best selling items:

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Please list three ways you plan to successfully sustain your pop-up shop during the pop-up period.

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**Operational**

How much time will you require for equipment set-up: \_\_\_\_\_

Please describe the role of each person who will be involved in operating the shop:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Financial**

Retailers selected to participate in Queen City Pop-Up will have the option to enter into a long term lease with Key Success LLC following the Pop-Up Period.

*Please check all leasing terms you would be open to:*

*Yes or No*

Flat rate per month	
Percentage of sales (typically 3-7% of monthly sales)	
Graduated Rent (increase in rent each month over the length of the lease)	
Other:	

**Terms and Conditions**

- o Retailers selected to participate in Queen City Pop Up must supply copies of Sales Tax Certification, Vendor Permits (if required by the City, County or State). Vendors selling food items must provide a copy of their Health Inspection Certificate. We also require Proof of Liability Insurance in the amount of \$1,000,0000, listing the following as additionally insured:

Buffalo Urban Development Corporation 95 Perry Street, Suite 404 Buffalo, NY 14203	Key Success LLC 50 Fountain Plaza, Suite 145 Buffalo, NY 14202
Buffalo Place 671 Main Street Buffalo, NY 14203	Buffalo Success LLC 50 Fountain Plaza, Suite 145 Buffalo, NY 14202
Working for Downtown P.O. Box 173 Buffalo, NY 14205-0173	Ciminelli Real Estate Corporation Centerpointe Corporate Park 350 Essjay Road Williamsville, New York 14221

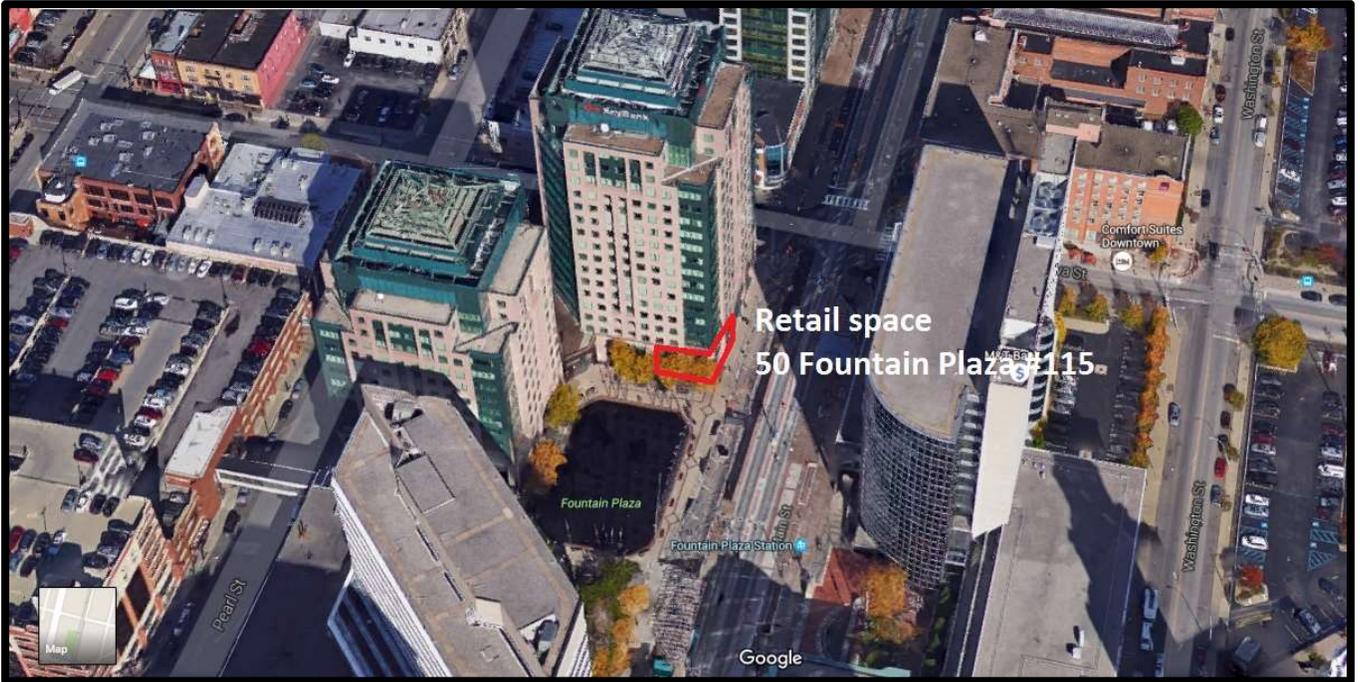
***Terms and Conditions Cont.***

- Tenants must occupy the space no later than Nov. 10, 2016. Tenants must be open and staffed during business hours. Monday - Friday: 10:00am - 6pm, Saturday: noon – 4pm (Queen City Pop-Up may open for extended hours for holiday events).
- Tenants should keep all aisles clear during all business hours and maintain their space in an orderly fashion within the assigned boundaries.
- All tenants should plan to equip their own shop.
- All signage must be professional in look and appearance.
- Your space cannot be sublet.
- All persons under 18 years of age must be supervised by an adult at all times.

NOTE: Occupancy of temporary spaces requires the approval of the City of Buffalo, Zoning and Fire Departments. The Building and Fire Departments are directed by New York State Law to ensure the proposed building/use doesn't endanger public safety and welfare; including that fire extinguishers have been provided, that doors are operable (not locked shut), existing building systems (exit signs, lights, toilets, etc.) are provided and working.

**Exhibit A**

50 Fountain Plaza #115 Aerial point of reference



## **Procurement Lobbying Restrictions**

### **1. Restrictions on Bidder Communications with BUDC**

Pursuant to State Finance Law §§139-j and 139-k, this Request for Proposals imposes certain restrictions on communications between Applicants and BUDC during the procurement process. Applicants are prohibited from making contacts (whether oral, written or electronic) with any BUDC personnel or BUDC Board member other than the designated BUDC staff member (unless the contact is otherwise permitted under State Finance Law §139-j (3) (a)). In addition, Applicants are hereby notified that any contact with any BUDC personnel, BUDC Board member or the designated BUDC staff member which a reasonable person would infer is intended to influence the award of the contract under this Request for Proposals is prohibited. These prohibitions apply from the Bidder's earliest notice of BUDC's intent to solicit proposals through the final award and approval of the procurement contract ("Restricted Period"). For purposes of this Request for Proposals, the designated BUDC staff member is Brandye Merriweather ([bmerriweather@buffalourbandevelopment.com](mailto:bmerriweather@buffalourbandevelopment.com)).

Applicants are hereby notified that BUDC is required to collect certain information when contacted by a Bidder during the Restricted Period and make a determination of the responsibility of the Bidder pursuant to State Finance Law §§139-j and 139-k. Certain findings of non-responsibility can result in rejection of a contract award, and in the event of two findings within a four (4) year period, the Bidder may be barred from obtaining governmental procurement contracts.

### **2. Bidder's Affirmation of Understanding of and Agreement pursuant to State Finance Law §139-j (3) and §139-j (6)(b)**

BUDC is required to obtain written affirmations from all Applicants as to the Respondent's understanding of, and agreement to comply with BUDC's procedures relating to permissible contacts (described in paragraph 1 above). The affirmation must be provided to BUDC when the Bidder submits its proposal. The form of affirmation to be completed and submitted by the Bidder is included herein as Attachment A.

### **3. Bidder's Certification of Compliance with State Finance Law §139-k(5)**

State Finance Law §139-k (5) requires Applicants to provide written certification that all information provided to BUDC with respect to State Finance Law §139-k is complete, true and accurate. The certification must be provided to BUDC when Bidder submits its proposal. The form of certification to be completed and submitted by the Bidder is included herein as Attachment B.

## Procurement Lobbying Restrictions

### **4. Bidder Disclosure of Prior Non-Responsibility Determinations**

State Finance Law §139-k (2) obligates BUDC to obtain specific information regarding prior non-responsibility determinations with respect to State Finance Law §139-j. In accordance with State Finance Law §139-k, each 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. 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). As part of its responsibility determination, State Finance Law §139-k(3) mandates consideration of whether a 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 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 Bidder is necessary to protect public property or public health and safety, and that the Bidder is the only source capable of supplying the required article of procurement within the necessary timeframe. Attachment C entitled “Offerer Disclosure of Prior Non-Responsibility Determinations” must be completed by the Bidder and submitted to BUDC at the time of Bidder’s submission of its proposal.

### **5. 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 shall contain a provision authorizing termination of the contract in the event that the certification provided by the Bidder that is awarded the contract is found to be intentionally false or intentionally incomplete. The following provision is hereby incorporated by reference and included in the contract that is awarded (if one is awarded) pursuant to this Request for Proposals:

#### **BUDC Termination Provision**

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

**Procurement Lobbying Restrictions**  
**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 BUDC 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: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Procurement Lobbying Restrictions**  
**ATTACHMENT B**

**Offerer/Bidder Certification:**

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

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

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

Contractor Name:

\_\_\_\_\_

Contractor Address:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Procurement Lobbying Restrictions**

**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)

