

REQUEST FOR PROPOSALS

VILLAGE OF BEMUS POINT'S ZONING CODE UPDATE



JANUARY 2025

CONTRACT # 1002662

ISSUANCE DATE:

January 6th, 2025

RESPONSE DUE:

No later than 12:00 PM on Wednesday, February 12th, 2025

SUBMIT RESPONSES and DIRECT QUESTIONS TO:

Brittany Mulkins, Village Clerk
Village of Bemus Point
P.O. Box 450
13 Alburtus Avenue
Bemus Point, NY 14712

716-386-4398

clerk@bemuspointny.org



REQUEST FOR PROPOSALS
FOR THE PREPARATION OF AN
UPDATED ZONING CODE FOR THE VILLAGE OF
BEMUS POINT

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I. Notice of Invitation

Notice is hereby given that the Village of Bemus Point, NY is seeking to retain a professional planning and design firm and/or teams (the “Consultant”) to provide services for the development of an updated zoning code for the Village of Bemus Point. *This zoning update is being prepared with funding provided by the New York State Department of State (DOS)(the “Department”) Environmental Protection Fund’s Smart Growth Planning Program.*

Sealed proposals will be received by the Office of the Bemus Point Village Clerk located at 13 Alburtus Street, P.O. Box 450, Bemus Point, NY 14712 by **February 12th, 2025 at 12:00 PM.**

The Village hereby notifies all Proposers that it is the policy of the Village to ensure nondiscrimination on the basis of race, color, national origin, religion, or sex in the award and administration of contracts.

Requests for modifications or clarifications of any requirement must be submitted in writing by email to: clerk@bemuspointny.org and mayor@bemuspointny.org or by U.S. Mail to the U.S. Postal Service address above. All such requests must be received by **January 16th, 2025 at 12:00 PM.**

Proposals will be examined by the designated Zoning Advisory Committee (ZAC) and reported to the Bemus Point Village Board within thirty (30) calendar days after the proposals have been opened. The Village reserves the right to reject any and all proposals; to waive any irregularities or informalities in any proposal or in the proposal procedure; or, to postpone the proposal opening for good cause. Each Proposer will be notified of the award of contract if an award is made.

The RFP Documents are available for download on the Village's website:
<https://www.bemuspointny.org>

Ultimately, it is the responsibility of the Proposer to check the Village's website for any addenda that may be issued relative to this RFP.

II. Project Description

The Village of Bemus Point, New York is accepting proposals from qualified planning and design consultants to update its 1984 zoning code. Project activities will include a robust community engagement effort, a review and analysis of the existing code, and the development of a zoning code which will allow the Village to be more responsive to contemporary development challenges, preserve the character of the community and be implementable for a small rural village.

The zoning code will be developed in accordance with the Village's adopted Comprehensive Plan, ensure a development pattern that is consistent with the municipalities-built form; guide future sustainable growth within the municipality; enhance local cultural identity; and protect natural and cultural resources.

The Zoning Code must address the following general Smart Growth Planning Principles in addition to the elements suggested by the New York State Statues:

- 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 jurisdictional lines.
- Promote sustainable mass transit that reduces the local levels of greenhouse gas emissions
- 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.

The Village of Bemus Point is located in the heart of Chautauqua County, in Western New York. It is located along the center of the Chautauqua Lake shoreline and has a strong tourism base, with both visitors and second homeowners swelling the area's population during the summer season. According to the 2020 Census, the Village has a population of 312 year-round residents.

The Village of Bemus Point completed a comprehensive plan in 2012. While the Village of Bemus Point has adopted and revised zoning laws over the years and participated in New York State's Local Waterfront Revitalization Program process, for the most part, the community has not conducted additional local planning efforts beyond the comprehensive plan. Regional planning efforts, such as the County Hazard Mitigation Plan, may impact the zoning code, and should be considered when developing the updated code.

III. SCOPE OF WORK

Respondent's proposal shall address each of the following tasks, with a separate cost and timeline for each identified task, using the same identifying language, including any paragraph or section numbers or letters as used in the RFP. The scope of work outlined in the RFP should be considered a starting point for firms submitting formal proposals for the project to fulfill New York State's Smart Growth requirements. The scope should provide prospective firms with a basis for the minimum activity to be accomplished. The Village of Bemus Point encourages all consultants to utilize staff and partners experienced in planning and zoning, who bring a passion for and an understanding of small communities, and a desire to be creative in both the approach selected, the need to focus on community outcomes, and content of their submissions. The minimum project tasks include:

A. Project Initiation Meeting (DOS Task 1 – State Work Plan)

The consultant(s) will hold a scoping meeting with the Zoning Advisory Committee (ZAC), Village representatives and any partners responsible for managing the project. The meeting will accomplish the following:

- Confirm roles and responsibilities.
 - Confirm project requirements, including MWBE requirements.
 - Confirm the scope of work tasks and deliverables.
 - Provide the consultant with up-to-date copies of all reports, data, and studies relevant for this Project.
 - Review the project schedule, including the schedule for future meetings.
 - Discuss the Community Participation Plan as described below, discuss the use of the Village website to keep the public informed on the progress of the plan.

All subsequent meetings will advance the preparation of the updated zoning code and assess the evolution of the project, new information needed, changes in roles and responsibilities, and next steps. Work on subsequent tasks shall not proceed prior to the Committee and NYSDOS review.

The consultant will prepare and distribute a brief meeting summary clearly indicating the understandings reached at the meeting.

Products: A written summary outlining identifying the participants to the meeting, what has been discussed, and understandings reached, along with a project timeline.

B. ZAC, RFP, Contracts, ZAC Meetings, Procurement (DOS Tasks 2 – 5)

The Village of Bemus Point is responsible for completing Tasks 2-5.

C. Public Participation Plan (DOS 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.
- 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 shall 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, and any other appropriate means. Public access must be provided to each public meeting or workshop. Outreach efforts should encourage participation from populations who are frequently underrepresented in this process, including, *seasonal residents*, immigrants, refugees, and minorities.

Meetings and public engagement should be scheduled at times that are convenient to underrepresented communities (e.g., at night or on weekends instead of during the day) and at locations that are ADA-accessible. Meetings shall be advertised with generous advance notice to garner maximum publicity, awareness, and participation.

A summary of each public outreach and participation effort will be made available to the public in written form and through other appropriate means, such as websites.

Products: Draft and final Community Participation Plan to be reviewed by the ZAC and NYSDOS. All committee and NYSDOS concerns and comments should be addressed in the Final Community Participation plan that is submitted.

D. Community Tour and Stakeholder Interviews (DOS 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, individual interview data, and a summary of interview findings.

E. Public Information Sessions (DOS Task 8)

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

F. Local Regulations Assessment and Recommendations Report (DOS 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: an analysis of existing development regulations, prior and current planning and zoning efforts, the physical details of the community, including its current and historic built patterns and architecture, natural resources such as prime agricultural lands, soil types, floodplains, topography, aesthetic resources, Critical Environmental Areas, 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.

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

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

G. Proposed Local Regulations (DOS 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 before submitting them to the municipal board 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'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.

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

H. Review by the Local Municipal Board (DOS Task 11)

Submit the proposed local regulations to the local municipal board, for review, comments, and recommendations. The comments received from the local municipal board shall be addressed by the Zoning Advisory Committee and the consultant before initiation of the SEQRA process. The proposed local regulations shall be made available for public review on the municipal website.

The recommendations of the municipal board shall be reviewed by the Advisory Committee before being submitted to the Department.

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

I. Environmental Quality Review (DOS Task 12)

Prepare materials necessary for compliance with the State Environmental Quality Review Act (SEQRA). The adoption of a new or amended Comprehensive Plan or Zoning Ordinance is classified as a Type I action, pursuant to the State Environmental Quality Review Act (SEQRA) and 6 NYCRR Part 617. The local municipal board shall act as the Lead Agency for the purposes of SEQRA. The local municipal board shall comply with SEQRA requirements and issue a

SEQRA Determination. Based on the results of the SEQRA Determination, the local municipal board or its consultants may be required to prepare a Generic Environmental Impact Statement (GEIS) to provide a review of the land-use actions proposed in the new or amended Comprehensive Plan or Zoning Ordinance. Copies of all SEQRA documents shall be submitted to the Department.

Products: SEQRA documents

J. Public Hearing (DOS Task 13)

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, the municipal website/project website and other key locations throughout the community. The public hearing will be publicized in the community through press releases, announcements, individual mailings, online posting on the municipal website, 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.

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

K. County Planning Board Review (DOS Task 14)

The municipal board or the consultant shall submit the revised local regulations to the County Planning Board for review and recommendations, pursuant to the required referral under General Municipal Law §239-m of the New York State General Municipal Law. The Zoning Advisory Committee and the consultant shall address the comments received from the County Planning Board before the public hearing.

Products: Comments received from the County Planning Board and revised proposed local regulations submitted to the Department.

L. Final Proposed Local Regulations and Local Adoption (DOS Task 15)

Address all of the received comments and recommendations and produce the final version of the proposed local regulations.

Conduct a Waterfront/LWRP Consistency Review, pursuant to the Local Waterfront/LWRP Consistency Review Law. Utilize final version consistent with the Chautauqua Lake LWRP for the local adoption by the municipal board and subsequent filing with the Town/Village/City Clerk and in the office of the Secretary of State.

The municipal board shall adopt the proposed local regulations pursuant to § 7-706 of the New York State Village Law/§16-264 of the New York State Town Law/§83 of New York State General City Law.

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

L. Grant Administration Assistance (DOS Tasks 16, 17 & 18)

The consultant team will be responsible for administering the DOS Smart Growth Planning Grant on behalf of the Village, including preparing and submitting semi-annual Project Status Reports, the Final Project Summary Report and Measurable Results Form, grant reimbursement requests, and minority- and women-owned business enterprise (MWBE) reports.

MWBE reporting includes the Workforce Employment Utilization Form, MWBE Utilization Plan, and recording payments to MWBE firms through the New York State Contract System.

Products:

- 1.) Final Project Summary Report and Measurable Results submitted electronically to the Department at <https://forms.office.com/g/eZERFeEeKM> .
- 2.) MWBE Reporting Requirements (DOS TASK 17) by completing the following actions:
 - 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 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).
- 3.) 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 to the Department during the life of the contract (DOS Task 18).

M. Option A:

The Village of Bemus Point requests a separate proposal and optional cost to have the successful consultant draft “Design Guidelines” for the commercial districts that can be tied to the updated zoning code.

IV. DELIVERABLES

The Consultant must ensure that all materials printed, constructed, and/or produced acknowledge the contributions of the Department to the project. All final and public-facing materials must include the Department of State logo and the following acknowledgment:

"This [document, report, map, etc.] was prepared with funding provided by the New York State Department of State Environmental Protection Fund."

The contributions of the Department must also be acknowledged in community press releases and other notices issued for the project, including website postings and other forms of digital

distribution. Project press releases and other notices shall be submitted to the Department for review and approval prior to release, to ensure appropriate attribution.

The Consultant must submit all required products, clearly labeled with the NYS Comptroller's contract number and where applicable, the related task number from this Work Plan. Unless otherwise specified in the Work Plan tasks, the Consultant 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, 15 paper copies of each final product (including reports, designs, maps, drawings, and plans) must be submitted, upon request.
- 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 New York State Department of State 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 New York State Department of State), 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).

V. RFP SCHEDULE

The major projected milestones of the consultant selection schedule are as follows:

1. RFP Issued: Monday, January 6th, 2025
2. RFP Questions Due: Thursday, January 16th, 2025 (12:00 PM EST)
4. RFP Responses Posted: Tuesday, January 21st, 2025
5. Proposals Due: Wednesday, February 12th 2025 (12:00 PM EST)

6. Zoning Advisory Committee Review: February 24th, 2025

7. Interviews (up to 3 firms): March 3rd – March 6th, 2025

8. Award Contract: March 18th, 2025 (at Village Board meeting) The Contract Term is expected to begin in April 2025 and end in June 2027, with Final Zoning Code update deliverables completed by April 15, 2027.

* Note: All dates are tentative and subject to change. Changes to the timeline shall be included as an addendum to this RFP and posted to the Village's website.

VI. SUBMISSION REQUIREMENTS

A total of seven (7) paper copies and one (1) electronic versions of the response to the Request for Proposals must be prepared and submitted directly to:

Brittany Mulkins, Village Clerk
Village of Bemus Point
13 Alburtus Avenue
P.O. Box 450
Bemus Point, New York 14712

Proposals must be received by the Village of Bemus Point by **12:00 p.m., February 12th, 2025**, to be eligible for consideration. Facsimile and E-mail proposals will not be accepted.

Prime consulting firms will only be accepted in one joint venture response. Also, a firm that responds to this request as a prime consultant may not be included as a designated subcontractor to another firm that responds to this request. The above does not preclude a firm from being designated a subcontractor to more than one prime consultant responding to the Request for Proposals.

All material submitted becomes the property of the Villages of Bemus Point. Sample deliverables will be returned to consultants if indicated in the submission cover letter. Proposals may be reviewed and evaluated by persons, other than those associated with competing consultants, at the discretion of the Zoning Advisory Committee. The Zoning Advisory Committee has the right to use any or all ideas presented in any reply to the Request for Proposals. Selection or rejection of the proposal does not affect this right. The Zoning Advisory Committee reserves the right to reject any and all proposals submitted should they not meet with the spirit of this Request for Proposals.

To be considered, consultants must submit a complete response to the Request for Proposals. Each consultant must submit the following information:

1. A letter of interest in the project;

2. A summary indicating that the consultant understands the issues, scope, and depth of the work involved;
3. A detailed scope of work explaining how the consultant proposes to perform the planning process and outlining how the consultant will accomplish the goals, objectives, and concepts included in this Request for Proposals. The scope should include:
 - a. Each task to be completed
 - b. Timeline for each task
 - c. Schedule of work products
 - d. Proposed budget with:
 - Cost breakdown for each work task complete with proposed number of hours to complete each task, assigned staff member, and billing rates
4. A public participation strategy detailing how the consultant will interact with the Zoning Advisory Committee, Village of Bemus Point representatives, community leaders, and the general public;
5. A description of the consulting team, including resumes of all personnel who will be involved in the project, description of the different firms involved, as applicable, and identification of the personnel who will perform in specific consultant team roles;
6. A projection of the number of days the consultant expects to be in the Village, the on-site time devoted to the project by each member, and what the team hopes to accomplish during those visits;
7. A timetable for completing the project;
8. A description of the deliverables;
9. Work sample copies of the firm's most recent relevant project deliverables;
10. If not a New York State-certified MWBE itself, the respondent must indicate how it will assist the Village in meeting the 30% MWBE contracting goal for its DOS grant contract, which includes 15% MBE and 15% WBE. This could include the use of certified MWBE subcontractors, vendors, etc.
11. A client reference list including names and telephone numbers (minimum of three); and
 - a. List of past similar projects completed by the firm within the past five (5) years with one (1) reference for each respective project
 - b. Current contact names and telephone numbers for references
 - c. Summary of project(s)

- d. Public involvement in the project(s)
 - e. Project team organizational chart
12. A proposal cost estimate, which includes a total cost for the entire project. The cost estimate must include a breakdown by each work task. **The cost estimates shall be provided in a separate sealed envelope.**

VII. EVALUATION CRITERIA

Final selection will be based on the Proposal score (100 points total) and the interview performance score (100 points total). The Village of Bemus Point reserves the right to:

- Seek clarification and revisions of proposals
- Seek a final and best offer from those firms short-listed.
- Make an award under the RFP in whole or in part.

Selection for interviews shall be based on "best value", made in accordance with the following evaluation criteria and weights as follows:

1. Team Background (35%)
 - a. Qualifications and experience of the team, team members, and partners on similar projects: 20 pts
 - b. Ability to meet MWBE goals: 10 pts
 - c. Distribution of senior project leader time in staffing plan: 5 pts
2. Approach to Scope of Work and Project Objective (50%)
 - a. Understanding of project scope of work: 20 pts
 - b. Past performance of similar projects: 10 pts
 - b. Overall strategy and quality of proposal: 20 pts
3. Fee Proposal (15%)
 - b. Overall project cost proposal: 15 pts

After the initial evaluation of the Proposals, the Zoning Advisory Committee may short-list two or three consulting teams for brief interviews in the first week in March of 2025. The short-listed consulting team(s) will be notified about the interviews on or about February 25th, 2025. Interviews will last approximately forty minutes. The consultant should plan for about a 20-minute presentation followed by twenty minutes of questions and answers. A preferred consultant will be selected soon after the meeting. The date of the final approval of the preferred consultant will depend on whether negotiations on the proposed scope of work are required.

Village of Bemus Point is an equal opportunity employer. In accordance with anti-discrimination law, it is the purpose of this policy to effectuate these principles and mandates.

VIII. MWBE REQUIREMENTS

An overall goal of 30% for Minority and Women-Owned Business Enterprises (“MWBE”) has been established for this project *for funding provided through New York State*.

This requirement is further broken down into preferred 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 should reference the directory of New York State Certified MBWEs found at the following internet address:

<https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp>

IX. EEO REQUIREMENTS

The Village of Bemus Point is an Equal Employment Opportunity employer. Successful respondents will be required to comply with the federal Equal Employment Opportunity Act.

X. PROJECT BUDGET

The Village was successful in applying for grant funding through the New York State Department of State’s (NYSDOS) Smart Growth Planning Program in the amount of \$58,500.00 *with an overall project budget of \$65,000. **The cost of the work shall not exceed \$ 65,000.00,*** including all professional services, expenses, overhead, and profit.

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.

Consultants must receive written authorization from the Village prior to revision of tasks and deliverables detailed above. Any work completed without prior authorization from the Village may not be eligible for payment.

XI. INSURANCE REQUIREMENTS

Proof of General Liability Insurance, Automobile Liability, Worker's Compensation and NYS Disability Insurance will be required from the consultant prior to commencing any work. Liability insurance coverage shall be in the amount of \$2,000,000 aggregate (combined single limit or equivalent), with the Village of Bemus Point named as additional insured.

A. GENERAL PROVISIONS

As to all required insurance:

- a) The Vendor shall provide current Certificates of Insurance and accompanying documents as described herein for the Village's approval prior to Village's signing of contract(s).
- b) "Certificate Holder" shall be Village of Bemus Point at the address of 13 Alburus Avenue, P.O. Box 450, Bemus Point, New York 14712.
- c) Coverage must comply with all specifications set forth herein.
- d) All insurance documents must be executed with authorized signatures.
- e) The Vendor's required liability policies must be endorsed to provide that any Notice of Cancellation or Notice of Non-Renewal given to the First Named Insured shall also be given to the Additional Insureds for this project. A copy of such endorsement(s) must be furnished to the Certificate Holder.
- f) Failure of the Village to object to the Vendor's failure to furnish a Certificate or other evidence of the required insurance coverages, object to any defect in such Certificate or other evidence of coverage, or demand receipt of such Certificate or other evidence of coverage shall not be deemed a waiver of Vendor's obligation to furnish the required insurance coverages described herein. Nothing contained herein imposes on the Village a duty or obligation to review any evidence of insurance coverages or issue any formal approval or acceptance of such evidence.
- g) The Vendor's liability and indemnification of the Village shall not be relieved or diminished by the Vendor securing insurance coverage in accordance with the Village's requirements. Any approval by the Village of such insurance coverage shall not be construed as accepting in any way the deficiencies in the Vendor's insurance coverage.
- h) In addition to Certificates of Insurance and other documents, the Vendor shall provide to the Village and other Certificate Holders, on a timely basis, copies of any subsequently issued endorsement(s) that amend applicable coverages or limits.
- i) When any required insurance shall expire, due to the attainment of a normal expiration or renewal date, the Vendor shall supply, no later than ten (10) days prior to such expiration, the Village with Certificates of Insurance and accompanying documents evidencing continuation of coverage in the same manner, limits of protection and scope as provided by the previous policy.
- j) The Vendor will assure that any and all subcontractors retained by the Vendor carry and maintain insurance with reasonably prudent limits and coverage satisfactory to the Village in light of the work to be performed, written by companies meeting the same criteria as required in Section 2. LIABILITY INSURANCE, and that the Village is named additional insured on the subcontractor's liability policies according to the same requirements as described in Section 2.1(b).

k) The Vendor shall disclose to the Owner any deductible or self-insured retentions applicable to any of the coverages required herein of the Vendor.

l) The Village reserves the right to modify the requirements herein, including limits, based on circumstances involved, including but not limited to the nature of the risk involved, prior experience, insurer, or coverage

XVI. RESERVED RIGHTS

The Village reserves the right to:

1. Modify or cancel the selection process or schedule at any time.
2. Waive minor irregularities.
3. Reject any and all responses to this RFP and seek new proposals when it is in the best interest of the Village to do so.
4. Evaluate the proposals as to their veracity, substance, and relevance to the project and seek clarification or additional information from the proposer and independent sources as it deems necessary to evaluate the response, including evidence of the Proposer's financial status.
5. Incorporate this RFP and the selected Proposer's response to this RFP as a part of any formal agreement between the Village and the Proposer.

XIII. HOLD HARMLESS

By participation in this RFP process, Proposer agrees to hold harmless the Village of Bemus Point, its officers, employees and consultants from all claims, liabilities and costs related to all aspects of the selection process.

XIV. EXPENSES

All expenses related to any Proposer's response to this RFP, or other expenses incurred while the selection process is underway, are the sole obligation and responsibility of the Proposer. The Village will not, directly or indirectly, assume responsibility for these costs. The proposer shall not offer any gratuities, favors, or anything of monetary value to any official, employee, or outside consultant associated with the project for purposes of influencing consideration of a response to this RFP.

XV. CONTACT INFORMATION

All inquiries regarding the RFP should be made in writing and must cite the RFP section in question. Inquires should be directed to:

Jeffrey Molnar, Mayor
Village of Bemus Point
13 Alburtus Avenue
P.O. Box 450
Bemus Point, New York 14712
mayor@bemuspoinny.org