

The seal of the City of Olean, New York, is a circular emblem. It features a central sunburst with rays extending outwards. The words "CITY OF OLEAN, NEW YORK" are inscribed around the perimeter of the seal. Above the seal, an eagle with its wings spread is perched on a globe. The text "CITY OF OLEAN" is written in a bold, sans-serif font above the seal, and "REQUEST FOR PROPOSALS" is written below it. Further down, "PROFESSIONAL SERVICES FOR A COMPREHENSIVE ZONING CODE UPDATE" is written in a smaller, bold, sans-serif font.

**CITY OF OLEAN  
REQUEST FOR PROPOSALS  
PROFESSIONAL SERVICES FOR A COMPREHENSIVE ZONING  
CODE UPDATE**

**ISSUE DATE:** January 30, 2026

**CLOSING DATE:** Friday, February 20, 2026

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**Proposals to be received by 2:00 p.m. on Friday, February 20, 2026 at the address and email listed above.**

## **I. INTRODUCTION**

The City of Olean is seeking proposals from qualified consulting firms to assist the City of Olean's Zoning Update Committee to prepare a comprehensive update of the City's existing Zoning Ordinance originally adopted by the Common Council in 1994 and subsequently updated. Under the direction of Mayor Sherburne – said Committee and the Department of Community Development, the consulting firm is expected to perform responsible, professional work in the research, compilation of data, analysis and studies as described in this Request for Proposals (RFP) and the New York State Department of State (NYSDOS) Work Plan. The RFP represents the initial step in the selection of a firm to prepare the documents for the update.

After review and evaluation of the submitted proposals and subsequent interviews, the Committee will recommend for award of contract to the Common Council. Each prospective proposer is hereby notified that the Common Council is the only body that may legally obligate the City to accept a proposal, obligate the City to pay funds, or otherwise enter into contracts or commitments on behalf of the City. No other person or entity has any such authority, and no proposer should rely on any such purported authority. The City of Olean reserves the right to reject any and all proposals received.

## **II. BACKGROUND**

The City of Olean, with a population of 13,614 (*U.S. Census Bureau 2024 estimate*), is the largest municipality in Cattaraugus County. Olean is located on Interstate 86 (NYS Route 17); two exits serve the community. Olean is a brave, can-do city that has borrowed from role models to the point where we could now become THE role model for rural revitalization and master transitioning a small city's economy from agriculture & manufacturing to knowledge and choice with a dynamic and sustainable economy.

The City of Olean is governed by a Mayor and a seven member Common Council. The Mayor is the full-time administrator of the City. The City has an active Planning Board and Zoning Board of Appeals.

This project is being funded by the New York State Department of State (NYSDOS) Environmental Protection Fund Smart Growth Community Planning and Zoning Program and the City of Olean.

## **III. THE ZONING CODE AND MAPPING UPDATE**

To achieve the highest level of internal consistency and realize the vision of the City's current Comprehensive Development Plan (CDP) 2025-2045, the City is requesting that the existing Zoning Code be updated to more effectively correlate Ordinance provisions with CDP policies and standards to ensure procedural consistency with the CDP. The Zoning Code update shall support and help to carry out Smart Growth Principles, the policies and goals of the CDP and shall also:

- Implement a modern understanding of best practices as it relates to zoning regulations;
- Create an easy-to-understand code with clear regulations;
- Create form-based or architectural regulations that align with neighborhood features;
- Include clear development standards and specifications to regulate the use of land and structures, etc. for the protection of the health, safety and welfare of the community;
- Replace or update antiquated language (definitions, etc.) no longer pertinent to the City's land use issues due to changing trends;
- Provide adequate language specific to the needs of the City;
- Be clear, precise, and user friendly;
- Specify the relevant reviewing bodies and processes needed to accurately process applications, including appeals procedures;
- Attain compliance with applicable State Policies & Regulations;
- Update the Ordinance for consistency with State code;
- Incorporate the recently approved text amendments;
- Apply where applicable smart growth and green building standards;
- Ensure green space and natural features are preserved;

- Preservation of historic structures;
- Provide for a variety of housing and types, including but not limited to senior, workforce and market rate;
- Explore updated uses and utilization of brownfields;
- Protect natural spaces, while encouraging responsible development practices;
- Encourage new development, including infill development, as well as redevelopment of vacant and underutilized buildings and lots;
- Create GIS maps showing proposed code changes and final proposed zoning map;
- Create a code that enables the City of Olean to become THE role model small City in New York State;
- Provide for a streamlined process for new development!

#### **IV. PROJECT DESCRIPTION**

The City of Olean (Contractor) and its Zoning Advisory Committee shall prepare a Zoning Code pursuant to the zoning enabling statutes contained in General City Law §20(24) and §20(25) / Town Law Article 16 / Village Law Article 7. The Zoning Code will be developed in accordance with an adopted Comprehensive Plan; guide future sustainable growth within the municipality; enhance the local identity; and protect natural and cultural local resources.

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

1. Develop plans and land use regulations that allow for and encourage mixed-use neighborhoods.
2. Enable a diverse mix of housing types that provide for opportunity and choice for all.
3. Prioritize infill and redevelopment of existing buildings to revitalize neighborhoods and downtowns, including areas around public transit.
4. Provide well-planned, equitable, and accessible public spaces.
5. Encourage compact neighborhood design and concentrated development around existing infrastructure.
6. Preserve open space, agricultural resources, and natural resources.
7. Prioritize transportation options such as walking, cycling, and public transportation.
8. Promote climate resiliency and adaptation, preferably through nature-based solutions, and reduce greenhouse gas emissions.
9. Build on unique traits to create an attractive and welcoming community with a strong sense of place.
10. Engage in an inclusive, collaborative public planning process that considers the needs and character of the community.

This Zoning Code update will allow the City to inventory existing zoning, progressively plan for future development, and revise key regulations to rectify discrepancies between the 2025 Comprehensive Plan and existing zoning code. The update will focus on

promoting mixed-use development, encouraging a mix of housing types, expanding form based codes to other areas of the City, and prioritizing the re-development of existing structures.

Refer to Attachment A – NYSDOS Work Plan.

## **V. SCOPE OF SERVICES**

The Scope of Services listed below shall serve as a minimum guide:

### **Task 1: Zoning Advisory Committee Meetings Coordination**

The Zoning Advisory Committee shall meet on a regular basis during the planning process to advance the preparation, review, integration, and approval of the Zoning Code and assist with the organization and conducting of community participation events, to organize and conduct community participation events.

During their first meeting, the Zoning Advisory Committee will review project requirements, roles, and responsibilities, transfer necessary information to the project team, and identify new information needs, and next steps. During their first meeting, the Zoning Advisory Committee will also complete the Community Zoning Assessment.

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

Products:

- Meeting summaries for each Zoning Advisory Committee meeting.
- The results of the Community Zoning Assessment.

### **Task 2: Community Participation Plan**

Prepare a Community Participation Plan describing the public outreach and participation efforts that will be conducted during the development of Zoning Code, pursuant to the local and State statutes. The Community Participation Plan should include, at a minimum, the following elements tailored to be most applicable to the community:

- Two or more public workshops;
- One or more public hearings;
- One or more community survey(s);
- Interviews with local stakeholder focus groups;
- Overall outreach and engagement strategy;

- Efforts to ensure accessibility and outreach to frequently underrepresented populations, including lower-income residents, youth, immigrants, and minorities;
- Roles and responsibilities of individuals, organizations, and entities involved in engagement;
- Proposed schedule for implementation, and
- A website with links to announcements, materials, and input opportunities,

All public outreach and participation efforts will be publicized in the community through press releases, announcements, digital media, individual mailings, or other appropriate means as determined by the Contractor, Comprehensive Plan Committee, DOS project manager, and the project team. Such means should be identified within the Community Participation Plan.

Public access must be provided to each public meeting or workshop. Meetings and public engagement sessions 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.

Products:

- Draft and final Community Participation Plan to be implemented throughout the planning process.

### **Task 3: Community Survey and Stakeholder Interviews**

Develop a relevant community survey to identify and gather input on current local conditions and issues. The survey should be made available to the public in hard copy and online. A draft survey should be provided to DOS for review prior to publication of the survey. Following the completion of the survey, develop a summary of results and analysis.

In addition to the community survey, identify a selection of stakeholder groups and a corresponding set of topics that shall be discussed with stakeholders to obtain relevant information and elicit reactions and suggestions.

Products:

- Draft and final Community Survey.
- Summary of survey responses and analysis.
- Draft and final list of stakeholder groups and topics.
- Summary of interview findings.

### **Task 4: Public Workshops**

Conduct at least two public workshops, as identified in the Community Participation Plan. The purpose of the two public workshops is to introduce the Zoning Code

update to the community, review the comprehensive plan including the recommendations with implications for land use laws, describe findings to date, and elicit input on draft regulations.

Products:

- Published announcements and fliers.
- Draft and final materials prepared for each public workshop.
- Summary of the results/feedback received.

### **Task 5: Local Regulations Assessment and Recommendations Report**

The purpose of the Local Regulations Assessment and Recommendations Report is to evaluate how regulations can be updated to apply Smart Growth principles in line with the community's vision as outlined in their comprehensive plan. 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
- Other information relevant to drafting land use laws.

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, the Comprehensive Plan, and the findings from analyses conducted in this section. The Zoning Advisory Committee shall work with the project team to collect best practices that could be used by the community to achieve the vision reflected in the Comprehensive Plan and other adopted planning documents.

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 Local Regulations Assessment and Recommendations Report.

### **Task 6: Proposed Local Regulations**

Develop a draft Zoning Code based on the local regulations assessment and recommendations report and public input. Zoning Advisory Committee shall work

with the project team to integrate the zoning code into the municipality's existing code and ensure 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 and revised Zoning Code incorporating DOS comments.
- Completed Smart Growth checklist form, provided by Department of State, identifying how and where Smart Growth principles are addressed within the Zoning Code.

#### **Task 7: Municipal Board Review**

Submit the draft Zoning Code to the local municipal board for review, comments, and recommendations. The comments received from the local municipal board shall be addressed before the initiation of the SEQRA compliance process.

The comments and recommendations prepared by the local governing board/local legislature shall be addressed and incorporated into the final plan prior to making the draft available for public review.

Products:

- Comments and recommendations received from the local municipal board.

#### **Task 8: Environmental Quality Review**

The Contractor's preparation of a Smart Growth Zoning Code funded through the Smart Growth Community Planning Program should comply with the State Environmental Quality Review Act (SEQRA). The local municipal board is the Lead Agency for purposes of SEQRA. The Lead Agency shall undertake a SEQRA review according to 6 NYCRR Part 617 State Environmental Quality Review.

Products:

- Completed SEQRA Documentation.

#### **Task 9: Agricultural Review and Coordination**

Zoning codes are subject to the provisions of article twenty-five-AA of the agriculture and markets law. The Zoning Advisory Committee and the project team must take into consideration applicable agricultural and farmland protection plans as created under article twenty-five-AAA of the agriculture and markets law.

Products:

- Consideration given to agricultural review and coordination during the development of the Zoning Code.

**Task 10: County Planning Board Review**

The municipal board 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 project team 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.

**Task 11: Final Draft Zoning Code**

Address all comments and recommendations received from the public and involved local, regional, and State agencies and incorporate into the final draft regulations. Schedule a public hearing and local adoption of the regulations.

Products:

- Final proposed local regulations ready for local adoption.
- Final adopted Zoning Code.

**Task 12: Public Hearing and Local Adoption**

Conduct a public hearing prior to adoption of the Zoning Code. Notice of the public hearing shall be published in a newspaper of general circulation in the community at least ten calendar days in advance of the hearing. The draft Zoning Code shall be made available for public review during said period at the office of the municipal clerk and shall be posted on the municipal website. The public hearing may also be publicized in the community through press releases, announcements, individual mailings, and any other appropriate means.

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:

- Minutes from the public hearing(s) and record of decision.
- Final adopted Zoning Code.
- Zoning map data in the GIS format prescribed in Section 2 of the Work Plan.

- Final Smart Growth checklist form, provided by Department of State, identifying how and where Smart Growth principles are addressed within the Zoning Code.

**Task 13: Minority and/or Women-Owned Business Enterprises AND Service Disabled Veteran Owned Business Enterprises Compliance**

Pursuant to NYS Executive Law Article 15-A and 5NYCRR Parts 140-145 of Title 5, for the purposes of this procurement, the NYS Department of State establishes an overall goal of 30% for M/WBE participation (15% Minority-Owned Business Enterprise; 15% Women-Owned Business Enterprise on the total amount of State funds incorporated into the project). The consultant must help the City meet its M/WBE participation goals as either a certified M/WBE itself and/or through the use of sub-consultant(s).

Article 17-B of the Executive Law, enacted in 2014, authorized the creation of the Division of Service-Disabled Veterans’ Business Development to promote participation of SDVOBs in New York State. The NYSDOS strongly encourages grantees to make every effort, to the maximum extent possible, to engage certified SDVOBs; therefore, a 6% SDVOB participation goal was placed on the total amount of State funds incorporated into the project. The consultant must help the City meet its SDVOB participation goal as either a certified SDVOB itself and/or through the use of sub-consultant(s). (Forms and info. found here: <https://sdves.ogs.ny.gov/>)

Comply with MWBE Reporting Requirements by completing the following actions (Forms found at: <https://dos.ny.gov/supplier-diversity>):

- 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).

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 D submitted as necessary to reflect updated MWBE subcontractors.
- Applicable SDVOB Forms and ongoing reporting during the life of the contract.

## **Task 14: Project Status Reports**

Submit project status reports semi-annually (every June 30 and December 31) on the form provided (template can be viewed here: <https://dos.ny.gov/opdci-contract-resources>), 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 to the Department during the life of the contract.

## **VI. PROPOSAL FORMAT**

A qualifying proposal will address all of the points in the Scope of Services along with the requested items and information listed below.

The RFP submission shall be limited to no more than 30 double-sided pages (min. 12 pt. font).

Your submittal should include the following information in the format outlined below and include:

### **Section 1. Description of Firm**

- a. Professional Capabilities
- b. Proof of Authorization to do business in New York State
- c. Staffing Level/Organization Chart
- d. Project Mix/Client Mix for most recent projects

### **Section 2. Project Team**

- a. Services to be provided
- b. Sub-consultants required to perform work
- c. Team Organization, including project role/function chart
- d. Total relevant human resource availability throughout agreement, particularly for the project manager and key personnel

### **Section 3. Qualifications and Experience**

- a. Personnel
  - Principal in Charge
  - Project Manager, including relevant project management expertise, experience, credentials, and communication skills
  - Key technical personnel

Experience (as related to this project)

b. Technical Experience

Proposers shall demonstrate specific technical experience and competence in providing high quality comprehensive zoning codes and maps

**Section 4. Project Management Methodology**

- a. Overall project management approach and methodology
- b. Schedule, quality, and cost control procedures
- c. Project tracking and performance monitoring procedures
- d. Project progress reporting procedures

**Section 5. Technical Approach**

Describe your approach to the Services that clearly demonstrates your understanding of the Scope of Services and your ability to manage and complete multiple projects in a timely and cost-efficient manner. The submittal must include a detailed statement of your approach and ability to provide the required Services and Work Products including, but not limited to a schedule for completing all aspects of the services.

**Section 6. References**

- a. List representative experiences for the past three years
- b. List three (3) references to which you provided services of a similar nature. Indicate scope of work, total compensation paid, points of contact and term of contract.
- c. List any previous work experience for the City of Olean as either a prime or subconsultant
- d. Provide your information in the following format:
  - Project name and description
  - Your firm's scope of work or role on project
  - Client name, address and telephone number
  - Client contact (Full Name and Title)

**Section 7. Cost Proposal**

Design Teams are asked to provide a cost proposal to complete the project scope of work. Proposals must include, at a minimum, the following items:

- 1) Provide itemized list of services offered
- 2) Typical Cost/Persons – hours per task
- 3) Fee Proposal to include total projected cost to complete the Project

## **VII. PROJECT BUDGET AND DURATION**

Please note that payment will be made to the consultant(s) as each task is completed and approved. If a task is labor-intensive and comprises a significant portion of the budget, the consultant may subdivide the task.

Please note that the budget for “contractual services” on this project may not exceed \$150,000. The City of Olean reserves the right to authorize all or part of the work requested in this RFP.

The project shall not exceed eighteen months.

## **VIII. INQUIRIES AND SUBMITTAL REQUIREMENTS**

Questions can be submitted in writing via email to Keri Kerper at [kkerper@cityofolean.gov](mailto:kkerper@cityofolean.gov) no later than 02/06/2026 by 2:00 p.m. Answers to questions will be made in writing and published online under the City of Olean’s RFP page and online at the New York State Contract Reporter by 2:00 p.m. on 02/11/2026.

Proposals should be submitted to City of Olean, Department of Community Development, 101 East State Street, Olean, NY 14760 and all inquiries regarding this RFP directed to Keri Kerper, Community Development Program Coordinator, as the contact person noted on the first page hereof.

Firms and/or teams are required to submit one (1) original, four (4) copies and an electronic copy of materials that demonstrate the firm's capabilities and experience. To get this out to all of the involved parties the file size should be something that can be moved via email as an attachment or as an attached zip file.

Please submit one (1) original, four (4) copies and one (1) electronic version of the proposal no later than 2:00 p.m. on 02/20/2026.

1. All proposals shall be submitted in a sealed enveloped which is clearly marked with the RFP description (i.e., Professional Services for a Comprehensive Zoning Code Update), and closing date and time.
2. Late proposals will not be accepted.
3. All proposals, whether selected or rejected, shall become the property of the City of Olean.

## IX. INSURANCE REQUIREMENTS

If a contract is awarded, the consultant shall, at its own expense, procure and maintain during the term of the contract each of the following:

1. Workers' Compensation Insurance as required by law. The consultant shall require all subcontractors similarly to provide such compensation insurance for their respective employees.
2. Commercial general and automotive liability insurance protecting the consultant in amounts not less than \$1,000,000 for personal injury to any one person, \$1,000,000 for injuries arising out of one occurrence, and \$500,000 for property damages or a combined single limit of \$1,000,000. Each such policy of insurance shall name and list as additional insured the City, its officers and employees.

## X. INDEMNIFICATION

Consultant agrees to hold harmless, indemnify and defend the City, its employees, agents and affiliates (with counsel selected by the City), for any and all loss or liability of any nature whatsoever arising out of or in any way related to Consultant's performance of any contract, if awarded, including loss or liability caused by the City's negligence, except loss or liability caused by the City's sole willful conduct or active negligence.

## XI. EVALUATION AND SELECTION PROCESS

### A. Scoring

A maximum of three (3) proposers will be selected for interviews. Selection for interviews will be based on an independent evaluation based on a point system of 100 total points. The submitted proposals will be evaluated using the following criteria:

- Project Understanding:** demonstrates understanding of the project's objectives and potential for achieving objective, including but not limited to: knowledge of the work needed to be performed; clarity, feasibility, cost-effectiveness and innovation; role of consultants and sub-consultants – 20 points.
- Experience on Similar Projects & Outcomes of Previous Comprehensive Zoning Code Updates:** including municipal comprehensive zoning code updates, particularly in fully built out communities. – 10 points.
- Project Management:** including but not limited to resources, experience and qualification of project personnel specifically committed to the project, estimated time schedule, and the reasonableness of the estimated time to complete each task. The location and availability of personnel and the firm's experience in conducting this type of work will also be considered – 20 points.

- **Work Plan:** including but not limited to the soundness of the technical approach and comprehensiveness of the zoning code update in addressing the City’s identified scope of work –30 points.
- **M/WBE Participation:** All proposers must put forth a good faith effort to meet the New York State goals of 15% MBE and 15% WBE participation – 5 points.
- **Service-Disable Veteran-Owned Business Participation:** All proposers must put forth a good faith effort to meet the 6% participation goal – 5 points.
- **Consultant Fee:** 10 points

Final selection will be based on the above factors, as well as interview performance. The City of Olean reserves the right to award the contract to other than the proposer presenting the lowest overall cost. The contract resulting from this RFP will be awarded to the qualified proposer whose proposal the City of Olean determines to be the most advantageous to the City based on the evaluation of the criteria outlined above. The RFP and attachments will become an attachment to the agreement. Any scope, program or schedule changes differing from these documents require written mutual approval of the City of Olean and the consultant(s).

# **Attachment A – NYSDOS Work Plan City of Olean Zoning Code Update Project**

## **1. Project Description**

The City of Olean (Contractor) and its Zoning Advisory Committee shall prepare a Zoning Code pursuant to the zoning enabling statutes contained in General City Law §20(24) and §20(25) / Town Law Article 16 / Village Law Article 7. The Zoning Code will be developed in accordance with an adopted Comprehensive Plan; guide future sustainable growth within the municipality; enhance the local identity; and protect natural and cultural local resources.

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

11. Develop plans and land use regulations that allow for and encourage mixed-use neighborhoods.
12. Enable a diverse mix of housing types that provide for opportunity and choice for all.
13. Prioritize infill and redevelopment of existing buildings to revitalize neighborhoods and downtowns, including areas around public transit.
14. Provide well-planned, equitable, and accessible public spaces.
15. Encourage compact neighborhood design and concentrated development around existing infrastructure.
16. Preserve open space, agricultural resources, and natural resources.
17. Prioritize transportation options such as walking, cycling, and public transportation.
18. Promote climate resiliency and adaptation, preferably through nature-based solutions, and reduce greenhouse gas emissions.
19. Build on unique traits to create an attractive and welcoming community with a strong sense of place.
20. Engage in an inclusive, collaborative public planning process that considers the needs and character of the community.

The Contractor will use the funding/grant for reimbursement of municipal planning staff costs or consultant services necessary for the coordination of the planning process and preparation of the Zoning Code.

This Zoning Code update will allow the City to inventory existing zoning, progressively plan for future development, and revise key regulations to rectify discrepancies between the 2025 Comprehensive Plan and existing zoning code. The update will focus on promoting mixed use development, encouraging a mix of housing types, expanding form based codes to other areas of the City, and prioritizing the re-development of existing structures.

## **2. Project Attribution and Number of Copies**

The Contractor 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 web site postings and other forms of digital distribution. The Contractor must provide adequate notice, at least two weeks, to the Department prior to any press release and/or events including groundbreakings and ribbon-cuttings to coordinate appropriate DOS attribution and participation. Project press releases and other notices shall be approved by the Department prior to release.

The Contractor must submit to the Department all required products, clearly labeled with the NYS Comptroller's contract number as indicated on the Face Page of this Contract and where applicable, the related task number from this 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, 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), as well as in JPG format.

### 3. Compliance with Procurement Requirements

The municipal attorney, chief legal officer or financial administrator of the municipality shall certify in writing to the Department that applicable provisions of General Municipal Law were fully complied with.

### 4. Reporting Documents

Documents and guidance for regular reporting and payment requests are made available the OPDCI Contract Resources webpage available at <https://dos.ny.gov/opdci-contract-resources>. Documents available include payment requests, status reports, amendment requests, final project closeout document, procurement certification, contract reporting requirements and MWBE forms.

### 5. Project Components

As part of the Smart Growth Planning and Zoning Grant Program, the Contractor will participate in a virtual training session or sessions focused on developing smart growth strategies. The purpose of this training session is to build knowledge and provide support to community leaders to advance smart growth planning and zoning efforts and meet the priorities of the grant.

#### Task 1: Project Initiation Meeting

The Contractor, the Department, and any partners responsible for managing the project, shall hold an initial meeting to review and agree upon the project scope and schedule, project requirements, budget, roles and responsibilities, the selection process for procuring consultants, State Environmental Quality Review Act (SEQRA) compliance requirements, MWBE requirements, the number of public meetings and techniques for public involvement proposed for the project, and any other information which would assist in project completion. In addition, the composition and role of the Zoning Advisory Committee shall be discussed during the project initiation meeting. The Contractor, or a designated project partner, shall prepare and distribute to all project partners a brief meeting summary clearly indicating the agreements reached at the meeting. Work on subsequent tasks shall not proceed prior to Department review of the proposed approach as outlined in the meeting summary.

Products:

- Project initiation meeting held with appropriate parties.
- Written meeting summary outlining agreements reached.

#### Task 2: Zoning Advisory Committee

Establish a Zoning Advisory Committee to oversee all aspects of the project in cooperation with municipal officials and the project team. For communities with an established planning board and/or zoning board of appeals, the Committee shall have at least one member from each body and shall include a range of stakeholders, such as residents, civic leaders, business owners, elected officials, environmental experts, neighborhood association representatives, and municipal board members from a range of ethnic, social, and cultural backgrounds.

The members of the Zoning Advisory Committee shall conduct and oversee the development of the Zoning Code and participate in Committee meetings. The Committee will generate ideas and build consensus, provide the project team with relevant information reflective of the community's current conditions and regulatory environment, review materials prepared by the project team (if applicable) and provide constructive feedback. The Committee will also support each of the public participation and outreach efforts and assist the project team in integrating the Zoning Code into the existing municipal code. The Contractor shall send a list of proposed members of the Zoning Advisory Committee to the Department for review.

Products:

- Draft and final list of members of Zoning Advisory Committee
- Zoning Advisory Committee established.

#### Task 3: Procurement of Consultant (if applicable)

Prepare a Request for Proposals (RFP) or similar instrument (if applicable) including a complete project description with community conditions, expected final products, a schedule for completion, MWBE requirements, and criteria for selecting a preferred proposal. Consultant services requested shall include all applicable tasks, activities and responsibilities outlined in the "Project Components" section of this work program.

The Contractor must actively solicit bids for contracts and subcontracts from qualified State certified MWBEs which can be identified using the NYS Directory of Certified Firms (<https://ny.newnycontracts.com/>). The Contractor must retain records of the procurement process including direct solicitation to MWBEs; results; and any actions that its subcontractors have taken toward meeting MWBE contract participation goals. To demonstrate good faith efforts to achieve MWBE contract goals the following should be retained:

- Evidence of outreach to MWBEs: mail, email, phone calls and follow-up. Scroll down at this link to find MWBE solicitation log and good faith effort instructions: <https://dos.ny.gov/opdci-contract-resources>.
- Written responses by MWBEs to the Contractor/vendor's outreach.
- Copies of search(es) of the directory and advertisements for participation by MWBEs in appropriate general circulation, trade, and minority or women-oriented publications.
- Attendance at any pre-bid, pre-award, or other meetings, if any, scheduled by the Contractor with MWBEs including dates and location.
- Description of how the RFP maximizes opportunities for MWBE participation.
- Description of how non-MWBE subcontractors' have engaged MWBEs to undertake part of the project's work or to procure equipment/ materials/supplies.

Submit the RFP or similar instrument to the Department for review and approval prior to release for solicitation of proposals.

Products:

- Approved RFP or similar instrument released through advertisement in local papers, the New York State Contract Reporter, or other appropriate means. Documentation of procurement including direct solicitation to MWBEs and actions taken toward meeting MWBE contract participation goals.

#### **Task 4: Subcontract and Compliance with Local Procurement Requirements**

Prepare the draft subcontract(s) to conduct project work with the selected consultant(s). The subcontract(s) shall contain a detailed work plan with adequate opportunity for review at appropriate stages of product completion, a payment schedule with payments tied to receipt of products, and project costs.

Incorporate the Department's comments on the subcontract work plan, or scope of services, prior to execution of the final subcontract(s).

The municipal attorney, chief legal officer or financial administrator of the municipality shall certify in writing to the Department that the Contractor fully complied with applicable provisions of General Municipal Law and with local procurement procedures. A procurement certification form will be supplied by the Department.

The Contractor's procurement record and consultant selection are subject to approval by the Department.

The Contractor remains responsible for the legal sufficiency of the subcontract in accordance with the requirements in the Master Grant Contract and all attachments.

Products:

- Consultant(s) selected by Contractor and approved by the Department
- Executed subcontracts and written certification of compliance with procurement procedures.

#### **Task 5: Zoning Advisory Committee Meetings**

The Zoning Advisory Committee shall meet on a regular basis during the planning process to advance the preparation, review, integration, and approval of the Zoning Code and assist with the organization and conducting of community participation events, to organize and conduct community participation events.

During their first meeting, the Zoning Advisory Committee will review project requirements, roles, and responsibilities, transfer necessary information to the project team, and identify new information needs, and next steps. During their first meeting, the Zoning Advisory Committee will also complete the Community Zoning Assessment.

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

Products:

- Meeting summaries for each Zoning Advisory Committee meeting.
- The results of the Community Zoning Assessment.

#### **Task 6: Community Participation Plan**

Prepare a Community Participation Plan describing the public outreach and participation efforts that will be conducted during the development of Zoning Code, pursuant to the local and State statutes. The Community Participation Plan should include, at a minimum, the following elements tailored to be most applicable to the community:

- Two or more public workshops
- One or more public hearings
- One or more community survey(s)
- Interviews with local stakeholder focus groups
- Overall outreach and engagement strategy
- Efforts to ensure accessibility and outreach to frequently underrepresented populations, including lower-income residents, youth, immigrants, and minorities
- Roles and responsibilities of individuals, organizations, and entities involved in engagement
- Proposed schedule for implementation
- A website with links to announcements, materials, and input opportunities

All public outreach and participation efforts will be publicized in the community through press releases, announcements, digital media, individual mailings, or other appropriate means as determined by the Contractor, Comprehensive Plan Committee, DOS project manager, and the project team. Such means should be identified within the Community Participation Plan.

Public access must be provided to each public meeting or workshop. Meetings and public engagement sessions 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.

Products:

- Draft and final Community Participation Plan to be implemented throughout the planning process.

#### **Task 7: Community Survey and Stakeholder Interviews**

Develop a relevant community survey to identify and gather input on current local conditions and issues. The survey should be made available to the public in hard copy and online. A draft survey should be provided to DOS for review prior to publication of the survey. Following the completion of the survey, develop a summary of results and analysis.

In addition to the community survey, identify a selection of stakeholder groups and a corresponding set of topics that shall be discussed with stakeholders to obtain relevant information and elicit reactions and suggestions.

Products:

- Draft and final Community Survey.
- Summary of survey responses and analysis
- Draft and final list of stakeholder groups and topics,
- Summary of interview findings.

#### **Task 8: Public Workshops**

Conduct at least two public workshops, as identified in the Community Participation Plan. The purpose of the two public workshops is to introduce the Zoning Code update to the community, review the comprehensive plan including the recommendations with implications for land use laws, describe findings to date, and elicit input on draft regulations.

Products:

- Published announcements and fliers.
- Draft and final materials prepared for each public workshop.
- Summary of the results/feedback received.

#### **Task 9: Local Regulations Assessment and Recommendations Report**

The purpose of the Local Regulations Assessment and Recommendations Report is to evaluate how regulations can be updated to apply Smart Growth principles in line with the community's vision as outlined in their comprehensive plan. 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

- Other information relevant to drafting land use laws.

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, the Comprehensive Plan, and the findings from analyses conducted in this section. The Zoning Advisory Committee shall work with the project team to collect best practices that could be used by the community to achieve the vision reflected in the Comprehensive Plan and other adopted planning documents.

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 Local Regulations Assessment and Recommendations Report

**Task 10: Proposed Local Regulations**

Develop a draft Zoning Code based on the local regulations assessment and recommendations report and public input. Zoning Advisory Committee shall work with the project team to integrate the zoning code into the municipality’s existing code and ensure 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 and revised Zoning Code incorporating DOS comments..
- Completed Smart Growth checklist form, provided by Department of State, identifying how and where Smart Growth principles are addressed within the Zoning Code.

**Task 11: Municipal Board Review**

Submit the draft Zoning Code to the local municipal board for review, comments, and recommendations. The comments received from the local municipal board shall be addressed before the initiation of the SEQRA compliance process.

The comments and recommendations prepared by the local governing board/local legislature shall be addressed and incorporated into the final plan prior to making the draft available for public review.

Products:

- Comments and recommendations received from the local municipal board

**Task 12: Environmental Quality Review**

The Contractor’s preparation of a Smart Growth Zoning Code funded through the Smart Growth Community Planning Program should comply with the State Environmental Quality Review Act (SEQRA). The local municipal board is the Lead Agency for purposes of SEQRA. The Lead Agency shall undertake a SEQRA review according to 6 NYCRR Part 617 State Environmental Quality Review.

Products:

- Completed SEQRA Documentation

**Task 13: Agricultural Review and Coordination**

Zoning codes are subject to the provisions of article twenty-five-AA of the agriculture and markets law. The Zoning Advisory Committee and the project team must take into consideration applicable agricultural and farmland protection plans as created under article twenty-five-AAA of the agriculture and markets law.

Products:

- Consideration given to agricultural review and coordination during the development of the Zoning Code.

**Task 14: County Planning Board Review**

The municipal board 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 project team 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

**Task 15: Final Draft Zoning Code**

Address all comments and recommendations received from the public and involved local, regional, and State agencies and incorporate into the final draft regulations. Schedule a public hearing and local adoption of the regulations.

Products:

- Final proposed local regulations ready for local adoption.
- Final adopted Zoning Code

**Task 16: Public Hearing and Local Adoption**

Conduct a public hearing prior to adoption of the Zoning Code. Notice of the public hearing shall be published in a newspaper of general circulation in the community at least ten calendar days in advance of the hearing. The draft Zoning Code shall be made available for public review during said period at the office of the municipal clerk and shall be posted on the municipal website. The public hearing may also be publicized in the community through press releases, announcements, individual mailings, and any other appropriate means.

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:

- Minutes from the public hearing(s) and record of decision.
- Final adopted Zoning Code
- Zoning map data in the GIS format prescribed in Section 2 of the Work Plan.
- Final Smart Growth checklist form, provided by Department of State, identifying how and where Smart Growth principles are addressed within the Zoning Code.

**Task 17: MWBE Reporting**

Comply with MWBE Reporting Requirements 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).

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 D submitted as necessary to reflect updated MWBE subcontractors.

**Task 18: Project Status Reports**

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 to the Department during the life of the contract.

**6. Project Responsibilities**

The Contractor shall administer the grant, execute a contract with the Department, and ensure the completion of work in accordance with the approved Work Plan and budget.

- will be responsible for conducting all project work in conformance with the Work Plan included in the executed contract with the Department.

- will be responsible for all project activities including drafting request for proposals and managing subcontracts with consultants and sub consultants.
- will certify to the Department that the procurement record for project consultants and subcontractors complies with the applicable provisions of General Municipal Law.
- will receive approval from the Department for any and all consultant subcontracts before beginning project work.
- will be responsible for submission of all products and payment requests.
- will be responsible for coordinating participation and soliciting comments from local government personnel, project volunteers, and the public.
- Will be responsible for ensuring that all public engagement communications and opportunities are made accessible to underrepresented communities (e.g., meeting materials, meeting notices, plan documents)
- will keep the Department informed of all important meetings for the duration of this contract.
- will receive approval from the Department before purchase of any equipment.
- will secure all necessary permits and perform all required environmental reviews.
- will ensure that all materials printed, constructed, and/or produced acknowledge the contributions of the Department to the project.
- will ensure that all products prepared as a part of this contract shall include the NYS Comptroller's contract # as indicated on the Face Page of this contract.
- will ensure the project objectives are being achieved.
- will ensure that comments received from the Department and the project advisory committee, or other advisory group, are satisfactorily responded to and reflected in subsequent work.
- will recognize that payments made to consultants or subcontractors covering work carried out or products produced prior to receiving approval from the Department will not be reimbursed unless and until the Department finds the work or products to be acceptable.

The Department:

- will review and approve or disapprove of subcontracts between the Contractor and consultant(s) and any other subcontractor(s).
- will participate in project initiation meeting and attend meetings that are important to the project.
- will review all draft and final products and provide comments as necessary to meet the objectives.