

**MEMORANDUM**

**TO:** Board of Directors, Buffalo Erie Niagara Land Improvement Corporation  
**FROM:** Brendan Mehaffy, Chairperson  
**SUBJECT:** **Resolution #2024-14** Authorize BENLIC to Retain Construction Manager for ARPA Affordable Housing Infill Project  
**DATE:** May 23rd, 2024

DISCUSSION:

BENLIC is seeking a professional and qualified construction management firm to provide, but not limited to, predevelopment, construction management, and compliance services for the future construction of up to 47 single family homes within the City of Buffalo. This engagement is part of BENLICs ARPA Infill Initiative.

The Request for Proposals was released on April 25th, 2024, with a submission deadline of May 13th, 2024.

ACTION:

WHEREAS, BENLIC is undertaking a project consisting of the construction of approximately 47 new single-family homes to be sold to and occupied by low and moderate income buyers in the City of Buffalo (the “Project”); and

WHEREAS, BENLIC has entered into subrecipient funding agreements with both the City of Buffalo and the County of Erie by which BENLIC will receive American Rescue Plan Act funding to complete the Project (collectively “Funding Agreements”); and

WHEREAS, New York Not-For-Profit Corporation Law §1607(a)(16) authorizes BENLIC to enter into collaborative relationships with public and private entities for the ownership, management, development, and disposition of real property; and

WHEREAS, given the size and complexity of the Project, BENLIC desires to retain a construction manager to provide construction management services for the Project, which services shall include determining a guaranteed maximum price (“GMP”) for the Project (collectively the “Construction Management Services”); and

WHEREAS, in accordance with BENLIC’s Procurement Policy and the Funding Agreements, BENLIC issued a Request for Proposals for the Construction Management Services on April 25th, 2024 with a deadline to submit proposals of May 13th, 2024; and

WHEREAS, a table summarizing the responses received by BENLIC to the Request for Proposals is attached hereto as Schedule A; and

WHEREAS, while the Construction Management Services do not require formal education or licensing, such services do require special and technical skill and expertise and the individual, company or firm to provide such services must be chosen based on accountability, reliability, responsibility, skill, conflict of interests, reputation, training, judgment, integrity and continuity of service; and

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WHEREAS, the procurement of Construction Management Services impacts the overall viability and success of the Project; and

WHEREAS, the qualifications to provide Construction Management Services and to address the concerns of BENLIC referenced above are not necessarily found or addressed in the individual, company or firm that offers the lowest price;

NOW, THEREFORE, BE IT RESOLVED BY THE Buffalo Erie Niagara Land Improvement Corporation AS FOLLOWS:

Section 1. The recitals above are hereby incorporated into this Resolution as if fully set forth herein.

Section 2. BENLIC hereby determines that Buffalo Construction Consultants (“Construction Manager”) possesses the requisite special and technical skill, training, reputation, integrity, judgment and expertise to provide the Construction Management Services necessary for the Project and approves the retention of Construction Manager in accordance with the terms and conditions of its proposal set forth in Schedule A.

Section 3. The Executive Director of BENLIC is hereby authorized to enter into and execute a contract for the Construction Management Services with Construction Manager on behalf of BENLIC in form and content agreeable to BENLIC counsel and the Executive Director and in accordance with the proposal set forth in Schedule A. The Executive Director of BENLIC is hereby further authorized to approve the GMP as determined by the Construction Manager.

Section 4. The Executive Director of BENLIC is hereby authorized and directed to execute any and all other documents on behalf of BENLIC which may be necessary or desirable to further the intent of this Resolution and do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

Section 5. The other officers, employees and agents of BENLIC are hereby authorized and directed for and in the name and on behalf of BENLIC to do all acts and things required and to execute and deliver all such additional certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing Resolution and to cause compliance by BENLIC with all of the terms, covenants and provisions of the Funding Agreements.

Section 6. This Resolution shall take effect immediately.