

Town of Newfane – Olcott Harbor Breakwater Feasibility Study and Construction Plan
Request for Proposals – Questions and Answers

Question #1. In regards to the RFP for the Town of Newfane’s Olcott Harbor Breakwater Feasibility Study and Construction Plan project, we would like to know if the indemnification language in Section 22, page 13, could be amended. Our suggested changes are in [underlined and in *italics*] below.

22. Indemnification and Hold Harmless Clause

Any contract, prior to signature, must include a clause/section wherein "defense, indemnity and hold harmless" provisions in form and content reviewed and approved by the Town Attorney are included in protecting the interests of the Town of Newfane, which is undertaking this project, and the NYS Housing Trust Fund Corporation, which is providing Community Development Block Grant (CDBG) funding to this project.

Such clause acceptable to the Town of Newfane would be the following: "The Consultant agrees to defend and indemnify the Town of Newfane and the NYS Housing Trust Fund Corporation, their officers and employees, and shall hold them harmless from any and all risks of every kind, nature and description to the extent resulting from or arising out of the *negligent* work and/or service performed by the Consultant, or its sub consultant, under this contract."

The Consultant by agreeing to defend the Town of Newfane and the NYS Housing Trust Fund Corporation as set forth above, agrees that if the Town of Newfane and the NYS Housing Trust Fund Corporation receive a claim, complaint, or are sued under this contract pertaining to their work, acts or services; then this consultant also agrees to pay all attorney fees and expenses; the selection of such attorney to represent the Town of Newfane and the NYS Housing Trust Fund Corporation shall be the sole and exclusive determination of the Town of Newfane and the NYS Housing Trust Fund Corporation except if such claim, complaint or suit arises from or related to Consultant’s professional acts or services.

Answer: This is an issue that would best be discussed after the selection process is completed.

Question #2. When was Olcott Harbor last dredged (date, volume, and location)? Do you have/can you provide historical dredging records for Olcott Harbor (i.e. dates, volumes, pre- and post-dredging surveys)?

Answer: Olcott Harbor was last dredged in 2014. That project removed 7,322 CY from the federal navigation channel. Dredging was performed between August 31st and September 4th. Cross-sections of the before-dredge and after-dredge surveys can be made available during

the project. Prior to 2014, the channel was dredged in 1997 when 9,874 CY was removed.

Question #3. When was Olcott Harbor last surveyed? Do you have any recent or historical topographic and bathymetric survey data for the study area? In digital format (AutoCAD, xyz point files or otherwise)?

Answer: Olcott Harbor was last surveyed on May 14, 2018. The survey can be viewed at the District web site: <http://www.lrb.usace.army.mil/Library/MapsandCharts.aspx>. Project surveys are located in the column "project condition" beside the harbor name. An AutoCAD file can be made available during the project.

Question #4. We understand that Niagara County, along with several other counties, have signed an MOU to implement a Regional Dredging Management Plan (RDMP). Can you provide any additional information on the development of the RDMP?

Answer: This plan is still in the works, nothing new to report at this point.

Question #5. Do you have/can you provide a digital basemap for the harbor and surrounding area?

Answer: The Town of Newfane does not have a digital basemap of the harbor and surrounding area. Niagara County maintains a significant amount of GIS data, which can be made available as needed. The Army Corps of Engineers likely has data in digital format (i.e. AutoCAD) that can be provided, as well.

Question #6. Is a specifications book expected as a part of the 90% design?

Answer: Yes.

Question #7. Given the likelihood for accumulation of sediment since the last time dredging has occurred, the harbor and channel are likely not at the design depth. Does this project scope include dredging in the design or, alternatively, should it be assumed that dredging will be planned and implemented by the USACE?

Answer: The Army Corps of Engineers will continue to dredge the harbor as currently authorized. ACE dredges only when funds become available, not on a planned timetable. The project should investigate whether the Town will be required to maintain any new channels created as part of the project (and at what cost) or whether the ACE authorization can be modified to assume additional dredging responsibilities.

Question #8. According to the Niagara County CEDS 2018 Annual Performance Report, \$500,000 in grant funding was secured for this project. Should this value be considered as the project budget or does that amount include other administrative and project management costs not included in the RFP scope?

Answer: The budget for this project is \$500,000 including \$475,000 for the study and \$25,000 (5% of the grant) for administrative costs.