

Brownfield Opportunity Area – Sample Work Plan for Pre-Planning: Area-wide Brownfield Identification and Preliminary Analysis

ATTACHMENT C - WORK PLAN

Brownfield Opportunity Area (BOA) program Area-wide Pre-Planning is the identification, inventory and analysis of brownfield-affected areas within a county, or other large geographical area, to identify concentrations of vacant, abandoned, underutilized, and/or brownfield properties for more localized future planning efforts.

Outcomes of this pre-planning activity will include mapping of underutilized, vacant, and abandoned parcels to create an area-wide inventory, and the identification of smaller areas or clusters within the study area that are recommended for future BOA planning and designation by the State. This will enable the Contractor to better understand development conditions surrounding potential brownfield clusters and integrate existing and ongoing planning efforts into the BOA program.

BOA Pre-Planning: Area-wide Brownfield Identification and Preliminary Analysis projects shall include, at a minimum, the following components and tasks:

Component 1: Project Start-up

Task 1.1 Pre-Planning Scoping Meeting

The Contractor, Department of State (DOS), and any partners responsible for managing the project, shall conduct an initial meeting to review and agree upon the study area scope, objectives, approach, schedule, budget, roles and responsibilities, the selection process for procuring a consultant(s), MWBE requirements, and information collection. The meeting agenda should include discussion of the following:

- Scope of inventory (county-wide or a subarea of the county) and the type of sites to be included (vacant, abandoned, underutilized and/or known or suspected brownfield sites)
- Potential services required
- Potential stakeholders for inventory data collection
- Appropriate engagement strategy for local municipalities

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 approval of the proposed approach as outlined in the meeting summary.

Product(s):

- Meeting summary and notes.

Task 1.2 Procurement of Consultant

The Contractor shall 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 Components 2-5 of this work plan.

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 BOA Pre-Planning Generic Work Plan – Area-wide Brownfield Identification and Preliminary Analysis

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.

Product(s):

- 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 1.3 Subcontract and Compliance with Local Procurement

The Contractor shall 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.

Product(s):

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

Task 1.4 Project Scoping Session with the Selected Consultant

The Contractor, DOS, and the consultant shall hold a scoping session to review project and contract requirements and to share information with the consultant that will assist in completing the project.

Topics shall include but are not limited to the following:

- Inventory scope and budget allocation
- Potential data sources; existing relevant data and information (maps, reports, etc.)
- Access to site information (past site uses, owners, contamination extent, existing redevelopment efforts, etc.)
- Project goals and objectives
- Responsibilities of the participants (Contractor, consultant, and DOS)
- Timeframes and deadlines
- Reporting requirements
- SEQRA requirements
- Expected products, including site identification and data collection methods, inventory (list and map), identification of brownfield concentrations (map), analysis of sites within potential BOA boundary map and summary report of proposed BOA boundary and next steps.
- MWBE goals

Product(s):

- Meeting summary prepared by the Contractor, with note of agreements/understandings reached, and distributed to scoping session participants.

Component 2: Identification and Inventory of Brownfield-Affected Areas

Task 2.1 Develop Approach to Inventorying Brownfield, Vacant, and/or Underutilized Properties

The consultant shall work with the Contractor to develop an approach to the identification and inventory of brownfield, vacant, and underutilized properties that may contain known or suspected contaminants, may pose a risk to public health, cause economic distress, or have other negative impacts on the community.

The inventory may encompass the entire county or be divided into logical geographic sectors or subareas as needed to clearly organize and present the inventory and analysis.

Properties may be identified from a variety of sources including, but not limited to:

- Comprehensive Environmental Response, Compensation, and Liability Information (CERCLIS)
- Superfund Enterprise Management System
- New York State Department of Environmental Conservation Electronic Reports
- Sanborn maps
- Municipalities
- Historical Aerial Photographs
- Local Property and Tax Records
- Business Associations
- Stakeholder Groups
- Site Visits

Product(s):

- Summary document detailing inventory approach.

Task 2.2 Inventory Vacant, Underutilized and/or Brownfield Properties

After determining the inventory design and content, the consultant and Contractor shall undertake the process of data collection in accordance with the inventory approach developed in Task 2.1. The inventory shall include a list and a map of all vacant, underutilized, and brownfield properties identified within the study area.

As part of this task, the Contractor and/or its selected consultant(s) will incorporate strategic outreach to local municipalities to:

- engage each municipality within the study area to assist with inventory property identification.
- gather information about the property, including historic land use patterns, known or potential contamination, ownership, demographic and economic information, recent public initiatives and private investments, and environmental conditions.

Product(s):

- Comprehensive inventory, including address, property size and condition, past and present use category.
- Map(s) of inventory. Utilizing an interactive, online mapping platform is recommended.
- Appendices of the inventory, including a data source list, site visit logs, reports and documentation on properties included in the inventory, etc.

Component 3: Analyses of Vacant, Underutilized, and Brownfield Concentrations

Task 3.1 Analyses of Vacant, Underutilized, and Brownfield Concentrations

Analyze and map concentrations or high-impact properties and determine preliminary boundaries for further BOA analysis and planning. The analysis shall include, but is not limited to, a narrative and relevant mapping identifying the following within each potential BOA boundary(s):

- Existing development and land use patterns
 - location of study area as it relates to the community
 - total land area in acres of each identified brownfield-affected areas and underutilized properties
 - existing and adjacent land uses by NYS Property Type Classification Codes
 - potential impacts and proximity to water resources
 - brownfields and all underused, abandoned, or vacant properties that are publicly and privately owned
 - known data about the environmental conditions of the properties in the area
 - existing zoning districts and other relevant local laws or development controls guiding land use including but not limited to historic districts
 - local, county, state or federal economic development designations or zones
 - inclusion in existing municipal or regional planning efforts
- Demographic and economic patterns
- Recent public initiatives and private investments
- Proximity to existing infrastructure assets including but not limited to:
 - Roads
 - Bridges
 - Tunnels
 - Water and Sewer Infrastructure
 - School facilities
 - Electric/Telecommunication systems
- Capacity and compatibility of utilizing existing or future infrastructure in anticipated reuse efforts
- Potential for siting of clean energy facilities

- Climate vulnerability (i.e., flood risk and resiliency, extreme weather events, urban heat island effect, etc.)
- Potential strategic sites and possible revitalization efforts.
- Area suitability for future BOA planning and designation

Recommended Action Steps for Suitable Brownfield Opportunity Areas

- Coordinate with relevant municipalities to understand the interest and capacity to partner on future BOA planning and designation opportunities
- Identify site partners and potential BOA stakeholders
- Identify information gaps that will need to be closed through the BOA planning process
- Identify existing public support for revitalization

Product(s):

- An analysis of each potential BOA area that includes the information listed above, including relevant maps.
- A list and justification of suitable areas for future BOA study.

Component 4: Brownfield Inventory & Analysis Report

Task 4.1 Draft Brownfield Inventory & Analysis Report

The Contractor shall prepare a draft Brownfield Inventory and Analysis Report, including an Executive Summary, incorporating the elements described in Components 2 and 3, as well as summaries of any technical analyses that may have been undertaken as part of the project and presented in a format that may be prescribed by DOS.

The draft document shall be submitted to DOS for review and comment, and all comments shall be reflected in subsequent drafts.

Product(s):

- Draft Brownfield Inventory and Analysis Report

Task 4.2 Final Brownfield Inventory and Analysis Report

Based on comments received during the review period, the Contractor shall prepare a final Brownfield Inventory and Analysis Report. The final plan shall be submitted to DOS for review and approval. All comments must be addressed to the satisfaction of DOS until approved by the Department

Product(s):

- Final Brownfield Inventory and Analysis Report
- Supporting documentation

Component 5: NYS Environmental Quality Review

Task 5.1 NYS Environmental Quality Review

The Contractor's preparation of a Brownfield Inventory and Analysis Report funded through the Brownfield Opportunity Area program should comply with the State Environmental Quality Review Act (SEQRA). The Contractor 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.

Product(s):

- Completed SEQRA Documentation and Determination of Significance

Component 6: Project Reporting

Task 6.1: MWBE Reporting

The Contractor shall 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 Department of State 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.

Product(s):

- Ongoing reporting through NYSCS during the life of the contract. Form D submitted as necessary.

Task 6.2: Project Status Reports

The Contractor shall 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.

Product(s):

- Completed project status reports during the life of the contract.

Task 6.3: Final Project Summary Report

The Contractor shall work with the DOS project manager to complete the Final Project Summary Report upon the completion of the project.

Product(s):

- Completed Final Project Summary Report