

# Fort Schuyler Management Corp. Qualified Greater Buffalo Developer



## Request for Proposal

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**Submitted by:**  
The LPCiminelli Team

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December 10, 2013





December 10, 2013

Ms. Alicia Dicks  
President  
Fort Schuyler Management Corporation  
SUNYIT  
100 Seymour Road  
Utica, New York 13502

Dear Ms. Dicks:

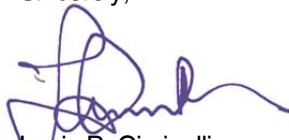
The LPCiminelli Team is pleased to submit for your consideration two (2) original documents, two (2) copies and one (1) electronic copy of our qualifications for developer services to work with Fort Schuyler Management Corporation (FSMC) and SUNY College of Nanoscale (SUNY CNSE) Science and Engineering to establish a strategic research, technology outreach, business development, manufacturing, education and workforce training partnership in the greater Buffalo area. We are fully committed to providing you with the highest level of service and working collaboratively with all stakeholders to continually deliver a program that exceeds your expectations.

The strength of our qualifications begins with our team – The LPCiminelli Team members include LPCiminelli, Inc., Ciminelli Real Estate Corporation and Hodgson Russ LLP. This team has the credentials, experience and capacity to design, construct, finance, market and lease state-of-the-art facilities and cutting edge infrastructure, as well as partner with FSMC and SUNY CNSE on any strategic economic development initiatives. Our unique qualifications include:

- **Success with P3's.** All team partners have successfully been part of public-private partnerships (P3's). We are well-versed in all areas including acquisition, planning, design, construction, ownership, workforce training, development and are particularly adept at stakeholder management.
- **Commitment to the community.** Our team members are headquartered in Buffalo; we know the real estate marketplace, business and financial drivers. Additionally, LPCiminelli has successfully met stringent MWBE requirements, as well as led efforts for training and education.
- **Skilled marketing strategists.** We have implemented marketing strategies to attract industry specific tenants successfully developing more than 11 million sq. ft. of space. Our goal will be to partner with you to obtain high tech partners and tenants for your program. These strategies, implemented in partnership with you, would be utilized to obtain high tech partners and tenants for your vision.

Finally, while we firmly believe we have the talent, experience and credentials to coordinate your initiative, we prefer to view ourselves as builders of partnerships. It is our ultimate aim to become a partner of FSMC and SUNY CNSE as you further your mission.

Sincerely,



Louis P. Ciminelli  
Chairman and Chief Executive Officer



**Proposal for a strategic research, technology outreach, business development, manufacturing, education and training partnership with a qualified local developer in the greater Buffalo area.**

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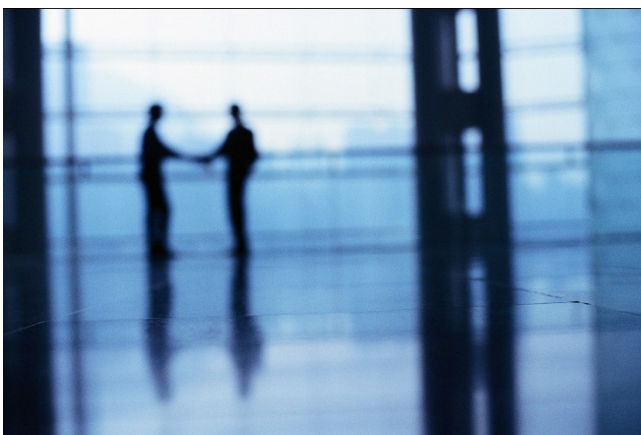
## Developer deliverables

**“Buffalo has a proud history, but I’m more excited about Buffalo’s future. And yes, Buffalo has great yesterday’s but Buffalo is also a place of great tomorrow’s. And the best really does lie ahead for Buffalo.”**

- Governor Andrew Cuomo  
Buffalo Riverbend Project press conference  
November 21, 2013

### Why our team

The LPCiminelli team is one of mutual business respect for each other’s capabilities and past successes. Our goal is to work in an effective manner for the best interests of Fort Schuyler Management Corporation (FSMC) and SUNY College of Nanoscale Science and Engineering (SUNY CNSE) for a strategic research, technology outreach, business development, manufacturing, education and training partnership in the greater Buffalo area. The LPCiminelli team is comprised of LPCiminelli, Inc., Ciminelli Real Estate Corporation and Hodgson Russ LLP. Our entire team is dedicated to the success of your vision and mission.



Communication is the key to a strong working relationship as it enables our team to overcome any challenges. On any complex initiative there are many

issues to be solved and challenges to be met. We have the talent and unique experience to address these issues. Our team will be an extension of FSMC and SUNY CNSE on every development project from conception all the way through to completion – even after the keys are distributed. We will manage every project with transparency and in the end ensure FSMC and SUNY CNSE’s success as you define it.



Our goal is to forge partnerships with our clients that lead to successful initiatives. We want to learn about FSMC and SUNY CNSE’s goals and use our ingenuity and talents to find the most efficient ways to meet them. Whether acquisition, planning, design, construction, leasing, facility management or marketing to attract tenants or partners, the LPCiminelli team has the knowledge and resources to serve as one point of contact and coordinator for all aspects of your program while involving you in every decision.

We understand that communication is both inward and outward. Our aim is to ensure all team members, and components of a project are working in concert with one another and towards the same goal.

In response to your RFP, what follows is our developer required deliverables for item 5.

## a. Company overviews



### LPCiminelli, Inc.

Since 1961, LPCiminelli has been achieving award winning results for institutional and commercial clients across numerous market sectors. Throughout our history, we have been highly regarded by clients and industry partners alike for our integrity and ingenuity. We began as a general contracting firm and have grown to become a top echelon national construction group with annual revenues of nearly \$400 million.



Our growth has been an affirmation of our belief that clients should receive more from a construction firm than projects simply delivered on-time and on budget. We present ourselves as a strategic partner to an owner, charged with providing high value added solutions and proactively addressing challenges so the final result is a project that exceeds all stakeholder expectations. Today, we are proud to say that 80 percent of our volume comes from repeat clients.

Respectful of the communities that allow us to thrive, both as individuals and as a company, we strive to be good citizens through individual and corporate acts of good will. Although we continue to develop new

initiatives and refine old ones, we stay grounded in our tradition of impeccable service, which includes a steadfast commitment to safety. In fact, making safety an integral part of our business approach is a core value.

Regardless of whether we are constructing complex research facilities, managing a design-build-finance program to build state-of-the-art facilities or managing a comprehensive K-12 capital program – we're committed to achieving the highest quality strategic outcomes.

Our expertise includes:

- Public-Private Partnerships (P3)
- Program Management
- Construction Management as-Agent
- Construction Management at-Risk
- Design-Build
- General Contracting

With our corporate headquarters in Buffalo NY, we also serve our customers from our New York City office. As a commitment to our strategic growth, we have expanded our geographic reach throughout New York State, the East Coast and Midwest. Strategic relationships have also been vital to our international growth. As a result, LPCiminelli has delivered projects in China, Lithuania and Costa Rica.





### Ciminelli Real Estate Corporation

Ciminelli Real Estate Corporation's (CREC) origin dates back to 1981, starting as a small development company in Buffalo, N.Y. and evolving to a full service corporate real estate firm with over 140 employees in four states.

While our headquarters is still located in Western New York, over the last 12 years the company's growth has taken us into new markets. CREC is now involved in general corporate real estate services including facilities and asset management, troubled asset management, leasing and sales, acquisitions and dispositions, and development services in all of New York State, Greater Pittsburgh and Philadelphia, Pennsylvania, Central Florida and Connecticut. CREC's ongoing commitment to the communities in which we operate, their businesses, and their residents has helped grow our portfolio to more than 11 million sq. ft. of office, flex, medical, industrial and retail space.

### Experience

CREC's client base includes over 350 international, national and local businesses, as well as an impressive list of companies that have utilized the full range of our extensive real estate services. Some of our most recent projects include:

- New York, Pennsylvania & Connecticut
  - Assumption of management oversight of over 2,000,000 sq. ft. of property in New York, Pennsylvania, and Connecticut for a major financial institution.
- Florida
  - Assumption of management duties for 3 troubled assets in the Tampa, Florida area.
- Downtown Buffalo

- Commencement of the development of a 300,000 sq. ft. medical office building on the Buffalo Niagara Medical Campus in cooperation with a major healthcare provider.

### Quality

CREC employs a team of professionals with experience in all disciplines of real estate management, investment, finance, development, and marketing. Our in-house personnel are highly trained, educated, and certified in their area of expertise, reducing the need for outside vendor or consulting services.

CREC's employees are actively involved with organizations such as the National Association of Industrial and Office Parks (NAIOP), the Institute of Real Estate Management (IREM), and the United States Green Building Council (USGBC), and possess various designations such as LEED AP and CCIM, or hold RPA, FMA or CPM certifications. But the true testament to the quality of our work is the superior service we provide clients, and the long-term relationships we have built as a result





### Hodgson Russ LLP

Hodgson Russ's 200-plus attorneys provide business-focused U.S. legal counsel to clients in the United States, Canada, and across the world. Firm-wide, the collective experience of our attorneys spans every major area of law, allowing us to be a resource for the full range of U.S. legal issues and challenges our clients encounter. Whether answering clients' questions, providing strategic advice or preventive counseling to help anticipate and avoid potential pitfalls, protecting their interests in disputes, or providing other legal services, our aim is to help clients achieve their business objectives through quality solutions and strategies based on our legal acumen as well as our experience counseling entities that face similar risks, opportunities, and regulatory challenges. We serve public and private businesses of all sizes, including Fortune 500 companies; governmental entities; nonprofit institutions; and individuals from six office locations: Buffalo, New York City, Albany, and Saratoga Springs, New York; Toronto, Ontario; and Palm Beach, Florida. Our firm headquarters is located in Buffalo, New York.

The attorneys at Hodgson Russ regularly counsel clients with respect to the structuring, development, and financing of public-private partnerships. We provide comprehensive advice to clients on all stages of public-private projects, including providing due diligence review, project structuring, negotiating and drafting of project agreements, crafting and implementing legislation, financing, and real estate and tax matters.

Attorneys in Hodgson Russ's Real Estate & Finance Practice Group effectively guide clients throughout New York State and across the country through commercial lending, real estate acquisition and

finance, and bond and note issuances for public entities. Our attorneys routinely represent buyers, sellers, landlords, tenants, and developers, including individual entrepreneurs, traditional for-profit developers, nonprofit corporations, and public agencies in conjunction with all types of commercial real estate transactions. Our portfolio includes office buildings, shopping centers, industrial warehouses, hotels, residential and commercial condominium developments, and mixed-use projects. Additionally, because of our experience representing public colleges and universities in real estate development projects, we have an in-depth knowledge of the State University of New York's regulatory and approval framework, and the interplay between SUNY and local governmental authorities.

Hodgson Russ also has broad experience with the New York State Environmental Quality Review Act (SEQRA) and the National Environmental Policy Act (NEPA). Our experience includes the development and drafting of environmental impact statements on both a public and private level, which includes navigating through various challenges inherent in project development, such as dealing with governmental and public input, and project revisions. We also regularly represent clients in challenges associated with environmental review determinations by municipalities and state agencies. This experience includes handling SEQRA approvals for 11 SUNY student housing projects, including representing SUNY in conjunction with the SEQRA approvals for University at Buffalo's \$6 billion master capital plan.

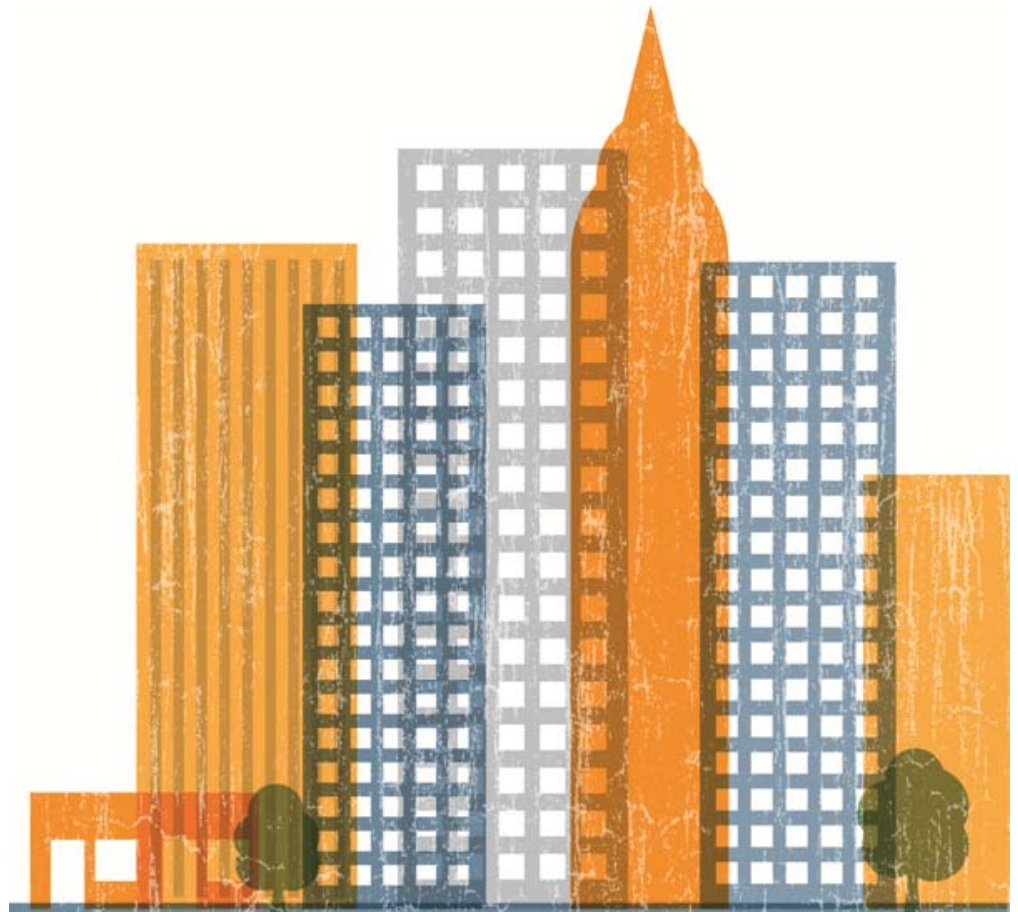
Our multidisciplinary team of lawyers also guides our development clients through the requirements and intricacies of available tax credits to help assure transactional efficiency and optimal project viability. Our attorneys are knowledgeable in all related regulatory processes and have close relationships with government agencies that oversee these programs at the federal, state, and local levels. The attorneys in Hodgson Russ's Tax Credits and Real Estate & Finance Practice Groups provide comprehensive legal

counsel to developers, lenders, owners, investors, and municipalities on a wide range of tax credits involving historic rehabilitation, new markets, and brownfields.

The attorneys in Hodgson Russ's Intellectual Property & Technology Practice Group devote their practices to the protection and enforcement of all forms of intellectual property rights under patent, trademark, copyright, unfair competition, and trade secret laws. Many Hodgson Russ intellectual property attorneys have advanced degrees in engineering, chemistry, and the biological sciences in addition to law degrees, and prior to attending law school, many of our intellectual property attorneys worked in academia or in the software, energy, semiconductor, microelectronics, manufacturing, plastics, information technology, and automotive industries. Additionally, some of our attorneys have worked in a university technology transfer office and currently provide informational and

training seminars to the staff of technology transfer offices and their start-up licensees. This gives our attorneys an unusual ability to understand our clients' requirements and objectives.

With roots tracing back to 1817, Hodgson Russ is one of the nation's oldest law firms. Former Hodgson Russ attorneys include President Millard Fillmore, President Grover Cleveland, former Congressman and World Bank President Barber Conable, and former Assistant Secretary of the U.S. Treasury Donald C. Lubick.



### b. Key staff



**Louis P. Ciminelli**  
*Chairman & CEO*  
*LPCiminelli, Inc.*

Louis P. Ciminelli is Chairman & CEO of LPCiminelli, a full service construction firm ranked in the top 150 of all construction companies in the United States.

Mr. Ciminelli leads 200 full-time professionals, in offices in Buffalo and New York City, committed to delivering high-value-added services in the areas of construction management, general contracting, public private partnerships, and program management.

Mr. Ciminelli focuses his efforts on creating a long-term vision for the company and establishing the overall direction of all corporate entities. In recent years, Mr. Ciminelli has worked on developing strategic relationships and pursuing select opportunities that expanded the company's presence throughout New York State, the East Coast and Midwest. These relationships have also driven the firms' international growth, which has resulted in the company successfully delivering projects in China, Lithuania and Costa Rica.

Having established a commitment to corporate citizenship as one of LPCiminelli's core values, Mr. Ciminelli has long believed in the importance of private sector involvement in public service and as such has been involved with numerous organizations and causes throughout his career. In recent years, he has devoted much of time and philanthropy to two particular areas – education and the arts.

Today, Mr. Ciminelli is a member of the Dean's International Council at the University of Chicago's Harris School, one of the leading public policy schools in the country, and is a member of the Dean's National Council at the prestigious Eastman School of Music at the University of Rochester. He is

a founding member of the Say Yes To Education effort in the City of Buffalo.

He also chairs the world-renowned Buffalo Philharmonic Orchestra Board of Trustees and is a trustee at the Albright Knox Gallery, a leading museum for modern and contemporary art. Mr. Ciminelli also underwrote the Conservation Lab for art restoration at the Burchfield Penney Art Center.

Previously, Mr. Ciminelli was appointed by the Governor of the State of New York as trustee and then chairman of the New York Power Authority, the largest state-owned power utility organization in the United States. He is past chairman of the Buffalo Niagara Partnership and chairman emeritus of 43 X 79 – an organization of leading business executives in Western New York. For this and other work, Mr. Ciminelli has been honored as Executive of the Year by the University at Buffalo School of Management in 2007 and the Richard J. Wehle School of Business at Canisius College in 2009.



**Amy L. Clifton**  
*Chief Financial Officer*  
*LPCiminelli, Inc.*

As Chief Financial Officer for LPCiminelli, Amy Clifton manages all top-level financial information and has direct oversight of the accounting,

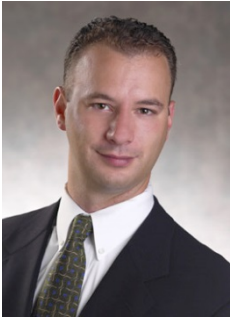
information technology and human resources departments. She has expertise in financial and strategic planning, budget development and management, raising private equity, financial statement and tax preparation and financial forecasting.

Ms. Clifton has been a leader in LPCiminelli's strategic initiative to move beyond traditional construction into public-private partnerships and other development and delivery models. Ms. Clifton's expertise in complex financial structures has been integral to this effort.

Prior to joining LPCiminelli, Ms. Clifton served as chief financial officer and chief operating officer for Ultra-Scan Corp., a Buffalo-based biometric fingerprint identification technology company. She has also served as chief financial officer for Reciprocal, a provider of digital rights management services. At ClientLogic, an outsourcing provider of sales and technical support to the technology industry, she managed a number of corporate development initiatives. Her professional engagements outside Buffalo include serving as a corporate finance associate for Morgan Stanley in New York City and as a research analyst for Mercer Management in Washington, DC.

Ms. Clifton holds a master's in business administration degree, with concentrations in finance and accounting, from Yale University, and a bachelor's degree in public health administration from the University of North Carolina at Chapel Hill.

Ms. Clifton has long been a civic leader involved in many organizations. Today, she currently serves on the board of directors for Kaleida Health, also serving on their finance committee. As a long-standing active supporter of Buffalo Prep, an academic enrichment program for minority young adults, she currently serves on their board of directors as Treasurer. Additionally, she serves on the Investment Review Committee for the Buffalo & Erie County Regional Development Corporation.



**Frank L. Ciminelli II**  
*Senior Vice President*  
*LPCiminelli, Inc.*

Frank L. Ciminelli is a 21-year construction industry veteran with a reputation for providing a fast-track delivery on complex, large-scale projects.

As senior vice president and project executive, he is a guiding force for new business development initiatives and technology advancements. He oversees a portfolio that includes public-private partnerships, program management and construction management for the company's multimillion-dollar private clientele projects. He is a hands-on expert in all aspects of preconstruction, including budget development, master activity scheduling, and logistics planning. Able to anticipate and overcome challenges unique to fast-track construction, he marshals the resources of each project team to achieve the best solutions for his clients.

Mr. Ciminelli's expertise in managing concurrent design and construction has helped LPCiminelli establish a solid reputation within the industry. Currently, Mr. Ciminelli oversees the 287,000 sq. ft. Conventus office building. This development project will encompass six stories to house medical offices and ambulatory surgical services for Kaleida Health, practical and clinical space for University at Buffalo School of Medicine, a first-floor retail pharmacy and two-floor underground parking garage. Additional projects he is overseeing includes: the \$130 million renovation to Ralph Wilson Stadium; R&D space for Moog Medical Devices; and the \$40 million Yonkers Raceway and Casino, a 60,000 sq. ft. expansion consisting of an iconic Porte-cochère utilizing an innovative combination of steel grid shell structure and ETFE membrane roof - a first in North America as well as gaming floor.

Early in his career, he gained invaluable experience working at Clark Construction Group in Bethesda, MD, and Hunt Construction in Cincinnati, OH. While at Clark, he helped deliver Baltimore-Washington International Airport terminal, Washington DC Convention Center, Memphis Cook Convention Center & United States Botanical Gardens in Washington, DC.

Mr. Ciminelli earned his bachelor of science degree, with a concentration in industrial engineering, from Marietta College in Ohio. He earned his master of science degree, with a concentration in construction management, from The Catholic University of America in Washington, DC. Mr. Ciminelli served on the board of directors for the Jog for The Jake, a family fundraising event that benefits The Jacobs Neurological Institute. Currently, he serves on the board of directors for Women and Children's Hospital of Buffalo Foundation, Buffalo Renaissance Foundation and Buffalo Niagara Partnership. Honors includes: a "40 Under 40" leader by Business First of Buffalo; a "Top 20 under 40" young professional in the field of architecture, engineering and construction by Engineering News-Record New York ; and recently a "Top 40 Under 40" leader by Building Design + Construction, an industry publication.



**Michael W. Laipple**  
*President, LPCiminelli Solutions*  
*LPCiminelli, Inc.*

With over twenty years' experience developing public-private partnerships and program management solutions, Mike Laipple serves

as President of LPCiminelli Solutions. Mr. Laipple is a proven innovator in project financing and alternative delivery models, creating strategies that enable large-scale capital programs to move forward and achieve success. His advice and expertise in problem-solving is highly valued and sought after from public sector leaders.

Mr. Laipple led LPCiminelli's successful effort managing the historic Buffalo Public Schools reconstruction project. Critical to the success of this 10-year, \$1.45 billion program was a financing mechanism and delivery model that, when put together with state aid for the project, resulted in no increase to city taxpayers. This financing/delivery model was a first for New York State.

Throughout his career, Mr. Laipple has been on the cutting edge of public-private partnerships for education and healthcare markets. Before joining LPCiminelli, he held leadership positions at some of the best companies in the world, including Honeywell, Duke Energy, and AT&T. At Honeywell, he not only brought the company into the public education market in New York State, but also developed more than \$150 million in new projects. His contributions helped shape special pilot legislation, resulting in the state's first privately owned public high school in Niagara Falls, New York. In addition to creating the financial program and ownership structure, Mr. Laipple and his team coordinated the design and construction teams to ensure the program's success. At Duke Energy, he developed integrated energy asset management solutions for markets throughout North America.

Mr. Laipple has long been active in the community, volunteering his time to several organizations. Currently he is board chairman of the Center for Hospice and Palliative Care, board member of the Hospice Foundation of Western New York, board member of the Buffalo Niagara Medical Campus and chair emeritus of the Goodwill Industries of Western New York. Previously, he served on the boards of the Erie County Industrial Development Agency, Erie Community College Foundation, Humboldt YMCA, and South Buffalo Chamber of Commerce.

Mr. Laipple earned his bachelor's degree from the State University of New York at Buffalo. In 2002, he was elected to the U.B. Sports Hall of Fame for his accomplishments on the school's football team.



**Kevin C. Schuler**  
*Senior Vice President*  
*LPCiminelli, Inc.*

A 20-year communications and public affairs veteran, Mr. Schuler is an integral part of all LPCiminelli's strategic initiatives and is directly responsible for overseeing the company's marketing, government affairs, community and media relations, as well as corporate messaging. He is also engaged in stakeholder management for complex projects with LPCiminelli's public sector clients.

Mr. Schuler originally joined LPCiminelli to resolve several sensitive public relations issues and devise a strategy for advancing important development and construction projects for the company. He continues to be intimately involved in how public sector decisions and perceptions impact LPCiminelli and its clients.

Prior to joining LPCiminelli, Mr. Schuler served as Vice President for Government Affairs for the Buffalo Niagara Partnership, one of the largest business advocacy groups in Upstate New York. Mr. Schuler is also a former staff member in the New York State Legislature, having worked in Albany for both the State Assembly and State Senate

Mr. Schuler is active in civic affairs, serving as Chairman of the Niagara USA Chamber of Commerce and a trustee of Niagara County Community College. In 2011, he was asked by the Niagara County Legislature to serve as Chairman of the county's Independent Legislative Redistricting Commission.

Mr. Schuler is also past chair of the Niagara County Industrial Development Agency where his leadership helped put the agency back on solid financial footing. He has previously served on the boards of Leadership Niagara (who honored him as Alumni of the Year in 2002), the Niagara County Charter

Commission, the Niagara County Workforce Investment Board, and the advisory panel for USA Niagara Development Corporation. In 2009, he was honored by Business First of Buffalo as one of the region's "40 Under 40" leaders.

Mr. Schuler holds a bachelor's degree from the State University of New York at Buffalo with a concentration in political science.





**Paul F. Ciminelli**  
*President & CEO*  
*Ciminelli Real Estate Corp.*

Paul F. Ciminelli is President and Chief Executive Officer of CREC, a real estate development and investment firm that owns, manages or has developed over 9 million square feet of office,

flex, industrial, and warehouse space in New York State, Pennsylvania, Florida, and Connecticut.

Mr. Ciminelli has played a key role in obtaining and positioning many of the company's key projects including:

- The purchase of the Former Federal Reserve Building in downtown Buffalo, and its ensuing redevelopment for New Era Cap Company for their new Administrative Headquarters;
- The development and construction of First Niagara Bank's Corporate Headquarters, and all facilities management services for the Bank's portfolio across New York and Pennsylvania;
- The coordination of management and leasing services for both Key Center and the Bank of America building in Downtown Buffalo, on behalf of the buildings' New York City-based ownership group;
- The development and construction of the Niagara Falls Municipal Complex housing the police and courts, in Niagara Falls, NY;
- the formation of Ciminelli Real Estate Services--Florida; Ciminelli Real Estate Corporation--Pennsylvania; and the formation of Allpro Parking, LLC, Western New York's premier parking operator, with operations across Upstate New York, Ohio and Pennsylvania.

Mr. Ciminelli received his bachelor of science degree in Business Administration from the State University of New York at Buffalo. He holds a Certificate of Finance from the University of Buffalo School of Management, and is a licensed New York State real estate agent. He also completed the MIT Continuing Studies Program at Sloan School of Business. In addition, Mr. Ciminelli was a member of the inaugural class of the

National Association of Industrial and Office Parks/Harvard School of Design, Executive Business Program, "Running a Private Real Estate Company."

In addition to his business activities, Mr. Ciminelli is involved in many professional and non-profit organizations, including:

- Buffalo Place, Inc. (organization formed to promote business revitalization and growth of
- Downtown Buffalo)
  - Board of Directors, Member
  - Operations Committee, Chairman
- Paul Smith's College
  - Board of Trustees, Member and Secretary
  - Finance Committee, Chairman
  - Executive Committee, Member
- 43 X 79 Group (Western New York Business Leaders Group)
  - Member
- Empire State Development Corporation
  - Board of Directors (Appointed by the Governor of NYS)
- National Association of Industrial and Office Parks-Upstate New York and Toronto Chapters (NAIOP)
  - Appointed Member and Past Chairman of National Office Development Forum I
  - Appointed Member of Industry Trends Task Force
  - Appointed Member of NAIOP Foundation
  - Board of Governors
  - Advisory Committee, CEO
- National Association of Industrial and Office Parks/Harvard Graduate School of Design, Executive Business Program, "Running a Private Real Estate Company"
  - Member Inaugural Class
- Buffalo Niagara Partnership
- VISTAGE (International organization of CEOs)
  - Member
- H.H. Richardson Complex Revitalization Committee
  - Governor Appointed
  - Master Planning Committee, Chair



**Dennis M. Penman**  
*Executive Vice  
President/Principal  
Ciminelli Real Estate Corp.*

With over 40 years in the real estate industry in Western New York, Mr. Penman brings wide-ranging experience to our team.

In his role at CREC, his focus is on seeking and procuring real estate development and investment opportunities in the Western New York market.

Mr. Penman has extensive experience in the development of numerous federally assisted multi-family housing projects and specializes in urban revitalization projects. These projects include the Pratt Willert Development and Ellicott Houses in Buffalo.

He is a Board Member and Vice Chairman of the Buffalo Urban Development Corp. (BUDC), the immediate past Chairman of the Erie County Industrial Agency (ECIDA) and current President of Buffalo Economic Renaissance Corporation (BERC). He is a registered Receiver with the New York Supreme Court and has performed that function on numerous multi-family and commercial properties in Western New York for the Court. He is also a Director and Executive Committee Member of the Buffalo Niagara Partnership, and is a Director and Treasurer of the Buffalo Club. Mr. Penman also serves on the Board of Directors of Blue Cross and Blue Shield; Health Now, and is the current Chairman of the Audit and Risk Management Committee.

Additionally, Mr. Penman has been an active Trustee and immediate past Chairman of the Board of Western New York Public Broadcasting (WNED), and currently serves as a Board Member of the New York State Council of the Arts.

Past affiliations include:

- Commissioner on the United States Congress Millennial Housing Commission

- President of the New York State Builders Association & Buffalo Niagara Builders Association
- Vice President of the National Association of Home Builders
- Chairman of the Board of the Visiting Nurses Association - During his chairmanship he was instrumental in merging the VNA into the Millard Fillmore Hospital System and has served on the Board of Directors of the Millard Fillmore Hospital System prior to the merger with Kaleida.
- Chairman of 43 x 79, a Buffalo Business Leadership Group
- Founding Member and Board Member of Greater Buffalo Saving Bank from 1999 through 2007, prior to its merger with First Niagara Bank
- Vice President of the Buffalo Philharmonic Orchestra
- Executive Committee of Shea's Buffalo Theater



**James Gottstine**  
*Chief Operating Officer, CCIM  
Ciminelli Real Estate Corp.*

Mr. Gottstine was named Chief Operating Officer of CREC in 2013. He formerly served as Senior Vice President of Asset Management, Vice President of

Finance, Assistant Treasurer and Assistant Vice President. Mr. Gottstine's experience encompasses but is not limited to:

- Overseeing the management of 9 million square feet of space in New York, Pennsylvania, Connecticut and Florida
- Obtaining, negotiating and closing commercial real estate loans for the portfolio
- Managing cash distribution and cash management for the properties and company
- Negotiations including expansion, relocation and lease renewal of over 300 commercial tenants
- Acting as the liaison between the company and regional economic development agencies
- Supervising the property management and asset management departments

Throughout his 19-year career with CREC, Mr. Gottstine has worked with every facet of the real estate process. Since 1990, Mr. Gottstine closed in excess of \$500 million in real estate transactions, encompassing mezzanine debt, construction and permanent financing utilizing various lending institutions both national and international.

Mr. Gottstine was responsible for acquiring financing for Seneca Place on the Commons, a brand new, 175,000 square foot mixed-use complex located in the heart of downtown Ithaca, New York. From formulating the investment proforma and working with potential investors to secure over \$22 million in loans to leading the charge to secure \$2.3 million in new markets tax credits, Mr. Gottstine achieved numerous inducements for various economic incentives while working with the Thompsons County IDA and the

National Development Council. Once new market tax credits were secured, Mr. Gottstine was able to sell them to third-party financial institutions and/or investors and realized \$2.2 million in proceeds. Mr. Gottstine enjoys a stellar working relationship with the Amherst IDA, Erie County IDA and various other government agencies. Throughout his career, Mr. Gottstine has gained agency inducement through real estate abatements, including tax, mortgage and sales, and has secured over \$400 million. In addition, Mr. Gottstine is an expert negotiator and has acquired properties from various third-party sellers in Florida, Canada, and Western New York.

Mr. Gottstine joined CREC in 1990. He holds a bachelor's degree in Economics from the State University of New York at Buffalo and a master's degree in Business Administration from Canisius College with a concentration in Finance, and has received accreditation as a Certified Commercial Investment Member (CCIM).



**Robert McDonnell**  
*Senior Vice President, CCIM*  
*Ciminelli Real Estate Corp.*

Mr. McDonnell joined CREC in 1998 and was subsequently named Director of Third Party Business Development for CREC--their leasing and

property management business. Mr. McDonnell was named Vice President of CREC in 2005, taking full advantage of his 16 years of experience in commercial real estate sales and leasing. His responsibilities currently include:

- Leadership of sales, leasing, and business development initiatives
- Lease, sale and property management solicitation
- Contract preparation and negotiation
- Annual budget assumptions
- Corporate and departmental strategic planning
- Market analysis
- Maintaining tenant relations and customer satisfaction
- Exclusive Agency Representation
- Consulting Assignments

Mr. McDonnell's accounts include both local and regional companies including Key Success, LLC, First Niagara Bank, and Ciminelli Properties, LLC among others. Mr. McDonnell has brokered numerous high-profile real estate transactions for clients that include Delaware North Companies, Federal Reserve Bank of New York, FISERV, Nixon Peabody LLP, Cornell University, Tower Group, Eric Mower and Associates, Univera Healthcare, NY Life and Empire State College.

His professional and community activities include:

- Certified Commercial Investment Member--CCIM (2010-present)
- National Association of Industrial and Office Properties--NAIOP

- National Forum Real Estate Trends Member (2009-present)

- Member of GBAR (1998 - present)
- Member Buffalo Ski Club
- Member of the Buffalo Club (2010-present)
- Pax et Bonum Society
- Erie Canalway Heritage Fund, Inc., Board Member

Mr. McDonnell is a Licensed Real Estate Broker in New York and Pennsylvania, and holds a Bachelor of Arts degree from John Carroll University in Cleveland, Ohio, where he majored in English and Communications with a minor in Marketing.



**Terrence M. Gilbride**

*Partner*

*Hodgson Russ*

Areas of Practice: Real estate, project finance, higher education, commercial leasing, public/private partnerships

**Professional Experience:** Mr. Gilbride focuses his practice on large, multifaceted commercial real estate development projects. He co-chairs the firm's College & University and Public/Private Partnership Practice Groups and has significant experience in student housing development, construction and financing, hotel acquisition and financing transactions, public/private partnerships, nonprofit-sponsored real estate development projects, sports facility leasing and development, industrial development agency projects, commercial real estate financing transactions, and commercial leasing. Mr. Gilbride also devotes a substantial portion of his practice to construction law matters, regularly representing owners and developers in construction and architect contract negotiations.

**Presentations:** Panelist, "Financing Real Estate Development With EB-5," NAIOP Commercial Real Estate Development Association, May 2013; speaker, "Off-Campus Real Estate Development," Lorman Education Services National Webinar, September 2012; speaker, "Advantages and Pitfalls of Private Development of University Projects: Pros and Cons," National Association of College and University Attorneys Conference, June 2011; panelist, "Law of Easements: Legal Issues and Practical Considerations," Lorman Education Services, June 2008; speaker, "Development of Student Housing on Community College Campuses," Valencia Community College Community College Forum, Orlando, Florida; speaker, "Student Housing Financing at Public Colleges and Universities," National Association of College Auxiliary Services, East Coast Conference, Spring 2006; speaker, "Top

10 Leasing Pitfalls for Corporate Counsel," Western New York Corporate Counsel Association, Spring 2005 and 2006; program chair and speaker, "New Perspectives in Commercial Leasing: Making the Deal in Today's Environment," New York State Bar Association, Fall 2002; speaker, "Recent New York Legislative Developments Affecting Real Estate," New York State Society of Certified Public Accounts Real Estate Committee; speaker, "Selected Topics on New York State Real Estate," Accountant's Continuing Education (ACE) Seminar, Summer 2002; program chair and speaker, "Issues in Representing Developers," New York State Bar Association, Fall 2001; panelist, "Selected Issues in Connection with Privatized Construction Projects on SUNY Campuses," SUNY Auxiliary Services Association Statewide Meeting, December 1999; speaker, "Tax and Legal Implications of Cross-Border Real Estate Transactions," International Commercial Real Estate Conference, Commercial Investment Real Estate Institute, June 1999

**Articles:** Author, "P3 Development at Public Colleges and Universities: A Big Picture Perspective," National Association of College and University Attorneys Conference, June 2011; author, "2005-2006 Summary of New York Real Property Law," 57 Syracuse L.Rev. 1349 (2007); author, "2004-2005 Summary of New York Real Property Law," 56 Syracuse L.Rev. 989 (2006); author, "2003-2004 Summary of New York Real Property Law," 55 Syracuse L.Rev. 1293 (2005); "Significant Changes in New York Rules Governing Fiduciary Appointments," New York Real Property Law Journal, Volume 31 (2003)

**Professional Associations:** Member, National Association of College and University Attorneys; member, American Bar Association

**Community Activities:** President, board of directors, SUNY Buffalo Law School Alumni Association; past chair, board of trustees, Goodwill Industries of Western New York, Inc.; corporate counsel, Martin House

## Developer deliverables

1

Restoration Corporation; past trustee, University at Buffalo Foundation; past chair, board of trustees, Meals on Wheels for Western New York, Inc.

Honors/Awards: Listed, The Best Lawyers in America (Real Estate Law) and Upstate New York Super Lawyers; listed, Buffalo Business First's Legal Elite of Western New York; AV rated by Martindale-Hubbell; recipient, Buffalo Business First's 40 Under 40 Award; head note and comment editor, Buffalo Law Review

Admitted to Practice: New York

Education:

B.A., magna cum laude, St. Bonaventure University  
J.D., cum laude, SUNY Buffalo Law School



Expect a trusted business ally.

## c. Shareholders

The LPCiminelli team is comprised of LPCiminelli, Inc., Hodgson Russ, and Ciminelli Real Estate Corp and each firm's shareholders are as follows:

- LPCiminelli, Inc.
  - Louis P. Ciminelli
  - Frank L. Ciminelli II
  - Louis P. Ciminelli Multigenerational Trust
- Ciminelli Real Estate Corp
  - Paul F. Ciminelli
- Hodgson Russ
  - Hodgson Russ is a limited liability partnership. Terrence M. Gilbride, Fort Schuyler Management Corporation's primary contact at Hodgson Russ, is one of 90 equity partners at Hodgson Russ.

## d. Legal history

As LPCiminelli, Inc. is a provider of construction management and general contracting services, LPCiminelli is subject to workers compensation and general liability claims which arise in the general course of business and are completely and fully covered by LPCiminelli's insurance policies.

Because of the nature of the services CREC provides as property developers, owners and managers, from time to time we are brought into legal actions. The Master Service Agreement that we have in place with all of our vendors indemnifies us against these legal issues and, as such, become the responsibility of the vendor(s).

Hodgson Russ and its attorneys are periodically a party to litigation arising from its law practice. We have been advised by counsel not to provide detailed information concerning cases in which we may be a party. Nevertheless, we are satisfied that the firm is well insured in excess of all pending malpractice and errors-and-omissions claims. Further, at this time, we do not believe that any of the cases in which we are currently a party will affect the firm's ability to deliver the proposed services to FSMC and SUNY CNSE.

## e. Bonding

LPCiminelli's current surety company is Liberty Mutual Insurance Company. We are an "A" rated firm by A.M. Best Company and are listed in the Federal Register circulate 570 published by the U.S. Department of Treasury. LPCiminelli's bonding capacity is \$300 million on single projects and \$1 billion aggregate limit.

## f. Evidence of Capacity

LPCiminelli delivers \$400 million in construction value annually with a highly skilled staff of approximately 190 employees.

CREC employs over 140 people who have developed, own or manage over 11 million sq. ft. of office, medical, retail and industrial space in 4 states – 8 million are in Western New York.

Hodgson Russ currently has 209 attorneys, 135 of whom are partners, and approximately 280 non-attorney staff. The firm thus possesses the necessary human resources to commit to this project.

## g. Financial Stability

For a half century, LPCiminelli has been highly regarded by clients and industry partners alike for their integrity and ingenuity. With this record of successful deliveries, LPCiminelli is pleased to confirm we have a sound financial position.

Over the last 30+ years, CREC has enjoyed long-term business relationships with various financial institutions and lenders, including M&T Bank and First Niagara Bank, as well as other lenders such as GE Capital, New York Life, U.S. Life, Merrill Lynch, and American Express. Our in-house team of finance professionals oversees a \$240 million debt portfolio through various ownership entities, utilizing both fixed and floating instruments.

Hodgson Russ is ranked by Am Law as one of the 200 largest U.S. law firms, and with roots dating back to 1817, Hodgson Russ is one of the oldest law firms

in the country. FSMC and SUNY CNSE can therefore be assured of Hodgson Russ's financial stability.

### h. Current Workload

As team lead, LPCiminelli's current workload is attached.

Partner, CREC currently has the following projects underway in varying stages of development:

- Conventus – a 287,000 sq. ft. medical office building on the Buffalo Niagara Medical Campus, scheduled for completion in June of 2015. Role: owner, developer and manager.
- Muir Woods Business Park – 100+ acre parcel in Amherst, NY currently in pre-construction phase (minor infrastructure work being performed). Will be built out based on market interest.
- Westwood Country Club property – 170 acre property in Amherst, NY in which CREC is co-owner and developer. Concept plans are being finalized as we are preparing for the entitlement process.
- Central Park Plaza – serving as a development consultant on 27+ acre parcel to be redeveloped as residential. Currently finalizing the conceptual plans and preparing for the entitlement process.

As Western New York's largest law firm, Hodgson Russ concurrently handles numerous complex multimillion-dollar projects across a variety of legal practice areas, including many high-profile real estate development matters. As a large, established law firm, we have the capacity and experience to successfully manage each project and provide excellent legal services to each client.

### i. Insurance

LPCiminelli, Inc.'s insurance broker of record (BOR) is Lawley Construction Solutions for General Liability, Workers Compensation and Excess Liability Coverage's. Additionally, Walsh Insurance Group is broker of record (BOR) for Professional and Pollution Liability coverage's.

### j. Corporate Financials

As LPCiminelli Inc. and all associated companies are privately held, we do not typically divulge financials or company-specific information. For the purpose of qualifications on this proposal, we have included them under a separate cover along with a confidentiality letter.

### k. Fee Methodology

Our team's fee methodology for the various service components of the development is as follows:

- Finder's Fee – to be evaluated on a case-by-case basis
- Financing – will be a function of the amount of debt placed
- Leasing – commission, based on a percentage of the value of the total lease term
- Marketing – those marketing expenses which are considered standard in a third party contract are provided at no charge (i.e., marketing flyer creation, leasing signage, listing on corporate website, electronic distribution of marketing information, etc.). Anything considered "above and beyond" the standard, i.e., print or electronic advertising, sponsorships, special events or promotions, marketing brochures/catalogs, etc., will be billed to the owner at cost without markup
- Development – a percentage based on the total value of the project (hard and soft costs)
- Property Management – would be market based but would generally run at approximately 3-5% of total property revenue, depending on the level of services required.
- Asset Management – a function of the total value of the project: equity plus debt



Project Name	Address	Phone #	Fax #	Owner Name / Contact	Start Date	Completion Date	Project Value	% Complete	GMP, Agency, DB
Broome CCC Student Housing	Binghamton, NY	TBD	TBD	Broome CCC Housing Development Corporation	4/1/2013	9/1/2014	\$17,000,000	10%	G
Buffalo Public Schools Phase 5	2421 Main Street Buffalo, NY 14214	(716) 855-1200	(716) 854-6655	Buffalo Joint Board of Education	6/1/2011	2/1/2014	\$150,000,000	98%	G
Buffalo State College Science Building Ph2	354 Broadway Albany, NY 12246	(518) 689-2538	TBD	State University Construction Fund	10/1/2013	10/1/2015	\$20,000,000	2%	G
Cayuga Medical Center	101 Dates Drive Ithaca, NY 14850	(607) 274-4011	TBD	Cayuga Medical Center	4/1/2012	4/1/2014	\$25,000,000	70%	G
Conventus Office Building	1001 Main Street Buffalo, NY 14203	TBD	TBD	TBD	10/1/2012	12/1/2014	\$75,000,000	7%	G
Depew CSD	591 Terrace Boulevard Depew, NY 14043	(716) 686-5110	(716) 686-5112	Depew Union Free School District	5/1/2013	9/1/2014	\$15,000,000	80%	A
ECMC Master Plan Project	745 Main Street Niagara Falls, NY 14302	(716) 898-5830	(716) 898-4548	Erie County Medical Center Corp.	1/1/2011	8/1/2014	\$225,000,000	85%	G
Empire Resorts Casino & Raceway	204 Route 17B Monticello, NY 12701	TBD	TBD	Empire Resorts, Inc.	4/1/2014	9/31/2015	\$290,000,000	0%	G
Fashion Outlets of Niagara	1900 Military Rd Niagara Falls, NY	TBD	TBD	Macerich Niagara & Fashion Outlets II, LLC	12/1/2013	TBD	\$71,000,000	0%	G
Maid of the Mist, Winter Storage	Niagara Falls, NY	(716) 284-8897	TBD	Maid of the Mist	4/1/2013	4/1/2014	\$30,000,000	75%	A
Meadowlands Grandstand	50 State Route 120 E. Rutherford, NJ 07073	(212) 372-2400	(212) 372-2409	New Meadowlands Racetrack, LLC	4/1/2012	4/1/2014	\$79,000,000	80%	G
Miami Valley Casino Gaming & Racing	3791 Ohio State Route 63 Monroe, OH 45050	TBD	TBD	Delaware North Companies & Churchill Downs, Inc.	1/4/2013	2/1/2014	\$95,000,000	85%	G
Niagara Falls CSD	630 66th Street Niagara Falls, NY 14304	(716) 286-4211	TBD	Niagara Falls City School District	6/1/2013	9/1/2015	\$40,000,000	30%	A
Ralph Wilson Stadium Upgrades	One Bills Drive Orchard Park, NY 14127	TBD	TBD	Buffalo Bills Football Club/ Erie County Dept of Public Works	7/1/2013	12/1/2014	\$130,000,000	5%	G
Renovations & Additions to US Plaza Commercial Building	Peace Bridge Plaza Buffalo, NY 14213	(716) 884-6744	TBD	Buffalo & Fort Erie Public Bridge Authority	12/1/2014	12/1/2016	\$20,000,000	0%	G
Richardson Olmsted Complex	Elmwood Avenue Buffalo, NY	TBD	TBD	TBD	1/1/2014	1/1/2016	\$40,000,000	0%	A
Robert Wood Johnson University Hospital Rahway	865 Stone Street Rahway, NJ 07065	(732) 499-6155	TBD	Robert Wood Johnson University Hospital Rahway Oscar Gonzalez (732) 499-6155	1/1/2014	1/1/2015	\$5,000,000	0%	DB
Rochester CSD, East High School	1801 East Main Street Rochester, NY 14609	(585) 370-9619	TBD	Rochester Joint Schools Construction Board	6/1/2013	12/1/2014	\$20,000,000	30%	A

Project Name	Address	Phone #	Fax #	Owner Name / Contact	Start Date	Completion Date	Project Value	% Complete	GMP, Agency, DB
Rochester CSD, Edison School	65 Colfax Street Rochester, NY 14606	(585) 370-9619	TBD	Rochester Joint Schools Construction Board	7/1/2013	9/1/2016	\$22,000,000	25%	A
SUNY Cobleskill, Student Housing	Cobleskill, NY	(518) 255-5011	TBD	SUNY Cobleskill	4/1/2013	9/1/2014	\$7,000,000	15%	G
Tioga Downs hotel, parking garage & amenities	2384 West River Road Nichols, NY 13812	TBD	TBD	American Racing & Entertainment, LLC.	12/1/2013	TBD	\$52,000,000	0%	G
University at Buffalo Hayes Hall	University at Buffalo 3435 Main Street Buffalo, NY 14214	(716) 645-2000	TBD	State University Construction Fund	9/1/2011	6/1/2015	\$25,000,000	25%	A

**LETTERS FROM FINANCIAL INSTITUTIONS – from CREC??**

- **show access to capital - both equity and debt ideally**



### Large-scale, P3's

Our LPCiminelli team has delivered large-scale, public-private partnerships along with components such as planning, design, construction, workforce training and have met goals. Examples include:

- Buffalo Public Schools Reconstruction Program
- Niagara Falls City School District
- Niagara Falls Municipal Complex
- Conventus Office Building
- Airport Commerce Park

**The Buffalo Public School Program is the largest single construction effort in the history of the City of Buffalo.**

### Buffalo Public Schools Reconstruction Program

Owner: Buffalo Board of Education  
Joint Schools Construction Board

Project cost: \$1.45 billion

Architects: Various

In September 2003, the signing of a contract between the Buffalo Public School District and LPCiminelli marked the beginning of the most comprehensive school reconstruction effort in the city's more than 170-year history. The program is notable not merely for its scope of work, but also for the unique partnership between the owner and the program developer. As part of its program developer role, LPCiminelli devised an innovative financing model to help Buffalo pay for the work - at no cost to city taxpayers. Our project team balanced the list of desired outcomes from the school district, which envisioned state-of-the-art classrooms for all of Buffalo's schoolchildren, with the reality of limited financial resources. Our solution was to propose a manageable scope of work that would guarantee an on-time, within-budget delivery of superior renovations to many architecturally significant schools.

The historic BPS program has indeed been a successful public-private partnership. From initial planning to final delivery, the project raises the bar for excellence in program development. The team at LPCiminelli has assumed ultimate responsibility for all work, mitigating any design omissions and errors at no cost to the district. In addition to managing designers and contractors to deliver \$1.45 billion dollars in construction, LPCiminelli is responsible for managing legislation, financing, community outreach, DBE/MBE/WBE development and mentoring, curriculum enrichment and community relations.



*LPCiminelli Buffalo Public Schools Summer Interns*

### Phase I - 2006 Build New York Award Winner

Completed in just 18 months, Phase I benefited thousands of students in pre-Kindergarten through high school, and involved the transformation of nine 70-year-old school buildings into 21st century "learning centers of excellence." Along with two district-wide initiatives for advanced telecommunications and better energy performance, specific renovations throughout the nine schools included:

- New computer stations and science labs
- New libraries, classrooms and gymnasiums
- New hallway lockers and flooring
- New parking lots and roofing

## Relevant experience

# 2

- New administrative offices
- Rehabilitated auditoriums
- New energy-efficient heating systems to replace outdated boilers
- New electrical and mechanical systems
- New fire alarm, security and temperature control systems
- New telephone systems and computer data cabling
- Asbestos abatement and plumbing updates

### Phase II

With a value of \$327 million, Phase II involved the reconstruction of 13 schools, district-wide technology enhancements, and energy performance upgrades for 34 schools. Although Phase II was originally scheduled to end in December 2007, by September 2006, five schools and a new sports field at All-High Stadium had already been completed. This phase was completed by the beginning of the school year, September 2007.

### Phase III

This phase, which began in fall 2007, included nine schools for a \$350 million phase. Seven of which were completed in 2009, and the remaining two schools were completed in 2010. Additionally, district-wide technology enhancements and energy performance upgrades were completed for 40 schools.

### Phase IV

Construction began in the fourth quarter of 2009 and this phase included the reconstruction of ten schools and two district wide projects with a total value of \$292 million. Five of the ten schools were completed in 2011 and the remaining five schools were completed in 2012.

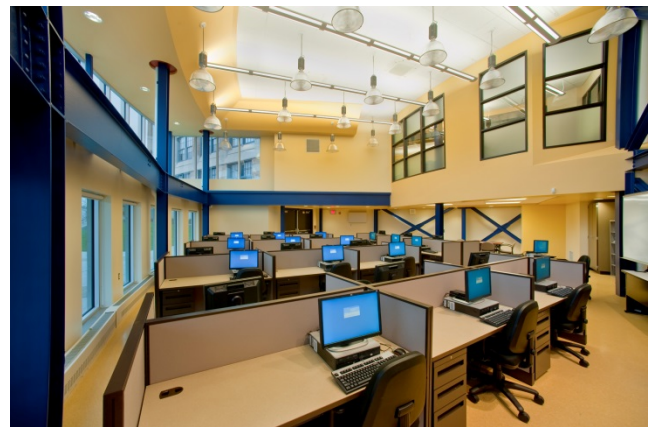
### Phase V

The state legislation for Phase V continues the pattern of the legislation for the earlier phases, benefitting from tax-exempt financing and avoiding any increased burden on taxpayers throughout the City of Buffalo. The fifth phase of the Buffalo Public Schools program has steadily progressed since the

legislation passed the Senate and Assembly at the end of the 2009 session. With all school projects approved by NYSED, the seven Phase V projects are anticipated to wrap up in the spring of 2014.



*Buffalo Public Schools PS305 exterior addition and renovation completed in Phase IV.*



*Burgard Vocational High School received a new distance learning laboratory within the new addition.*



*City Honors High School renovated library with state-of-the-art technology improvements.*

## Niagara Falls City School District

**Owner:** City of Niagara Falls School District  
**Project cost:** \$83 million; \$9.2 million;  
\$66.7 million (anticipated)  
**Architects:** The Hillier Group;  
Cannon Design (2010 & 2014)

The project began in the mid-1990s in response to the community's shrinking tax base and its inability to fund repairs to aging buildings. In May 1997, after an 18-month evaluation and numerous public forums, the City of Niagara Falls' Board of Education adopted the idea to build a new school.

It began with a community based committee tasked with evaluating the existing facilities. The committee

returned nine recommendations for consideration to the Board of Education, resulting from more than 40 community forums held to consider the options for the NFSD. One new innovative high school, on a city-owned park site with no local taxes required, was the unanimous consensus.

However, to build it without a tax levy, the school district needed approval to enter into a unique agreement with a private developer to manage the project. Special state legislation allowed the school district to privatize the project. An innovative public-private partnership was created among the City of Niagara Falls, LPCiminelli, The Hillier Group and Honeywell. This was the first privately financed, privately managed school construction project completed in New York. The project not only was



## Relevant experience

# 2

completed without an increase in the local tax levy, but it allowed the school district to consolidate and close its two former high schools, saving operating costs. The school was designed and constructed to be a technological statement for the 21st Century and a civic centerpiece for local citizens.

Since then, LPCiminelli has worked on several projects totaling over \$158.9 million for the Niagara Falls City School District. The first project opened with great fanfare in September 2000. This project has been in the national spotlight after special pilot legislation was authorized by Governor Pataki to allow the first privately owned public school in New York State.

LPCiminelli built this 350,000 sq. ft. complex to house 2,500 students. The structure features four separate academic wings — each with a separate entrance — located around a two-story Technology Center, which is shared by all students and faculty. Other significant components include state-of-the-art classrooms and labs for science, photography and art, large group instruction areas, two gymnasiums, a swimming pool,

health center, TV studio, art gallery, 1,800-seat Performing Arts Center, and fully interactive long-distance learning laboratory.

In 2010, LPCiminelli was invited back to manage a capital improvements project for the district. The \$9.2 million project involved renovations at thirteen different school locations throughout the city of Niagara Falls. Three complete roof replacements were completed as well as \$3 million in exterior masonry restoration work. The original construction contingency was established at 9% of the construction budget. Through buyout savings and aggressive field management, none of the contingency dollars were spent and a very successful project was delivered to the district.

Most recently, LPCiminelli signed on as construction manager with the district for a third project—a \$66.7 million capital improvement plan. The project broke ground in June 2013 and is scheduled to wrap up in 2015.





### Niagara Falls Municipal Complex

**Owner:** CLP3, LLC.  
**Project cost:** \$32 million  
**Architects:** HOK New York

The city of Niagara Falls realized the challenge of creating a new courthouse had to be addressed. After analysis the city concluded that a public-private-partnership would glean the best results. Additionally, a unique financing model gave the opportunity to expand the scope and include the police headquarters along with the court system. The City needed to find a site that would accommodate a facility of this magnitude, and the right team to develop what was anticipated to serve as a catalyst for additional development in the area.

In early 2006, the city selected the team of LPCiminelli, CREC and Largo Real Estate Advisors to bring its project to fruition. This team's expertise was then complemented by the addition of the world-class architectural firm of HOK, the preeminent courthouse designer in the United States.



The team helped the city identify and analyze several potential sites for the future complex and it ultimately selected a 5.5 acre parcel on North Main Street. The selection necessitated that several buildings be acquired from their owners to make room for the 132,000 sq. ft. complex. The project went through an extensive programming and design effort which

involved obtaining input from the various stakeholders, including public participation from the local community. The design, while highly functional and efficient for its end users, also astutely incorporated elements of the City's rich history. The distinguishing entry feature was built to resemble a suspension bridge, which pays tribute to the regions site of the original suspension bridge that spanned the Niagara River to Canada over 150 years ago.



The development team was instrumental in working with the architect and all public stakeholders to design and ultimately value engineer the most cost effective and efficient municipal building for the City of Niagara Falls.

Throughout construction, the team was able to navigate the project to meet schedule and budget constraints, along with quality and safety goals. This complex houses 53 detention cells, a state-of-the-art shooting range, offices, a vehicle garage, 4 courtrooms, a CSI crime lab, interview rooms, the District Attorneys Office, judges chambers, jury rooms, the City's Emergency Operating Center, the 911 Dispatch Center etc.

The project has attained U.S. Green Building Council LEED (Leadership in Energy and Environmental Design) Silver Certification.

## Conventus Office Building

**Owner:** Conventus Partners, LLC.  
**Project cost:** \$100 million  
**Architects:** Kideney Architects

The project's inception dates back to 1993 when CREC purchased a medical office building on an adjacent parcel, demolishing that building in 2006 with a vision for significant development at the "Northern Gateway" to the emerging Buffalo Niagara Medical Campus. Working in conjunction with Kaleida Health, CREC and LPCiminelli's result was an ideal +2 acre site directly adjacent to Buffalo General Hospital (BGH) and overlooking the medical corridor.



On May 26, 2006 at exactly 6:00 a.m. Western New York residents witnessed an awesome site, as the 14-story building imploded, collapsed and crumbled to the ground in a matter of seconds during a skillfully planned implosion. This marked the beginning of future development for the Buffalo Niagara Medical Campus. The parcel and surrounding areas was designated for medical clinics, research facilities, and to strengthen the Campus' role in the community.

Kaleida Health, Western New York's largest health care provider, named CREC preferred developer for several of their properties – one being Conventus. In addition to Kaleida Health, CREC and LPCiminelli are teamed with the University at Buffalo and the BNMC for Conventus. The LPCiminelli team is playing a key role in bringing to fruition the vision of world class comprehensive medical care on the Buffalo Niagara

Medical Campus. LPCiminelli and CREC have also been part of a team for nearby development projects -- including the Global Vascular Institute, Skilled Nursing Facility.

Conventus is the direct result of a multi-faceted, public-private relationship. CREC, as private entity owners of Conventus, entered into a ground lease for the Kaleida-owned land on which Conventus is being built. In addition, Kaleida will now be a major tenant in this building, having signed a long term lease. This model was designed to provide the most cost effective methodology for producing Kaleida's space that will be complementary to and supporting of the adjacent John R. Oishei Children's Hospital. We were able to do this at a substantial cost savings both in capital and project costs because of the financial benefits of private vs. public ownership. As a result, Kaleida will be able to deliver its services to the public with the highest efficiency. The building itself will also attract additional, research-related and clinical tenants, providing a means of new economic development to the community.

Conventus will be a multi-story medical office building with 287,000 sq. ft., underground parking, first floor retail and amenities. In the end, the building will be connected via several walkways to the new John R. Oishei Children's Hospital, the new UB School of Medicine and Biomedical Sciences, and to UB's Institute on Addiction, and will be LEED Certified. Completion is set for mid-2015.



### Airport Commerce Park

**Owner:** Air Cargo-Buffalo and Airport Commerce Park II, LLC  
**Project cost:** \$24.8 million  
**Architects:** BHNT; George Lukaszewicz

In the mid-1980s, The Niagara Frontier Transportation Authority (NFTA), (the operating and ownership entity of the Buffalo Niagara International Airport) was looking to develop a 62-acre parcel of airport land on its westernmost edge. The purpose was to generate a positive income stream to the NFTA in order for it to fulfill its transportation mission. In 1987, CREC was selected as the developer for the project and worked directly with the NFTA and Air Cargo-Buffalo, the entity formed to own future buildings on the site.

Since 1987, CREC—through the partnership entity of Air Cargo-Buffalo—has worked hand-in-hand with the NFTA on the development of the Airport Commerce Park project. CREC took a proactive approach to the development of the complex through insightful long-range planning and a joint vision for the evolution of the site.

The CREC partnership established a 49-year ground lease with the NFTA, paying both a base rent and a participation rent (percentage of revenue) on the project to the NFTA. The partnership made all improvements to the raw land, including

infrastructure and the result is a 10-building complex that agglomerates office, warehouse, and air cargo operations that has been a mutually beneficial arrangement for all entities involved.

As a result, by developing this land utilizing a public-private partnership, CREC has returned a valuable public asset to its highest and best use, given proximity to the Buffalo Niagara International Airport Operating Area. Additionally, CREC has eliminated a potential liability through complete demolition of the facilities previously on site, and created, through this redevelopment, a sound economic development project that has enhanced the greater Niagara Region's economy.



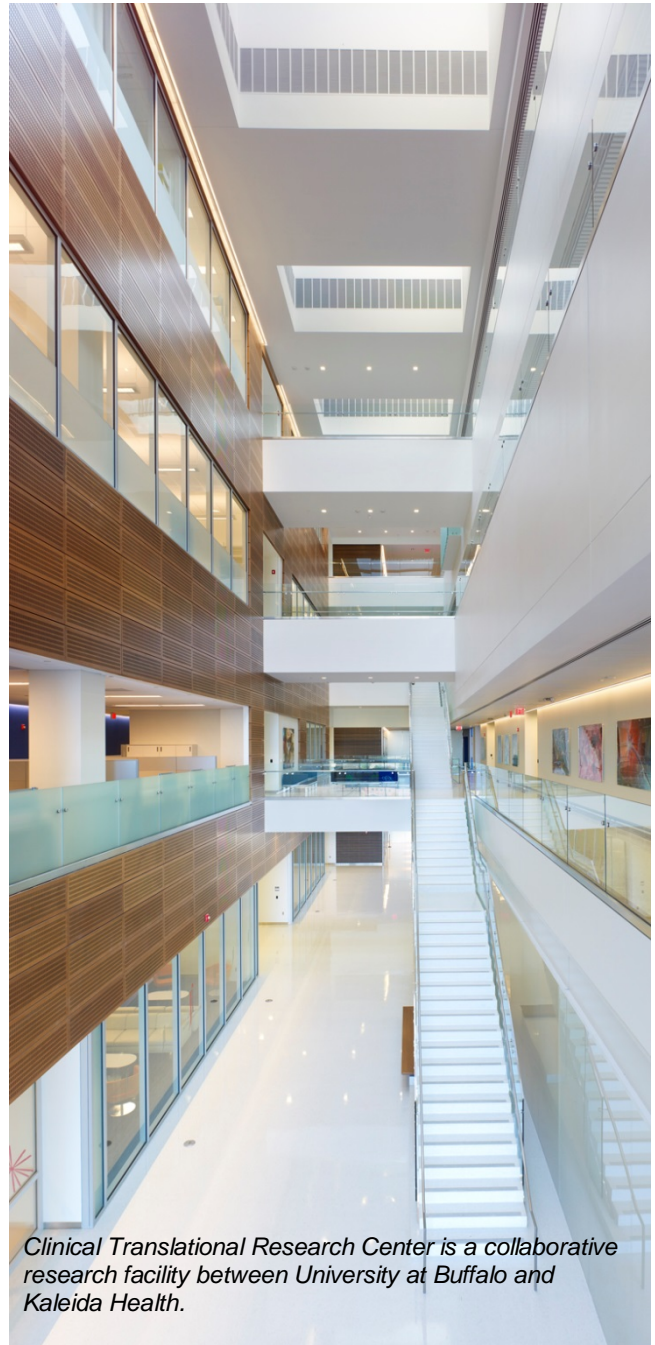
### High-tech space

Our LPCiminelli team has experience constructing and operating mixed-use buildings, Class A office space, electronic classrooms, high-tech laboratory space and advance clean rooms within facilities.

LPCiminelli has been building complex laboratory facilities for many years in educational facilities, research buildings and hospitals. Our experience in the construction of: wet and dry laboratories; crystallography research labs; labs to make and test prototype medical devices; labs for the active display of technological research; and unique components such as vivarium's clearly demonstrates our knowledge of incorporating life-sensitive air distribution systems and plumbing systems, medical gases, operating room finishes, and highly technical facility preparation for critical care equipment installations into the most sensitive of laboratory settings. In fact, LPCiminelli was ranked No. 7 for Healthcare and Science work by Engineering News Record – New York edition.

Examples of our work includes:

- School of Engineering and Applied Sciences
- Clinical Translational Research Center
- Hauptman Woodward Research Institute
- Moog
- Colvin Woods
- Village Park



*Clinical Translational Research Center is a collaborative research facility between University at Buffalo and Kaleida Health.*

## School of Engineering and Applied Sciences

**Owner:** State University  
Construction Fund  
**Project Cost:** \$39.4 million  
**Architect:** Perkins+Will

With a rapidly growing student population, the long overdue construction of a state-of-the-art classroom and laboratory building has replaced temporary trailers that were put on the State University of New York at Buffalo's (UB) North campus in 1988. LPCiminelli oversaw construction of the 138,000 sq. ft. building, which is the new home to both Computer Science and Engineering and the Department of Electrical Engineering.



The unique exterior combines several obtuse angles on the curtain wall which bathes the entry and corridors with light. Among numerous laboratories, the facility will house a 5,000 sq. ft. cleanroom—a research environment that required an extremely low level of environmental pollutants such as dust, airborne microbes, aerosol particles and chemical vapors. While the space will be used to fabricate nanodevices, construction of this unique space involved a specialized partition/ceiling system and an extensive air handling and HEPA filtration system to minimize airborne particulate to meet Class 1000 (ISO 6) requirements.

The facility also features a state-of-the-art “cybertorium,” or “smart” auditorium, as well as flexible research labs, classrooms, meeting areas and server rooms. The building houses several unique features, among them is a reverse osmosis deionized (RO/DI) water system for lab processes, and a vegetative roofing which will earn the project a point towards its LEED Gold certification goals.



### Clinical and Translational Research Center

**Owner:** State University of New York at Buffalo  
**Project Cost:** \$35 million  
**Architect:** Cannon Design

Kaleida Health and the State University of New York at Buffalo (UB) broke ground on a new 10-story Global Vascular Institute and Research Building, changing the health care in Buffalo forever.

As this building exemplifies collaboration between healthcare and research, the construction was no different. While floors 1 through 4 housed Kaleida Health's heart and vascular center, floors 5 through 8 house UB's Clinical Translational Research Center (CTRC). In addition, half of the 5th floor houses the Jacobs Institute, and the 9th floor is dedicated to a mechanical penthouse. The unique partnership between a public university and a private health care provider saved taxpayers \$21 million through reduced construction costs and operational efficiencies.

LPCiminelli oversaw construction for the fit-out of the 170,000 sq. ft. CTRC space. It has dedicated wet and dry research laboratories, offices, seminar and conference rooms, advanced imaging facilities, bio-repository facility, a clinical research center with nine exam rooms and more. A couple of unique components are an installed autoclave and a vivarium to house experimental animals.

Due to the project's tight schedule and limitations an occupied healthcare facility has, all materials were delivered and loaded into the building on second shift and all mechanical, electrical, plumbing and fire protection (MEP&FP) contractors were required to work a second shift to avoid congestion and increase production on the project.

While working around the clock, LPCiminelli also took on the responsibility of implementing MWBE utilization throughout the course of the project.

Hands-on assistance and guidance was given to each contractor to ensure project goals were met.

Throughout construction, all submittals, Request for Information (RFI) and any other correspondence were managed electronically to help expedite the processing of this information. Additionally, the MEP & FP coordination was completed through our Virtual Design and Construction (VDC) team that used Building Information Modeling (BIM) to improve the planning of the project.

Communication and coordination with the owner, and their subtenant (Jacobs Institute (JI)) laid out the schedule and plans for requirements. The JI centrally located space was a true collaborative space, but also incorporated state-of-the-art. For example, they required a complex glass system that incorporated a continuous LED lighting system illuminating the glass walls in the laboratories.

Completed in June 2012, the project achieved LEED Silver certification.



### Hauptman-Woodward Medical Research Institute

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**Owner:** Hauptman-Woodward  
Medical Research Institute  
**Project Cost:** \$18.6 million  
**Architect:** Cannon Design

This three-story, 72,000 sq. ft. facility, located in the heart of the Buffalo Niagara Medical Campus, serves as corporate headquarters for the Hauptman-Woodward Medical Research Institute (HWI). It houses a state-of-the-art research laboratory that is highly sensitive to vibration and environmental conditions. With that the lab was built with additional structural integrity through HWI's foundation. The research area adjoins a radial office complex via a three-story, 100-foot-long enclosed atrium with king-pin trusses and skylights. The complete building enclosure uses five different glazing and metal panel wall systems, all coming together at obscure angles and radii.



Many sustainable construction elements mirror the institution's commitment to innovation. The unique exterior, wrapped in Profilit™ glass, has a translucent quality that gives researchers the privacy they need while maximizing the amount of natural light that enters the building. A superior indoor air quality system improved the indoor environment. An energy performance study was conducted, assessing the

baseline needed to install energy conserving HVAC equipment mechanicals.

With an original project value of \$18 million, significant enhancements were made to the project scope adding \$ 2 million, which put the project significantly over budget. LPCiminelli's estimating team completed a maximum benefit analysis and brought the estimated project value to \$18.9 million. The project was then bid in phases to adhere to the fast-track schedule needed by the client. Bidding began with the foundation, structural steel, and shell in Phase 1. After receiving these first bids, the interior and MEP was bid in Phase 2. Effectively marketing the project to the contracting community we were able to receive actual construction bids totaling \$18.6 million. As the structure was being erected, the interior finishes and fit-out designs were being refined. With that, a few of the enhancements that were deleted at the beginning of the project were added back into the project, which resulted in a final construction cost of \$19 million.

Through aggressive management LPCiminelli preserved 50% of the contingency. This savings gave HWI the opportunity to add more scope, and it was applied to much needed furniture, fixtures and equipment (FFE) such as a new autoclave for sterilization of research supplies.

This project began with discussions in early 2002. After project award the original projected completion date was July 2004. As this project was a fast-track schedule, LPCiminelli tactically scheduled phases and overlapped trades to ensure the schedule could be met. Along with the aggressive schedule the owner wanted to move into the premises as early as possible.

LPCiminelli worked with the owner and architect to develop a phased move-in plan. As equipment arrived, the owner requested LPCiminelli stay on-board to assist with overseeing the move-in schedule and equipment connections. The project was completed by September 2004.

### Moog

**“Our unique partnership with LPCiminelli has proven time and time again to be an invaluable resource for the constantly evolving needs of Moog’s operations.”**

- Martin Berardi regarding Moog’s relationship with LPCiminelli

In 1996, when a high-profile defense and industrial contractor presented a need for a constructor who could effectively deliver a variety of projects in fully operational facilities, LPCiminelli brought their expertise to the table. Now, 13 years later, the relationship has evolved into a truly unique partnership which exceeds that of a typical owner and constructor.

Since 1996, LPCiminelli has worked on more than 10 projects totaling over \$50 million for Moog, which develops cutting-edge technology for a variety of markets from commercial aviation to amusement park actuators. While initially called on for projects on an as needed basis, Moog now looks to LPCiminelli as a strategic partner evaluating construction or renovation projects to support Moog’s initiatives.

In 2006, after obtaining a contract with Boeing to produce parts for the new 787 aircraft, Moog hired LPCiminelli to construct an addition to their aviation plant.

In just 8 months, we completed the construction of 15,000 sq. ft. of industrial space as well as additional renovation work. While the addition repurposed their existing cafeteria, Moog needed a solution. As such, a new 8,000 sq. ft. cafeteria was constructed.

Also in 2006, Moog expressed the need for an experienced and knowledgeable consultant to assist them with the development and construction of a

facility in Shanghai, China. Again, LPCiminelli’s expertise fit the profile. Our involvement included planning to developer selection, construction, selecting fit-out contractors and overseeing construction.



LPCiminelli has also been the lead for additions to Plants 11 and 20, initiated by new contracts which necessitated additional electronics assembly, testing, storage and shipping/receiving space. With overlapping timeframes and significant modifications to original project scopes these additions have required meticulous planning.

With Moog’s acquisition of Ethox-a medical device facility-LPCiminelli was pulled in early to review the feasibility of a renovation and reuse of the facility. We assisted in planning an upgrade to that facility, which is currently their headquarters for their Medical Devices



## Relevant experience

# 2

Group. We also completed schematic design work of a plant in Salt Lake City, Utah and have provided consulting work for Moog in Costa Rica.

For the new 68,000 sq. ft. headquarters, the new facility would merge six departments scattered among 13 buildings on Moog's campus. Comprised of two-stories, both floors strive to provide bright and ample free-flowing spaces carefully planned to support the functions and synergies for an efficient and professional work environment.

The building's exterior features a champagne colored aluminum and glass curtain wall system. On the interior, a two-storied main entry link features an open monumental stairs. This provides a welcoming easy access between the conferencing, training, meeting & cafeteria spaces and the open office landscapes of both floors. Great care is being taken to mitigate the site topography while providing exterior views around the building's perimeter. The building's size, orientation, vernacular and modulus were developed to fit in and complement the existing campus infrastructure as well as support its future growth.

Over the years, on projects from Buffalo to Shanghai, LPCiminelli has tailored a variety of solutions which have continually met the versatile needs of this technologically advanced company.



### Colvin Woods Business Park

**Owner:** I-290 Colvin Associates, LLC  
**Project Cost:** \$13 million  
**Architect:** BHNT; Zaxis

In 2004 CREC commenced construction of the Colvin Woods Business Park - one of the newest flex office parks in the Town of Tonawanda. Colvin Woods Business Park is located on a 40-acre site situated along the south side of the I-290 between Colvin Boulevard and Delaware Avenue. Within minutes of all areas of Western New York, as well as four international border crossings, strategic location of the Park conveniently places it a few short miles from the Niagara Falls Boulevard retail corridor and the Sheridan Drive business district. Out-of-state and overseas visitors will have a short 15-minute drive from the Buffalo Niagara International Airport to the Park.

Highly visible and prominent signage facing the I-290 marks the Park's location making it easily identifiable. Access to the Park is via a newly constructed road from Colvin Boulevard along the northern boundary of

Kenney Field. NFTA bus stops, which are conveniently located directly in front of the Park, provide another point of entrance for both employees and customers. Key attributes include:

- 22 acres under development
- 14 remaining undeveloped acres
- Zoned Performance Standards Use District
- Current tenants:
  - Danforth Office--60,000 sq. ft.
  - Danforth Fabrication Shop--48,000 sq. ft.
  - Danforth Office--20,000 sq. ft.
  - United Health Group--60,395 sq. ft.
  - 100 Colvin Woods (spec building)--20,000 sq. ft.
  - GSA-Border Patrol--27,000 sq. ft.

Colvin Woods Business Park lives up to its name with its beautifully preserved and naturally wooded surroundings. Add this to the CREC standard of meticulously maintained landscaping, and it becomes more than just a business park. The land is ideal for outdoor lunches, walking or running, and even an occasional company picnic.



### Village Park Business Center

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**Owner:** Village Park Associates;  
Village Medical Building, LLC;  
Centerpointe Corporate Park, LLC

**Project Cost:** \$18.5 million

**Architect:** BHNT; George Lukaszewicz

Village Park Business Center, located in the Village of Williamsville, combines excellent visibility and the latest technology for a cutting-edge research and development campus with a prominent address. Village Park is an ideal business address for the discerning company looking for more than just state-of-the-art space. With its close proximity to the Buffalo Niagara International Airport and NYS Thruway system, the Park offers easy access for both employees and clients.

A full-service restaurant offers lunchtime convenience for employees and visitors. A state-of-the-art fitness

facility offers four treadmills, two recumbent bicycles, two elliptical cross-trainers, a universal gym and a full range of free weights. In addition, the Park is just minutes away from the Main Street shopping centers and the Transit Road retail corridor, not to mention restaurants, service stations and post offices.

At the entrance to Village Park, visitors and employees are greeted by a stately clock tower, which introduces the “campus” concept. The entrance from Main Street is subtle and graceful as a unique cobblestone driveway exemplifies the attention to detail evident throughout the Park. A prominent monument in the entry median adorns the entrance and bears the Park’s name, making it recognizable to traffic traveling both eastbound and westbound on Main Street. Landscaping throughout the Park is elegantly designed with an abundance of greenery and seasonal flowers, and is always meticulously maintained and cared for on a regularly scheduled basis.





As your developer, the LPCiminelli team will serve as an extension of FSMC and SUNY CNSE. To begin, LPCiminelli will take a proactive approach to familiarize ourselves with any parameters set forth by FSMC and SUNY CNSE that will render insight into your mission and vision. We will become a crucial partner leading the program to a successful outcome for all stakeholders. Communication is the key to a strong working relationship and it enables the key contributors to overcome any challenges.

**Design & construction management methodology (2Ac)**

**Design**

The LPCiminelli team has coordinated with leading architectural firms both locally and nationally based on the scope of the engagement. We anticipate significant input from FSMC and SUNY CNSE to determine the skillset and specialty’s required. If our developer engagement requires us to solicit Request for Qualifications (RFQ) and Request for Proposals (RFP), we have in-house staff experienced in ensuring the architects are well matched with your needs.

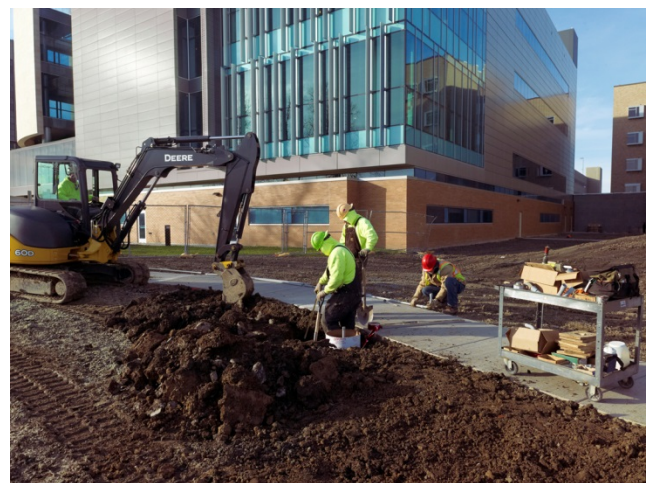


As developer our objective is to arrive at a design which addresses programmatic needs within the established budget. The three stages of design are schematic, design development and construction

documents. LPCiminelli will facilitate this process working closely with, and coordinating the effort of, all the consultants.

During each stage of the design, the process is guided by input from key stakeholders, as identified by FSMC and SUNY CNSE. As your developer, the LPCiminelli team will ensure that at each stage of design:

- Estimates are performed
- Program and scope is refined
- Target Design Value is performed
- Face-to-face reviews are conducted
- Approval of design is generated by you



**Construction**

The LPCiminelli team will work on behalf of FSMC and SUNY CNSE to coordinate the construction. Concurrent to any design work will be preconstruction. We are able to consistently deliver successful outcomes for our clients because our approach is centered on having the very best people using the latest technology to manage every aspect of a project. We have a proven track record of providing certainty in budget and schedule earlier in the process which allows for better project planning and helps avoid future issues. In addition to significant planning, components of our preconstruction process include:

- Virtual Design and Construction
- Partnering with stakeholders

- Constructability reviews
- Scheduling
- Cost estimating

During any construction work, we strive for a proactive management approach, ensuring successful construction at an economical cost. We anticipate and mitigate problems before they arise. When proactive solutions are not possible, we rely on our proven ability to adapt and solve problems. Steps of our construction process include:

- Existing Conditions Verification
- Purchasing and Managing Trade Contracts
- Schedule control
- Budget control
- Commitment to safety
- Quality control
- Commissioning and closeout

### Teaming

Recognizing that these engagements may require highly specialized expertise for the nanoscale science & technology industries, we have fostered relationships with two potential resources to assist our development team – CH2M HILL and M+W Group. Based on your input we are opening to teaming with these or other firms, as you deem appropriate.



CH2M HILL is the only engineer-procure-construct company that offers this wide spectrum of expertise, knowledge, and services across varied industries and government agencies. Specifically, IDC architects (a CH2M HILL company) provides exceptional ability in the design of sophisticated, people-focused laboratory and cleanroom environments. IDC architects utilize a multidiscipline, integrated design approach creating flexible buildings that provide value for years into the future. The firm has developed state-of-the-art laboratories and cleanroom spaces for university,

private, and government clients, including buildings for infectious disease centers; nano, bio, and microelectronic laboratories; and one-of-a-kind facilities with the highest levels of bio-safety level containment in the world.

More importantly, CH2M HILL has an extensive and impressive history in the design, development, and construction of nanotechnology and semiconductor centers. CH2M HILL is recognized by the nanotechnology industry as a group that is capable of solving new equipment mandated challenges, identifying benchmarks, and establishing standards throughout project and process improvements.

Our team would be willing to partner with CH2M HILL both because of their proven success in the field of nanotechnology but also because of their relationships and partnerships they have developed as an organization. CH2M HILL has worked for and partnered with significant clients including IBM, Samsung, SEMATECH, Tokyo Electronics, Seagate Technology, Lucent Technologies, United Airlines and the United States Military among many others. Our team values the depth of nanotechnology experience they bring to the table as well as the relationships they have to facilitate the expansion of the foundation that the Fort Schuyler Management Corporation is looking to establish in the Western New York market.



M+W Group is the leading global engineering, construction and project management company in the fields of Advanced Technology Facilities, Life Science & Chemicals, Energy & Environment Technologies and High Tech Infrastructure. From concept development to turnkey services the company manages projects of all sizes ensuring rapid realization, high quality standards and cost-effective completion. With its competence to link process and automation technologies and complex facilities to integrated solutions M+W Group primarily focuses on leading companies in the fields of electronics, photovoltaics, life science, chemicals, energy, automotive, security, IT & Telecoms, as well as research institutes and universities. M+W Group GmbH is the holding company with headquarters in Stuttgart, Germany. In 2012 the company generated an order intake of 3.58 billion euros and revenues of 2.38 billion euros with 7,700 employees. In 2012 M+W Group also celebrated its 100th anniversary.

M+W Group is owned by the Austrian Stumpf Group that is globally successful in the areas of High Tech Engineering, Smart & Renewable Energy, Real Estate and Technology Investments.

Our team would be willing to partner with M+W Group specifically for their clean room expertise along with their relationships within the nano industry.

### Development, SEQRA, permitting, Pro Forma, budgeting and financial modeling experience (2Ac, 2Ae & 2Ea)

CREC, offers full service land development capabilities spanning from site programming and planning to building delivery and turn-key solutions. Our team offers a diversified and capable program for development services with staff that includes registered architects, professional urban and municipal planners and real estate investment fund portfolio managers.

Successful building solutions begin with a careful examination of site selection. Our planning staff provides a full assessment of site consideration including environmental investigation, zoning review, logistics planning and market analysis. The physical design and interior planning of buildings are critical in providing a site that functions properly for our clients and end-users. Our in-house registered architects bring an owner's perspective and critical eye for building design and site programming. Upon securing a site and developing a building program that addresses the needs of our clients, our team works to navigate the local, state and federal permitting process; we have a proven success record with project coordination and permitting through the New York State Environmental Quality Review Act (SEQRA) and the National Environmental Policy Act (NEPA). In addition, our team has specialized experience in the successful redevelopment of



environmentally compromised and historically sensitive sites, working in conjunction with State and Federal programs to reposition properties from failing assets to thriving new development sites.

Key team member, Brad Packard, Project Manager at CREC will be engaged during these steps. He manages all aspects of the development process from site selection and pre-construction project design management to tenant move-in. Mr. Packard also works closely with public agencies to ensure adherence to current land use and environmental regulations at the local, state and federal level.

A development project cannot realize success without a well-organized and reliable financial plan that is facilitated by our executive staff, the members of which have years of expertise in directing strategic investments and asset management. Our ability to manage the financial process comes from our experience in developing, financing, constructing and managing our own real estate portfolio; a unique perspective that provides a critical depth to our in-house capability.

CREC utilizes its 500-property commercial real estate portfolio to provide benchmarked operating costs, coupled with the over \$240 million debt portfolio, and incorporates this information into our Argus software to produce detailed multi-year, multi-building financial modeling. This modeling includes revenue, expenses, depreciation, debt service and cash flow, and the models can be rolled up to produce overall portfolio results.

### Acquisition (2Ac), Legal (2Ad) & P3 Services

Hodgson Russ brings expertise in legal, acquisition and several components of P3's. The attorneys at Hodgson Russ regularly counsel the firm's clients with respect to the structuring, development, and financing of P3's. We can provide comprehensive advice to clients on all stages of public-private projects, including providing due diligence review,

project structuring, negotiating and drafting of project agreements, crafting and implementing legislation, financing and real estate and tax matters.



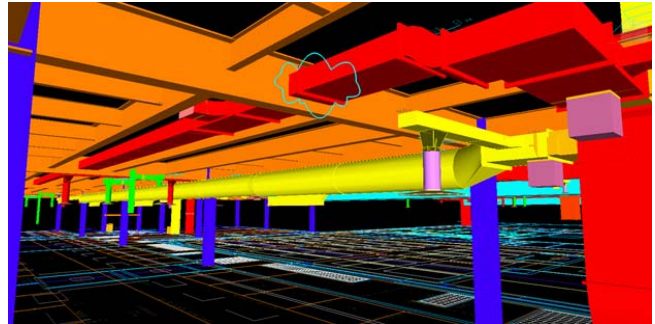
### Representative Engagements

- Hodgson Russ currently represents LPCiminelli in the \$1.45 billion Buffalo Public School Reconstruction Program. This program, which required seven separate special pieces of state legislature, is in its fifth phase and has resulted in the renovation of over 60 antiquated public school buildings. Hodgson Russ's representation extends to all levels of the project, including procurement of state legislation, assistance in securing all SED approvals on construction and financing, assistance with development of strategies and funding sources for the city's portion of the project costs, assistance in procurement of tax-exempt bonding, and assistance with the SEQR review process, counseling regarding MBE/WBE compliance and workforce development, and procurement of all architectural and construction services.
- Hodgson Russ is currently serving as counsel to LPCiminelli, the program provider, in conjunction with a district-wide school renovation project for a city school district in Pennsylvania. This matter involves creation of a public-private partnership structure and enactment of special enabling state legislation.



- Hodgson Russ served as counsel to the LPCiminelli and CREC private development team hired for the Niagara Falls Municipal Complex to undertake the development, construction, and financing of their \$45 million public safety complex. This transaction involved utilization of a first-of-its-kind public-private partnership and required procurement of special state legislation to allow for private development and construction of a municipal facility. We also assisted with the project’s participation in the state’s brownfield remediation program.
- Hodgson Russ served as counsel to a state university campus on an initiative that became the basis for legislation related to the entire state university system. This engagement included development of the public-private legal structure and drafting necessary legislation for a multi-billion dollar campus expansion. We also served as SEQR counsel to the university on this project.

the full Revit suite (Architectural, Structural, MEP), Revit Civil 3D, Navisworks and Innovaya.



*The utilization of early clash detection modeling during constructability review has been invaluable. By creating a composite model in which all files are 3D, linked and intelligent, we are able to find areas of interference between structural steel, plumbing HVAC, electrical and ceilings prior to the start of construction. This drastically reduces the number of delays during construction, potentially reducing costs and keeping the project on schedule. The model is then updated throughout construction with “as-built conditions” so that at the end of construction a comprehensive “as-built” model is turned over to the owner.*

**Technology (2Ad)**



For project management, LPCiminelli uses an industry leading ERP solution providing integrated functionality for project management – SAP. In addition, we utilize Newforma, giving great project control functionality, and industry standard mobile technology, while being integrated with SAP.

At LPCiminelli, we have established a Virtual Design and Construction (VDC) team that uses Building Information Modeling (BIM) to improve the planning of your project. Our team holds multiple licenses for



**Facility management (2Ad)**

Often the variety of responsibilities of building management are best handled by a company that possesses the knowledge and experience necessary to make the project a success. CREC is continually expanding a substantial portfolio—and that speaks volumes to their capabilities. But facility management is much more than just square footage. It is about effectuating the best performance for your asset at the least cost. We do this for our clients by realizing cost efficiencies, identifying key performance indicators, developing comparative analyses and utilizing competitive bidding, benchmarking and satisfaction surveys.

Among the items CREC looks at for facility management, the following items are of key importance.

**Operations**

- Complete review of the leases in place and a thorough inspection of the building
- Establish an operations plan that will assist our personnel in effectively servicing each facility management customer
- Development of guidelines for permitting access by maintenance contractors, scheduling and supervising performance
- Operation plan is individually tailored and efficiently implemented
- Goal of long-term, value enhancement of a property

**Client Coordination**

- Customize reporting and operating guidelines according to owner requirements
- Personnel serving the project are thoroughly schooled in policies and procedures on operations, reporting and accounting matters

**Vendor Selection and Bids**

- Identify required contract services, create performance specifications and qualify bidders
- Bids from service contractors will be invited, results reviewed, contracts negotiated and awarded, and savings documented
- Use of consolidators, when appropriate and effective
- Web-based work order system used to document contract services and major repairs, and track performance records



**Purchasing**

- Supplies and equipment are economically purchased, taking advantage of our bulk purchasing power
- All discounts are documented and accrue to the benefit of the owner or building occupant

**Tenant/Occupant Information (applicable to non-owner occupied buildings)**

- All tenants advised of move-in procedures, operating policies, rental payment requirements,

required insurance coverage, workorder request protocol, and other pertinent matters

- Tenant checklist ensures that administrative tasks for each tenant are accomplished in a timely manner

### Tenant Relations (applicable to non-owner occupied buildings)

- Develop and enhance relationships through regular communication
- Quick and consistent response time to all maintenance requests, including status follow-up communications
- Annual surveys with opportunity for honest feedback; results shared with tenants upon compilation

### Property Inspection

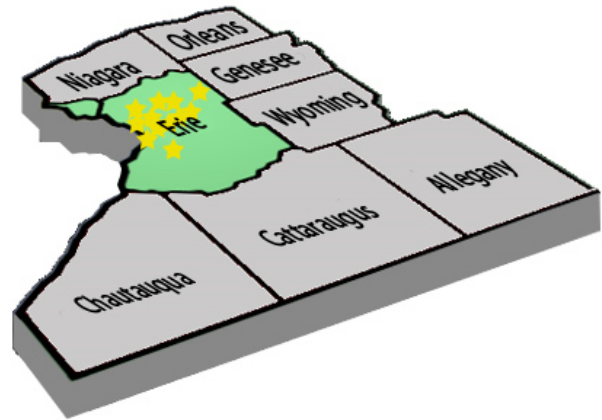
- Weekly, monthly, quarterly and annual detailed asset condition checklists
- Immediate response time to any needed cleanup or repair work
- Inspection performed by qualified members of the CREC team, certified in specific fields
- Recommendations made regarding appearance, durability, ease of maintenance and cost

### Preventative Maintenance

- Preventative maintenance schedules will be established to supervise the performance of service and service contractors
- Proactive, computerized system of detecting and solving issues before they turn into problems

### Emergency Procedures

- CREC provides access to personnel 7 days a week, 24 hours a day
- Clients can be assured that our ability to respond to emergencies is enhanced through technology, multiple personnel on staff on call, and vast network of vendors and suppliers



### Leasing, acquisitions & marketing strategies experience (2Ad , 2Af & 2B)

As LPCiminelli team member, CREC's in-house team of real estate professionals includes 8 brokers and 13 salespeople. They have the experience to effectively evaluate and negotiate leases and acquisitions in support of an owner's goals and objectives. Their team concentrates its efforts on securing leases which increase a project's value and enhance the return on the owner's investment. In particular, the CREC team excels in the following areas:

- Lease and purchase/sale negotiations; quick and fair decisions to expedite the process for our clients, whether on behalf of the owner or a tenant
- Substantial knowledge of tenant migration and information regarding market trends
- Strong relationships with regional and national brokers
- Active involvement in regional and national commercial real estate organizations
- Commissions are always paid promptly; brokers prefer to work with us

Additionally, our construction personnel and in-house architects can immediately address any improvement issues that arise during negotiations. This added dimension has proved to be an invaluable resource to Ciminelli and our clients. It eliminates the need for additional professional consultation, thereby keeping costs to a minimum for the owner.

**Marketing**

In conjunction with the leasing process, a strategic plan for the marketing of your building is critical in today’s highly competitive and ever-changing real estate market. Because of our strong ties with the regional and national broker networks and our vast experience with our managed portfolio, Ciminelli is often retained as a third party representative to perform such strategic operations. Our in-house marketing and leasing teams’ initiatives incorporate four important objectives:

- Create well written, enforceable leases
- Obtain at or above market rental rates
- Generate leasing activity through direct marketing to users, including direct mail, ads, special events, and property information packages
- Create and maintain market awareness of leasing opportunities

Our results oriented approach includes:

- Detailed market study and master plan created by in-house market research team
- Strategies developed to introduce property to the marketplace
- Establishing lease agreements and tenant work letters
- Preparing lease guidelines for approval by owner
- Creating target prospect lists and initiating sales calls
- Production and coordination of all professional marketing materials, public relations, and advertising
- Marketing of property to all major brokerage firms
- Developing proposals and negotiating with prospective tenants

**Commitment to lease space (2C)**

The LPCiminelli Team understands their commitment as to the occupancy of the proposed space relative to the RFP.



**Diversity commitment (2Ah)**

The LPCiminelli team understands and supports the need to create robust community involvement for FSMC and SUNY CNSE’s program. We commit to successfully implementing a plan to ensure that minority and women business enterprises (MWBE) are encouraged to participate in the performance of the contracts for components of a strategic research, technology outreach, business development, manufacturing, education and training partnership in the greater Buffalo area.

As an Equal Employment Opportunity employer, the LPCiminelli team is committed to servicing its business community through proactive and comprehensive monitoring, mentoring, training and outreach activity. We believe that its commitment to diversity can only be achieved by a proactive organizational approach that includes a stand-alone Diversity department dedicated to achieving contractual compliance.

As team lead, LPCiminelli recognizes and supports the importance of diversity in procurement. As a result, we engage in outreach initiatives to enhance the abilities of SBE’s in order to complete and meaningfully participate in the procurement process. Projects that have met any number of these include SUNY Cortland, Rochester City School District’s Edison School and East High School, Erie County Medical Center, the Buffalo Public Schools Reconstruction Program, Niagara Falls Municipal Complex, U.S. Federal Courthouse, and several projects for the Seneca Nation.

## LPCiminelli's case study for diversity commitment

LPCiminelli, has served as the program provider for the Buffalo Public Schools Reconstruction effort for over 10 years. The Buffalo Public Schools Program features an aggressive Business and Workforce Diversification Plan. This plan is comprised of two parts: a component that regulates the inclusion of Minority-Owned Businesses and Women-Owned Businesses (M/WBEs); and a component that promotes diversity within the building trades' workforce.

### Diversity and Inclusion

In an effort to encourage the growth of MWBEs, the Buffalo Joint Schools Construction Board (JSCB) set a goal that 30 percent of subcontract work be performed by certified MWBE firms (25 percent minority and 5 percent women). To ensure that minorities and women are employed by the building trades, the JSCB also established a goal of 30 percent workforce diversification (23 percent minority participation and 7 percent women participation).

The JSCB has regularly employed outside compliance firms to monitor the implementation of the program's diversification plan. Compliance & Administrative Services of New York (CASNY) has been retained as the primary compliance monitor for Phase V construction. CASNY also has an outreach component accompanying their monitoring duties. The Business Survival Series was introduced on Phase V to further foster the growth and success of all MWBE in the region. As with Phases I-IV, Phase V, while still in construction, is on trend to also meet or exceed goal by project's end.

### Curriculum Enrichment for BPS Students

The Buffalo Public Schools Program has created new opportunities for BPS students through a set of Curriculum Enrichment initiatives, branded as LPCiminelli's Construction Connections. The JSCB, LPCiminelli and our partners provide students with opportunities to experience the construction industry firsthand. These curriculum enrichment programs are

designed to capture the interest of students in the construction trades, sometimes as early as the elementary grades. It is the vision of the JSCB that students, through these hands-on efforts, will be able to pursue education in the areas of architecture, construction, engineering, accounting, sales, program management and other related fields. Not only will these educational experiences benefit students who discover a lucrative career path through their involvement, but it will also help replenish the pool of talented candidates that these industries will draw from in the future. Our top program is TEAM (Technical, Engineering, Architecture, Mentoring) which focuses on career exploration for high-school students.



This program provides students the opportunity to learn from and network with industry professionals in architecture, construction and engineering. In April 2012 a new collaboration with Ciminelli Real Estate Corporation created a unique opportunity for Bennett high school students to learn from the renovation of their next door neighbor, as the historic Buffalo Meter Company building is converted into the Bethune Lofts. The program offered Bennett freshmen and sophomore students hard-hat tours and guest speakers who addressed topics such as architecture, preservation, construction, sustainability and development.

**Small and Emerging Business Programs**

In addition to creating opportunities for students, the Buffalo Public Schools Program was designed to help small and emerging local businesses to thrive. LPCiminelli supports this goal by conducting outreach programs to assist local companies, allowing them to capitalize on opportunities offered by the BPS program. Events were also organized to allow people to interact and discuss with other area professionals in the field such as the Project Meet and Greet.

**LPCiminelli Summer Management Internship Program**

This program matches qualified Buffalo Public high school junior and senior students with paid summer internship opportunities. Throughout the 8-week program, interns support various departments critical to the company, such as: safety, estimating, accounting, marketing, and Information Technology. Our summer interns also work on various project sites alongside our project managers, superintendents, engineers and administrators. During the last month of the internship, students are teamed with a few of our program partners

(contractors) to work alongside them to get the feel of the construction business overall.

**Community Feedback**

It is important of a program this size and magnitude to maintain open communication with the public. The Buffalo Public Schools Program has had a dedicated website since day one of the project that highlights current work status. In addition, LPCiminelli also broadcasts a monthly program on public access television and YouTube. The show, Making It Happen, highlights success stories generated by the Buffalo Public Schools Program. This program keeps the public informed on the reconstruction progress of each school while providing publicity to the schools, students and small businesses that are contributing to the program's success. LPCiminelli has also created a Making it Happen Facebook page and was instrumental in starting up a hotline to help broaden our audience and messaging.

*LPCiminelli Business Survival Series seminar with CASNY*



## Inventory of options

The LPCiminelli team member, CREC, manages over 11 million sq. ft. throughout Western New York. In an effort to present options for FSMC and SUNY CNSE, we have collected a listing of options for your review.

### City of Buffalo sites:

#### Conventus

##### 1001 Main Street, City of Buffalo

A 1.4-acre site; currently under construction is a 6-story 287,000 sf. medical office building. CREC is the owner, designated developer, project manager and property manager for the Conventus project.

#### 33 High Street, City of Buffalo

A 0.72-acre site located within the Buffalo Niagara Medical Campus and directly adjacent to Conventus, the new SUNY at Buffalo School of Medicine and Biomedical Sciences, and the new Children's Hospital of Buffalo. The site is wholly under the ownership and control of CREC.

#### Salvation Army site

##### 954 Main Street, City of Buffalo

A 2.39-acre site that is currently the subject of an operating Salvation Army Community Services Center, directly adjacent to the Buffalo Niagara Medical Campus and across the street from Conventus. CREC is currently in negotiations with the Salvation Army to acquire this site.

#### EPIC site

##### 1000 Main Street, City of Buffalo

A 0.77-acre site is currently home to a 13,916 sq. ft. office building and community service provider. The property is directly adjacent to the Buffalo Niagara Medical Campus and across the street from Conventus. CREC is currently under contract to purchase this property with closing schedule for January 15, 2014.

#### Osmose site

##### 980 Ellicott Street, City of Buffalo

A 4.37-acre property is currently the site of a 100,000 sq. ft. manufacturing and administrative building. The property also contains a 17,000 sq. ft. class II lab building with a connected logistics warehousing and distribution dock. CREC is currently in negotiation with Osmose to purchase the property.

#### Riverbend- Buffalo, NY

As was announced November 21, 2013, Riverbend will be the first project to make this region a hub for high-tech research, manufacturing and work force training with SUNY CNSE's model.

On the site of the former Republic Steel and Donner Hanna Coke facilities in South Buffalo, this 200 acre site is located within the South Buffalo Brownfield Opportunity Area (BOA). Development at the RiverBend site will include improvements that will transform a vacant former brownfield site into a recreational, ecological and economic resource; opening waterfront access, improving connectivity, and reclaiming land for productive use in the City of Buffalo.

Subsequent to the announcement, we made initial contact with the Buffalo Urban Development Corporation office to begin planning for site preparation. Our in-house planner has prepared an initial review and we are ready to put it on a critical path for development.

#### 990 Niagara Street, City of Buffalo

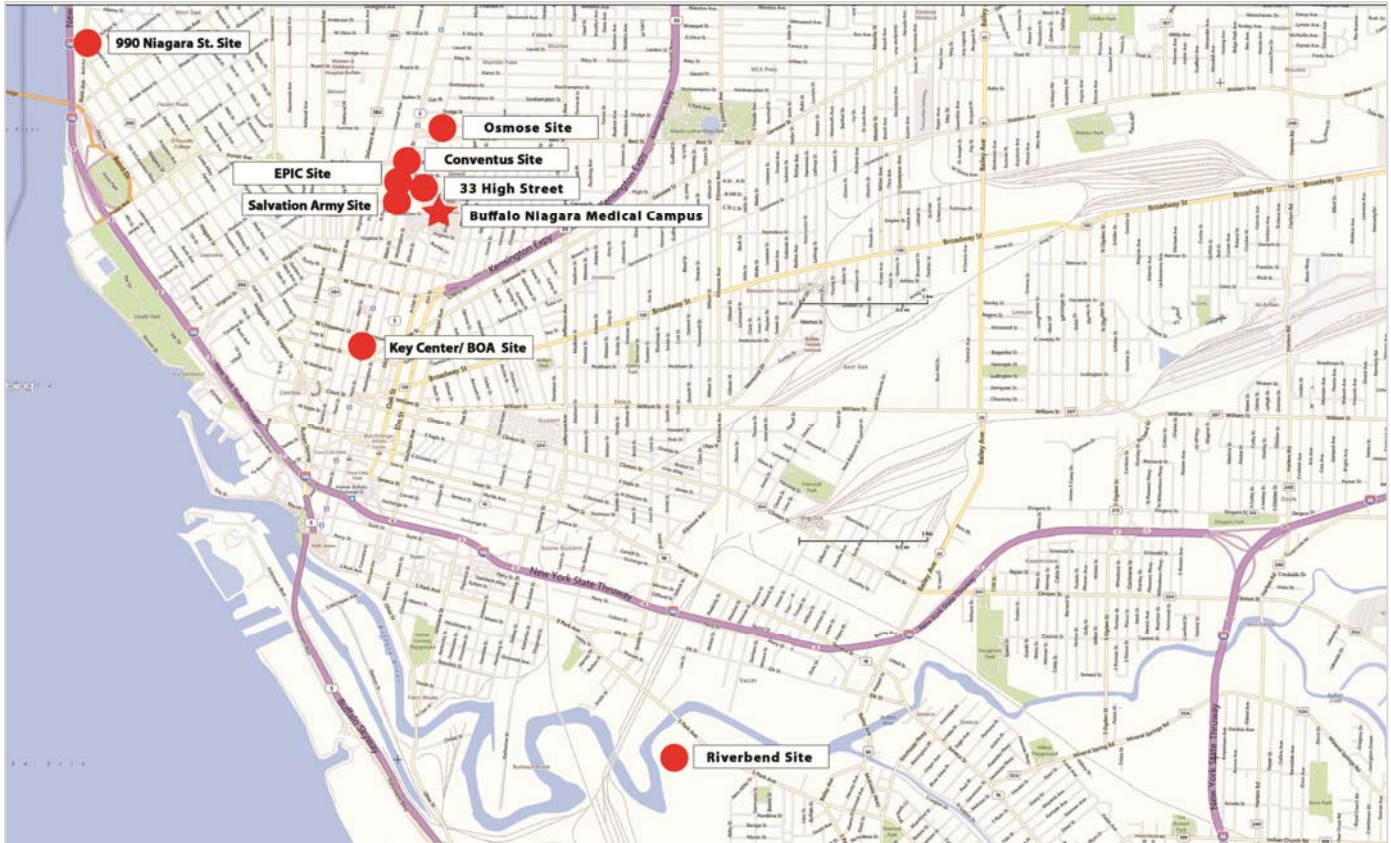
A 47,000 sq. ft. former warehouse facility that is currently vacant. It is owned and managed by CREC.

#### Key Center/Bank of America complex

##### 50 and 10-12 Fountain Plaza, City of Buffalo

A 654,000 total sq. ft. complex spanning 3 buildings in downtown Buffalo. CREC serves as agent for the building's ownership entity which is based in New York, New York.

City of Buffalo sites (continued):





## Suburban/Other sites:

### Muir Woods

North French/Dodge Road, Town of Amherst

A 108-acre vacant site that is available as a certified shovel ready site for office and research & development space. The property is located within 1 mile of the SUNY at Buffalo North Campus (Amherst) and CREC is the Designated Developer and Project Manager for the Muir Woods project site.

### Westwood Country Club site

772 North Forest Road, Town of Amherst

A 170-acre vacant site is within 1 mile of the SUNY at Buffalo North Campus (Amherst). CREC is a member of the Partnership that owns the site, and is the Designated Developer for the site.

### Colvin Woods

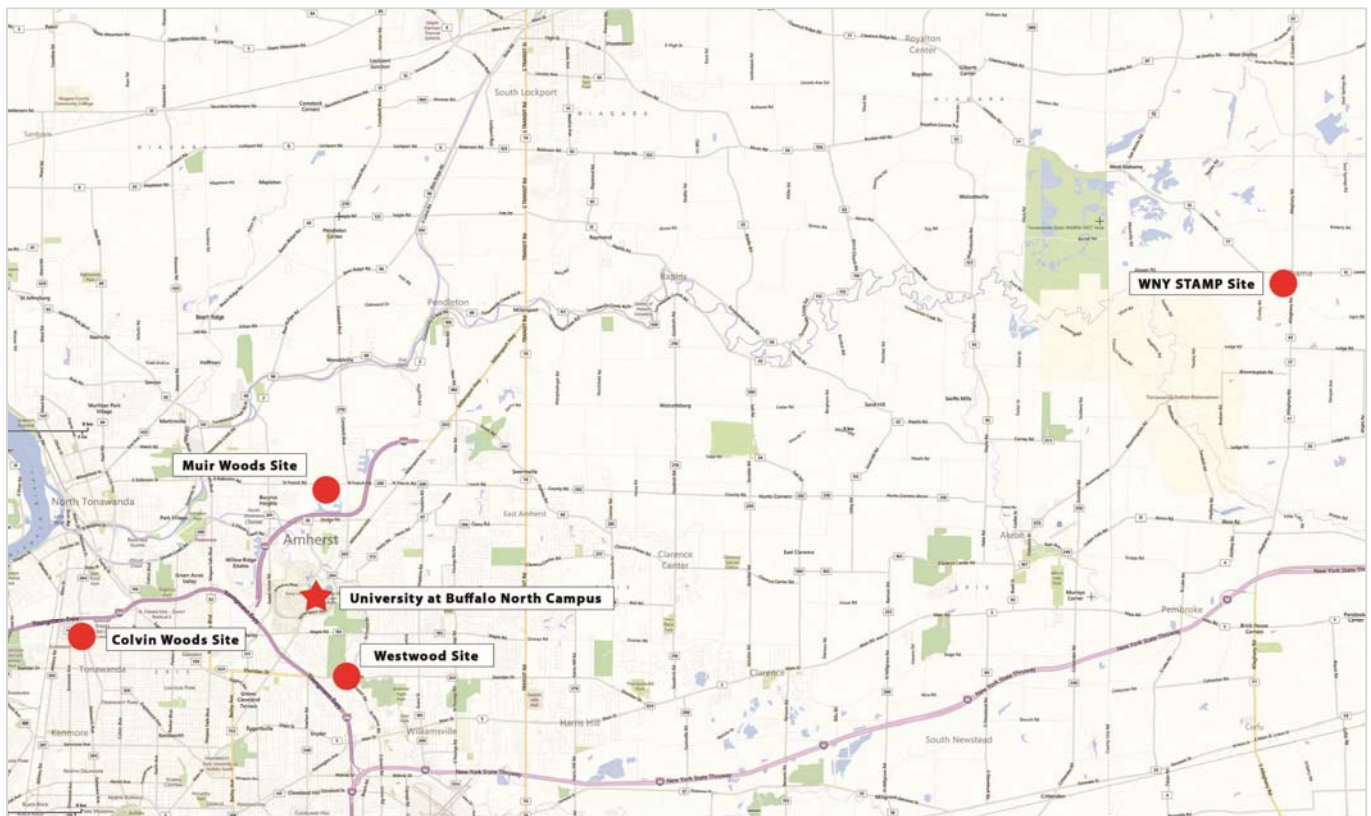
3939 Delaware Avenue, Town of Tonawanda

An existing 45-acre professional office and industrial park with 14 vacant acres available as a certified

shovel ready site. CREC is the Designated Developer and Project Manager for the site.

### Western New York STAMP – Batavia, NY

Western NY Science, Technology and Advanced Manufacturing Park (STAMP) is a development of New York State's second shovel-ready mega site (1,279 acres) designed for nanotech-oriented manufacturing (semiconductor, flat panel display, solar/PV), advanced manufacturing, and large scale bio-manufacturing projects. The site is located in the New York Power Authority's (NYPA) low cost hydropower zone and is serviced by redundant, highly reliable power. Located just 5 miles north of the New York State Thruway (I-90), at exit 48a, the site is easily accessible to the region's 2.1 million workforce population. With its proximity to Buffalo Niagara International Airport (less than 20 minutes), an active customs site, STAMP is the ideal mega site. CREC is one of STAMP's designated developers.







## Attachments C, D & E

## ATTACHMENT C

***Insurance and Indemnification Requirements***1. **Insurance Limits**

Vendor and Vendor's subcontractor shall purchase and maintain at a minimum the following types of insurance coverage and limits of liability:

- A. **Commercial General Liability** ("CGL") with limits of insurance of not less than \$1,000,000 each Occurrence and \$2,000,000 Annual Aggregate. CGL coverage shall be written on ISO Occurrence form CG 00 01 10 93 or a substitute form providing equivalent coverage and shall cover liability arising from premises, operations, independent contractors, products-completed operations, and personal and advertising injury. If the CGL coverage contains a General Aggregate Limit, such General Aggregate shall apply separately to each project.

Fort Schuyler Management Corporation ("FSMC"), the Research Foundation of State University of New York ("RF"), the State University of New York ("SUNY"), The SUNY College of Nanoscale Science and Engineering (CNSE), State University of New York Institute of Technology at Utica/Rome (SUNYIT), and the State of New York ("STATE") shall each be named as Additional Insureds on the Vendor's CGL policy using ISO Additional Insured endorsement CG 20 10 11 85, or CG 20 10 10 93 and CG 20 37 10 01, or CG 20 33 10 1 and CG 20 37 10 01, or an endorsement providing equivalent coverage to the Additional Insureds. This insurance for the Additional Insureds shall be as broad as the coverage provided for the named insured Vendor. This insurance for the Additional Insureds shall apply as primary and non-contributing insurance before any insurance or self-insurance, including any deductible, maintained by, or provided to, the Additional Insureds.

Vendor shall maintain CGL coverage for itself and all Additional Insureds for the duration of the project and shall maintain Completed Operations coverage for itself and each Additional Insured for at least 3 years after completion of the work.

- B. **Business Automobile Liability** ("AL") with limits of insurance of not less than \$1,000,000 each accident. AL coverage must include coverage for liability arising out of all owned, leased, hired and non-owned automobiles. FSMC, RF, SUNY, CNSE, SUNYIT, and STATE, shall each be named as Additional Insureds on the Vendor's AL policy. This insurance for the Additional Insureds shall be as broad as the coverage provided for the named insured Vendor. The AL coverage for the Additional Insureds shall apply as primary and non-contributing insurance before any insurance maintained by the Additional Insureds.
- C. **Workers Compensation** ("WC") Employers Liability and Disability benefit as required by New York State. Detailed information can be obtained by going to the link <http://www.wcb.state.ny.us/> Please note Accord form is NOT acceptable proof of insurance for Workers' Compensation, Employers Liability and Disability insurance. A C105.2, CE-200, or other WC officially sanctioned form is required.
- D. **Commercial Umbrella Liability** ("UL") with limits of insurance of not less than a limit of \$10,000,000. UL coverage must include as Additional Insureds all entities that are Additional Insureds on the CGL and the AL.
- E. **Property Insurance** ("PI") Vendor shall purchase and maintain for the duration of this agreement Property Insurance in the amount of \$6,000,000 that includes coverage for the personal property/equipment of others and/or property that is in the care, custody and control of Vendor.

This policy should provide "all-risk" coverage and shall include coverage for the perils of "testing", "calibrating" and "mechanical breakdown." FSMC and RF shall be named as Loss Payees on the PI policy maintained by Vendor.

- F. **Waiver of Subrogation:** Vendor waives all rights against FSMC, RF, SUNY, CNSE, SUNYIT, and STATE and their agents, officers, directors and employees for recovery of damages to the extent these damages are covered by CGL, AL, WC & EL PI or UL insurance maintained per the requirements stated above.
- G. **Certificate of Insurance:** Certificate of Insurance acceptable to FSMC, RF, SUNY, CNSE, SUNYIT, and STATE must be provided prior to commencement of the Vendor's work. A copy of the General Liability Additional Insured endorsement shall be attached to the Certificate of Insurance.  
 Certificate Holder: Fort Schuyler Management Corporation  
 SUNYIT  
 100 Seymour Road  
 Utica, New York 13502
- H. **Notice of Cancellation or Coverage Modification** to the certificate of insurance: No insurance policy required above shall be cancelled, modified allowed to expire, or reduced in coverage without at least 30 days prior written notice to the Foundation.  
 Notice of Cancellation to the Workers' Compensation and Disability benefit without at least 10 days prior written notice to the Foundation.

The obligation of Vendor to indemnify any party shall not be limited in any manner by any limitation of the amount of insurance coverage or benefits including workers' compensation or other employee benefit acts provided by Vendor.

2. **Indemnification Requirements**

Vendor shall indemnify, save, hold harmless and defend each of Fort Schuyler Management Corporation ("FSMC"), the Research Foundation of State University of New York ("RF"), the State University of New York ("SUNY"), The SUNY College of Nanoscale Science and Engineering (CNSE), State University of New York Institute of Technology at Utica/Rome (SUNYIT), and the State of New York ("STATE"), and the agents, directors, trustees, officers, employees, shareholders, members, and assigns of each of them (collectively, "Indemnitee") from and against any and all claims, damages, demands, actions, judgments, lawsuits, proceedings, assessments, liabilities, losses, penalties, costs and expenses (including, without limitation, reasonable attorneys' fees, costs and expenses), whether or not subject to litigation (collectively, "Indemnified Claims"), incurred by any Indemnitee in connection with the performance of this Agreement, or for any damage or destruction of property, or injury, sickness, disease or death to persons caused by any acts or omissions of Vendor's or its employees' or agents'.

**Acknowledgement:** By signing below, you acknowledge your organizations willingness to comply with these insurance and indemnification requirements should your organization be awarded the project.

X  Date: December 10, 2013

Print Name: Frank L. Ciminelli, II Title: Senior Vice President

**Project: For A Strategic Research, Technology Outreach, Business Development, Manufacturing, And Education And Training Partnership With A Qualified Local Developer In The Greater Buffalo Area**

ATTACHMENT D

Disclosure of Prior Findings of Non-Responsibility

New York State agency finding of non-responsibility during the previous four (4) years

Disclosure of Prior Findings of Non-Responsibility Form

Name of Entity of Responder seeking to enter into the Contract: LPCiminelli, Inc.

Address: 2421 Main Street, Buffalo NY 14214

Name and Title of Person Submitting this Form: Frank L. Ciminelli, II; Senior Vice President

1. Has any Governmental Entity made a finding of non-responsibility regarding the individual or entity seeking to enter into the Developer Contract in the previous four years? (Please circle):

No (If no, skip to question #5)

Yes (If yes, answer question #2, #3, & #4)

2. Was the basis for the finding of non-responsibility due to a violation of State Finance Law §139-j (Please circle):

No

Yes

3. Was the basis for the finding of non-responsibility due to the intentional provision of false or incomplete information to a Governmental Entity? (Please circle):

No

Yes

4. If you answered yes to any of the above questions, please provide details regarding the finding of non-responsibility below and attach additional pages as necessary.

Governmental Entity:

Date of Finding on Non-responsibility:

Basis of Finding of Non-responsibility:

5. Has any Governmental Entity or other governmental agency terminated or withheld a Contract with the above-named individual or entity due to the intentional provision of false or incomplete information? (Please circle):

No

Yes (If yes, answer question #6)

6. If yes, please provide details below and attach additional pages as necessary.

Governmental Entity:

Date of Termination or Withholding of Contract:

Basis of Termination or Withholding:

Responder certifies that all information provided to the Governmental Entity with respect to State Finance Law §139-k is complete, true and accurate.

By: Frank L. Ciminelli, II (Signature) Name: Frank L. Ciminelli, II

**Instructions for Completing the  
Disclosure of Prior Findings of Non-Responsibility Form**

**Background:**

New York State Finance Law §139-k(2) obligates a Governmental Entity to obtain specific information regarding prior non-responsibility determinations with respect to State Finance Law §139-j. This information must be collected in addition to the information that is separately obtained pursuant to State Finance Law §163(9). In accordance with State Finance Law §139-k, an Offerer must be asked to disclose whether there has been a finding of non-responsibility made within the previous four (4) years by any Governmental Entity due to: (a) a violation of State Finance Law §139-j or (b) the intentional provision of false or incomplete information to a Governmental Entity. The terms "Offerer" and "Governmental Entity" are defined in State Finance Law § 139-k(1). State Finance Law §139-j sets forth detailed requirements about the restrictions on Contacts during the procurement process. A violation of State Finance Law §139-j includes, but is not limited to, an impermissible Contact during the restricted period (for example, contacting a person or entity other than the designated contact person, when such contact does not fall within one of the exemptions).

As part of its responsibility determination, State Finance Law §139-k(3) mandates consideration of whether an Offerer fails to timely disclose accurate or complete information regarding the above non-responsibility determination. In accordance with law, no Procurement Contract shall be awarded to any Offerer that fails to timely disclose accurate or complete information under this section, unless a finding is made that the award of the Procurement Contract to the Offerer is necessary to protect public property or public health safety, and that the Offerer is the only source capable of supplying the required Article of Procurement within the necessary timeframe. See State Finance Law §§139-j (10)(b) and 139-k(3).

**Instructions:**

RF/CNSE includes this disclosure request regarding prior non-responsibility determinations in accordance with State Finance Law §139-k in its solicitation of proposals or bid documents or specifications or contract documents, as applicable, for procurement contracts. The attached form is to be completed and submitted by the individual or entity seeking to enter into a Development Contract, Supplement or Change Order.

This document must accompany each Bid Form, Letter of Interest, or Proposal submitted by an offerer and will be required for any contract amendments over \$15,000.

ATTACHMENT E

**Disclosure of Lobbying Activity**

*Disclosure of any person or company that lobbied on your behalf in relation to this RFP.*

**Disclosure of Lobbyist Form**

Solicitation or Contract Number:	
Name of Proposer or Contractor:	LPCiminelli, Inc.
Address:	2421 Main Street, Buffalo NY 14214
Name and Title of Person Submitting this Form:	Frank L. Ciminelli II, Senior Vice President
Is this an initial filing or an updated filing in?	<p><b>Section II. Agency and Authority Responsibilities</b></p> <p>1. Every covered agency and authority shall ensure that bid or proposal documents for procurement contracts include the name, address, telephone number, place of principal employment and occupation of every person or organization retained, employed or designated by or on behalf of the contractor to attempt to influence the procurement process and whether such person or organization has a financial interest in the procurement.</p> <p>2. Every covered agency and authority shall ensure that bid or proposal documents for procurement contracts shall include the name, address, telephone number, place of principal employment and occupation of every person or organization subsequently retained, employed or designated by or on behalf of the contractor to attempt to influence the procurement process and whether such person or organization has a financial interest in the procurement. Every covered agency and authority shall ensure that contractors shall inform the agency or authority of the identity of any such persons or organizations prior to such person or organization contacting a covered agency or authority.</p>
(Please indicate with an "X")	
Initial Filing	
Updated Filing	
Date submitting this form:	
The following person(s)* or organization was retained, employed or designated by or on behalf of the Proposer or Contractor to attempt to influence the procurement process:	NONE
Name:	
Address:	
Telephone Number:	
Place of Principal Employment:	
Occupation:	
Does the above named person or organization have a financial interest in the procurement?	
(Please indicate with an "X")	
Yes	
No	

\*Attach additional forms as necessary