

ITEM 1 - AWARD OF CONTRACT TO CUMMINGS-WAGNER SIEWERT, LLC FOR CONTRACT NO. MP-090-P03 VALVES AND ACTUATORS PROCUREMENT STURGEON POINT WATER TREATMENT PLANT FILTRATION PIPING, VALVE, AND UNDERDRAIN SYSTEM IMPROVEMENTS, PROJECT NO. 202200014 - \$2,192,980.00

Motion by seconded by

WHEREAS, the Erie County Water Authority (the “Authority”) advertised in Construction Exchange and the New York State Contract Reporter on the 15th day of July 2022, a notice inviting sealed bids in accordance with Public Authorities Law §1069 for Contract No. MP-090-P03 Valves and Actuators Procurement Sturgeon Point Water Treatment Plant Filtration Piping, Valve, and Underdrain System Improvements; and

WHEREAS, Authority personnel opened sealed bids in the office of the Authority on the 5th day of August, 2022, and were as follows:

BIDDERS	AMOUNT
Cummings-Wagner Siewert, LLC	\$2,192,980.00
DeZurick, Inc.	Non-Responsive; and

WHEREAS, Arcadis, Consulting Engineers, Michael W. Wymer, Sr. Production Engineer and Leonard F. Kowalski, Executive Engineer have reviewed the bids and have determined that DeZurick, Inc. was not able to fulfill all the contract requirements; and

WHEREAS, DeZurick, Inc. did not acknowledge receipt of Addendum No. 1 which included a revised Bid Form describing additional bid items and updated quantities; and

WHEREAS, due to the above, Michael W. Wymer, Sr. Production Engineer, recommends that the bid submitted by DeZurick, Inc. be rejected as non-responsive; and

WHEREAS, Arcadis, Consulting Engineers, Michael W. Wymer, Sr. Production Engineer and Leonard F. Kowalski, Executive Engineer have determined that Cummings-Wagner Siewert, LLC is a qualified bidder and have recommended that a contract be awarded to that firm for the abovementioned project; and

WHEREAS, the Authority’s 2022 Capital Budget includes funds for this project under Unit 2510 Eng/Const Sturgeon Point, Item No. 101506 Filter Gallery Piping Design;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority deem the bid non-responsive that was submitted by DeZurick, Inc. for Contract No. MP-090-P03 Valves and Actuators Procurement Sturgeon Point Water Treatment Plant Filtration Piping, Valve, and Underdrain System Improvements in accordance with the terms and conditions stated in Article 11 of the Instructions to Bidders Section of the specification and contract documents; and be it further

RESOVLED: that it is hereby determined that Cummings-Wagner Siewert, LLC is the lowest responsive bidder for Contract No. MP-090-P03 Valves and Actuators Procurement Sturgeon Point Water Treatment Plant Filtration Piping, Valve, and Underdrain System Improvements and that the Chairman is hereby authorized and directed to execute a contract with Cummings-Wagner Siewert, LLC as a unit price contract for the estimated total amount of \$2,192,980.00; and be it further

RESOLVED: that the Secretary is authorized to return to DeZurick, Inc.'s deposit submitted with their bid to the Authority for the abovementioned project.

Ayes:

Noes:

08/18/22-pjg

ITEM 2 - AWARD OF CONTRACT TO KOESTER ASSOCIATES, INC. FOR CONTRACT NO. MP-090-P04 BLOWER PROCUREMENT STURGEON POINT WATER TREATMENT PLANT FILTRATION PIPING, VALVE, AND UNDERDRAIN SYSTEM IMPROVEMENTS, PROJECT NO. 202200014 - \$260,000.00

Motion by seconded by

WHEREAS, the Erie County Water Authority (the “Authority”) advertised in Construction Exchange and the New York State Contract Reporter on the 15th day of July 2022, a notice inviting sealed bids in accordance with Public Authorities Law §1069 for Contract No. MP-090-P04 Blower Procurement Sturgeon Point Water Treatment Plant Filtration Piping, Valve, and Underdrain System Improvements; and

WHEREAS, Authority personnel opened sealed bids in the office of the Authority on the 5th day of August 2022, and were as follows:

BIDDERS	AMOUNT
Koester Associates, Inc.	\$260,000.00
Cummings-Wagner Siewert, LLC	306,088.00; and

WHEREAS, Arcadis, Consulting Engineers, Michael W. Wymer, Sr. Production Engineer and Leonard F. Kowalski, Executive Engineer have reviewed the specifications and bids and determined that Koester Associates, Inc. is the lowest bidder qualified to perform the project and have recommended that a contract be awarded to that firm for the abovementioned project; and

WHEREAS, the Authority’s 2022 Capital Budget includes funds for this project under Unit 2510 Eng/Const Sturgeon Point, Item No. 101506 Filter Gallery Piping Design;

NOW, THEREFORE, BE IT RESOLVED:

That Authority awards the contract to Koester Associates, Inc. as the lowest responsible bidder for the abovementioned project, and be it further

RESOLVED: that the Chair is authorized to execute a contract with Koester Associates, Inc. for Contract No. MP-090-P04 Blower Procurement Sturgeon Point Water Treatment Plant Filtration Piping, Valve, and Underdrain System Improvements as a unit price contract for the estimated total amount of \$260,000.00; and be it further

RESOLVED: That the Secretary is authorized to return to the unsuccessful bidder their deposit submitted with their bid to the Authority for the abovementioned project.

Ayes:

Noes:

08/18/22-pjg

ITEM 3 - AWARD OF CONTRACT TO O'CONNELL ELECTRIC COMPANY, INC. FOR CONTRACT NO. MP-090-P05 UNIT SUBSTATIONS PROCUREMENT STURGEON POINT WATER TREATMENT PLANT FILTRATION PIPING, VALVE, AND UNDERDRAIN SYSTEM IMPROVEMENTS, PROJECT NO. 202200014 - \$663,300.00

Motion by seconded by

WHEREAS, the Erie County Water Authority (the "Authority") advertised in Construction Exchange and the New York State Contract Reporter on the 15th day of July 2022, a notice inviting sealed bids in accordance with Public Authorities Law §1069 for Contract No. MP-090-P05 Unit Substations Procurement Sturgeon Point Water Treatment Plant Filtration Piping, Valve, and Underdrain System Improvements; and

WHEREAS, Authority personnel opened a sealed bid in the office of the Authority on the 5th day of August 2022, and was as follows:

BIDDER	AMOUNT
O'Connell Electric Company, Inc.*	\$663,300.00

*Only bid received; and

WHEREAS, Arcadis, Consulting Engineers, Michael W. Wymer, Sr. Production Engineer and Leonard F. Kowalski, Executive Engineer have reviewed the specification and bid and determined that O'Connell Electric Company, Inc. is a responsible bidder qualified to perform the project and have recommended that a contract be awarded to that firm for the abovementioned project; and

WHEREAS, the Authority's 2022 Capital Budget includes funds for this project under Unit 2510 Eng/Const Sturgeon Point, Item No. 101506 Filter Gallery Piping Design;

NOW, THEREFORE, BE IT RESOLVED:

That Authority awards the contract to O'Connell Electric, Inc. as a responsible bidder for the abovementioned project, and be it further

RESOLVED: that the Chair is authorized to execute a contract with O'Connell Electric, Inc. for Contract No. MP-090-P05 Unit Substations Procurement Sturgeon Point Water Treatment Plant Filtration Piping, Valve, and Underdrain System Improvements as a unit price contract for the estimated total amount of \$663,300.00.

Ayes:

Noes:

08/18/22-pjg

ITEM 4 - AWARD OF CONTRACT TO KOESTER ASSOCIATES, INC. FOR CONTRACT NO. MP-090-P07 RATE OF FLOW CONTROLLERS PROCUREMENT STURGEON POINT WATER TREATMENT PLANT FILTRATION PIPING, VALVE, AND UNDERDRAIN SYSTEM IMPROVEMENTS, PROJECT NO. 202200014 - \$353,322.00

Motion by seconded by

WHEREAS, the Erie County Water Authority (the “Authority”) advertised in Construction Exchange and the New York State Contract Reporter on the 15th day of July 2022, a notice inviting sealed bids in accordance with Public Authorities Law §1069 for Contract No. MP-090-P07 Rate of Flow Controllers Procurement Sturgeon Point Water Treatment Plant Filtration Piping, Valve, and Underdrain System Improvements; and

WHEREAS, Authority personnel opened sealed bids in the office of the Authority on the 5th day of August 2022, and is as follows:

BIDDERS	AMOUNT
Koester Associates, Inc.	\$353,322.00
Cummings-Wagner Siewert, LLC	507,267.00; and

WHEREAS, Arcadis, Consulting Engineers, Michael W. Wymer, Sr. Production Engineer and Leonard F. Kowalski, Executive Engineer have reviewed the specifications and bids and determined that Koester Associates, Inc. is the lowest bidder qualified to perform the project and have recommended that a contract be awarded to that firm for the abovementioned project; and

WHEREAS, the Authority’s 2022 Capital Budget includes funds for this project under Unit 2510 Eng/Const Sturgeon Point, Item No. 101506 Filter Gallery Piping Design;

NOW, THEREFORE, BE IT RESOLVED:

That Authority awards the contract to Koester Associates, Inc. as a responsible bidder for the abovementioned project, and be it further

RESOLVED: that the Chair is authorized to execute a contract with Koester Associates, Inc. for Contract No. MP-090-P05 Rate of Flow Controllers Procurement Sturgeon Point Water Treatment Plant Filtration Piping, Valve, and Underdrain System Improvements as a unit price contract for the estimated total amount of \$353,322.00; and be it further

RESOLVED: That the Secretary is authorized to return to the unsuccessful bidder their deposit submitted with their bid to the Authority for the abovementioned project.

Ayes:

Noes:

08/18/22-pjg

**ITEM 5 - APPROVAL OF AMENDMENT NO. 1 TO THE CONTRACT WITH
FREDERICK MACHINE & MANUFACTURING, INC. FOR MACHINING
AND FABRICATION SERVICES FOR THE REPAIR OF VARIOUS ERIE
COUNTY WATER AUTHORITY EQUIPMENT FROM JANUARY 1, 2021
TO DECEMBER 31, 2022, PROJECT NO. 202000143**

Motion by seconded by

WHEREAS, on January 21, 2021, the Erie County Water Authority (the “Authority”) and Frederick Machine & Manufacturing, Inc. (the “Contractor”) entered into a contract for machining and fabrication services for the repair of various Authority equipment (the “Contract”); and

WHEREAS, the terms of the Contract limited the total expenditure for services and materials to \$98,598.50; and

WHEREAS, the Authority desires to have the Contractor perform services which will exceed the limit set forth in the Contract; and

WHEREAS, the Authority’s Chief Operating Officer and Executive Engineer recommend that the Authority amend the Contract by increasing total expenditure for services and materials to \$263,598.50; and

WHEREAS, in accordance with paragraph 4.02 of the Contract, no modification or variation from the terms of the Contract shall be effective unless it is in writing and authorized by a resolution of the Board of Commissioners of the Authority (the “Board”) and signed by all parties; and

WHEREAS, the Authority’s 2022 Capital Budget includes funds for this project under Unit 1015 Van de Water Plant, Item No. 101678 VDW Delivered Water Pump Replacement;

NOW, THEREFORE, BE IT RESOLVED:

That the Board approves amending the Contract with Frederick Machine & Manufacturing, Inc. by increasing total expenditure for services and materials to \$263,598.50; and be it further

RESOLVED: That the Chairman is authorized to execute Amendment No. 1 on behalf of the Authority.

Ayes:

Noes:

08/18/22-pjg

ITEM 6 - APPROVAL OF AMENDMENT NO. 1 TO THE CONTRACT WITH NEW YORK STATE FENCE, INC. FOR THE FURNISHING AND INSTALLING OF GATE AND FENCING UPGRADES AT THE WINDOM PUMP STATION, PROJECT NO. 202100205 (CCII)

Motion by seconded by

WHEREAS, on December 7, 2021, the Erie County Water Authority (the “Authority”) and the New York State Fence, Inc. (the “Contractor”) entered into a contract for furnishing and installing gate and fencing upgrades at the Windom Pump Station (the “Contract”); and

WHEREAS, in accordance with Article 5, §5.02 of the Contract, the parties may amend the Contract by written amendment; and

WHEREAS, supply chain issues and work shortages relative to the Covid-19 pandemic have caused delays and the Contractor has requested additional time to complete the installation of the gate and fencing upgrades; and

WHEREAS, the Authority’s 2022 Capital Budget includes funds for this project under Unit 1020 Control Operations, Item No. 101578 Windom PS Automated Gate;

NOW, THEREFORE, BE IT RESOLVED:

That the Board of Commissioners approves amending the Contract with New York State Fence, Inc. by extending the Contract to December 31, 2022; and be it further

RESOLVED: That the Chairman is hereby authorized to execute Amendment No. 1 on behalf of the Authority.

Ayes:

Noes:

08/18/22-pjg

ITEM 7 - APPROVAL OF AMENDMENT NO. 3 TO THE AGREEMENT WITH NEW YORK STATE INDUSTRIES FOR THE DISABLED, INC. AND THE ERIE COUNTY CHAPTER NYSARC, INC. D/B/A THE ARC ERIE COUNTY NEW YORK FOR GENERAL CLEANING SERVICES FOR THE ERIE COUNTY WATER AUTHORITY SERVICE CENTER, 3030 UNION ROAD, CHEEKTOWAGA, NEW YORK, PROJECT NO. 202000211

Motion by seconded by

WHEREAS, on September 10, 2020, the Erie County Water Authority (the “Authority”) entered into an agreement with the New York State Industries for the Disabled, Inc. (“NYSID”) and the Erie County Chapter NYSARC, Inc. d/b/a the ARC Erie County New York (“ARC”) to provide cleaning services to the Authority (the “Agreement”); and

WHEREAS, on November 10, 2021, the Authority authorized a one-year extension of the Agreement through August 31, 2022 pursuant to Amendment No. 1 to the Agreement; and

WHEREAS, on April 7, 2022, the Authority authorized a monthly rate increase pursuant to Amendment No. 2 to the Agreement; and

WHEREAS, in accordance with paragraph 3.02 of the Agreement, the parties may amend the Agreement by written amendment authorized by resolution of the Authority’s Board of Commissioners; and

WHEREAS, the parties wish to extend the Agreement for an additional one-year period from September 1, 2022 through August 31, 2023;

WHEREAS, the Authority’s 2022 O&M Budget includes funds for this project under Unit 3070 Facilities, 19 Payments to Contractors - Other; and

NOW, THEREFORE, BE IT RESOLVED:

That the Board approves amending the Professional Services Contract with NYSID and ARC to provide cleaning services to the Authority; and be it further

RESOLVED: That the Chairman is hereby authorized to execute Amendment No. 3 on behalf of the Authority.

Ayes:

Noes:

08/18/22-pjg

ITEM 8 - APPROVAL OF AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH HUNT ENGINEERS, ARCHITECTS, LAND SURVEYORS & LANDSCAPE ARCHITECT, DPC TO PROVIDE CONSULTING ENGINEERING SERVICES FOR STURGEON POINT WATER TREATMENT PLANT LINE MAINTENANCE BUILDING AND WINDOM PUMP STATION STORAGE AND OPERATIONS FACILITY, IDENTIFIED AS CONTRACT NO. HE-001, PROJECT NO. 202100242 (CCII)

Motion by seconded by

WHEREAS, on November 10, 2021 the Erie County Water Authority (the “Authority”) awarded Hunt Engineers, Architects, Land Surveyors & Landscape Architect, DPC (the “Engineer”) a professional service agreement to provide engineering and consulting services relating to the design of a Line Maintenance Building at the Sturgeon Point Water Treatment Plant and a Storage and Operation Facility at the Windom Pump Station (the “Agreement”); and

WHEREAS, based on the recommendation of the Authority’s Chief Operating Officer and Executive Engineer, the Authority seeks to amend the Agreement’s scope of services to include a conditioned garage space as set forth in the Engineer’s letter dated August 3, 2022 and attached to and incorporated in this Amendment No. 1 as Appendix A; and

WHEREAS, the Engineer has agreed to the amendment of the scope of services and has requested an additional fee of \$17,307.00 to perform the additional services relative to the design and construction of the conditioned garage space; and

WHEREAS, in accordance with Article 5, §5.02 of the Agreement, any modification or variation from the terms of the Agreement, must be in writing, authorized by a resolution of the Board of Commissioners of the Authority (the “Board”), and signed by all parties to be effective; and

WHEREAS, the Authority’s 2021 Capital Budget includes funds for this project under Unit 2510 Eng/Const Sturgeon Point, Item No. 101504 Study-LM Storage Facility; and

NOW, THEREFORE, BE IT RESOLVED:

That the Board of Commissioners approves amending the Agreement with the Engineer to include an additional fee of \$17,307.00 to perform the additional services relative to the design and construction of the conditioned garage space; and be it further

RESOLVED: That the Chairman is hereby authorized to execute Amendment No. 1 on behalf of the Authority.

Ayes:

Noes:

08/18/22-pjg

ITEM 9 - RATIFICATION OF THE INSTALLATION OF HYDRANTS AND VALVES AND RETIREMENT OF EXISTING HYDRANTS AND VALVES - VARIOUS LOCATIONS

Motion by seconded by

WHEREAS, the Engineering Department of the Erie County Water Authority (the "Authority") advised that hydrants and valves were installed as part of the Authority's program to keep pace with improvements in fire fighting technology, as follows:

Replace existing 4' hydrant at Abbott and Willett Road, City of Lackawanna with a new 4' Kennedy K81 on 3/9/22. Work done by ECWA forces under Work Authorization No. 107.200 7244.

Hydrant originally installed in 1977 was scrapped and retired under Retirement Authorization No. R220016; and

WHEREAS, Leonard F. Kowalski, Executive Engineer ratifies said installations and work;

NOW, THEREFORE, BE IT RESOLVED:

That the Board of Commissioners of the Authority approve the retirement of the abovementioned hydrants and valves at the abovementioned locations; and be it further

RESOLVED: That the installation of the new hydrants and valves in the abovementioned locations, as part of the Authority's continuing program to improve its facilities is hereby approved, ratified and confirmed.

Ayes:

Noes:

08/18/22-pjg

**ITEM 10 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER
AUTHORITY'S ANNUAL CAPITAL BUDGET FOR FISCAL YEAR 2022**

Motion by seconded by

WHEREAS, in a resolution dated October 28, 2021, the Erie County Water Authority (the "Authority") adopted its Annual Capital Budget for the fiscal year 2022; and

WHEREAS, from time to time, due to changes in spending priorities, availability of funds, or changes in other circumstances, the Authority finds it necessary to amend its Budget to reflect such changes; and

WHEREAS, the Authority has been advised by Michael Quinn, Senior Distribution Engineer, funding is needed in the 2022 Capital Budget for capital budget item 101516 EA-012 Waterline Replacement which was included in the 2021 budget and, due to project delays additional funding is needed; and

WHEREAS, it is anticipated that additional funds will be available from capital budget item 101595 – W-033 Waterline Replacement; and

WHEREAS, in order to provide the necessary funding for these projects, funds within the Capital Budget will need to be re-allocated as follows:

<u>Unit</u>	<u>Capital No:</u>	<u>Description</u>	<u>Increase</u>	<u>Decrease</u>
<u>No</u>				
2590	101516	EA-012 Waterline Replacement	\$ <u>200,000</u>	
2590	101595	W-033 Waterline Replacement		\$ <u>200,000</u>
		Totals	\$ 200,000	\$ 200,000;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority's Annual Capital Budget for the fiscal year 2022 be amended as listed above.

Ayes:

Noes:

08/18/22-KAP:tg