

ITEM 8 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR FURNISHING AND DELIVERING POLYALUMINUM CHLORIDE COAGULANT TO THE ERIE COUNTY WATER AUTHORITY FOR USE IN THE TREATMENT OF WATER, FOR A PERIOD OF TWO YEARS, JULY 1, 2019 THROUGH JUNE 30, 2021, PROJECT NO. 201900031

Motion by seconded by

WHEREAS, Russell J. Stoll, Executive Engineer and David M. Patton, Sr. Production Engineer, recommend that the Erie County Water Authority ("Authority") publish a notice inviting sealed bids or proposals pursuant to Section 1069 of the Public Authorities Law for Furnishing and Delivering Polyaluminum Chloride Coagulant to the Erie County Water Authority for use in the Treatment of Water, for a Period of Two Years, July 1, 2019 Through June 30, 2021; and

WHEREAS, the work, labor and services for the abovementioned project is estimated to cost an amount in excess of \$10,000.00 (non-construction); and

WHEREAS, the Advertisement for Bids for Furnishing and Delivering Polyaluminum Chloride Coagulant to the Erie County Water Authority for use in the Treatment of Water, for a Period of Two Years, July 1, 2019 Through June 30, 2021 will be conducted pursuant to the enacted legislation, New York State Finance Law Sections 139-j and 139-k and the Authority's Purchasing Guidelines, Policies and Procedures; and

WHEREAS, David M. Patton, Sr. Production Engineer, will be the designated contact person for the project with the adoption of this resolution;

NOW, THEREFORE, BE IT RESOLVED:

That the plans and specifications and form of bid be prepared for the Furnishing and Delivering Polyaluminum Chloride Coagulant to the Erie County Water Authority for use in the Treatment of Water, for a Period of Two Years, July 1, 2019 Through June 30, 2021 and upon completion be made available for inspection by bidders in the office of the Authority; and be it further

RESOLVED: That the Secretary is hereby authorized and directed to publish a notice inviting sealed bids or proposals pursuant to Section 1069 of the Public Authorities Law for the abovementioned project.

Ayes:

Noes:

3/26/19-slz

ITEM 9 - AUTHORIZATION TO ADVERTISE FOR BIDS TO FURNISH AND DELIVER AUTOMATIC TRANSFER SWITCH FOR HARRIS HILL PUMP STATION, PROJECT NO. 201900040

Motion by seconded by

WHEREAS, Russell J. Stoll, Executive Engineer and Scott A. Aiple, Electrical Engineer recommend that the Erie County Water Authority ("Authority") publish a notice inviting sealed bids pursuant to § 1069 of the Public Authorities Law to Furnish and Deliver Automatic Transfer Switch For Harris Hill Pump Station; and

WHEREAS, the material, labor and services for the above-mentioned project will be in excess of \$10,000.00 for materials and supplies; and

WHEREAS, the Advertisement for Bids for to Furnish and Deliver Automatic Transfer Switch For Harris Hill Pump Station will be in accordance with the provisions of New York State Finance Law §§ 139-J and 139-K and the Authority's Purchasing Guidelines, Policies and Procedures; and

WHEREAS, Scott A. Aiple, Electrical Engineer, will be the designated contact for the project upon the adoption of this resolution;

NOW, THEREFORE, BE IT RESOLVED:

That the plans and specifications, and form of bid be prepared to Furnish and Deliver Automatic Transfer Switch For Harris Hill Pump Station and upon completion be made available for inspection by bidders in the office of the Authority; and be it further

RESOLVED: That the Secretary is hereby authorized and directed to publish a notice inviting sealed bids pursuant to § 1069 of the Public Authorities Law for the above-mentioned project.

Ayes:

Noes:

3/26/19 – lmb

ITEM 10 - AWARD OF CONTRACT TO JCI JONES CHEMICALS, INC. FOR FURNISHING AND DELIVERING OF LIQUID CHLORINE IN ONE TON CONTAINERS TO THE ERIE COUNTY WATER AUTHORITY FOR THE TREATMENT OF WATER FROM MAY 1, 2019 THROUGH APRIL 30, 2021, PROJECT NO. 201900007 - \$434,250.00

Motion by seconded by

WHEREAS, the Erie County Water Authority (Authority) heretofore advertised in the Dodge Reports and the NYS Contract Reporter on the 7th day of February 2019, a notice inviting sealed bids or proposals in accordance with Section 1069 of the Public Authorities Law for the Furnishing and Delivering of Liquid Chlorine in One Ton Containers to the Erie County Water Authority for the Treatment of Water from May 1, 2019 through April 30, 2021; and

WHEREAS, Sealed bids or proposals were opened in the office of the Authority on the 5th day of March 2019, at 11:30 a.m., local time, and were as follows:

BIDDERS	AMOUNT
JCI Jones Chemicals, Inc.	\$434,250.00; and

WHEREAS, the bid bonds have all been approved by Anthony Alessi, Claims Representative/Risk Manager; and

WHEREAS, Lavonya Lester, Director of Equal Employment Opportunity, has advised that the low bidder, JCI Jones Chemicals, Inc. has complied with the Authority's Affirmative Action Requirements and recommends that they be allowed to proceed with their contract based on that fact; and

WHEREAS, Russell J. Stoll, Executive Engineer and David Patton, Sr. Production Engineer have reviewed the specifications and bids and determined that JCI Jones Chemicals, Inc. is the lowest and sole bidder qualified to perform the project and have recommended that a contract be awarded to that firm for the abovementioned project;

NOW, THEREFORE, BE IT RESOLVED:

That it is hereby determined that JCI Jones Chemicals, Inc. is the sole bidder for the abovementioned project, and that the Chairman is hereby authorized and directed to execute a contract with said contractor for the Furnishing and Delivering of Liquid Chlorine in One Ton Containers to the Erie County Water Authority for the Treatment of Water from May 1, 2019 through April 30, 2021 in the total amount of \$434,250.00; and be it further

RESOLVED: Pursuant to New York State Finance Law §§139-J and 139-K and the Authority's Purchasing Guidelines, Policies and Procedures with the award and execution by the Authority of this contract, the Restricted Period will cease; and be it further

RESOLVED: That the Secretary is hereby authorized to return to the unsuccessful bidders their deposit submitted with their bid to the Authority for the abovementioned project; and be it further

RESOLVED: That the Director of Administration is hereby authorized and directed to create a Master Purchase Order for the abovementioned contract.

Ayes:

Noes:

3/26/19-slz

ITEM 11 - APPROVAL OF CHANGE ORDER NO. 3 OF FERGUSON ELECTRIC CONSTRUCTION CO., INC. FOR BALL PUMP STATION ELECTRICAL, NC-35 PROJECT NO. 201600238, CONTRACT NO. 18-19-07

Motion by seconded by

WHEREAS, on June 24, 2018, the Erie County Water Authority ("Authority") authorized entering into a contract with Ferguson Electric Construction Co., Inc. for Ball Pump Station Electrical, identified as Contract No. 18-19-07; and

WHEREAS, said contractor has submitted Change Order No. 3 to provide for the following change:

1. Additional rock excavation;
2. Concrete curing cold weather treatment; and
3. Additional section of 48" transmission main pipe replacements

WHEREAS, Nussbaumer & Clarke, Inc., Consulting Engineers, Russell J. Stoll, Executive Engineer and Leonard F. Kowalski, Sr. Distribution Engineer recommend approval of said Change Order No. 3; and

WHEREAS, said Change Order No.3 resulted in an increase in the contract price in the sum of \$73,454.66; and

NOW, THEREFORE, BE IT RESOLVED:

That Change Order No. 3 of Ball Pump Station Electrical Contract No. 18-19-07, with Ferguson Electric Construction Co., Inc. to provide for the abovementioned change be approved; and be it further

RESOLVED:

That the Chairman is hereby authorized to execute said Change Order No. 3 on behalf of the Authority.

Ayes:

Noes:

3/26/19- slz

ITEM 12 - AWARD OF CONTRACT TO 716 SITE CONTRACTING, INC. FOR WATER SYSTEM IMPROVEMENTS IN THE TOWN OF CHEEKTOWAGA, CONTRACT NO. CH-010, PROJECT NO. 201800075 - \$2,399,415.00

Motion by seconded by

WHEREAS, the Erie County Water Authority (Authority) advertised in the Dodge Reports and the NYS Contract Reporter on the 17th day of January 2019, a notice inviting sealed bids or proposals in accordance with §1069 of the Public Authorities Law for Water System Improvements in the Town of Cheektowaga; and

WHEREAS, sealed bids or proposals were opened in the office of the Authority on the 19th day of February 2019, at 11:00 a.m., local time, and were as follows:

BIDDERS	AMOUNT
716 Site Contracting, Inc.	\$2,399,415.00
4 th Generation Construction, Inc.	\$2,487,125.00
CATCO	** \$2,561,050.00
New Frontier Excavating & Paving, Inc.	\$2,616,392.85
CMH Company, Inc.	** \$2,658,560.00
E&R General Construction, Inc.	\$2,793,350.00
Acadia Site Contracting, Inc.	\$3,122,195.00

**Corrected total due to mathematical errors

WHEREAS, the bid bonds have all been approved by Anthony Alessi, Claims Representative/Risk Manager; and

WHEREAS, Lavonya Lester, Director of Equal Employment Opportunity, has advised that the low bidder, 716 Site Contracting, Inc. has complied with the Authority's Affirmative Action Requirements and recommends that they be allowed to proceed with their contract based on that fact; and

WHEREAS, Russell J. Stoll, Executive Engineer and Leonard F. Kowalski, Sr. Distribution Engineer have reviewed the specifications and bids and determined that 716 Site Contracting, 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;

NOW, THEREFORE, BE IT RESOLVED:

That it is hereby determined that 716 Site Contracting, Inc. is the lowest responsible bidder for the abovementioned project, and that the Chairman is hereby authorized and directed to execute a contract with said contractor for Water System Improvements in the Town of Cheektowaga in the total amount of \$2,399.415.00; and be it further

RESOLVED:

Pursuant to New York State Finance Law §§139-J and 139-K and the Authority's Purchasing Guidelines, Policies and Procedures with the award and execution by the Authority of this contract, the Restricted Period will cease; and be it further

RESOLVED:

That the Secretary is hereby authorized to return to the unsuccessful bidders their deposit submitted with their bid to the Authority for the abovementioned project; and be it further

RESOLVED:

That the Director of Administration is hereby authorized and directed to create a Master Purchase Order for the abovementioned contract.

Ayes:

Noes:

3/26/19-lmb

ITEM 13 - AUTHORIZATION TO ENTER INTO AN AGREEMENT FOR TOWN OF TONAWANDA TO ACCESS AUTHORITY'S GPS BASE STATION, PROJECT NO. 201000099

Motion by _____ seconded by _____

WHEREAS, the Town of Tonawanda wishes to have access to the Erie County Water Authority's (the "Authority") GPS Base Station, which can supply correction data to increase the accuracy of the survey data collected by the GPS equipment; and

WHEREAS, Russell J. Stoll, Executive Engineer has reviewed and recommends that the Authority enter into an agreement with the Town of Tonawanda for the abovementioned access;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority authorizes the agreement for the Town of Tonawanda to access the Authority's GPS Base Station; and be it further

RESOLVED:

That the Chairman is hereby authorized to execute said agreement on behalf of the Authority; and be it further

RESOLVED:

That the Secretary is hereby authorized to forward an executed copy of said Agreement together with a certified copy of this resolution to the Town of Tonawanda.

Ayes:

Noes:

3/26/19-lmb

ITEM 14 - APPROVAL OF CHANGE ORDER NO. 1 OF AMSTAR OF WESTERN NY, INC. FOR STORAGE TANK REFURBISHING, GROUND, PROJECT NO. 201700100 CONTRACT NO. W-26-A

Motion by seconded by

WHEREAS, on February 8, 2018 the Erie County Water Authority ("Authority") entered into a contract with Amstar of Western NY, Inc. for Storage Tank Refurbishing identified as Contract No. 18-08-02; and

WHEREAS, said contractor has submitted Change Order No. 1 to provide for the following changes:

1. Amstar exceeded the Milestone Completion date for the Ward Tank by 40 days. Amstar is responsible for reimbursement to ECWA for Liquidated Damages and Special Damages
2. Amstar performed additional work on the Pine Hill Tank weir box due to an unforeseen condition.
3. A 30-day time extension to the Benning Tank Milestone date and Substantial Completion date; and
4. A 15-day time extension to the Pine Hill Tank Milestone date and Substantial Completion Date; and

WHEREAS, the reason for the change is as follows:

1. In accordance with the contract documents (Section 005000 – Agreement), all Liquidated Damages and Special Damages accrued by exceeding the contract completion dates is the financial responsibility of the Contractor.
2. Amstar added a cover plate over below the Pine Hill Tank weir box in order to repair a corroded section of the box in place. Amstar performed additional coating repair work on the tank interior and exterior due to the installation of the cover plate.
3. A 30-day time extension is proposed under this change order to allow the contractor to perform the additional welding work associated with the Benning Tank. Additional Welding work was an unforeseen condition and was uncovered after the contractor removed the existing coating.
4. A 15-day time extension is proposed under this change order to allow the contractor to perform the additional work associated with the tank overflow box at the Pine Hill Tank; and

WHEREAS, said Change Order No. 1 resulted in a decrease in the contract price in the sum of \$39,843.83; and

WHEREAS, Wendel WD Architecture, Consulting Engineers, Russell J. Stoll, Executive Engineer and Leonard F. Kowalski, Sr. Distribution Engineer recommend approval of said Change Order No. 1;

NOW, THEREFORE, BE IT RESOLVED:

That Change Order No. 1 from Amstar of Western NY, Inc. for Storage Tank Refurbishing, Ground be approved; and be it further

RESOLVED:

That the Chairman is hereby authorized to execute said Change Order No. 1 on behalf of the Authority.

Ayes:

Noes:

3/26/19- slz

ITEM 15 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH CHA CONSULTING, INC. FOR WATERLINE REPLACEMENT PROJECT – LAKE SHORE ROAD (ROUTE 5) – NYSDOT BETTERMENT, PROJECT NO. 201900071

Motion by seconded by

WHEREAS, heretofore and on the 27th day of December, 2018 the Erie County Water Authority's ("Authority") Board of Commissioners authorized the issuance of a Request for Proposals ("RFP") to qualified firms for Waterline Replacement Project – Lake Shore Road (Route 5) – NYSDOT Betterment; and

WHEREAS, a copy of the RFP was sent to:

CHA Consulting, Inc.
Clark Patterson Lee
Erdman Anthony & Associates, Inc
GHD
GPI (Greenman-Pedersen, Inc.)
Nussbaumer & Clarke, Inc.
Wm. Schutt & Associates
Wendel WD Architecture, Engineering, Surveying and Landscape Architecture, P.C.
(Wendel); and

WHEREAS, proposals for the Waterline Replacement Project – Lake Shore Road (Route 5) – NYSDOT Betterment were received from six firms:

CHA Consulting, Inc.
Clark Patterson Lee
Erdman Anthony & Associates, Inc.
GPI (Greenman-Pedersen, Inc.)
Nussbaumer & Clarke, Inc.
Wm. Schutt & Associates

WHEREAS, the RFP process was conducted pursuant to New York State Finance Law §§139-J and 139-K and the Authority's Purchasing Guidelines, Policies and Procedures; and

WHEREAS, upon evaluating the responses to the RFP, Russell J. Stoll, Executive Engineer, Leonard F. Kowalski, Sr. Distribution Engineer and Steven W. Denzler, Distribution Engineer recommend that the Authority enter into a Professional Services Contract with CHA Consulting, Inc.;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority accepts the proposal of CHA Consulting, Inc. to provide Professional Engineering Services for Waterline Replacement Project – Lake Shore Road (Route 5) – NYSDOT Betterment; and be it further

RESOLVED:

Pursuant to New York State Finance Law §§139-J and 139-K and the Authority's Purchasing Guidelines, Policies and Procedures with the award and execution by the Authority of this agreement, the Restricted Period will cease; and be it further

RESOLVED:

That the Chairman hereby is authorized to execute said Professional Services Contract on behalf of the Authority; and be it further

RESOLVED:

That the Secretary hereby is authorized to forward an executed copy of said Professional Services Contract together with a certified copy of this resolution to CHA Consulting, Inc.

Ayes:

Noes:

3/26/19 – lmb

ITEM 16 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH CLARK PATTERSON LEE. FOR WATER SYSTEM IMPROVEMENTS PROJECT – VILLAGE OF SLOAN, PROJECT NO. 201900072

Motion by seconded by

WHEREAS, heretofore and on the 24th day of January, 2019 the Erie County Water Authority's ("Authority") Board of Commissioners authorized the issuance of a Request for Proposals ("RFP") to qualified firms for Water System Improvements Project, Village of Sloan; and

WHEREAS, a copy of the RFP was sent to:

Arcadis
CHA Consulting, Inc.
Clark Patterson Lee
DiDonato Associates Engineering and Architecture, P.E., P.C.
Erdman Anthony & Associates, Inc
GHD
GPI (Greenman-Pedersen, Inc.)
Nussbaumer & Clarke, Inc.
Wm. Schutt & Associates
Wendel Companies; and

WHEREAS, proposals for the Water System Improvements Project, Village of Sloan were received from seven firms:

CHA Consulting, Inc.
Clark Patterson Lee
DiDonato Associates Engineering and Architecture, P.E., P.C.
Erdman Anthony & Associates, Inc.
GPI (Greenman-Pedersen, Inc.)
Nussbaumer & Clarke, Inc.
Wm. Schutt & Associates

WHEREAS, the RFP process was conducted pursuant to New York State Finance Law §§139-J and 139-K and the Authority's Purchasing Guidelines, Policies and Procedures; and

WHEREAS, upon evaluating the responses to the RFP, Russell J. Stoll, Executive Engineer, Leonard F. Kowalski, Sr. Distribution Engineer and Steven W. Denzler, Distribution Engineer recommend that the Authority enter into a Professional Services Contract with Clark Patterson Lee;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority accepts the proposal of Clark Patterson Lee; to provide Professional Engineering Services for Water System Improvements Project, Village of Sloan; and be it further

RESOLVED:

Pursuant to New York State Finance Law §§139-J and 139-K and the Authority's Purchasing Guidelines, Policies and Procedures with the award and execution by the Authority of this agreement, the Restricted Period will cease; and be it further

RESOLVED:

That the Chairman hereby is authorized to execute said Professional Services Contract on behalf of the Authority; and be it further

RESOLVED:

That the Secretary hereby is authorized to forward an executed copy of said Professional Services Contract together with a certified copy of this resolution to Clark Patterson Lee.

Ayes:

Noes:

3/26/19 – lmb

ITEM 17 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH NUSSBAUMER & CLARKE, INC. FOR WATER SYSTEM IMPROVEMENTS PROJECT – TOWN OF AMHERST AND CHEEKTOWAGA, PROJECT NO. 201900073

Motion by seconded by

WHEREAS, heretofore and on the 24th day of January, 2019 the Erie County Water Authority's ("Authority") Board of Commissioners authorized the issuance of a Request for Proposals ("RFP") to qualified firms for Water System Improvements Project, Town of Amherst and Cheektowaga; and

WHEREAS, a copy of the RFP was sent to:

Arcadis
CHA Consulting, Inc.
Clark Patterson Lee
DiDonato Associates Engineering and Architecture, P.E., P.C.
Erdman Anthony & Associates, Inc
GHD
GPI (Greenman-Pedersen, Inc.)
Nussbaumer & Clarke, Inc.
Wm. Schutt & Associates
Wendel Companies; and

WHEREAS, proposals for the Water System Improvements Project, Town of Amherst and Cheektowaga were received from seven firms:

CHA Consulting, Inc.
Clark Patterson Lee
DiDonato Associates Engineering and Architecture, P.E., P.C.
Erdman Anthony & Associates, Inc.
GPI (Greenman-Pedersen, Inc.)
Nussbaumer & Clarke, Inc.
Wm. Schutt & Associates

WHEREAS, the RFP process was conducted pursuant to New York State Finance Law §§139-J and 139-K and the Authority's Purchasing Guidelines, Policies and Procedures; and

WHEREAS, upon evaluating the responses to the RFP, Russell J. Stoll, Executive Engineer, Leonard F. Kowalski, Sr. Distribution Engineer and Steven W. Denzler, Distribution Engineer recommend that the Authority enter into a Professional Services Contract with Nussbaumer & Clarke, Inc.;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority accepts the proposal of Nussbaumer & Clarke, Inc.; to provide Professional Engineering Services for Water System Improvements Project, Town of Amherst and Cheektowaga; and be it further

RESOLVED:

Pursuant to New York State Finance Law §§139-J and 139-K and the Authority's Purchasing Guidelines, Policies and Procedures with the award and execution by the Authority of this agreement, the Restricted Period will cease; and be it further

RESOLVED:

That the Chairman hereby is authorized to execute said Professional Services Contract on behalf of the Authority; and be it further

RESOLVED:

That the Secretary hereby is authorized to forward an executed copy of said Professional Services Contract together with a certified copy of this resolution to Nussbaumer & Clarke, Inc.

Ayes:

Noes:

3/26/19 – lmb

ITEM 18 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH CHA CONSULTING, INC. FOR WATER SYSTEM IMPROVEMENTS PROJECT – TOWN OF CHEEKTOWAGA, PROJECT NO. 201900074

Motion by seconded by

WHEREAS, heretofore and on the 24th day of January, 2019 the Erie County Water Authority's ("Authority") Board of Commissioners authorized the issuance of a Request for Proposals ("RFP") to qualified firms for Water System Improvements Project, Town of Cheektowaga; and

WHEREAS, a copy of the RFP was sent to:

Arcadis
CHA Consulting, Inc.
Clark Patterson Lee
DiDonato Associates Engineering and Architecture, P.E., P.C.
Erdman Anthony & Associates, Inc
GHD
GPI (Greenman-Pedersen, Inc.)
Nussbaumer & Clarke, Inc.
Wm. Schutt & Associates
Wendel Companies; and

WHEREAS, proposals for the Water System Improvements Project, Town of Cheektowaga were received from seven firms:

CHA Consulting, Inc.
Clark Patterson Lee
DiDonato Associates Engineering and Architecture, P.E., P.C.
Erdman Anthony & Associates, Inc.
GPI (Greenman-Pedersen, Inc.)
Nussbaumer & Clarke, Inc.
Wm. Schutt & Associates

WHEREAS, the RFP process was conducted pursuant to New York State Finance Law §§139-J and 139-K and the Authority's Purchasing Guidelines, Policies and Procedures; and

WHEREAS, upon evaluating the responses to the RFP, Russell J. Stoll, Executive Engineer, Leonard F. Kowalski, Sr. Distribution Engineer and Steven W. Denzler, Distribution Engineer recommend that the Authority enter into a Professional Services Contract with CHA Consulting, Inc.;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority accepts the proposal of CHA Consulting, Inc. to provide Professional Engineering Services for Water System Improvements Project, Town of Cheektowaga; and be it further

RESOLVED:

Pursuant to New York State Finance Law §§139-J and 139-K and the Authority's Purchasing Guidelines, Policies and Procedures with the award and execution by the Authority of this agreement, the Restricted Period will cease; and be it further

RESOLVED:

That the Chairman hereby is authorized to execute said Professional Services Contract on behalf of the Authority; and be it further

RESOLVED:

That the Secretary hereby is authorized to forward an executed copy of said Professional Services Contract together with a certified copy of this resolution to CHA Consulting, Inc.

Ayes:

Noes:

3/26/19 – lmb

ITEM 19 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH WM. SCHUTT & ASSOCIATES FOR WATER SYSTEM IMPROVEMENTS PROJECT – CITY OF TONAWANDA AND LACKAWANNA, VILLAGE OF BLASDELL, TOWN OF CHEEKTOWAGA, WEST SENECA AND HAMBURG, PROJECT NO. 201900075

Motion by seconded by

WHEREAS, heretofore and on the 24th day of January, 2019 the Erie County Water Authority's ("Authority") Board of Commissioners authorized the issuance of a Request for Proposals ("RFP") to qualified firms for Water System Improvements Project, City of Tonawanda and Lackawanna, Village of Blasdell, Town of Cheektowaga, West Seneca and Hamburg; and

WHEREAS, a copy of the RFP was sent to:

Arcadis
CHA Consulting, Inc.
Clark Patterson Lee
DiDonato Associates Engineering and Architecture, P.E., P.C.
Erdman Anthony & Associates, Inc
GHD
GPI (Greenman-Pedersen, Inc.)
Nussbaumer & Clarke, Inc.
Wm. Schutt & Associates
Wendel Companies; and

WHEREAS, proposals for the Water System Improvements Project, City of Tonawanda and Lackawanna, Village of Blasdell, Town of Cheektowaga, West Seneca and Hamburg were received from seven firms:

CHA Consulting, Inc.
Clark Patterson Lee
DiDonato Associates Engineering and Architecture, P.E., P.C.
Erdman Anthony & Associates, Inc.
GPI (Greenman-Pedersen, Inc.)
Nussbaumer & Clarke, Inc.
Wm. Schutt & Associates

WHEREAS, the RFP process was conducted pursuant to New York State Finance Law §§139-J and 139-K and the Authority's Purchasing Guidelines, Policies and Procedures; and

WHEREAS, upon evaluating the responses to the RFP, Russell J. Stoll, Executive Engineer, Leonard F. Kowalski, Sr. Distribution Engineer and Steven W. Denzler, Distribution Engineer recommend that the Authority enter into a Professional Services Contract with Wm. Schutt & Associates;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority accepts the proposal of Wm. Schutt & Associates to provide Professional Engineering Services for Water System Improvements Project, City of Tonawanda and Lackawanna, Village of Blasdell, Town of Cheektowaga, West Seneca and Hamburg; and be it further

RESOLVED:

Pursuant to New York State Finance Law §§139-J and 139-K and the Authority's Purchasing Guidelines, Policies and Procedures with the award and execution by the Authority of this agreement, the Restricted Period will cease; and be it further

RESOLVED:

That the Chairman hereby is authorized to execute said Professional Services Contract on behalf of the Authority; and be it further

RESOLVED:

That the Secretary hereby is authorized to forward an executed copy of said Professional Services Contract together with a certified copy of this resolution to Wm. Schutt & Associates.

Ayes:

Noes:

3/26/19 – lmb

ITEM 20 - AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH GREENMAN-PEDERSEN, INC. FOR WATER SYSTEM IMPROVEMENTS PROJECT – TOWN OF HAMBURG AND WEST SENECA, CITY OF LACKAWANNA, PROJECT NO. 201900076

Motion by seconded by

WHEREAS, heretofore and on the 24th day of January, 2019 the Erie County Water Authority's ("Authority") Board of Commissioners authorized the issuance of a Request for Proposals ("RFP") to qualified firms for Water System Improvements Project, Town of Hamburg and West Seneca, City of Lackawanna; and

WHEREAS, a copy of the RFP was sent to:

Arcadis
CHA Consulting, Inc.
Clark Patterson Lee
DiDonato Associates Engineering and Architecture, P.E., P.C.
Erdman Anthony & Associates, Inc
GHD
GPI (Greenman-Pedersen, Inc.)
Nussbaumer & Clarke, Inc.
Wm. Schutt & Associates
Wendel Companies; and

WHEREAS, proposals for the Water System Improvements Project, Town of Hamburg and West Seneca, City of Lackawanna were received from seven firms:

CHA Consulting, Inc.
Clark Patterson Lee
DiDonato Associates Engineering and Architecture, P.E., P.C.
Erdman Anthony & Associates, Inc.
GPI (Greenman-Pedersen, Inc.)
Nussbaumer & Clarke, Inc.
Wm. Schutt & Associates

WHEREAS, the RFP process was conducted pursuant to New York State Finance Law §§139-J and 139-K and the Authority's Purchasing Guidelines, Policies and Procedures; and

WHEREAS, upon evaluating the responses to the RFP, Russell J. Stoll, Executive Engineer, Leonard F. Kowalski, Sr. Distribution Engineer and Steven W. Denzler, Distribution Engineer recommend that the Authority enter into a Professional Services Contract with Greenman-Pedersen, Inc.;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority accepts the proposal of Greenman-Pedersen, Inc.; to provide Professional Engineering Services for Water System Improvements Project, Town of Hamburg and West Seneca, City of Lackawanna; and be it further

RESOLVED:

Pursuant to New York State Finance Law §§139-J and 139-K and the Authority's Purchasing Guidelines, Policies and Procedures with the award and execution by the Authority of this agreement, the Restricted Period will cease; and be it further

RESOLVED:

That the Chairman hereby is authorized to execute said Professional Services Contract on behalf of the Authority; and be it further

RESOLVED:

That the Secretary hereby is authorized to forward an executed copy of said Professional Services Contract together with a certified copy of this resolution to Greenman-Pedersen, Inc.

Ayes:

Noes:

3/26/19 – lmb

ITEM 21 - AWARD OF CONTRACT TO CMH COMPANY, INC. FOR WATER SYSTEM IMPROVEMENTS, VILLAGE OF DEPEW AND TOWN OF WEST SENECA, GP-007, PROJECT NO. 201800080 - \$2,487,490.00

Motion by seconded by

WHEREAS, the Erie County Water Authority (Authority) heretofore advertised in the Dodge Reports and the NYS Contract Reporter on the 17th day of January 2019, a notice inviting sealed bids or proposals in accordance with § 1069 of the Public Authorities Law for Water System Improvements, Village of Depew and Town of West Seneca; and

WHEREAS, sealed bids or proposals were opened in the office of the Authority on the 26th day of February 2019, at 11:00 a.m., local time, and were as follows:

BIDDERS	AMOUNT
CMH Company, Inc	\$2,487,490.00
4 th Generation Construction, Inc.	\$3,339,350.00
CATCO	\$3,743,400.00; and

WHEREAS, the bid bonds have all been approved by Anthony Alessi, Claims Representative/Risk Manager; and

WHEREAS, Lavonya Lester, Director of Equal Employment Opportunity, has advised that the low bidder, CMH Company, Inc. has complied with the Authority's Affirmative Action Requirements and recommends that they be allowed to proceed with their contract based on that fact; and

WHEREAS, Russell J. Stoll, Executive Engineer and Leonard F. Kowalski, Sr. Distribution Engineer have reviewed the specifications and bids and determined CMH Company, 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;

NOW, THEREFORE, BE IT RESOLVED:

That it is hereby determined that CMH Company, Inc. is the lowest responsible bidder for the abovementioned project, and that the Chairman is hereby authorized and directed to execute a contract with said contractor for Water System Improvements, Village of Depew and Town of West Seneca in the total amount of \$2,487,490.00; and be it further

RESOLVED: Pursuant to New York State Finance Law §§139-J and 139-K and the Authority's Purchasing Guidelines, Policies and Procedures with the award and execution by the Authority of this contract, the Restricted Period will cease; and be it further

RESOLVED: That the Secretary is hereby authorized to return to the unsuccessful bidders their deposit submitted with their bid to the Authority for the abovementioned project; and be it further

RESOLVED: That the Director of Administration is hereby authorized and directed to create a Master Purchase Order for the abovementioned contract.

Ayes:

Noes:

3/26/19-lmb

ITEM 22 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR CONTRACT NO. W-027, 36-INCH TRANSMISSION MAIN REPLACEMENT PROJECT BETWEEN MILLERSPORT HIGHWAY AND SHERIDAN DRIVE, TOWN OF AMHERST, NY, PROJECT NO. 201700093

Motion by seconded by

WHEREAS, Russell J. Stoll, Executive Engineer and Leonard Kowalski, Senior Distribution Engineer recommend that the Erie County Water Authority ("Authority") publish a notice inviting sealed bids or proposals pursuant to Section 1069 of the Public Authorities Law for 36-Inch Transmission Main Replacement Between Millersport Highway and Sheridan Drive, Town of Amherst, New York; and

WHEREAS, the work, labor and services for the abovementioned project is estimated to cost an amount in excess of \$10,000.00; and

WHEREAS, the Advertisement for Bids for 36-Inch Transmission Main Replacement Between Millersport Highway and Sheridan Drive, Town of Amherst, NY, will be conducted pursuant to the enacted legislation, New York State Finance Law §§139-J and 139-K and the Authority's Purchasing Guidelines, Policies and Procedures; and

WHEREAS, Russell J. Stoll, Executive Engineer and Robert D. Klavoon, PE, Consulting Engineer will be the designated contact persons for the project with the adoption of this resolution;

NOW, THEREFORE, BE IT RESOLVED:

That the plans and specifications and form of bid be prepared for 36-Inch Transmission Main Replacement Project Between Millersport Highway and Sheridan Drive, Town of Amherst, NY, and upon completion be made available for inspection by bidders in the office of the Authority; and be it further

RESOLVED:

That the Secretary is hereby authorized and directed to publish a notice inviting sealed bids or proposals pursuant to § 1069 of the Public Authorities Law for the abovementioned project.

Ayes:

Noes:

3/26/19-lmb

ITEM 23 - AWARD OF CONTRACT TO NEW FRONTIER EXCAVATING AND PAVING, INC. FOR CPL-004, WATER SYSTEM IMPROVEMENTS, TOWN OF CLARENCE, NEW YORK PROJECT NO. 201800079 - \$1,617,400.00

Motion by seconded by

WHEREAS, the Erie County Water Authority (Authority) advertised in the Dodge Reports and the NYS Contract Reporter on the 7th day of January 2019, a notice inviting sealed bids or proposals in accordance with §1069 of the Public Authorities Law for Water System Improvements in the Town of Cheektowaga; and

WHEREAS, sealed bids or proposals were opened in the office of the Authority on the 12th day of February 2019, at 11:00 a.m., local time, and were as follows:

BIDDERS	AMOUNT
DJM Contracting, Inc. (non-responsive bidder)	\$1,558,690.00
New Frontier Excavating & Paving, Inc.	\$1,617,400.00
4 th Generation Construction, Inc. d/b/a CATCO	** \$1,766,040.00
CMH Company, Inc.	** \$1,840,585.00

**Corrected total due to mathematical errors

WHEREAS, the bid bonds have all been approved by Anthony Alessi, Claims Representative/Risk Manager; and

WHEREAS, Lavonya Lester, Director of Equal Employment Opportunity, has advised that New Frontier Excavating & Paving has complied with the Authority's Affirmative Action Requirements and recommends that they be allowed to proceed with their contract based on that fact; and

WHEREAS, Russell J. Stoll, Executive Engineer and Leonard F. Kowalski, Sr. Distribution Engineer have reviewed the specifications and bids and determined that New Frontier Excavating & Paving, 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;

NOW, THEREFORE, BE IT RESOLVED:

That it is hereby determined that New Frontier Excavating & Paving, Inc. is the lowest responsive bidder for the abovementioned project, and that the Chairman is hereby authorized and directed to execute a contract with said contractor for Water System Improvements in the Town of Clarence in the total amount of \$1,617,400.00; and be it further

RESOLVED:

Pursuant to New York State Finance Law §§139-J and 139-K and the Authority's Purchasing Guidelines, Policies and Procedures with the award and execution by the Authority of this contract, the Restricted Period will cease; and be it further

RESOLVED:

That the Secretary is hereby authorized to return to the unsuccessful bidders their deposit submitted with their bid to the Authority for the abovementioned project; and be it further

RESOLVED:

That the Director of Administration is hereby authorized and directed to create a Master Purchase Order for the abovementioned contract.

Ayes:

Noes:

3/26/19-slz

**ITEM 24 - FINAL ACCEPTANCE OF PROJECT WITH STC CONSTRUCTION, INC.
FOR STURGEON POINT RAW WATER PUMP STATION
IMPROVEMENTS, PROJECT NO. 201500175, CONTRACT NO. NC-34 -
\$74,810.94**

Motion by seconded by

WHEREAS, on the 20th day of December 2016, the Erie County Water Authority ("Authority") entered into a contract with STC Construction, Inc. for Sturgeon Point Raw Water Pump Station Improvements identified as Contract No. NC-34; and

WHEREAS, STC Construction, Inc. has submitted a final invoice dated December 31, 2018 in the amount of \$74,810.94; and

WHEREAS, Russell J. Stoll, Executive Engineer recommends acceptance of said project;

NOW, THEREFORE, BE IT RESOLVED:

That the above project is hereby accepted by the Authority as of the date hereof.

Ayes:

Noes:

3/26/19-slz

ITEM 25 RESOLUTION GRANTING THE STATE OF NEW YORK AUTHORITY TO PERFORM THE ADJUSTMENT FOR THE OWNER AND AGREEING TO MAINTAIN FACILITIES ADJUSTED VIA STATE-LET CONTRACT

Motion by seconded by

WHEREAS, the New York State Department of Transportation proposes the construction, reconstruction, or improvement of ADA Compliance and Pedestrian Signal Updates on Various Routes of Erie & Niagara Counties, PIN 5810.75; and

WHEREAS, the State will include as part of the construction, reconstruction, or improvement of the above mentioned project the adjustment of water valve box elevations pursuant to Section 10, Subdivision 24 of the State Highway Law, as shown on the contract plans relating to the project and meeting the requirements of the owner; and

WHEREAS, the service life of the relocated and or replaced utilities has not been extended; and

WHEREAS, the State will provide for the reconstruction of the above mentioned work, as shown on the contract plans relating to the above mentioned project;

NOW, THEREFORE, BE IT RESOLVED:

That the Erie County Water Authority (ECWA) approves of the adjustment of water valve box elevations and the above mentioned work performed on the project and shown on the contract plans relating to the project and that ECWA will maintain or cause to be maintained the adjusted facilities performed as above stated and as shown on the contract plans.

BE IT FURTHER RESOLVED:

That ECWA Chairman has the authority to sign, with the concurrence of the Board, any and all documentation that may become necessary as a result of this project as it relates to ECWA; and

BE IT FURTHER RESOLVED:

That the Secretary of ECWA is hereby directed to transmit four (4) certified copies of the foregoing resolution to the New York State Department of Transportation.

Ayes:

Noes:

3/26/19-lmb

**ITEM 26 - RATIFICATION OF THE INSTALLATION OF HYDRANTS, VALVES,
AND MAINS - VARIOUS LOCATIONS**

Motion by seconded by

WHEREAS, The Engineering Department of the Erie County Water Authority ("Authority") advised that hydrants, valves and mains were installed as part of the Authority's infrastructure maintenance and replacement program, as follows:

Replace existing twelve-inch (12") main along North Gates Avenue, City of Lackawanna, New York. Work performed under Work Authorization No. 107.200 7027.

A new twelve-inch (12") connection will be made to the existing twelve-inch (12") main in the southerly right of way of Ridge Road and then continue north along North Gates Avenue.

Replace existing eight-inch (8") valve at Niagara Falls Boulevard. Work performed under Work Authorization No. 107.200 7028.

Valve H07-B48 has bad bonnet and is currently closed thereby requiring replacement to function properly.

WHEREAS, Russell J. Stoll, Executive Engineer ratifies said installations and work;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority approve the abovementioned hydrants, valves and mains at the abovementioned locations; and be it further

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

Ayes:

Noes:

3/26/19-slz

ITEM 27 - AUTHORIZATION TO ACCEPT PROPOSAL OF DATO DEVELOPMENT, LLC AND RUSSO DEVELOPMENT, INC. FOR THE CONSTRUCTION AND INSTALLATION OF APPROXIMATELY 1115+ LF OF 8-INCH PVC WATERMAIN, TWO HYDRANTS, AND ONE (1) VALVE IN SHERWOOD MEADOWS SUBDIVISION PHASE 4, PHASE 1, TOWN OF HAMBURG, PROJECT NO: 201600216

Motion by _____ seconded by _____

WHEREAS, the Erie County Water Authority ("Authority") desires to enter into a Main Extension Agreement (Builder-Contractor-Developer) with Dato Development, LLC., and Russo Development, Inc. for the construction and installation of approximately 1115+ LF of 8-Inch PVC Watermain, Two Hydrants, and One (1) Valve in Sherwood Meadows Subdivision Phase 4, Phase 1, Town of Hamburg, New York, Project No: 201600216; and

WHEREAS, the materials, work, labor and services for said installation shall be supplied and paid for by the applicant; and

WHEREAS, said installation of main and hydrants has been assigned Work Authorization No. EC 7022, respectively; and

WHEREAS, Russell J. Stoll, Executive Engineer advised that the materials, work, labor and services for said installations, as proposed to be supplied and installed by the applicant, meet with the Authority's specifications;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority accepts the proposal of Dato Development, LLC and Russo Development, Inc. for the construction and installation of approximately 1115+ LF of 8-Inch PVC Watermain, Two Hydrants, and One (1) Valve in Sherwood Meadows Subdivision Phase 4, Phase 1, Town of Hamburg, New York, and be it further

RESOLVED: That the Chairman is hereby authorized to execute said Main Extension Agreement (Builder-Contractor-Developer) between the Authority and Dato Development, LLC and Russo Development, Inc. covering the abovementioned subdivision.

Ayes:

Noes:

3/26/19-slz

ITEM 28 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER AUTHORITY'S ANNUAL CAPITAL BUDGET FOR FISCAL YEAR 2019

Motion by seconded by

WHEREAS, in a resolution dated November 1, 2018, the Erie County Water Authority (the "Authority") adopted its Annual Capital Budget for the fiscal year 2019; and

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

WHEREAS, the Authority has been advised by Leonard Kowalski, Sr. Distribution Engineer, that funding is needed to pay outstanding restoration and/or punch list items for several waterline projects expected to be completed in 2018; and

WHEREAS, it was not anticipated that any expense would be incurred in 2019 for these waterline projects; and

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

<u>Unit No</u>	<u>Capital No:</u>	<u>Description</u>	<u>Increase</u>	<u>Decrease</u>
2590	101263	EA-11 Waterline Replacement	\$ 20,000	
2590	101264	WSA-12 Waterline Replacement	20,000	
2590	101265	NC-36 Waterline Replacement	20,000	
2590	101266	CH-9 Waterline Replacement	<u>20,000</u>	
2590	101350	WSA-13 Valve Replacement		\$ 80,000
		Totals	\$ 80,000	\$ 80,000

NOW, THEREFORE, BE IT RESOLVED:

That the Authority's Annual Capital Budget for the fiscal year 2019 be amended as listed above.

3/26/19-SVD:slz

ITEM 29 - AUTHORIZATION TO AMEND THE ERIE COUNTY WATER AUTHORITY'S ANNUAL CAPITAL BUDGET FOR FISCAL YEAR 2019

Motion by seconded by

WHEREAS, in a resolution dated November 1, 2018, the Erie County Water Authority (the "Authority") adopted its Annual Capital Budget for the fiscal year 2019; and

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

WHEREAS, the Authority has been advised by Leonard Kowalski, Senior Distribution Engineer, the bids for capital budget item 101351- CH-010 came in under budget; and

WHEREAS, funds are available to design an additional waterline replacement project in 2019; and

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

<u>Unit No</u>	<u>Capital No:</u>	<u>Description</u>	<u>Increase</u>	<u>Decrease</u>
2590		Waterline Replacement Project	<u>\$ 160,000</u>	
2595	101351	CH-010 Transmission Main Replacement		<u>\$ 160,000</u>
Totals			\$ 160,000	\$ 160,000

NOW, THEREFORE, BE IT RESOLVED:

That the Authority's Annual Capital Budget for the fiscal year 2019 be amended as listed above.

AYES:
NOES:

3/26/19-SVD:slz

ITEM 30 - AUTHORIZATION TO EXTEND THE PROFESSIONAL SERVICES CONTRACT WITH CAPITAL MARKETS ADVISORS, LLC. TO PROVIDE FINANCIAL ADVISORY SERVICES TO ERIE COUNTY WATER AUTHORITY, PROJECT NO. 201600069

Motion by seconded by

WHEREAS, on the 26th day of May 2016 the Erie County Water Authority ("Authority") entered into a Professional Services Contract ("Contract") with Capital Markets Advisors LLC ("Capital") to provide Financial Advisory Services to the Authority; and

WHEREAS, this Contract will expire on May 31, 2019; and

WHEREAS, pursuant to Paragraph 4. (Term) of the Contract, the Agreement may be renewed at the option of both parties for three additional one-year periods, on 30 days written notice to the Authority on the same terms and conditions provided for in the Contract; and

WHEREAS, Capital submitted a letter dated February 6, 2019 requesting a one-year extension; and

WHEREAS, Robert J. Lichtenthal, Jr., Deputy Director recommends extending the contract for a one-year period from June 1, 2019 through May 31, 2020; and

NOW, THEREFORE, BE IT RESOLVED:

That the Authority extends the Contract with Capital to provide an Financial Advisory Services to the Authority for a one year period from June 1, 2019 through May 31, 2020; and be it further

RESOLVED:

That the Chairman is hereby authorized to execute the Contract Extension Form submitted.

Ayes:

Noes:

03/26/19-slz

**ITEM 31 - AUTHORIZATION FOR THE CHAIRMAN TO DESIGNATE
SUSAN L. RINALDO, CASH MANAGER AS THE ENTITY
ADMINISTRATOR FOR THE SYSTEM FOR AWARD MANAGEMENT
(SAM)**

Motion by seconded by

WHEREAS, since 2013, the Erie County Water Authority (the “Authority”) has been registered on the System for Award Management (“SAM”) which enables federal government entities to pay bills through the website; and

WHEREAS, the Authority currently has three accounts that are paid using this system;

WHEREAS, the registration is renewed annually and this year SAM has requested that the Authority designate an Entity Administrator, who will manage the Entity’s registration record, its associated users and their roles to the Entity;

NOW, THEREFORE BE IT RESOLVED:

That the Board authorizes the Chairman to execute a letter agreement designating Susan L. Rinaldo, Cash Manager as the Entity Administrator for the SAM.

Ayes:

Noes:

3/26/19-lmb

**ITEM 32 - AUTHORIZATION FOR RUSSELL J. STOLL, EXECUTIVE ENGINEER
TO ATTEND THE AMERICAN WATER WORKS ASSOCIATION 2019
ANNUAL CONFERENCE & EXPOSITION IN DENVER COLORADO
FROM JUNE 9, 2019 THROUGH JUNE 12, 2019**

Motion by seconded by

WHEREAS, the Erie County Water Authority deems it advisable for Russell J. Stoll, Executive Engineer to attend the American Water Work Association 2019 Annual Conference & Exposition in Denver, Colorado at a total estimated cost of \$3,600.00;

NOW, THEREFORE, BE IT RESOLVED:

That Russell J. Stoll is hereby authorized to travel to Denver Colorado from June 9, 2019 to June 12, 2019 to attend the American Water Works Association 2019 Annual Conference & Exposition at a total estimated cost of \$3,600.00.

Ayes:

Noes:

3/26/19-slz

**ITEM 33 - AUTHORIZATION TO APPROVE THE ERIE COUNTY WATER
AUTHORITY'S ANNUAL INVESTMENT REPORT WITH AUDIT AND
THE ANNUAL INVESTMENT GUIDELINES**

Motion by _____ seconded by _____ and carried to approve the Annual Investment Report with Audit and the Investment Guidelines for the ensuing year or until such time as the Erie County Water Authority deems it necessary to amend said Guidelines.

Ayes:

Noes:

03/26/19-slz

ITEM 34 - AUTHORIZATION TO RESCIND POLICY NO. 95 COMMUNICATION PRIVACY POLICY OF THE ERIE COUNTY WATER AUTHORITY'S HR POLICIES AND PROCEDURES MANUAL AND AUTHORIZATION TO ADOPT AN INTERNET PRIVACY POLICY AND TERMS OF USE TO BE INCLUDED ON THE ERIE COUNTY WATER AUTHORITY WEBSITE

Motion by seconded by

WHEREAS, on August 25, 2016, by Resolution Item No. 12, the Erie County Water Authority ("Authority") adopted a Communication Privacy Policy, Policy No. 95, to be included in the HR Policies and Procedures Manual; and

WHEREAS, Policy No. 95 is not applicable to policies and procedures concerning employment at the Authority or relevant to human resource issues of the Authority; and

WHEREAS, it is in the best interest of the Authority to rescind Policy No. 95 and remove it from the HR Policies and Procedures Manual; and

WHEREAS, the Authority is committed to protecting the privacy of its customers and users of its website and consistent with the provisions of the Internet Security and Privacy Act, the Freedom of Information Law, and the Personal Privacy Protection Law; and

WHEREAS, it is in the best interest of the Authority to adopt a Privacy Policy and Terms of Use to be included on the Authority website; and

WHEREAS, the Legal Department has prepared and reviewed the Privacy Policy and Terms of Use as set forth in the attachments to this resolution, and recommends adopting them for inclusion on the Authority website;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority rescind the Communication Privacy Policy, Policy No. 95, of the HR Policies and Procedures Manual and the Authority adopt the Internet Privacy Policy and Terms of Use for inclusion on the Erie County Water Authority Website; and be it further

RESOLVED:

That the Secretary is hereby authorized to remove Policy No. 95 from the HR Policy and Procedures Manual; and be it further

RESOLVED:

That the Secretary is hereby directed to post the new Privacy Policy and Terms of Use on the Authority website and is further directed to include the most recent revision date on the last page of each document and update that date as necessary.

Ayes:

Noes:

3/26/19-slz

**ITEM 35 ADOPTION OF A POLICY FOR DEFENSE AND INDEMNIFICATION
OF BOARD MEMBERS, OFFICERS AND EMPLOYEES**

Motion by seconded by

WHEREAS, Public Authorities Law § 2824(1)(f) direct board members of any state or local public authority to “adopt a defense and indemnification policy and disclose such plan to any and all prospective board members;”

WHEREAS, Public Authorities Law § 1071 provides members of the Erie County Water Authority (the “Authority”) and to any person or persons acting on the Authority’s behalf, while acting with the scope of its authority, with immunity from personal liability resulting from the erection, construction, reconstruction, maintenance or operation of the properties or any of the improvements or from carrying out any of the powers expressly given to the Authority;

WHEREAS, Public Authorities Law § 1071 sets forth no provision obligating the Authority to defend or to pay the cost of defense of its members, officer and employees;

WHEREAS, Public Officers Law § 18 established a comprehensive defense and indemnification policy for any public authority whose governing body has agreed by resolution, rule or regulation to confer the benefits of that section upon its members, officers and employees and to be held responsible for the costs incurred under the provisions of Public Officers Law § 18.; and

WHEREAS, the Governance Committee has reviewed and recommends for adoption Policy No. 94.0, establishing a policy for the defense and indemnification of members, officers and employees of the Authority;

NOW BE IT RESOLVED:

The Authority’s Board of Commissioners (the “Board”) adopts the new Policy No. 94.0 “Defense and Indemnification”; and

BE IT FURTHER RESOLVED:

The Board directs the Secretary of the Authority to immediately post the new Policy No. 94 on the Authority’s website and email copies of the policy to all members, officers and employees.

AYES:

NOES:

3/26/19-slz

**ITEM 36 - AUTHORIZATION TO ADOPT CODE OF ETHICS POLICY, ECWA
FINANCIAL DISCLOSURE STATEMENT AND VENDOR LIST**

Motion by seconded by

WHEREAS, the Erie County Water Authority (the “Authority”) under its Code of Ethics policy, requires Commissioners, Officers and certain employees to file an ECWA Financial Disclosure Statement with the Authority; and

WHEREAS, the Legal Department has prepared a revised Code of Ethics Policy, ECWA Financial Disclosure Statements and Vendor list and presented this to the Governance Committee;

WHEREAS, on March 7, 2018 the Governance Committee of the Authority reviewed and recommended to the Board of Commissioners to adopt the Code of Ethics Policy, together with the ECWA Financial Disclosure Statement and a Vendor list; and

WHEREAS, it is in the best interest of the Authority to adopt the Code of Ethics Policy, ECWA Financial Disclosure Statement and Vendor list.

NOW BE IT RESOLVED:

The Authority’s Board of Commissioners (the “Board”) adopt the “Erie County Water Authority Code of Ethics Policy together with the ECWA Financial Disclosure Statement and Vendor List

Ayes:

Noes:

3/26/19 - slz

**ITEM 37 MILESTONE ACHIEVEMENTS FOSTERING OPEN AND
TRANSPARENT OPERATION OF THE ERIE COUNTY WATER
AUTHORITY**

Motion by seconded by

WHEREAS, every year in March, the Buffalo Niagara Coalition for Open Government urges government officials, the media and the public to show their support for open government during Sunshine Week;

WHEREAS, the Buffalo Niagara Coalition for Open Government has established six best practices for every public body; and

WHEREAS, the Board of Commissioners (the “Board”) for the Erie County Water Authority (the “Authority”) pledges to the public and its customers to operate in an open and transparent manner and have adopted and implemented these best practices;

NOW BE IT RESOLVED:

The Authority has and will continue to post its Board and Committee meeting agendas and agenda documents on the Authority’s website, one week prior to any meeting; and

BE IT FURTHER RESOLVED:

The Authority has and will continue to post draft meeting minutes on the Authority’s website within two weeks following the meeting; and

BE IT FURTHER RESOLVED, as set forth in its Amended and Restated By-laws, the Authority will continue to allow the public to speak at the beginning of Board meetings before the Board votes on any items placed on its agenda; and

BE IT FURTHER RESOLVED:

The Authority has and will continue to record its meeting and to post such recordings on its website; and

BE IT FURTHER RESOLVED:

The Authority will be installing video equipment into its Board room, allowing Board and Committee meetings to be live streamed from its website and then posted on its website for public access; and

BE IT FURTHER RESOLVED:

The Authority has and will continue to conduct meetings open to the public and will only conduct meetings in executive sessions in strict compliance with the provisions of the New York State Open Meetings Law; and

BE IT FURTHER RESOLVED:

The Authority will have its Board members complete Annual Financial Disclosure Statements; and

BE IT FURTHER RESOLVED:

The Authority will post on its website copies of the Annual Financial Disclosure Statements filed by Board members; and

BE IT FURTHER RESOLVED:

The Board directs the Secretary of the Authority to provide a certified copy of this resolution to the Buffalo Niagara Coalition for Open Government.

AYES:

NOES:

3/26/19-slz

ITEM 38- AUTHORIZATION TO FILE THE PUBLIC AUTHORITY REPORTING INFORMATION SYSTEM (PARIS) 2018 REPORTS TO THE NEW YORK STATE AUTHORITY BUDGET OFFICE

Motion by seconded by

WHEREAS, in accordance with the Public Authorities Law, as amended by the Public Authorities Accountability Act of 2005, and the Public Authorities Reform Act of 2009, the Erie County Water Authority (Authority) is required to file an Annual Report which reflects the 2018 results of operations and other supporting information; a Procurement Report of the Authority's activity for the year; the Authority's audited Investment Report; and the Certified Financial Audit report.

WHEREAS, the certification statement must be affirmatively answered confirming that the Report has been presented to and accepted by the Board before the submission of the data; and

NOW, THEREFORE, BE IT RESOLVED:

That the Deputy Director as CFO is hereby authorized to file the Public Authority Reporting Information System 2018 Reports described above to the New York State Authority Budget Office and post all required documents to the Erie County Water Authority website.

Ayes:

Noes:

03/26/19-slz

ITEM 39 - AUTHORIZATION TO ACCEPT THE CONSTRUCTION AND INSTALLATION OF APPROXIMATELY 1397 ± LINEAR FEET OF 8-INCH PVC AND 46 ± LINEAR FEET OF 8-INCH DIP WATERMAIN IN SPAULDING GREEN PHASE 6B, TOWN OF CLARENCE, NEW YORK, PROJECT NO: 201800101

Motion by seconded by

WHEREAS, the Erie County Water Authority ("Authority"), by resolution dated March 7, 2019, identified as Item No. 21, of the Minutes of that meeting, accepted the proposal of S.G. Clarence, LLC and Milherst Construction, Inc. for the construction and installation of approximately approximately 1397 ± Linear Feet of 8-Inch PVC and 46 ± Linear Feet of 8-Inch DIP Watermain in Spaulding Green Phase 6B, Town of Clarence, New York; and

WHEREAS, the Bill of Sale dated February 1, 2019 and the Schedule of Inventory dated February 13, 2019 have been approved by Russell J. Stoll, Executive Engineer and the construction and installation of approximately 1397 ± Linear Feet of 8-Inch PVC and 46 ± Linear Feet of 8-Inch DIP Watermain in Spaulding Green Phase 6B, Town of Clarence, New York; and (footage actually installed per Schedule of Inventory) and 2 hydrants have been installed in accordance with the specifications of the Authority; and

WHEREAS, the Division of Environmental Health of the Health Department of the County of Erie has approved the completed works for public water supply improvement for Spaulding Green Phase 6B, Town of Clarence, New York; and

WHEREAS, Karen A. Prendergast, Comptroller has reviewed the costs of the main and hydrants and finds them reasonable and correct; and

WHEREAS, Russell J. Stoll, Executive Engineer recommends approval and acceptance of said main and hydrants;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority accept the construction and installation of 1397 ± Linear Feet of 8-Inch PVC and 46 ± Linear Feet of 8-Inch DIP Watermain in Spaulding Green Phase 6B, Town of Clarence, New York and 2 hydrants in Spaulding Green Phase 6B, and said main and hydrants be added to the property records of the Authority.

Ayes:

Noes:

3/26/19-slz