

## **NEW BUSINESS**

### **ITEM 1 - MASTER PURCHASE ORDERS, RELEASES FROM MASTER PURCHASE ORDERS, PURCHASE ORDERS, AND AMENDMENTS OF SAME**

Motion by                      seconded by                      and carried to approve creation and payment of attached master purchase orders, releases from master purchase orders, and purchase orders and amendments of same, after certification by the Director of Administration and the Comptroller that the orders and amendments thereof are in accordance with the Authority's By-Laws and Procurement Guidelines.

Ayes:

Noes:

04/09/20-pjf

**ITEM 2 - AWARD OF CONTRACT TO NEW FRONTIER EXCAVATING & PAVING, INC. FOR CONTRACT NO. NC-039, WATER SYSTEM IMPROVEMENTS IN THE TOWNS OF AMHERST AND CHEEKTOWAGA, NEW YORK, PROJECT NO. 201900073 - \$2,644,843.00**

Motion by      seconded by

**WHEREAS**, the Erie County Water Authority (Authority) heretofore advertised in the Dodge Reports and the NYS Contract Reporter on the 15<sup>th</sup> day of January 2020, a notice inviting sealed bids or proposals in accordance with Section 1069 of the Public Authorities Law for Contract No. NC-039, Water System Improvements in the Towns of Amherst and Cheektowaga, New York; and

**WHEREAS**, sealed bids or proposals were opened in the office of the Authority on the 25<sup>th</sup> day of February 2020, at 11:00 a.m., local time, and were as follows:

<b>BIDDERS</b>	<b>AMOUNT</b>
New Frontier Excavating & Paving, Inc.	\$2,644,843.00
DJM Contracting, Inc.	2,649,670.00*

\*Corrected Figure; and

**WHEREAS**, the bid bonds have all been approved by Molly Musarra, Claims Representative/Risk Manager; and

**WHEREAS**, Lavonya Lester, Director of Administration, has advised that the low bidder, New Frontier Excavating & Paving, 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**, Leonard F. Kowalski, Executive Engineer and Nussbaumer & Clarke, Inc., Consulting Engineers 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 responsible bidder for the abovementioned project, and that the Chairman is hereby authorized and directed to execute a contract with said contractor for Contract No. NC-039, Water System Improvements in the Towns of Amherst and Cheektowaga, New York as a unit price contract for the estimated total amount of \$2,644,843.00; 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 bidder 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:

04/09/20-pjf

**ITEM 3 - AWARD OF CONTRACT TO CMH COMPANY, INC. FOR CONTRACT NO. CPL-005, WATER SYSTEM IMPROVEMENTS IN THE VILLAGE OF SLOAN, NEW YORK, PROJECT NO. 201900072 - \$2,570,580.00**

Motion by %MOTION% seconded by %SECOND%

**WHEREAS**, the Erie County Water Authority (Authority) heretofore advertised in the Dodge Reports and the NYS Contract Reporter on the 8<sup>th</sup> day of January 2020, a notice inviting sealed bids or proposals in accordance with Section 1069 of the Public Authorities Law for Contract No. CPL-005, Water System Improvements in the Village of Sloan, New York; and

**WHEREAS**, sealed bids or proposals were opened in the office of the Authority on the 11<sup>th</sup> day of February 2020, at 11:00 a.m., local time, and were as follows:

<b>BIDDERS</b>	<b>AMOUNT</b>
CMH Company, Inc.	\$2,570,580.00
DJM Contracting, Inc.	3,020,765.00*
New Frontier Excavating & Painting, Inc.	3,145,689.00
4 <sup>th</sup> Generation Construction, Inc.	3,289,990.00*

\*Corrected Figure; and

**WHEREAS**, the bid bonds have all been approved by Molly Musarra, Claims Representative/Risk Manager; and

**WHEREAS**, Lavonya Lester, Director of Administration, 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**, Clark Patterson Lee, Consulting Engineers and Leonard F. Kowalski, Executive Engineer have reviewed the specifications and bids and determined that 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 Contract No. CPL-005, Water System Improvements in the Village of Sloan, New York as a unit price contract for the estimated total amount of \$2,570,580.00; 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:

04/09/20-pjf

**ITEM 4 - AWARD OF CONTRACT TO LEDGE CREEK DEVELOPMENT, INC. FOR AREA NO. 1 RESTORATION, APRIL 1, 2020 THROUGH MARCH 31, 2022, PROJECT NO. 202000016 - \$4,676,525.00**

Motion by                      seconded by

**WHEREAS**, the Erie County Water Authority (Authority) heretofore advertised in the Dodge Reports and the NYS Contract Reporter on the 24<sup>th</sup> day of January 2020, a notice inviting sealed bids or proposals in accordance with Section 1069 of the Public Authorities Law for Area No. 1 Restoration, April 1, 2020 through March 31, 2022; and

**WHEREAS**, sealed bids or proposals were opened in the office of the Authority on the 18<sup>th</sup> day of February 2020, at 2:00 p.m., local time, and were as follows:

<b>BIDDERS</b>	<b>AMOUNT</b>
Ledge Creek Development, Inc.	\$4,676,525.00
Russo Development, Inc.	5,259,356.00; and

**WHEREAS**, the bid bonds have all been approved by Molly Musarra, Claims Representative/Risk Manager; and

**WHEREAS**, Lavonya Lester, Director of Administration, has advised that the low bidder, Ledge Creek Development, 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**, Leonard F. Kowalski, Executive Engineer has reviewed the specifications and bids and determined that Ledge Creek Development, 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 Ledge Creek Development, 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 Area No. 1 Restoration, April 1, 2020 through March 31, 2022 as a unit price contract for the estimated total amount of \$4,676,525.00; 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 bidder 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:

04/09/20-pjf

**ITEM 5 - AWARD OF CONTRACT TO RUSSO DEVELOPMENT, INC. FOR AREA NO. 2 RESTORATION, APRIL 1, 2020 THROUGH MARCH 31, 2022, PROJECT NO. 202000017 - \$4,288,867.50**

Motion by                      seconded by

**WHEREAS**, the Erie County Water Authority (Authority) heretofore advertised in the Dodge Reports and the NYS Contract Reporter on the 24<sup>th</sup> day of January 2020, a notice inviting sealed bids or proposals in accordance with Section 1069 of the Public Authorities Law for Area No. 2 Restoration, April 1, 2020 through March 31, 2022; and

**WHEREAS**, sealed bids or proposals were opened in the office of the Authority on the 18<sup>th</sup> day of February 2020, at 2:00 p.m., local time, and were as follows:

<b>BIDDERS</b>	<b>AMOUNT</b>
Russo Development, Inc.	\$4,288,867.50
Ledge Creek Development, Inc.	4,456,551.00; and

**WHEREAS**, the bid bonds have all been approved by Molly Musarra, Claims Representative/Risk Manager; and

**WHEREAS**, Lavonya Lester, Director of Administration, has advised that the low bidder, Russo Development, 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**, Leonard F. Kowalski, Executive Engineer has reviewed the specifications and bids and determined that Russo Development, 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 Russo Development, 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 Area No. 2 Restoration, April 1, 2020 through March 31, 2022 as a unit price contract for the estimated total amount of \$4,288,867.50; 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 bidder 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:

04/09/20-pjf

**ITEM 6 - AUTHORIZATION TO GRANT LEAK ALLOWANCE REQUEST -  
\$4,243.13**

Motion by                      seconded by

**WHEREAS**, Karen A. Prendergast, Chief Financial Officer advised the Authority that she has received a leak allowance request from an Authority customer listed below resulting from a service line leak:

- 1) Bluffs Homeowners Association  
6462 Lake Shore Road  
Derby, NY 14047  
\$4,243.13; and

**WHEREAS**, Karen A. Prendergast, Chief Financial Officer advised that the request contains documentation showing that the leak has been repaired; and

**WHEREAS**, said leak allowance request has complied with all leak allowance requirements; and

**WHEREAS**, as stated in Section 9.09 of the Authority's Tariff, the granting of a leak allowance shall be in the sole discretion of the Authority; and

**WHEREAS**, Karen A. Prendergast, Chief Financial Officer recommends granting the above leak allowance request;

**NOW, THEREFORE, BE IT RESOLVED:**

That the Authority grant the leak allowance request to the abovementioned customer; and be it further

**RESOLVED:** That the Comptroller is hereby authorized and directed to adjust the account of the abovementioned customer.

Ayes:

Noes:

04/09/20-pjf

**ITEM 7 - EXTENSION OF THE FILING DEADLINE FOR IN-HOUSE FINANCIAL DISCLOSURE STATEMENTS FOR CALENDAR YEAR 2019**

Motion by       seconded by

**WHEREAS**, on March 24, 2020 the Board of Commissioners (the “Board”) of the Erie County Water Authority (the “Authority”) issued a Declaration of Emergency (the “Declaration”) to address the COVID-19 emergency; and

**WHEREAS**, while the Declaration remains in effect, the Authority has directed its administrative personnel to be reduced and sent home, allowing only such personnel to leave their homes to perform essential functions that can only be done in the field or within one of the Authority’s facilities; and

**WHEREAS**, consistent with the Governor’s stay-at-home directive, the Authority has defined an “essential function” to mean an activity ensuring the continuing operation of the Authority or which is necessary for the safety, health and welfare of its employees or the public; and

**WHEREAS**, pursuant to Policy No. 11, Article VI, §2(e), members, ad hoc members, officers and designated employees are currently required to file the In-House Financial Disclosure Statement by May 15, 2020; and

**WHEREAS**, approximately sixty (60) individuals will be required to file the 2019 In-House Financial Disclosure Statements, after packages are mailed and emailed to them; and

**WHEREAS**, given the reduction in the Authority’s administrative workforce, the Board finds it prudent to extend the filing deadline for such disclosure statements to protect the safety, health and welfare of the Authority’s personnel; and

**NOW THEREFORE BE IT RESOLVED:**

The Board extends the filing deadline, set forth in Article VI, § 2(e) of the Code of Ethics & Conflicts of Interest Policy until August 15, 2020 for the filing of In-House Financial Disclosure Statements.

Ayes:

Noes:

04/09/20-MAM:pjf

**ITEM 8 - APPROVAL TO AMEND THE PROCUREMENT PROVISIONS OF THE  
DECLARATION OF EMERGENCY**

Motion by       seconded by

**WHEREAS**, on March 24, 2020 the Board of Commissioners (the “Board”) of the Erie County Water Authority (the “Authority”) issued a Declaration of Emergency (the “Declaration”) and directed the implementation of a Comprehensive Emergency Management Plan to address the COVID-19 emergency; and

**WHEREAS**, pursuant to § 7.1 of the Declaration, the Board authorized the Director of Administration and/or the Comptroller to make emergency procurements subject to the approval of the Chief Financial Officer and without prior Board approval; and

**WHEREAS**, pursuant to §§ 7.4 and 7.5 of the Declaration, the Board suspended the Authority’s standard procurement practices and procedures and directed all procurements made without Board approval, while the Authority operates under the Declaration, shall be reported to the Board at its next regularly scheduled meeting;

**WHEREAS**, after reviewing the procurement provisions with the Authority’s General Counsel, the Chief Financial Officer recommends a change to § 7.2 of the Declaration to resolve any doubts as to the meaning of an “emergency procurement” and to be consistent with the purposes of the provision, which was to eliminate the administrative steps necessary to make procurements while the Authority is acting with a reduced administrative workforce;

**NOW THEREFORE BE IT RESOLVED:**

The Board amends §7 of the Declaration to read as follows:

7.2     For purposes of this Declaration of Emergency, an emergency procurement means the purchase of supplies, materials, commodities, technology and services, which are needed to ensure the continuing operation of the Authority, or are necessary for the health, safety and welfare of its employees or its customers.

**BE IT FURTHER RESOLVED:**

That the Secretary of the Authority is directed to post the amended copy of the Declaration of Emergency on the Authority’s website.

Ayes:

Noes:

04/09/20-MAM:pjf

**ITEM 9 - TRIBUTE TO RUSSELL MCCLEOD, LINE MAINTENANCE OPERATOR**

Motion by                      seconded by

**WHEREAS**, it was with deep sorrow and profound regret that the Erie County Water Authority learned of the death of Russell McCleod on March 28, 2020; and

**WHEREAS**, Russell McCleod was a loyal employee, who had served the Authority since August 23, 2004;

**NOW, THEREFORE, BE IT RESOLVED:**

That we, the Members of the Board and Staff here assembled, desire to extend our sympathy and condolences to the members of his family; and be it further

**RESOLVED:** That as a tribute to his memory, the foregoing Preamble and resolution be entered upon the Minutes of the Meeting of April 9, 2020; and be it further

**RESOLVED:** That when this Board adjourns, it adjourns out of respect to the memory of the late Russell McCleod.

Ayes:

Noes:

04/09/20-pjf