



ERIE COUNTY WATER AUTHORITY

Request for Proposals (RFP)

Government Relations and Lobbying Services

Project No: 201800178

Brown & Weinraub, PLLC

50 State Street

Albany, NY 12207

Ph: 518-427-7350

Fx: 518-427-7792

Contact: Alexander L. Betke, Attorney at Law

Abetke@brownweinraub.com

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Letter of Introduction

Dear Board of Commissioners:

Brown & Weinraub, PLLC is pleased to submit this proposal for Government Relations and Lobbying Services in response to the Erie County Water Authority's request (Project No. 201800178). Our firm has consistently ranked among the top New York State lobbyists in terms of number of clients and value of contracts for the past several years. The continued growth of our firm has resulted from excellent representation of our clients' interests informed by the experience of our professional team.

We believe Brown & Weinraub is particularly well positioned to work with ECWA to develop and implement a proactive government relations strategy and provide strategic consulting services. Founded in 2001, the firm includes professionals who have worked in senior positions in the Governor's Office, Division of the Budget, Office of the NYS Comptroller and the NYS Legislature. We also represent local governments across the state, have been active in the public utility space and are experienced in advancing agendas among all branches of state government.

Our firm is skilled at advising clients regarding budgetary, legislative and regulatory developments, as well as drafting legislation, regulatory language, memoranda in support or opposition, testimony and other documents. We are strategic in timing client visits to key decision makers and expert in preparing clients for meetings.

Brown & Weinraub enters into contracts with clients that are consistent with rules promulgated by the Joint Commission on Public Ethics (JCOPE). Our team is committed to compliance with all applicable rules and operating with the highest level of integrity.

We hope you will find the enclosed proposal responsive to the needs of the Authority and our capabilities exceptional.

Sincerely,

**David N. Weinraub
Managing Partner**

Company Overview

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<http://www.brownweinraub.com>

Brown & Weinraub, PLLC was established in 2001 by partners Patrick E. Brown and David N. Weinraub.

Today, Brown & Weinraub has 18 professional staff including 9 lawyers. 16 of our professional staff members are registered lobbyists and all work as a team as needed for clients. In addition, Brown & Weinraub employs consultants and interns, as well as 4 full-time support staff.

Brown & Weinraub assists companies of all sizes and at all stages of development. Our firm's expertise covers a wide range of services that broadly fit into the categories of Government Relations, Health Care & Human Services, Economic Development, Gaming, Sports & Entertainment, Infrastructure, and Workforce. As former senior government legal and policy advisors with decades of experience, we help clients successfully navigate legislative, policy, administrative, and procurement issues.

Team for ECWA Engagement

Brown & Weinraub's professionals function as a team. For this engagement, ECWA would be served primarily by those listed below, with Alex Betke serving as primary point of contact. Brown & Weinraub's clients benefit from service to clients that is not measured by hours of service – this allows involvement of those best suited to help achieve specific objectives and effective management of all client needs.

Alex Betke served as a Town Supervisor in New York's Hudson Valley for eight years following several terms as a councilman. Based on his experience and exposure to the workings of local government, he established and grew a municipal practice, and continues to serve as general and special counsel to various municipalities. Mr. Betke's broad range of lobbying clients include major industry associations and fortune 500 companies to small businesses and not-for-

profit organizations, with work encompassing all aspects of government relations, including legislation, procurement, appropriations and regulatory matters.

John Harris focuses his practice on the intersection of law, business and government. He has significant experience working with clients on environmental, energy and government affairs matters. Mr. Harris has also represented clients before state and local agencies in connection with the regulatory review, permitting, financing and development of projects such as residential apartment complexes, solid waste and recycling facilities, asphalt plants, mines, golf courses, office buildings, casinos, shopping centers and electric transmission and generation projects.

Michael Cassidy joined Brown & Weinraub after serving as Assistant Director of State Operations for Governor Andrew M. Cuomo. His interactions with state agency staff and representatives of the State Budget Division, as well as his colleagues in the Governor's office, positions him as a resource in advising ECWA. Previous experience in policy development for the NYS Legislature also earned him a positive reputation with members of the Assembly and Senate and their staffers. At the firm Mr. Cassidy's diverse portfolio includes development entities, technology firms and, institutions of higher education, among others.

Relevant Experience

Our team has worked on a number of energy projects and proceedings, including permitting significant fossil fuel and renewable power generating facilities, permitting transmission cable projects, selling and purchasing regulated assets, and developing strategies for deploying sources of alternative energy such as fuel cells, wind and solar generation. Our team has represented Entergy since they acquired their interests in the Indian Point and the Fitzpatrick nuclear generating facilities. We have represented Plug Power, a market leading fuel cell company for almost 20 years. We also currently represent Heorot, the owner of the last two Coal fired plants in New York, Invenergy, one of the largest developers of solar and wind projects in the country, Orsted, the largest offshore wind development company in the world and NextEra Energy, the worlds largest utility. We represented Sithe Energy and PSEG in connection with the permitting of large scale natural gas fired combined cycle energy generating plants in New York. Our team members have successfully guided Astoria Energy and PSEG in connection with responding to New York State Power Authority (NYPA) request for proposals. We have been actively involved in various energy related proceedings at the Public Service Commission (PSC) on behalf of trade associations, generators, transmission developers and utilities. We have assisted clients in numerous efforts to pass and defeat legislation and in successfully applying for funding via various New York State Energy Research and Development Authority (NYSERDA) programs.

We have significant experience assisting clients with permitting activities including working with DEC, the State Historic Preservation office, the Department of State and the Article X siting board on large scale projects. Additionally, we have experience dealing with NYSDERDA and NYPA on funding for energy projects and power purchase agreements awarded pursuant to various competitive processes.

Clients / Accomplishments

Our clients include educational institutions, energy companies, the nation's largest technology companies, project developers, financial services companies and trade associations, as well as leading human service and health care organizations. A current list of clients can be viewed here: <http://www.brownweinraub.com/clients>.

With over 100 clients that have government relations needs, we have developed significant expertise in assisting clients at the intersection of government and business in virtually every business sector. We've listed a few representative examples of economic development successes below:

- Assisted an upstate New York fuel cell manufacturer with numerous economic and energy funding awards totaling more than \$10 million
- Assisted an upstate New York real estate developer in obtaining an award of \$5 million through the CFA process for transportation infrastructure
- Assisted an upstate New York real estate developer in obtaining an award of \$5 million through the CFA process for a mixed used commercial project that included a hotel component
- Assisted a leading international IT company with locating a data center in upstate New York including a 7.2 megawatt allocation of low cost hydropower
- Assisted a large national insurance company in locating a service center in western New York that included an award of \$4 million in capital grant funding from the State
- Assisted an upstate New York manufacturer in obtaining an award of \$30 million in Excelsior Tax Credits
- Assisted a downstate Hospital in obtaining an award of \$1 million through the CFA process for a new operating room
- Assisted a national real estate developer with obtaining over \$20 million in economic development assistance in connection with the redevelopment of a one million square foot redevelopment project in Rochester

Current Status

Brown & Weinraub is not subject to any pending legal actions, to the best of its knowledge.

We have undertaken a conflict review and determined that we have no concurrent conflict in representing ECWA.

Brown & Weinraub is committed to maintain a fair working environment that is free of discrimination and provides equal opportunity for employment. We are establishing policies to further enhance our working environment as part of the new anti-sexual harassment policy, training and related requirements.

Approach

Brown & Weinraub approaches lobbying/governmental relations on behalf of all of its clients in a similar manner. Working with ECWA, we would:

- Develop an understanding of current and anticipated challenges facing the Authority
- Devise a strategy to mitigate challenges
- Articulate the Authority's value proposition
- Identify key decision makers and coordinate discussions with them
- Analyze executive budget proposals and crafting of enacted budget to identify appropriations of interest and potential funding opportunities for water and wastewater facilities
- Monitor proposed state level policies, regulations and legislation and provide timely, strategic guidance for ECWA response when appropriate
- Identify and guide response to other potential funding opportunities

As strategic advisors, we involve clients in every aspect of strategy development and execution. We work best with clients when we function as a team. Firm representatives will be available for consult and meetings as needed by ECWA.

Brown & Weinraub is different from other firms in that it has been built on the founders' guiding principle of hiring a diverse staff of seasoned professionals with substantive knowledge, including counsels to Democratic and Republican executive and legislative leaders, senior budget directors and advisors to Governors for areas including public authority oversight, economic development, financial service, procurement matters, technology and shared services, as well as health and human services and education. Collectively, members of the firm bring decades of experience in public policy, non-profit management and private industry,

working with organizations in navigating the government's legislative and regulatory process, identifying solutions, and pursuing new opportunities.

Fee Schedule

Consistent with the Request for Proposals, we propose a two-year contract with a total cost of \$120,000 that is fully compliant with the Joint Commission on Public Ethics ("JCOPE") requirements, including an escape clause to provide flexibility to both parties. Our fee is based on a monthly retainer of \$5000, exclusive of expenses. No extraordinary expenses such as travel or lodging, would be undertaken without approval of ECWA, Inc.

RESPONDENT'S CERTIFICATION

I have carefully examined the Request for Proposals (RFP) and any other documents accompanying or made a part of this Request for Proposals for (RFP) Government Relations and Lobbying Services.

I hereby propose to furnish the service(s) and/or product(s), etc. specified in my response to the Request for Proposals for the Erie County Water Authority (Authority) – Request for Proposals (RFP) Government Relations and Lobbying Services at the prices or rates quoted in my proposal. I agree that my proposal will remain firm for a period of up to ninety (90) days after date Offer submits its proposal, in order to allow the Authority adequate time to evaluate all proposals it receives.

I agree to abide by all conditions of the Request for Proposals issued by the Authority.


I certify that all information contained in this response to the Request for Proposals is truthful to the best of my knowledge and belief. I further certify that I am authorized to submit this response to the Request for Proposals on behalf of the agent/broker and/or insurer(s) as its act and deed and that the same is ready, willing and able to perform if awarded the contract.

I further certify, under oath, that this proposal is made without prior understanding, agreement, connection, discussion, or collusion with any other person, firm or corporation submitting a proposal for the same service(s), product(s), coverage(s), etc. unless a joint proposal is disclosed by the respondents and the joint proposers act as a syndicate, and the individual parties in the joint proposal, as well as the syndicate, abide by all the terms and conditions set forth in this RFP; and, that the undersigned executed this Respondent's Certification with full knowledge and understanding of the matters therein contained and was duly authorized to do so.

NAME OF BUSINESS: Brown & Weinraub, PLLC

BY: David N. Weinraub

SIGNATURE:



NAME & TITLE, TYPED OR PRINTED: David N. Weinraub, Member

MAILING ADDRESS: 50 State Street

CITY, STATE, ZIP CODE: Albany, NY, 12207

TELEPHONE NUMBER: 518-427-7350

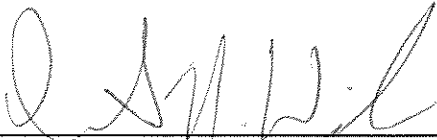
FORM A

Offerer's Affirmation of Understanding of and Agreement pursuant to State Finance Law §139-j (3) and §139-j (6) (b)

Instructions:

A Governmental Entity must obtain the required affirmation of understanding and agreement to comply with procedures on procurement lobbying restrictions regarding permissible Contacts in the restricted period for a procurement contract in accordance with State Finance Law §§139-j and 139-k. It is required that this affirmation be obtained as early as possible in the procurement process, but no later than the date the Offerer submits its proposal.

Offerer affirms that it understands and agrees to comply with the procedures of the Government Entity relative to permissible Contacts as required by State Finance Law §139-j (3) and §139-j (6) (b).

By:  Date: 9/6/18

Name: David N. Weinraub

Title: Member

Contractor Name: Brown & Weinraub, PLLC

Contractor Address: 50 State Street, Albany, NY 12207

FORM B

**Offerer's Certification of Compliance
with State Finance Law §139-k(5)**

Instructions:

A Governmental Entity must obtain the required certification that the information is complete, true and accurate regarding any prior findings of non-responsibility, such as non-responsibility pursuant to State Finance Law §139-j. The Offerer must agree to the certification and provide it to the procuring Governmental Entity. It is required that the certification be obtained as early as possible in the process, but no later than the date of Offerer submits its proposal.

Offerer Certification:

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

By:  Date: 9/4/18

Name: David N. Weinraub

Title: Member

Contractor Name: Brown & Weinraub, PLLC

Contractor Address: 50 State Street, Albany, NY 12207

FORM C

Offerer Disclosure of Prior Non-Responsibility Determinations

Name of Individual or Entity Seeking to Enter into the Procurement Contract:
Brown & Weinraub, PLLC

Address: 50 State Street, Albany, NY 12207

Name and Title of Person Submitting this Form: David N. Weinraub

Contract Procurement Number: 201800178

Date: _____

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

No Yes

If yes, please answer the next questions:

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

No Yes

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

No Yes

4. If you answered yes to any of the above questions, please provide details regarding the finding of non-responsibility below.

Governmental Entity: _____

Date of Finding of Non-responsibility: _____

Basis of Finding of Non-Responsibility: _____

(Add additional pages as necessary)

FORM C

Page 3 of 3

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

No Yes

6. If yes, please provide details below.

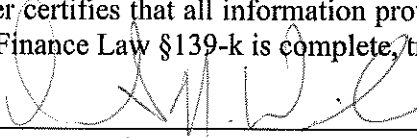
Governmental Entity: _____

Date of Termination or Withholding of Contract: _____

Basis of Termination or Withholding: _____

(Add additional pages as necessary)

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

By:  Date: 9/6/18
Signature

Name: David N. Weinraub

Title: Member



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
8/29/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).


PRODUCER USI Affinity 14 Cliffwood Ave , Suite 310 Matawan, NJ 07747	CONTACT NAME: PHONE (A/C, No, Ext): E-MAIL: ADDRESS:	FAX (A/C, No):																				
	<table border="1"> <thead> <tr> <th colspan="2">INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> </thead> <tbody> <tr> <td>INSURER A :</td> <td>ARCH INSURANCE GROUP</td> <td></td> </tr> <tr> <td>INSURER B :</td> <td></td> <td></td> </tr> <tr> <td>INSURER C :</td> <td></td> <td></td> </tr> <tr> <td>INSURER D :</td> <td></td> <td></td> </tr> <tr> <td>INSURER E :</td> <td></td> <td></td> </tr> <tr> <td>INSURER F :</td> <td></td> <td></td> </tr> </tbody> </table>		INSURER(S) AFFORDING COVERAGE		NAIC #	INSURER A :	ARCH INSURANCE GROUP		INSURER B :			INSURER C :			INSURER D :			INSURER E :			INSURER F :	
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INSURER F :																						
INSURED Brown & Weinraub PLLC 50 State Street 4th Floor Albany NY 12207																						

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	GENERAL LIABILITY <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	Lawyers Professional Liability			11LPL10346803	03/27/2018	03/27/2019	Each Claim \$ 2,000,000 Aggregate \$ 2,000,000 Deductible \$ 5,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

CERTIFICATE HOLDER Erie County Water Authority 295 Main Street Suite 350 Buffalo NY 14203	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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