

ITEM 7 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 NY 324 (SH 9216) Sheridan Drive, a length of 2.65 miles in the Town of Clarence located in Erie County, PIN 5813.52; 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 five (5) certified copies of the foregoing resolution to the New York State Department of Transportation.

Ayes:

Noes:

3/7/19-slz

ITEM 8 - AUTHORIZATION TO EXTEND THE CONTRACT WITH FERGUSON ELECTRIC SERVICE CO., INC. TO PROVIDE HIGH VOLTAGE, SWITCHGEAR INSPECTION AND EMERGENCY ELECTRICAL WORK WITHIN THE ERIE COUNTY WATER AUTHORITY'S FACILITIES, PROJECT NO. 201700017, IDENTIFIED AS CONTRACT NO. 17-07-04.

Motion by seconded by

WHEREAS, on June 1, 2017 the Erie County Water Authority ("Authority") entered into a contract with Ferguson Electric Service Co., Inc. to provide high voltage, switchgear inspection and emergency electrical work within the Erie County Water Authority's facilities, from June 1, 2017 through May 31, 2019, Project No. 201700017, identified as Contract No. 17-07-04; and

WHEREAS, pursuant to Paragraph 11.00 (Grounds for Renewal of Contract) of the Agreement Section, if the Authority and supplier mutually agree to continue this Contract after the 31st day of May, 2019, it shall be extended for the term of one year on the same terms and conditions provided for in the contract; and

WHEREAS, Ferguson Electric Service Co., Inc. submitted a letter dated January 17, 2019 requesting a one-year extension; and

WHEREAS, David M. Patton, Senior Production Engineer, recommends extending the agreement for a one-year period; and

NOW, THEREFORE, BE IT RESOLVED:

That the Authority extends the contract with Ferguson Electric Service Co., Inc. to provide high voltage, switchgear inspection and emergency electrical work within the Erie County Water Authority's facilities, Project No. 201700017, identified as Contract No. 17-07-04, for a one year period, beginning June 1, 2019 through May 31, 2020, in the amount of \$782,100.00; and be it further

RESOLVED:

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

Ayes:

Noes:

ITEM 9 - AUTHORIZATION TO EXTEND THE CONTRACT WITH MOLLENBERG-BETZ, INC. TO PROVIDE THE ERIE COUNTY WATER AUTHORITY WITH HVAC SERVICES, PROJECT NO. 201700097, IDENTIFIED AS CONTRACT NO. 17-11-07.

Motion by seconded by

WHEREAS, on July 13, 2017 the Erie County Water Authority ("Authority") entered into a contract with Mollenberg-Betz, Inc. to provide the Erie County Water Authority with HVAC services from July 1, 2017 through June 30, 2019, Project No. 201700097, identified as Contract No. 17-11-07; and

WHEREAS, pursuant to Paragraph 11.00 (Grounds For Renewal of Contract) of the Agreement Section, if the Authority and supplier mutually agree to continue this Contract after the 30th day of June, 2019, it shall be extended for the term of one year on the same terms and conditions provided for in the contract; and

WHEREAS, Mollenberg-Betz, Inc. submitted a letter dated February 14, 2019 requesting a one-year extension; and

WHEREAS, David M. Patton, Senior Production Engineer, recommends extending the agreement for a one-year period; and

NOW, THEREFORE, BE IT RESOLVED:

That the Authority extends the contract with Mollenberg-Betz, Inc. to provide the Erie County Water Authority with HVAC services, identified as Contract No. 17-11-07, for a one year period, beginning July 1, 2019 through June 30, 2020 in the amount of \$254,550.00; and be it further

RESOLVED:

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

Ayes:

Noes:

3-7-19-lmb

ITEM 10 - AUTHORIZATION TO EXTEND THE CONTRACT WITH SIMMERS CRANE DESIGN AND SERVICES COMPANY FOR THE INSPECTION AND REPAIR OF OVERHEAD CRANES AT VARIOUS ERIE COUNTY WATER AUTHORITY LOCATIONS, PROJECT NO. 201700072, IDENTIFIED AS CONTRACT NO. 17-12-07.

Motion by seconded by

WHEREAS, on July 27, 2017 the Erie County Water Authority ("Authority") entered into a contract with Simmers Crane Design and Services Company for the inspection and repair of overhead cranes at various Erie County Water Authority locations, from July 1, 2017 through June 30, 2018, Project No. 201700072, identified as Contract No. 17-12-07; and

WHEREAS, by resolution dated March 8, 2018, the Authority exercised its right to renew said contract for one year from July 1, 2018 through June 30, 2019; and

WHEREAS, pursuant to Paragraph 2.02 (Contract Duration) of the Agreement Section, if the Authority and supplier mutually agree to continue this Contract after the 30th day of June, 2018, it shall be extended for not more than two 1-year terms on the same terms and conditions provided for in the contract; and

WHEREAS, Simmers Crane Design and Services Company submitted a letter dated February 15, 2019 requesting a one-year extension; and

WHEREAS, David M. Patton, Senior Production Engineer, recommends extending the agreement for a one-year period; and

NOW, THEREFORE, BE IT RESOLVED:

That the Authority amend the resolution dated March 8, 2018 to reflect that the contract extension was granted for one-year beginning July 1, 2018 through June 30, 2019; and be it further

RESOLVED:

That the Authority extends the contract with Simmers Crane Design and Services Company for the inspection and repair of overhead cranes at various Erie County Water Authority locations, Project No. 201700072, identified as Contract No. 17-11-07, for a second one-year period, beginning July 1, 2019 through June 30, 2020, in the amount of \$50,920.00; and be it further

RESOLVED:

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

Ayes:

Noes:

3-7-19-lmb

ITEM 11 - AUTHORIZATION TO SOLICIT REQUEST FOR PROPOSALS FOR CONSULTING ENGINEERING SERVICES, CONTROL OF HAZARDOUS ENERGY PROGRAM, PROJECT NO. 201900017

Motion by seconded by

WHEREAS, Pursuant to Article V, Title 3, Section 1053 of the Public Authorities Law, the Erie County Water Authority (“Authority”) has the authority to contract for expert professional services; and

WHEREAS, Article III, Section 6 of the Authority's By-Laws grants to the Authority the right to contract for expert professional services; and

WHEREAS, the Authority deems it necessary to issue a Request for Proposal (“RFP”) to qualified firms to provide consulting engineering services for updating the Authority’s Control of Hazardous Energy Program; and

WHEREAS, the proposals received by the Authority will be evaluated in accordance with the terms of the RFP, and a professional services contract will be negotiated and executed with the successful offerer; and

WHEREAS, the RFP for provide consulting engineering services for updating the Authority’s Control of Hazardous Energy Program 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, Leonard F. Kowalski, Sr. Distribution Engineer, will be the designated contact person for the RFP with the adoption of this resolution; and

WHEREAS, Russell J. Stoll, Executive Engineer and Leonard F. Kowalski, Sr. Distribution Engineer, recommend that the Board approve the RFP;

NOW, THEREFORE BE IT RESOLVED:

The Authority is hereby authorized to issue a RFP to qualified firms to provide consulting engineering services for updating the Authority’s Control of Hazardous Energy Program.

Ayes:

Noes:

3/7/19-slz

ITEM 12 - AUTHORIZATION TO SOLICIT REQUEST FOR PROPOSALS FOR CONSULTING ENGINEERING SERVICES, STORAGE TANK INSPECTIONS, PROJECT NO. 201900048

Motion by seconded by

WHEREAS, Pursuant to Article V, Title 3, Section 1053 of the Public Authorities Law, the Erie County Water Authority (“Authority”) has the authority to contract for expert professional services; and

WHEREAS, Article III, Section 6 of the Authority's By-Laws grants to the Authority the right to contract for expert professional services; and

WHEREAS, the Authority deems it necessary to issue a Request for Proposal (“RFP”) to qualified firms to provide consulting engineering services for the inspection and evaluation of a number of water storage tanks; and

WHEREAS, the proposals received by the Authority will be evaluated in accordance with the terms of the RFP, and a professional services contract will be negotiated and executed with the successful offerer; and

WHEREAS, the RFP for provide consulting engineering services for the inspection and evaluation of a number of water storage tanks 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, Leonard F. Kowalski, Sr. Distribution Engineer, will be the designated contact person for the RFP with the adoption of this resolution; and

WHEREAS, Russell J. Stoll, Executive Engineer and Leonard F. Kowalski, Sr. Distribution Engineer, recommend that the Board approve the RFP;

NOW, THEREFORE BE IT RESOLVED:

The Authority is hereby authorized to issue a RFP to qualified firms to provide engineering services for the inspection and evaluation of a number of water storage tanks.

Ayes:

Noes:

3/7/19-slz

ITEM 13 - AWARD OF CONTRACT TO E & R GENERAL CONSTRUCTION, INC. FOR WATER SYSTEM IMPROVEMENTS, LARGE VALVE REPLACEMENTS, CITY OF LACKAWANNA AND TOWNS OF ALDEN, AMHERST, CHEEKTOWAGA, HAMBURG AND WEST SENECA, WSA-013, PROJECT NO. 201800081 - \$1,448,000.00

Motion by seconded by

WHEREAS, The Erie County Water Authority (Authority) heretofore advertised in the Dodge Reports and the NYS Contract Reporter on the 14th day of January 2019, a notice inviting sealed bids or proposals in accordance with § 1069 of the Public Authorities Law for Water System Improvements, Large Valve Replacements, City of Lackawanna and Towns of Alden, Amherst, Cheektowaga, Hamburg and West Seneca; and

WHEREAS, Sealed bids or proposals were opened in the office of the Authority on the 5th day of February 2019, at 11:00 a.m., local time, and were as follows:

BIDDERS	AMOUNT
E&R General Construction, Inc.	\$1,448,000.00
4 th Generation Construction, Inc.	\$1,756,125.00
Kandey Company, Inc.	\$2,413,355.00
New Frontier Excavating and Paving, Inc.	\$2,460,100.00
Concrete Applied Technologies Corporation d/b/a Catco	\$2,794,750.00; 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, E & R General Construction, 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 E & R General Construction, 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 E & R General Construction, 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, Large Valve Replacements, City of Lackawanna and Towns of Alden, Amherst, Cheektowaga,

Hamburg and West Seneca in the total amount of \$\$1,448,000.00; 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:

3/7/19-slz

ITEM 14 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR ASBESTOS CEMENT PIPE (ACP) REMOVAL AND DISPOSAL FROM JUNE 1, 2019 THROUGH MAY 31, 2021, PROJECT NO. 201900045

Motion by seconded by

WHEREAS, Russell J. Stoll, Executive Engineer and Leonard F. 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 Asbestos Cement Pipe (ACP) Removal and Disposal from June 1, 2019 through May 31, 2021; and

WHEREAS, the work, labor and services for the abovementioned project is estimated to cost an amount in excess of \$5,000.00 (construction); and

WHEREAS, the Advertisement for Bids for Asbestos Cement Pipe (ACP) Removal and Disposal from June 1, 2019 through May 31, 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, Leonard F. Kowalski, Senior Distribution 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 Asbestos Cement Pipe (ACP) Removal and Disposal from June 1, 2019 through May 31, 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:

3/7/19-lmb

ITEM 15 - AUTHORIZATION TO SETTLE CLAIM WITH NATIONAL FUEL GAS CORPORATION

Motion by seconded by

WHEREAS, on January 29, 2018 the Erie County Water Authority’s (the “Authority”) line maintenance workers responded to a leak at or around 65 George Street, Village of Depew, New York. While excavating that the site, the Authority caused damage to National Fuel Gas Corporation (“National Fuel”) underground facilities located at or near 65 George Street, Village of Depew, New York.

WHEREAS, after a thorough investigation of this claim by Anthony Alessi, Claims Representative/Risk Manager and Timothy D. Gallagher, Associate Attorney, it was determined that the Authority was responsible for this loss.

WHEREAS, the amount sought from National Fuel in this claim is \$15,812.48; and

WHEREAS, the Authority has made an offer of settlement the National Fuel’s claim in the amount of \$11,812.48 in full settlement of the claim which is less than the Authority’s \$15,000 deductible; and

WHEREAS, the Karen A. Prendergast, Comptroller, and Margaret A. Murphy, Attorney have reviewed this settlement with Mr. Alessi and Mr. Gallagher, and all of them concur that this is a fair and reasonable settlement under the terms of the Authority’s policy;

NOW, THEREFORE, BE IT RESOLVED:

The Authority’s Board of Commissioners agree to settle this insurance claim in the amount of \$11,812.48; and be it forth

RESOLVED, Secretary of the Authority is authorized to communicate the Board’s acceptance of settlement offer; and be it forth

RESOLVED, Secretary of the Authority shall confirm in this communication the method by which payment is to be made by the Authority

Ayes:

Noes:

3/7/19-slz

ITEM 16 - AUTHORIZATION TO EXECUTE AN ACH ORIGINATION ADDENDUM WITH PAYMENTUS

Motion by seconded by

WHEREAS, on August 7, 2014, the Erie County Water Authority (the “Authority”) entered into a Master Services Agreement with Paymentus Corporation, a Delaware Corporation (“Paymentus”), for processing credit and debit card payments for Authority customers; and

WHEREAS, Paymentus has requested the Authority to enter into an Addendum to this contract, ensuring the Authority’s compliance with Automated Clearing House (“ACH”) rules; and

WHEREAS, the Legal Department and the Comptroller are recommending the execution of this Addendum so the Authority may continue to process credit and debit card payments for its customers.

NOW, THEREFORE BE IT RESOLVED:

That the Chair is hereby authorized to execute the Addendum with Paymentus; and

BE IT FURTHER RESOLVED:

That the Secretary is hereby authorized to forward a certified copy of this resolution to Paymentus.

Ayes:

Noes:

3/7/19-slz

ITEM 17 - 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 Michael Haendiges, Production Engineer, that funding is needed to pay an outstanding invoice for the Scada Transition project that was completed in 2018; and

WHEREAS, it was not anticipated that any expense would be incurred in 2019 for this project; 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>
8525	101206	SCADA Transition	<u>\$ 80,000</u>	
8525	101418	CIS/ERP		<u>\$ 80,000</u>
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.

Ayes:

Noes:

3/7/19-slz

ITEM 18 - AUTHORIZATION FOR ROBERT J. LICHTENTHAL, JR., DEPUTY DIRECTOR TO ATTEND THE NEW YORK STATE GFOA ANNUAL CONFERENCE IN ALBANY, NEW YORK

Motion by seconded by

WHEREAS, The Erie County Water Authority deems it advisable for Robert J. Lichtenthal, Jr., Deputy Director, to attend the New York State GFOA Annual Conference in Albany, New York at a total estimated cost of \$475.00;

NOW, THEREFORE, BE IT RESOLVED:

That Robert J. Lichtenthal, Jr. is hereby authorized to travel to Albany, New York from March 27, 2019 to March 28, 2019 to attend New York State GFOA Annual Conference at a total estimated cost of \$475.00.

Ayes:

Noes:

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ITEM 19 - AUTHORIZATION FOR SABRINA FIGLER, DIRECTOR OF WATER QUALITY TO ATTEND THE AWWA INTERNATIONAL SYMPOSIUM ON WATERBORNE PATHOGENS IN TAMPA FLORIDA FROM APRIL 29, 2019 THROUGH APRIL 30, 2019

Motion by %MOTION% seconded by %SECOND%

WHEREAS, The Erie County Water Authority deems it advisable for Sabrina Figler, Director of Water Quality to attend the AWWA International Symposium on Waterborne Pathogens in Tampa, Florida at a total estimated cost of \$1,375.00;

NOW, THEREFORE, BE IT RESOLVED:

That Sabrina Figler is hereby authorized to travel to Tampa Florida from April 29, 2019 to April 30, 2019 to attend the AWWA International Symposium on Waterborne Pathogens at a total estimated cost of \$1,375.00.

Ayes:

Noes:

3/7/19-slz

ITEM 20 - AUTHORIZATION FOR COMPTROLLER TO EXECUTE CHANGE ORDER FOR WESTLAW SERVICE AGREEMENT

Motion by seconded by

WHEREAS, on August 1, 2018, Paul H. Riester, Director of Administration, executed a thirty-six (36) month service agreement with Thomson Reuters to provide seven licenses for Westlaw; and

WHEREAS, the Legal Department has requested three additional Westlaw licenses from its Westlaw representative;

WHEREAS, these three licenses may be acquired by the Legal Department at a special government rate of \$90 per month;

WHEREAS, the Board has authorized only the Director of Administration to enter into such service agreement.

NOW, THEREFORE BE IT RESOLVED:

That the Board authorizes the Comptroller, in the absence of a Director of Administration, to execute a change order adding three additional Westlaw licenses to the current service agreement.

Ayes:

Noes:

3/7/19-slz

ITEM 21 - AUTHORIZATION TO ACCEPT PROPOSAL OF S.G. CLARENCE, LLC AND MILHERST CONSTRUCTION, INC. FOR 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") desires to enter into a Main Extension Agreement (Builder-Contractor-Developer) with S.G. Clarence, LLC and Milherst Construction, Inc. for 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

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 Nos. EC-7009, 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 S.G. Clarence, LLC and Milherst Construction, Inc. for 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 be it further

RESOLVED: That the Chairman is hereby authorized to execute said Main Extension Agreement (Builder-Contractor-Developer) between the Authority and S.G. Clarence, LLC and Milherst Construction, Inc. covering the abovementioned subdivision.

Ayes:

Noes:

3/7/19-slz