

ERIE COUNTY WATER AUTHORITY
AUTHORIZATION FORM
For Approval/Execution of Documents
(check which apply)

Contract: NC-040 **Project No.:** 201900104
Project Description: Transmission Main Van de Water Raw Water Pump Station to
Van de Water Treatment Plant

Item Description:

- | | | | |
|--|--|---|---------------------------------------|
| <input type="checkbox"/> Agreement | <input type="checkbox"/> Professional Service Contract | <input type="checkbox"/> Amendment | <input type="checkbox"/> Change Order |
| <input type="checkbox"/> BCD | <input type="checkbox"/> NYSDOT Agreement | <input type="checkbox"/> Contract Documents | <input type="checkbox"/> Addendum |
| <input type="checkbox"/> Recommendation for Award of Contract | <input type="checkbox"/> Recommendation to Reject Bids | | |
| <input type="checkbox"/> Request for Proposals | | | |
| <input checked="" type="checkbox"/> Other <u>Grant Application Materials - Application</u> | | | |

Action Requested:

- | | |
|--|--|
| <input type="checkbox"/> Board Authorization to Execute | <input checked="" type="checkbox"/> Legal Approval |
| <input type="checkbox"/> Board Authorization to Award | <input type="checkbox"/> Execution by the Chairman |
| <input type="checkbox"/> Board Authorization to Advertise for Bids | <input type="checkbox"/> Execution by the Secretary to the Authority |
| <input type="checkbox"/> Board Authorization to Solicit Request for Proposals | |
| <input checked="" type="checkbox"/> Other <u>Board Action of Resolutions - Application</u> | |

Approvals Needed:

APPROVED AS TO CONTENT:

- | | | |
|--|------------------------|----------------------|
| <input type="checkbox"/> Department Head | _____ | Date: _____ |
| <input type="checkbox"/> Risk Manager | _____ | Date: _____ |
| <input type="checkbox"/> Director of Administration | _____ | Date: _____ |
| <input checked="" type="checkbox"/> Executive Engineer <i>Director</i> | <i>Russell J. Fall</i> | Date: <u>9/12/19</u> |

APPROVED AS TO FORM:

- | | | |
|---|---------------------------|----------------------|
| <input checked="" type="checkbox"/> Legal | <i>Margaret A. Murphy</i> | Date: <u>9/12/19</u> |
|---|---------------------------|----------------------|

APPROVED FOR BOARD RESOLUTION:

- | | | |
|--|--------------------|----------------------|
| <input checked="" type="checkbox"/> Secretary to the Authority | <i>[Signature]</i> | Date: <u>9/12/19</u> |
|--|--------------------|----------------------|

Remarks: _____

Resolution Date: _____

Item No: _____



ERIE COUNTY WATER AUTHORITY

INTEROFFICE MEMORANDUM

September 12, 2019

To: Terrence D. McCracken, Secretary to the Authority

From: Russell J. Stoll, Executive Director

A handwritten signature in blue ink, appearing to read "R. Stoll", is written over the "From:" line.

Subject: Board Authorization to File Grant Application
ECWA Application for Grant for
Transmission Main
Van de Water Raw Water Pump Station to Van de Water Treatment Plant
ECWA Project No. 201900104

This project consists of the design and construction of approximately 5,000 linear feet of new raw water transmission main from Van de Water Raw Water Pump Station to the Van de Water Treatment Plant. The route for the new raw water transmission main will follow either the existing raw water transmission main route via National Grid rights-of-way and the NRG Huntley site per an existing easement agreement or it will be installed along River Road. The second transmission main will increase hydraulic capacity and improve system redundancy and resiliency. This project will also involve the design of a conduit duct bank, handholes, and appurtenances between the Raw Water Pump Station and Van de Water Treatment Plant for communication cabling.

A New York State Environmental Quality Review Act environmental assessment was completed and posted for public review. It was determined that based on the information available and the associated analysis that the proposed action will not result in any significant adverse environmental impacts.

Preparation of a complete application for a grant from EFC, DOH 2019 NYS Water Grants requires a resolution from the ECWA Board of Commissioners supporting the planning, design and construction, and funding of the project along with filing the grant application.

The Authority's engineering staff has completed the grant application for New York State Environmental Facilities Corporation, Department of Health 2019 NYS Water Grants. Water Infrastructure Improvement Act (WIIA) grant. This application along with other supporting documentation for the application are included for information for the Board.

RJS:jmf

Attachments

cc: K.Prendergast

CONT-NC-040-1901



GRANT APPLICATION
NYS WATER INFRASTRUCTURE IMPROVEMENT ACT (WIIA)
&
NYS INTERMUNICIPAL WATER INFRASTRUCTURE GRANTS (IMG) PROGRAM
DRINKING WATER

A. APPLICANT

Name of Applicant: Erie County Water Authority County: Erie
Federal I.D. Number: 16-6000337 DUNS Number: 07-147-8119
Municipality(ies) Served (Water Authorities Only): Erie County, with parts of Genesee and Cattaraugus
Cooperating Municipality(ies) (IMG Only): _____

Highest Elected Official: Jerome Schad Phone: 716-849-8430
Title: Chairman Email: jschad@ecwa.org
Mailing Address: 295 Main Street, Buffalo, NY 14203

Authorized Representative: Russell J. Stoll, PE Phone: 716-684-1510
Title: Executive Director Email: rstoll@ecwa.org
Mailing Address: 3030 Union Road, Cheektowaga, NY 14227

Daily Contact Name: Steven W. Denzler, PE Phone: 716-685-8227
Title: Distribution Engineer Email: sdenzler@ecwa.org
Company: Erie County Water Authority

Engineering Consultant: Brad Sendlak Phone: 716-827-8100
Title: Corporate Associate Email: bsendlak@nussclarke.com
Company: Nussbaumer and Clarke

B. GRANT CATEGORY

Identify the grant program(s) for which you are applying by checking the appropriate box or boxes below.

- ☒ New York Water Infrastructure Improvement Act (WIIA) grant
☐ Intermunicipal Water Infrastructure Grants (IMG) Program grant



C. GENERAL INFORMATION

Project Name: 48-Inch Transmission Waterline to Van de Water Plant

Project Location: Town of Tonawanda, New York

42.975950 Latitude -78.935070 Longitude
Provide in decimal format.

District Name/

Project Service Area: Erie County, New York

Submit a water district or service area map with your application if applicable.

Population of Project Service Area: 250,000 +/-

| Municipalities Served | Users Served |
|------------------------------|--------------|
| City of Tonawanda, Amherst | 250,000 +/- |
| Clarence, Newstead, Pembroke | |
| Cheektowaga, Lancaster | |
| Williamsville | |

Attach a list if more space is needed. Users Served can be provided by %, population, EDUs, or flow allocation.

Public Water Supply ID Number: 1400443

Design Start Date: 6/19 (☐T / ☒A)

Construction Start Date: 4/20 (☒T / ☐A) Construction End Date: 12/20 (☒T / ☐A)

Check "T" for a target date and "A" for an actual date

| Legislative Districts (include multiple districts if applicable) | |
|---|------------------------------|
| NY Senate <u>60</u> | NY Assembly <u>140</u> |
| <u> </u> | <u> </u> |
| <u> </u> | <u> </u> |

To help identify your districts, visit:
<https://www.elections.ny.gov/district-map/district-map.html>

D. PROJECT INFORMATION

1. Provide a brief description of your project.

The Erie County Water Authority operates two (2) water treatment plants in Erie County, New York. The Sturgeon Point Water Treatment Plant (WTP) is located in the southern part of Erie County, and the Van de Water WTP is located in the northern part of the county, in the Town of Tonawanda. The Van de Water plant is sourced from the Niagara River, and supplies water to the northern sections of Erie County including the City of Tonawanda, the towns of Amherst, Clarence, Newstead, parts of Cheektowaga and Lancaster, the villages of Williamsville, Depew, and Lancaster. This plant also supplies water to Pembroke at the county line, supplying water to parts of Genesee County. The Van de Water WTP is sourced by a single 48-inch waterline, which runs from the intake pump station to the Van de Water pump station. This line is a prestressed concrete cylinder pipe (PCCP), installed in 1975. This pipe material in 70's has been commonly known to be defective, due to overheating of the prestressing wires during manufacturing. This weakens the wire strength, which is known as hydrogen embrittlement. The Erie County Water Authority (ECWA) has other pipes in its system of the same material installed in the 70's which have failed due to the defective nature of the pipe. A major failure which occurred in 2016 reduced pressures and capacities for 215,000 residents, requiring a boil-water notice be issued. This incident impacted many businesses, hotels, hospitals, residents, and critical facilities in the area, and greatly reduced fire-fighting capacities in many of the affected areas. The ECWA has taken a proactive approach to identify critical pipes in the transmission and distribution system to minimize risk to the residents of Erie and Genesee counties, and get these lines replaced.

2. If applying for an IMG Grant, describe how the joint project benefits the cooperating municipalities and is the best solution for an identified water quality problem.

N/A

3. Which of the following categories does the project scope address?

☒ Source ☐ Treatment ☐ Storage ☐ Distribution

4. Has any portion of your source, treatment, or distribution system been compromised or created a situation where the system users were without water?

☐ No ☒ Yes If yes, please explain.

The Erie County Water Authority experiences leaks in large-diameter transmission mains on a regular basis. This is in part due to an aging system, but also due in part to defective pipe being historically installed. Concrete pipe (PCCP) was notorious in the 60's and 70's of manufacturing defects, which caused hydrogen embrittlement in the prestressing wires. The ECWA has experienced 'major' leaks in July 2016, April 2017, and in 2018 on large-diameter transmission mains which have either reduced capacities in the system and/or taken customers out of service. Boil-water notices were issued for some of these historic pipe failures.

5. Is the project required through an enforcement action, such as a DOH violation, DOH and/or EPA consent order, judicial order, compliance schedule?

☒ No ☐ Yes If yes, indicate the type, date of execution and reason for the enforcement action as it relates to the project. Please submit a copy of the executed enforcement action or compliance order with the grant application.

6. Describe the project's community impacts, including but not limited to, public support for the project, critical community resources served by this project, or economic development impacts.

The waterline break of the defective 36-inch transmission main in July 2016 had significant community impacts. The Erie County Health Department issued a 'boil-water notice' for some customers, including those in the towns of Amherst, Clarence, Newstead, Cheektowaga and Lancaster in Erie County, and the towns of Pembroke and Darien in Genesee County. The Erie County Legislature held hearings regarding the incident, with a sample of the defective pipe displayed. Many businesses in the area, including restaurants, schools, hospitals, and various service industries, had to temporarily close due to insufficient water for customers, or because fire protection systems were not active or sufficient. Moreover, this break caused significant concerns for key community institutions such as SUNY Buffalo (Amherst Campus), Millard Fillmore Surburban Hospital, and municipal buildings in Amherst and Clarence. Many restaurants temporarily shut down due to the break. Public support is strong.



7. Is the project identified in any regional planning initiatives (e.g. a Comprehensive Plan, Regional Planning document, Waterfront Revitalization Plan, Watershed Plan or Estuary Plan)?

☒ No ☐ Yes If yes, describe below and attach applicable documents:

8. Does the project require easements or land acquisition?

☒ No ☐ Yes If yes, describe the status of obtaining the easements and/or land. If the process has been completed, attach the Title Certification and/or proof of easement acquisition.

The project corridor is owned by various agencies, but the ECWA currently has access easements in place for the existing waterline. Landowners are receptive to a new waterline through this area, as long as all safety concerns are met. No land needs to be acquired for this project.

9. Describe the current status of the project and your ability to demonstrate readiness to proceed including, but not limited to, an executed engineering agreement for design services, executed professional services agreements, detailed project schedule, and plans and specifications.

Due to the severity of the situation, the Erie County Water Authority has begun this project. ECWA has already hired an engineering consultant to begin the design of this project, has an executed agreement for these design services, and a preliminary schedule has been developed. Copies of the agreement between ECWA and Nussbaumer and Clarke, and the project schedule have been included in the Grant Application report. Nussbaumer and Clarke is under contract to provide plans and specifications for public bidding. According to the preliminary schedule, plans will be available by the end of 2019 with construction expected in 2020.

10. Does the project require a debt exclusion approval from the Office of the State Comptroller (OSC)?

☒ No ☐ Yes If yes, describe the status. If the debt exclusion has been approved, attach the OSC approval letter.

11. Has the Applicant submitted timely annual financial reports to OSC for each of the last three years?

☐ No ☒ Yes If no, please explain:



E. TOTAL PROJECT BUDGET

Please add line items to the budget as needed. If you have additional questions, please call EFC or refer to the Intended Use Plan.

| Category | Estimated Costs |
|--|---------------------|
| 1. Construction Costs | |
| Contract 1 | \$ 3,023,750.00 |
| Contract 2 | \$ |
| Contract 3 | \$ |
| Contract 4 | \$ |
| 2. Engineering Costs | |
| a. Planning | \$ |
| b. Design | \$ 144,700.00 |
| c. Construction | \$ 175,500.00 |
| d. Other | \$ |
| 3. Other Expenses | |
| a. Local Counsel | \$ |
| b. Bond Counsel | \$ |
| c. Work Force | |
| - Technical | \$ 401,274.00 |
| - Administrative | \$ |
| d. Fiscal Services | \$ |
| e. Net Interest | \$ |
| f. Miscellaneous (please describe) | \$ |
| | \$ |
| | \$ |
| | \$ |
| 4. Equipment | \$ |
| 5. Land Acquisition | \$ |
| 6. Contingencies | \$ 453,562.50 (15%) |
| 7. Total Project Costs (sum lines 1-6) | \$ 4,198,786.50 |



F. PLAN OF FINANCE

Please include all sources of funding available to pay the total project costs from Line 7 of the Total Project Budget on Page 5.

☒ Municipal Contributions Amount: \$ 4,198,786.50

Source: Erie County Water Authority

☐ Municipal Interfund Borrowing Amount: \$ _____

☐ DWSRF Financial Assistance Amount: \$ _____

☐ The project is currently listed on 2019 Intended Use Plan (IUP)

DWSRF Project Number: _____

☐ A project listing for the 2020 IUP will be submitted

Note: If awarded an IMG grant, the project will not be eligible for subsidized financing through EFC and will only be eligible to apply for market rate financing.

☐ Non-EFC Debt

| Type (BAN, Bonds, other) | Amount | Issue Date | T/A* (<input type="checkbox"/> T / <input type="checkbox"/> A) | Call Date** |
|-----------------------------|----------|------------|--|-------------|
| _____ | \$ _____ | _____ | (<input type="checkbox"/> T / <input type="checkbox"/> A) | _____ |
| _____ | \$ _____ | _____ | (<input type="checkbox"/> T / <input type="checkbox"/> A) | _____ |
| _____ | \$ _____ | _____ | (<input type="checkbox"/> T / <input type="checkbox"/> A) | _____ |

*Check "T" for a target date and "A" for an actual date of BAN issuance

**If a BAN is callable, please provide call date; if not callable enter N/A

☐ Non-EFC Grants

| Grant or Grant Type | Amount | Status (provide dates) | |
|---------------------|----------|------------------------|----------|
| | | Applied | Approved |
| _____ | \$ _____ | _____ | _____ |
| _____ | \$ _____ | _____ | _____ |
| _____ | \$ _____ | _____ | _____ |

☐ Other Funding, please describe:

G. REQUIRED DOCUMENTS

- The following documents are **required and must be submitted with all applications** if not previously submitted to DOH/EFC. If any of these items are unavailable, do not continue with the application at this time.

| Enclosed | Previously Submitted to EFC | |
|-------------------------------------|-----------------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Engineering Report |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Smart Growth Assessment Form |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Environmental Review Determination |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | SHPO Project Review Determination Letter |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Authorizing Resolution (Certified) |

- The following documents are **required as indicated and must be submitted with the application** if not previously submitted to EFC. If any of these items apply to your project and are unavailable, do not continue with the application at this time.

| Enclosed | Previously Submitted to EFC | Not Applicable | |
|--------------------------|-----------------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Project Intermunicipal Agreement (Valid and Binding) <i>(Required if applying for IMG)</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | DWSRF Financing Application <i>(Required if applying for WIIA or IMG grants with DWSRF Financing)</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Water District Documentation, including any OSC Approvals <i>(Required for WIIA or IMG if applicable to your project)</i> |

H. ACKNOWLEDGEMENTS

1. Upon submission of this application, you acknowledge your responsibility to comply with New York State Executive Law, Article 15-A with respect to Minority and Women's Business Enterprise (MWBE) participation and Equal Employment Opportunity (EEO) requirements, and Article 17-B with respect to Service-Disabled Veteran-Owned Business (SDVOB). By checking this box, you acknowledge that you are aware of these obligations and that you are authorized to make this acknowledgement on behalf of the applicant.

MWBE Goals for IMG with DWSRF financial assistance - 24%

MWBE Goals for WIIA with DWSRF financial assistance - 26%

MWBE Goals for WIIA or IMG without DWSRF financial assistance - 30%

EEO goals for all applicants - % varies by County (<http://www.efc.ny.gov/mwbe>)

SDVOB goals without DWSRF financial assistance – 6%

SDVOB goals are not required, but encouraged, with DWSRF financial assistance

☒ Acknowledged

2. Upon submission of this application, you acknowledge that to receive financial assistance through the DWSRF, you will need to meet federal requirements. These requirements include, but are not limited to, Davis-Bacon Federal Prevailing Wage and related acts, and American Iron and Steel. Recipients of financial assistance will be required to perform certain actions to verify compliance and ensure certain provisions are contained in all contracts and subcontracts. By checking this box, you acknowledge that you are aware of these requirements and that you are authorized to make this acknowledgement on behalf of the Applicant.

☒ Acknowledged

Please refer to the current IUP for additional detail regarding your responsibilities under these programs.



I. SIGNATURE FOR GRANT APPLICATION

CERTIFICATION: On behalf of the Applicant, and in accordance with the board resolution by
Erie County Water Authority

(Governing Body of Municipal Applicant)

authorizing me to do so, I apply for a WIIA grant and/or IMG grant for the project described in this application. By signing this application, I certify and agree on behalf of the Applicant and its governing body that all of the information contained in this application, in other statements and exhibits attached hereto or referenced herein, and in all statements, data and supporting documents which have been made or furnished for the purpose of receiving a WIIA grant or IMG grant for the project described herein, are true, correct and complete to the best of my knowledge and belief.

I further agree on behalf of the Applicant that, if DWSRF assistance is provided for the project described in this application, the Applicant shall comply with all applicable provisions of the Federal Safe Drinking Water Act, 42 U.S.C. §§ 300f, et seq., and applicable provisions of state law, codified under Chapter 413 of the Laws of New York of 1996, 10 NYCRR Part 53, and 21 NYCRR Part 2604, as amended, regarding DWSRF assistance.

I further agree that the Applicant will comply with the provisions of the Minority and Women's Business Enterprise – Equal Employment Opportunity requirements of Article 15-A of the New York State Executive Law and will maintain such records and take such actions necessary to demonstrate such compliance throughout the construction of the project.

Further, I acknowledge that offering a written instrument knowing that the written instrument contains a false statement or false information, with the intent to defraud the State or any political subdivision, public authority or public benefit corporation of the State, with the knowledge or belief that it will be filed with or recorded by the State or any political subdivision, public authority or public benefit corporation of the State, constitutes a crime under New York State Law.

(Signature of Authorized Representative)

Russell J. Stoll, PE, Executive Director

(Name and Title)

Erie County Water Authority

(Municipal Applicant)

September 12, 2019

(Date)