



ERIE COUNTY WATER AUTHORITY

INTEROFFICE MEMORANDUM

August 7th, 2023

To: Terrence D. McCracken, Secretary to the Authority

From: Dave Aubertine, Director IT & Cybersecurity *DWA*

Subject: ECWA Project No. 202300126

IT is requesting an amendment to the UBS/Managed Print Service Contract for leasing and support of printers, scanners and copiers that was entered into on August 1st, 2023.

Due to recent US Federal Government restrictions on certain manufactures in China, UBS and other dealers are no longer able to stock the Lexmark Printers specified in the original contract. UBS has recommended that the Lexmark C2326 desktop printers specified in the contract are replaced with Brother HL-9310 desktop printers. IT and Procurement have both reviewed the specifications on the replacement printers and believe they are of equal or better quality. There is no change to the dollar amount or cost to the authority.

The Legal Department has review and is proposing that the contract is amended to note the replacement printers and also include language that will allow additional replacement devices that differ from the specified models without an amendment, provided they are also of equal or better quality and at no additional cost to the authority.

IT is requesting that the Board execute this amendment. The contract information is included for your consideration, and we request execution. Please feel free to contact Dave Aubertine for any questions.

Budget information:

Unit number: 8525

Line Item is Operating Budget, Line Item 68

DWA:

cc:

J. Tomaka

L Kowalski

L.Lester,

T. McCracken

M. Carney

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

Contract: UBS Print Services (UBS-001) **Project No.:** 202300126
Project Description: Managed Print Services Amendment

Item Description:

Agreement Professional Service Contract Amendment Change Order
 BCD NYSDOT Agreement Contract Documents Addendum
 Recommendation for Award of Contract Recommendation to Reject Bids
 Request for Proposals
 Other _____

Action Requested:

Board Authorization to Execute Legal Approval
 Board Authorization to Award Execution by the Chairman
 Board Authorization to Advertise for Bids Execution by the Secretary to the Authority
 Board Authorization to Solicit Request for Proposals
 Other _____

Approvals Needed:

APPROVED AS TO CONTENT:

<input checked="" type="checkbox"/> Other (if Applicable)	<u>David Aubertine</u>	Date: <u>8/30/23</u>
<input type="checkbox"/> Chief Operating Officer	_____	Date: _____
<input checked="" type="checkbox"/> Executive Engineer	<u>Leonard F. Koralicki</u>	Date: <u>09/08/2023</u>
<input checked="" type="checkbox"/> Director of Administration	<u>Keonaya Justice</u>	Date: <u>08/30/2023</u>
<input checked="" type="checkbox"/> Risk Manager	<u>Molly Jo Musarra</u>	Date: <u>8/30/2023</u>
<input checked="" type="checkbox"/> Chief Financial Officer	<u>Oppe</u>	Date: <u>08/30/2023</u>
<input checked="" type="checkbox"/> Legal	<u>[Signature]</u>	Date: <u>8/30/2023</u>

APPROVED FOR BOARD RESOLUTION:

<input checked="" type="checkbox"/> Secretary to the Authority	<u>[Signature]</u>	Date: <u>9/8/2023</u>
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Remarks: IT is requesting an amendment to the UBS/Managed Print Service Contract for leasing and support of printers, scanners and copiers that was entered into on August 1st, 2023.

Resolution Date: _____ **Item No:** _____

**AMENDMENT NO. 1 TO THE MANAGED PRINT
SERVICE CONTRACT FOR SERVICES RELATING
TO FURNISHING AND DELIVERING EQUIPMENT, SUPPLIES, AND
PARTS FOR PRINTERS, COPIERS, SCANNERS AND PLOTTERS**

AMENDMENT, effective September 20, 2023 (“Effective Date”), to the Managed Print Service Contract, effective May 25, 2023, by and between

ERIE COUNTY WATER AUTHORITY

295 Main Street, Room 350
Buffalo, New York 14203

hereinafter referred to as the “Authority,” and

UNITED COPIER & BUSINESS SYSTEMS, INC.,

doing business as United Business Systems
316 Seneca Street
Buffalo, New York 14204-2000

hereinafter referred to as “UBS.”

WHEREAS, on May 25, 2023, the Authority and UBS entered into a contract for UBS to provide the Authority with managed print services relating to furnishing and delivering equipment, supplies, and parts for printers, copiers, scanners and plotters (the “Contract”); and

WHEREAS, the Contract provides that UBS shall provide managed print services to the Authority from August 1, 2023 through July 31, 2028; and

WHEREAS, due to supply chain issues, UBS is unable to provide the Authority with all of the Equipment specified in the Contract; and

WHEREAS, UBS has proposed replacement Equipment and the Authority’s Director of Cyber Security and Information Technology has reviewed the specifications of the replacement Equipment and finds it to be of equal or greater value that the contracted Equipment to the Authority; and

WHEREAS, in accordance with article 6, paragraph 6.02 of the Contract, the parties may amend the Contract by written amendment authorized by resolution of the Authority’s Board of Commissioners; and

WHEREAS, the parties wish to amend the Contract to substitute the originally contracted Equipment with the proposed replacement Equipment;

NOW, THEREFORE, in consideration of the mutual promises herein set forth, the parties agree to the following:

(1) The parties agree that article 2, paragraph 2.01 of the Contract is deleted in its entirety and replaced with the following:

2.01 Deployment of Equipment:

A. In accordance with its Managed Print Service Plan, UBS will replace the Authority’s entire fleet of printers, copiers, scanners, and other print devices with the following new equipment (collectively, referenced as the EQUIPMENT):

Qty	Manufacturer	Model with Link to Appendix A Data Sheets
1	Lanier	IM3500A-LS
1	Canon	imagePROGRAF TX 3100 MFP Z36 with Stacker
11	Lanier	IMC3010-LS
3	Canon	DR-6010C Scanner
2	Lanier	IMC4500 LS
1	Lexmark	M3250 (32 PPM Printer)
4	Lexmark	C2240 (40 PPM Color Printer)(Networked)
22	Brother	33 PPM HL-9310CDW Color Printer (Non-Networked)

- B. UBS is an authorized dealer for the manufacturers identified in ¶2.1 of this Article. UBS agrees to maintain its status as an authorized dealer during the terms of this Agreement.
- C. UBS will purchase the EQUIPMENT directly from the manufacturer. UBS understands and agree such EQUIPMENT shall be purchased new and leased back to the Authority during the terms of this Agreement.
- D. The Authority agrees that UBS may replace the EQUIPMENT with an equal or better than replacement as a result of procurement issues if such replacement is approved by the Authority in writing.
- E. UBS is the owner of and will hold title to the EQUIPMENT throughout the term of this Agreement.
- F. The parties agree to keep the EQUIPMENT free of all liens and encumbrances during the terms of this Agreement.

(2) The parties agree that article 2, paragraph 2.05 of the Contract is deleted in its entirety and replaced with the following:

2.05 PaperCut MF Software:

A. In accordance with its Managed Print Service Plan, UBS will acquire 14 software licenses for PaperCut MF. After acquiring the software licenses, UBS will install and set-up the PaperCut MF software on the following EQUIPMENT:

1. Lanier IM3500-LS
2. Canon imagePROGRAF TX 3100 MFP Z36 with Stacker
3. Lanier IMC3010-LS
4. Lanier IMC4500-LS

(3) The parties agree that article 3, paragraph 3.01 of the Contract is deleted in its entirety and replaced with the following:

3.01 UBS shall deliver and install all EQUIPMENT on or before August 1, 2023 (“Delivery Date”).

(4) The parties agree that article 3, paragraph 3.04 of the Contract is deleted in its entirety and replaced with the following:

3.04 The parties agree the prices quoted in this Agreement include equipment delivery and are to be considered FOB to the point of delivery.

A. Delivery Locations: UBS will deliver the following EQUIPMENT to the following locations:

1. **ECWA Service Center** location at 3030 Union Road, Cheektowaga, New York 14227:
 - One (1) Lanier IM3500A-LS (Instrumentation Unit)
 - One (1) Canon imagePROGRAF TX 3100 MFP Z36 with Stacker (Engineering Department)
 - Four (4) Lanier IMC3010-LS (File Room, Dispatch, Customer Service, Design)
 - One (1) Lanier IMC4500-LS (Copy Room)
 - Two (2) Lexmark C2240 (Networked) (Meter Shop and Aiple)
 - Eight (8) Brother HL-L9310CDW (Non-Networked) (McCracken, Barrett, Wymer, Kowalski, Stoll, Lester, Catanzaro and Mechanic Office)

2. **Ellicott Square Building** located at 295 Main Street, Room 350, Buffalo, New York 14203:
 - Five (5) Lanier IMC3010-LS (Customer Service [2], Cash Manager, Legal, Clerical)
 - One (1) Lanier IMC4500-LS (Copy Room)
 - One (1) Lexmark C2240 (Networked) (Claims)
 - One (1) Lexmark M3250 (32 PPM Printer) (Customer Service)
 - Three (3) Canon DR-6010C Scanner (Billing, Accounts Payable, File Room)
 - Thirteen (13) Brother HL-L9310 (Non Networked) (Tomaka, Brown, Harris, Boughton, McCracken, Schad (2), LaGree, Iannello, Carney, Fabozzi, Hassett, Stepanik)
3. **Sturgeon Point Water Treatment Plant**, 722 Sturgeon Point Road, Derby, New York 14047:
 - One (1) Lexmark C2240 (Networked)
 - One (1) Lanier IMC3010-LS
4. **Van de Water Treatment Plant**, 3750 River Road, Tonawanda, New York 14150:
 - One (1) Lanier IMC3010-LS
 - One (1) Brother HL-L9310CDW (Non-Networked) (Patton)

B. All deliveries will be made on a weekday between 9:00 a.m. and 3:00 p.m.

(5) The parties agree that article 4 of the Contract is deleted in its entirety and replaced with the following:

ARTICLE 4 SERVICE CHARGES AND PAYMENT TERMS

4.01 UBS agrees to lease and service EQUIPMENT at the all-inclusive unit prices set forth below:

Qty	Model	Monthly Lease Rate	Total Monthly Rate
1	Lanier IM3500	\$ 180.54	\$ 180.54
1	Canon imagePROGRAF TX 3100 MFP Z36 with Stacker	\$ 350.10	\$ 350.10
11	Lanier IMC3010-LS	\$ 161.82	\$ 1,780.02
3	Canon DR-6010C Scanner	\$ 19.76	\$ 59.28
2	Lanier IMC4500-LS	\$ 275.20	\$ 550.40
1	Lexmark M3250 (32 PPM Printer)	\$ 26.90	\$ 26.90
4	Lexmark C2240 (40 PPM Color Printer) (Networked)	\$ 23.29	\$ 93.16
22	Brother HL-L9310CDW (33 PPM Color Printer) (Non-Networked)	\$ 15.44	\$ 339.68
Total Monthly Lease Investment with PaperCut			\$3,380.08
Customer Care Service Agreement			Included
Scanner Service Plan (per system)			\$360.00/annually

4.02 Each EQUIPMENT will have a meter recording the number of copies printed. The Authority will agree to pay the following:

- Black and White Printer Cost Per Page \$ 0.0120
- Color Printer Cost Per Page \$ 0.0850
- Black and White Copier Cost Per Page \$ 0.0080
- Color Copier Cost Per Page \$ 0.0600

4.03 UBS will submit monthly invoices, showing the lease and service charges for each class of EQUIPMENT, and the charges relating to per-page costs for copies. If any EQUIPMENT was not delivered by the Delivery Date, UBS shall not charge for such EQUIPMENT until it is in the Authority's possession and installed. Upon receipt of a properly submitted invoice, the Authority will remit payment within 45 calendar days.

4.04 UBS agrees and understands the Authority will not pay interest or late charges.

(6) The parties agree that all other terms and conditions of the Contract shall continue in effect until July 31, 2028; and

(7) This Amendment may be executed in counterparts, each of which is deemed an original, but all of which together are deemed to be one and the same agreement.

IN WITNESS WHERETO, the parties hereto have caused this Amendment No. 1 to be signed by their respective duly constituted officers, attested and sealed pursuant to proper authority.

ERIE COUNTY WATER AUTHORITY

By _____
Jerome D. Schad, Chair

**UNITED COPIER & BUSINESS SYSTEMS,
INC. D/B/A UNITED BUSINESS SYSTEMS**

By _____
Cheryl Kerling, Chief Executive Officer

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On the _____ day of August, in the year 2023, before me personally came Jerome D. Schad, to me known, who, being by me duly sworn, did depose and say that he resides in Amherst, New York, that he is the Chair of the Board of Commissioners for the Erie County Water Authority described in the above instrument; and that he signed his name thereto by order of the Board of Commissioners.

Notary Public

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On the _____ day of _____, in the year 2023, before me personally came CHERYL KERLING, to me known, who, being by me duly sworn, did depose and say that she resides in _____, New York, that she is the Chief Executive Officer of the Corporation described in the above instrument; and that she signed her name thereto by order of the Board of Directors of said Corporation.

Notary Public