

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

Contract: 20-20-07 **Project No.:** 202000005
Project Description: Industrial Blasting, Painting, and Associated Maintenance Contract
April 1, 2020 to March 31, 2021.

Item Description:





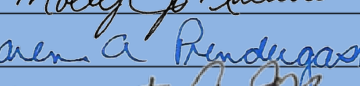
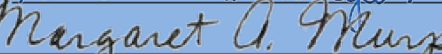

- | | | | |
|--|--|---|---------------------------------------|
| <input type="checkbox"/> Agreement | <input type="checkbox"/> Professional Service Contract | <input type="checkbox"/> Amendment | <input type="checkbox"/> Change Order |
| <input type="checkbox"/> BCD | <input type="checkbox"/> NYSDOT 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>One Year Contract Extension</u> | | | |

Action Requested:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Board Authorization to Execute | <input checked="" type="checkbox"/> Legal Approval |
| <input type="checkbox"/> Board Authorization to Award | <input checked="" 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 type="checkbox"/> Other _____ | |

Approvals Needed:

APPROVED AS TO CONTENT:

<input checked="" type="checkbox"/> Sr. Production Engineer	<u></u>	Date: <u>2/24/2021</u>
<input checked="" type="checkbox"/> Chief Operating Officer	<u></u>	Date: <u>2/24/2021</u>
<input checked="" type="checkbox"/> Executive Engineer	<u></u>	Date: <u>02/24/2021</u>
<input checked="" type="checkbox"/> Director of Administration	<u></u>	Date: <u>02/24/2021</u>
<input checked="" type="checkbox"/> Risk Manager	<u></u>	Date: <u>02/24/2021</u>
<input checked="" type="checkbox"/> Chief Financial Officer	<u></u>	Date: <u>02/24/2021</u>
<input checked="" type="checkbox"/> Legal	<u></u>	Date: <u>02/24/21</u>

APPROVED FOR BOARD RESOLUTION:

<input checked="" type="checkbox"/> Secretary to the Authority	<u></u>	Date: <u>02/24/21</u>
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Remarks: Unit price contract.

Resolution Date: _____

Item No: _____



ERIE COUNTY WATER AUTHORITY

INTEROFFICE MEMORANDUM

February 24, 2021

To: Terrence D. McCracken, Secretary to the Authority

From: Michael W. Wymer, Senior Production Engineer *MW*

Subject: Contract Extension Request
Industrial Blasting, Painting, and Associated Maintenance
ECWA Project No. 202000005

The Erie County Water Authority utilizes labor, equipment, and materials provided by a private contractor for the painting, and coating of various system components including pipe, tanks, and pumps. Services performed to support the new painting and coatings include sand/grit blasting, pit filling, tank cleaning and disinfection, and environmental controls such as dust collection, ventilation, heating, and dehumidification. Labor provided by the contractor includes welders, painters, and general laborers, both in the field and at the contractor's shop.

The above referenced contract to furnish labor, equipment, and materials related to the above described work will expire on March 31, 2021. This contract was initially bid for one year with the provision for a one-year extension. The original contract was executed on July 16, 2020, of which, \$148,512.41 (78.1%) of the \$190,206.00 contract value remains.

The Authority and the contractor, Niagara Coatings Services, Inc., agree that a one-year extension of the current contract to March 31, 2022 at the same terms and conditions would be mutually beneficial for both parties. The Contractor's interest in extending the current contract is expressed in the attached letter received February 1, 2021.

Niagara Coatings Services has proven to be a highly capable and reliable contractor whose services are valuable in the operation of Authority facilities. Based on this information it is recommended that the Authority exercise the one-year extension.

Budget Information:

- Unit 1010 Sturgeon Point Plant, O&M Item 19 Payments to Contractors, Other
- Unit 1015 Van de Water Plant, O&M Item 19 Payments to Contractors, Other
- Unit 1020 Control Operations, O&M Item 19 Payments to Contractors, Other
- Unit 3070 Facilities, O&M Item 19 Payments to Contractors, Other

MWW:jmf

Attachment

cc: R.Stoll

L.Kowalski

C.Johnson

L.Lester

ECWA-423-2001-X-16

NIAGARA COATINGS SERVICES Inc.

8025 Quarry Rd., Niagara Falls, NY 14304
(716) 297-5834 Fax: (716) 297-5603
www.niagaracoatings.com



ECWA Project 20200005 – Industrial Blasting, Painting and Associated Maintenance

Michael W. Wymer, PE
Senior Production Engineer
Erie County Water Authority
3030 Union Road I Cheektowaga, New York 14227-1097
Direct: (716) 685.8292 mwymer@ecwa.org

Michael,

Article 11.00 of the Agreement states that the contract may be extended for one (1) year on the same terms and conditions provided in the original agreement. Niagara Coatings Services Inc. will agree to extend the current contract terms and conditions from March 31, 2021 to March 30, 2022. Please start the renewal process and let me know what I need to do on my end.

Thank you

A handwritten signature in black ink, appearing to read 'David K. Jaeger', with a stylized flourish at the end.

David K. Jaeger
Sr. Project Manager
djaeger@niagaracoatings.com

10.03 Successors and Assigns

- A. OWNER and CONTRACTOR each binds itself, its partners, successors, assigns and legal representatives to the other party hereto, its partners, successors, assigns and legal representatives in respect to all covenants, agreements and obligations contained in the Contract Documents.

10.04 Severability

- A. Any provision or part of the Contract Document, held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon OWNER and CONTRACTOR, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

10.05 Waiver

- A. The waiver by the OWNER of any breach or violation of any term, covenant, or condition of this Agreement or of any Law or Regulation shall not be deemed to be a waiver of any other term, covenant, condition, or Law or Regulation or of any subsequent breach or violation of the same or of any other term, covenant, condition, or Law or Regulation. The subsequent payment of any monies or fee by the OWNER which may become due hereunder shall not be deemed to be a waiver of any preceding breach or violation by CONTRACTOR of any term, covenant, condition of this Agreement or of any applicable Law or Regulation.

11.00 GROUNDS FOR RENEWAL OF CONTRACT

- A. If the Erie County Water Authority and CONTRACTOR mutually agree to continue this Contract after the 31st day of March 2021, it shall be extended for the term of one (1) year on the same terms and conditions provided for herein. CONTRACTOR shall provide written notification to the Erie County Water Authority of the contract extension prior to the expiration of the initial term of this Contract.

**AMENDMENT NO. 1 TO
INDUSTRIAL BLASTING, PAINTING, AND
ASSOCIATED MAINTENANCE CONTRACT**

AMENDMENT, effective March 4, 2021, to the Industrial Blasting, Painting, and Associated Maintenance Contract (Contract No. 20-20-07), entered on July 16, 2020, by and between

ERIE COUNTY WATER AUTHORITY
295 Main Street, Room 350
Buffalo, New York 14203

hereinafter referred to as the “Authority,” and

NIAGARA COATINGS SERVICES, INC.
8025 Quarry Road
Niagara Falls, New York 14304

hereinafter referred to as “Contractor.”

WHEREAS, on June 18, 2020, the Authority awarded the Contractor the Industrial Blasting, Painting, and Associated Maintenance Contract (the “Contract”); and

WHEREAS, the Contract, executed on July 16, 2020, provides services until March 31, 2021; and

WHEREAS, in accordance with section 00500, paragraph 11.00, subparagraph A of the Contract, the parties may agree to extend the Contract on the same terms and conditions for one year; and

WHEREAS, the Contractor has agreed to extend this Contract until March 31, 2022 based on the same terms and conditions, including but not limited to, labor billed at an hourly rate, at the service rates set forth in section 00410, paragraph 5.01, Item 1 of the Contract; and

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

- (1) The terms and conditions of the Contract shall continue in effect until March 31, 2022;
- (2) 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; and

- (3) The parties agree to accept electronic signature pages, signed in conformity with the Governor's Executive Order No. 202.8, allowing any notarial action to be performed utilizing audio-video technology.

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

NIAGARA COATINGS SERVICES, INC.

By _____
Allen Richards, President

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On the ____ day of March, in the year 2021, before me personally came Jerome D. Schad, to me known, who, being by me duly sworn, did depose and say that he resides in the 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 he signed his name thereto by the authorization of the Board of Commissioners for the Erie County Water Authority.

Notary Public

STATE OF NEW YORK)
COUNTY OF _____) ss:

On the ____ day of _____, in the year 2021, before me personally came Allen Richards, to me known, who, being by me duly sworn, did depose and say that he resides in _____ that he is the President of the Corporation described in the above instrument; and that he signed his name thereto by order of the Board of Directors of said Corporation.

Notary Public