

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

**Contract:** 19-04-02

**Project No.:** 201900012

**Project Description:** Furnish Necessary Labor and Materials for the Pickup, Hauling and Disposal of Aluminum-Based Residuals, Zebra Mussels, and other Debris and Waste Located at Different Properties Belonging to the Erie County Water Authority For Two Years, From May 1, 2019 Through April 30, 2021

**Item Description:**



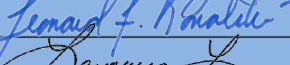




- |                                                                              |                                                        |                                             |                                       |
|------------------------------------------------------------------------------|--------------------------------------------------------|---------------------------------------------|---------------------------------------|
| <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    |  | Date: 3/17/21    |
| <input checked="" type="checkbox"/> Chief Operating Officer    |  | Date: 3/17/2021  |
| <input checked="" type="checkbox"/> Executive Engineer         |   | Date: 03/17/2021 |
| <input checked="" type="checkbox"/> Director of Administration |  | Date: 03/17/2021 |
| <input checked="" type="checkbox"/> Risk Manager               |  | Date: 03/17/2021 |
| <input checked="" type="checkbox"/> Chief Financial Officer    |  | Date: 03/17/2021 |
| <input checked="" type="checkbox"/> Legal                      |  | Date: 03/17/2021 |

**APPROVED FOR BOARD RESOLUTION:**

|                                                                |                                                                                      |                |
|----------------------------------------------------------------|--------------------------------------------------------------------------------------|----------------|
| <input checked="" type="checkbox"/> Secretary to the Authority |  | Date: 03/17/21 |
|----------------------------------------------------------------|--------------------------------------------------------------------------------------|----------------|

**Remarks:** Unit price contract

**Resolution Date:** \_\_\_\_\_

**Item No:** \_\_\_\_\_



# ERIE COUNTY WATER AUTHORITY

## INTEROFFICE MEMORANDUM

March 10, 2021

To: Terrence D. McCracken, Secretary to the Authority

From: Michael Wymer, Senior Production Engineer

A handwritten signature in blue ink, appearing to read "MWW", is written over the name "Michael Wymer".

Subject: Furnish Necessary Labor and Materials for the Pickup, Hauling and Disposal of Aluminum-Based Residuals, Zebra Mussels, and other Debris and Waste Located at Different Properties Belonging to the Erie County Water Authority for Two Years, From May 1, 2019 Through April 30, 2021  
ECWA Project No. 201900012

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The Erie County Water Authority utilizes the disposal service at various locations and includes the process residuals disposal at the Van de Water WTP. The disposal of wastes at the various locations is critical, with the disposal of the process residuals a Health Department and Department of Environmental Conservation requirement for continued operations at Van de Water WTP.

The above referenced contract to disposal of the wastes and residuals will expire on April 30, 2021. The Authority and the Supplier, Modern Disposal Service, Inc. agree that a one-year extension of the current contract at the same terms and conditions would be mutually beneficial for both parties. The Contractor expressed interest in extending the current contract in the attached letter dated January 20, 2021. The budget for services under this contract is completed on an annual basis. To date, adequate funds exists to complete the work in 2021 as 15% of the total budget has been spent.

This unit price contract was initially bid for two years with the provision for a one-year extension. The original contract was executed on Modern Disposal Service, Inc. has proven to be a highly capable and reliable vendor, which has been, and continues to be especially valuable throughout the Covid-19 crisis. Based on this information it is recommended that the Authority complete the necessary documentation to exercise the one-year extension.

### Budget Information:

- Unit 1010 Sturgeon Point Plant, O&M Item 35 Refuse and Waste Disposal
- Unit 1015 Van de Water Plant, O&M Item 35 Refuse and Waste Disposal
- Unit 1020 Control Operations, O&M Item 19 Payments to Contractors, Other
- Unit 3070 Facilities, O&M Item 35 Refuse and Waste Disposal

MWW:jmf

Attachment

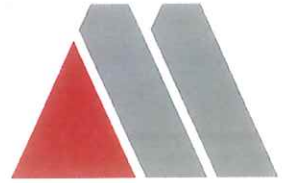
cc: R.Stoll

L.Kowalski

D. Patton

S. Jemiolo

L.Lester



January 20, 2021

Mr. Stanley Jemiolo  
Erie County Water Authority  
3030 Union Road  
Cheektowaga, NY 14227-1097

Re: Contract Extension Project 201900012

Dear Mr. Jemiolo:

Thank you for the opportunity to service the waste and recycling needs of the Erie County Water Authority for the past two (2) years.

The initial term of our agreement was May 1, 2019 through April 30, 2021. Modern respectfully requests that the Erie County Water Authority agree to exercise the one (1) year extension option available and effective May 1, 2021 through April 30, 2022.

Modern acknowledges the extension is mutual and the current terms and condition will remain in full force and effect with the extension.

Thank you for considering our request and we look forward to furthering our relationship with the Erie County Water Authority's acceptance of our request.

Should you have any questions regarding please contact me directly and 716-622-0210.

Sincerely,

Joseph M. Hickman  
Strategic / Municipal Sales Manager

Modern Disposal Service, Inc.



■ 4746 Model City Road, P.O. Box 209, Model City, NY 14107-0209  
■ 716-754-8226 ■ 1-800-330-7107 ■ Fax: 716-754-8964

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 30<sup>th</sup> day of April 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  
PICKUP, HAULING, AND DISPOSAL OF RESIDUALS,  
ZEBRA MUSSELS, AND OTHER DEBRIS AND WASTE CONTRACT**

AMENDMENT, effective March 25, 2021, to the Contract for Furnishing Necessary Labor and Materials for the Pickup, Hauling, and Disposal of Aluminum-Based Residuals, Zebra Mussels, and Other Debris and Waste (Contract No. 19-08-05) (the "Contract"), entered on May 9, 2019, by and between

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

hereinafter referred to as the "Authority," and

**MODERN DISPOSAL SERVICES, INC.**  
4746 Model City Road, P.O. Box 209  
Model City, New York 14107

hereinafter referred to as "Contractor."

**WHEREAS**, on April 18, 2019, the Authority awarded the Contractor the Contract; and

**WHEREAS**, the Contract, executed on May 9, 2019, provides services until April 30, 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 April 30, 2022 based on the same terms and conditions; 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 April 30, 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

**MODERN DISPOSAL SERVICES, INC.**

By \_\_\_\_\_

**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 \_\_\_\_\_, to me known, who, being by me duly sworn, did depose and say that he/she resides in \_\_\_\_\_ that he/she is the \_\_\_\_\_ of the Corporation described in the above instrument; and that he/she signed his/her name thereto by order of the Board of Directors of said Corporation.

\_\_\_\_\_  
Notary Public