



ERIE COUNTY WATER AUTHORITY

INTEROFFICE MEMORANDUM

To: Terrence D. McCracken, Secretary to the Authority

From: Lavonya C. Lester, Director of Administration *LCL*

Subject: NYSID Preferred Source Landscaping Contract Amendment

On April 15, 2021, the Authority entered into a professional services agreement with New York State Industries for the Disabled (NYSID) and the Erie County Chapter of NYSARC, Inc. d/b/a the Arc of Erie County New York (Arc) to provide seasonal landscaping services to the Authority at fifty-six (56) Authority properties. NYSID and Arc having provided landscaping services to the Authority for the past seven years.

Following the Authority's approval of the professional services agreement, NYSID was required to forward the pricing under the Agreement to the New York State Office of General Services (OGS) which has an oversight function over NYSID. Upon review of the pricing, OGS determined that the annual contract price should be reduced from \$422,463.53 to \$408,166.40 to be considered reasonable.

An Amendment to the agreement is on the Board's Agenda which will reflect the approximately \$14,000 annual savings to the Authority. I am requesting Board authorization and Board execution of the Amendment.

The following department units and budget lines are used to pay for the services:

Control Department	Unit: 1020 401000 620319	Approximately 67% total cost
Sturgeon Point	Unit: 1010 401000 620119	Approximately 16% total cost
Van De Water	Unit: 1015 401000 620219	Approximately 9% total cost
Service Center	Unit: 3070 401000 680019	Approximately 7% total cost

LCL:lcl
Attachment
cc:

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

Contract: _____ **Project No.:** 202100004
Project Description: Landscape Services - contract addendum - OGS/NYSID cost decrease

Item Description:






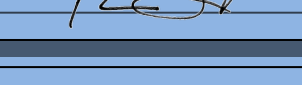
☐ Agreement ☐ Professional Service Contract ☒ Amendment ☐ Change Order
☐ BCD ☐ NYSDOT Agreement ☐ Contract Documents ☐ Addendum
☐ Recommendation for Award of Contract ☐ Recommendation to Reject Bids
☐ Request for Proposals
☐ Other _____

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 type="checkbox"/> Other (if Applicable)	_____	Date: _____
<input checked="" type="checkbox"/> Chief Operating Officer		Date: 10/29/2021
<input checked="" type="checkbox"/> Executive Engineer		Date: 11/02/2021
<input checked="" type="checkbox"/> Director of Administration		Date: 10/29/2021
<input checked="" type="checkbox"/> Risk Manager		Date: 10/29/2021
<input checked="" type="checkbox"/> Chief Financial Officer		Date: 10/29/2021
<input checked="" type="checkbox"/> Legal		Date: 11/1/2021

APPROVED FOR BOARD RESOLUTION:

☒ Secretary to the Authority  Date: 11/2/21

Remarks: _____

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

**AMENDMENT NO. 1 TO
PROFESSIONAL SERVICES AGREEMENT
FOR LANDSCAPING SERVICES**

AMENDMENT, effective November 10, 2021, to the Professional Services Agreement effective on April 15, 2021, by and between

ERIE COUNTY WATER AUTHORITY

295 Main Street, Room 350

Buffalo, New York 14203

hereinafter referred to as the “Authority,” and

NEW YORK STATE INDUSTRIES FOR THE DISABLED, INC.

11 Columbia Circle Drive

Albany, New York 12203

hereinafter referred to as “NYSID,” and

ERIE COUNTY CHAPTER NYSARC, INC. d/b/a

THE ARC ERIE COUNTY NEW YORK

30 Wilson Road

Williamsville, New York 14221

Hereinafter referred to as the “ARC,”

WHEREAS, on April 15, 2021, the Authority executed an agreement with NYSID and ARC to provide landscaping services to the Authority (the “Agreement”); and

WHEREAS, following execution of the Agreement by the Authority, NYSID forwarded its pricing under the Agreement to the New York State Office of General Services for approval; and

WHEREAS, New York State Office of General Services approved the pricing at a lower rate than in the Agreement; and

WHEREAS, in accordance with paragraph 3.02 of the Contract, the parties may amend the Agreement by written amendment authorized by resolution of the Authority’s Board of Commissioners; and

WHEREAS, the parties wish to amend the Contract to reduce the pricing of certain line items in the Agreement;

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

(1) The parties agree that § 2.02, paragraphs 2 through 4, are deleted in their entirety and replaced with the following:

2. ***Rough Mowed Areas*** (as described in §1.02 (B)(9)):

SITE	PER VISIT UNIT PRICE	ESTIMATED UNITS	ESTIMATED ANNUAL TOTAL COST
Sturgeon Point Water Treatment Plant	\$633.03	7	\$4,431.21
Van de Water Raw Water Station and Filter Plant	\$665.46	7	\$4,658.22

3. ***Flower Bed Installation*** (as described in §1.02 (B)(10)):

Unit Price is \$6,1780.53 for initial installation in 2021.

4. ***Spring and Fall Clean Up*** (as described in §1.02 (B)(11)):

Spring Unit Price is \$15,380.80 per season.

Fall Unit Price is \$16,400.74 per season.

(2) The parties agree all other terms and conditions of the Contract shall continue in effect until April 14, 2022;

(3) 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

**NEW YORK STATE INDUSTRIES FOR
THE DISABLED, INC.**

By _____
Meredith Hartman, Vice President of
Contract Administration

**ERIE COUNTY CHAPTER NYSARC, INC.
d/b/a THE ARC ERIE COUNTY NEW YORK**

By _____
Douglas DiGesare, Chief Executive Officer

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On the _____ day of _____, 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 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 ALBANY) ss:

On the _____ day of _____, in the year 2021, before me personally came Meredith Hartman, to me known, who, being by me duly sworn, did depose and say that she resides in Saratoga County, New York, that she is the Vice President of Contract Administration of New York State Industries for the Disabled, Inc., described in the above instrument; and that she signed her name thereto by order of the Board of Directors of said Corporation.

Notary Public

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On the _____ day of _____, in the year 2021, before me personally came Douglas DiGesare, to me known, who, being by me duly sworn, did depose and say that he resides in Kenmore, New York, that he is the Chief Executive Officer of Erie County Chapter NYSARC, Inc. d/b/a The ARC Erie County, described in the above instrument; and that he signed his name thereto by order of the Board of Directors of said Corporation.

Notary Public