



ERIE COUNTY WATER AUTHORITY

INTEROFFICE MEMORANDUM

March 28, 2022

To: Terrence D. McCracken, Secretary to the Authority

From: Lavonya C. Lester, Director of Administration

LCL

Subject: NYSID Preferred Source Cleaning - Prevailing Wage Rate Increase 2022

On September 10, 2020, The Authority entered into a professional services contract with New York State Industries for the Disabled (NYSID) and the Erie County Chapter of NYSARC d/b/a The Arc of Erie County New York (Arc) for the purposes of professional cleaning services at the Service Center building for the period of 1 year with (4) optional one-year extensions.

On September 1, 2021, the Authority entered the first 4-year optional contract extension with NYSID. The monthly cost was established at \$7,852.87 total annual cost of \$94,234.44.

The NYS Department of Labor increased the prevailing wage rates for all janitorial and cleaning services on January 1, 2022, and then again on March 1, 2022. Per the terms of the agreement, section 2.03 prevailing wage rates may be adjusted annually upon mutual consent. All other administrative and preferred source fees within the contract have remained the same.

The financial impact to the Authority is an increase of \$256.15 a month. Since our current agreement expires August 31, 2022, the monthly cost will be for a total of eight months which is a total increase to the contract of \$2049.20.

The Administration Department is recommending that we accept this increase. Funds are available in the budget to cover this minor prevailing wage increase.

Budget Information:

Unit: 3070

GL: 401000 - 681019

Budget Line: Payments to Contractors – Other

LCL: lcl

Attachment

cc:

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

Contract: NYSID **Project No.:** PN202000211
Project Description: PROFESSIONAL CLEANING SERVICE CONTRACT
 PREVAILING WAGE INCREASE

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 Approval of prevailing wage increase and execution of amendment

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)	<u> n/a </u>	Date: _____
<input checked="" type="checkbox"/> Chief Operating Officer	<u><i>Russell J. Stolt</i></u>	Date: <u> 3/30/2022 </u>
<input checked="" type="checkbox"/> Executive Engineer	<u><i>Jeanne F. Ronaldini</i></u>	Date: <u> 03/30/2022 </u>
<input checked="" type="checkbox"/> Director of Administration	<u><i>Shawna L. Estee</i></u>	Date: <u> 03/28/2022 </u>
<input checked="" type="checkbox"/> Risk Manager	<u><i>Molly Op Musarra</i></u>	Date: <u> 03/30/2022 </u>
<input checked="" type="checkbox"/> Chief Financial Officer	<u><i>Karen A. Brundage</i></u>	Date: <u> 03/30/2022 </u>
<input checked="" type="checkbox"/> Legal	<u><i>[Signature]</i></u>	Date: <u> 3/30/2022 </u>

APPROVED FOR BOARD RESOLUTION:

Secretary to the Authority *[Signature]* Date: 3/30/22

Remarks: _____

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

**AMENDMENT NO. 2 TO
PROFESSIONAL SERVICES AGREEMENT
FOR CLEANING SERVICES**

AMENDMENT, effective April 7, 2022, to the Professional Services Agreement effective on September 10, 2020, 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 September 10, 2020, the Authority entered into an agreement with NYSID and ARC to provide cleaning services to the Authority (the “Agreement”); and

WHEREAS, on November 10, 2021, the Authority authorized a one-year extension of the Agreement through August 31, 2022; and

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

WHEREAS, NYSID has requested an increase in the monthly payment for cleaning services from \$7,852.87 to \$8,109.02 as a result of an increase by the State of New York in the Prevailing Wage Schedule applicable to this Agreement;

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

(1) The parties agree that §§ 2.01 through 2.02 of the Agreement are deleted in their entirety and replaced with the following:

2.01 The Service Provider shall submit monthly invoices to the Authority, detailing the hours and description of the services rendered to the Authority in a form acceptable to the Authority's Chief Financial Officer and/or Comptroller. For services described under §1.03, paragraph B of this Agreement, the Authority shall pay the Service Provider \$7,852.87 on a monthly basis, which is equal to one-twelfth of 3,100 hours at the hourly rate listed under §2.02 of this Agreement for services rendered from September 1, 2021 through December 31, 2021. For services described under §1.03, paragraph B of this Agreement, the Authority shall pay the Service Provider \$8,109.02 on a monthly basis, which is equal to one-twelfth of 3,100 hours at the hourly rate listed under §2.02 of this Agreement for services rendered from January 1, 2022 through August 31, 2022.

2.02 Costs for the general cleaning services provided under this Agreement shall be billed an hourly rate of \$30.40 for services rendered from September 1, 2021 through December 31, 2021. Costs for the general cleaning services provided under this Agreement shall be billed an hourly rate of \$31.39 for services rendered from January 1, 2022 through August 31, 2022.

(2) The remaining terms and conditions of the Agreement shall continue in effect until August 31, 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. 2 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 April, in the year 2022, 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 2022, 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 2022, 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