

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

Contract: _____ **Project No.:** 202000115
Project Description: Bethlehem Steel Infrastructure Redevelopment Project

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 Memorandum of Understanding (MOU)			

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 type="checkbox"/> Other (if Applicable)	_____	Date: _____
<input checked="" type="checkbox"/> Chief Operating Officer	<i>Russell J. Fitts</i>	Date: 5/13/2020
<input checked="" type="checkbox"/> Executive Engineer	<i>Leonard F. Koralik</i>	Date: 05/13/2020
<input type="checkbox"/> Director of Administration	_____	Date: _____
<input type="checkbox"/> Risk Manager	_____	Date: _____
<input checked="" type="checkbox"/> Chief Financial Officer	<i>Karen A. Pendugest</i>	Date: 05/13/2020
<input checked="" type="checkbox"/> Legal	<i>Margaret A. Murphy</i>	Date: 05/13/2020

APPROVED FOR BOARD RESOLUTION:

<input checked="" type="checkbox"/> Secretary to the Authority	<i>[Signature]</i>	Date: 05/13/2020
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Remarks: Subject to the review of the Legal Department of the certification of environmental issues

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



ERIE COUNTY WATER AUTHORITY

INTEROFFICE MEMORANDUM

March 4, 2020

To: Terrence D. McCracken, Secretary to the Authority

From: Leonard F. Kowalski, Executive Engineer *LFK*

Subject: Bethlehem Steel Infrastructure Redevelopment Project
ECWA Project No. 202000115

The Buffalo and Erie County Industrial Land Development Corporation (ILDC) is currently developing an application seeking funding from the Economic Development Administration's (EDA) Public Works and Economic Adjustment Assistance Program to construct critical infrastructure improvements necessary to further develop the former Bethlehem Steel site. The improvements will include water and sewer construction necessary for the future advanced manufacturing park development.

ILDC requested the two involved utilities (ECWA and Erie County Sewer District No. 6) to participate in the grant application process as co-applicants. The project cost is currently estimated at 3 -3.5 million Dollars and is eligible for 20% cost share, which will be provided by ILDC. Applications are accepted on an ongoing basis until funds have been expended, therefore there is no submission deadline, however, ILDC intends to submit a completed application in March 2020.

EDA accepts applications submitted by group of co-applicants; however, each individual co-applicant must meet EDA eligibility criteria. The application should also include information specifying how the co-applicants will work together and which portions of the scope of work each co-applicant is responsible to manage.

As co-applicant, ECWA would be required to contribute the following to the preparation of the grant application by ILDC, who would be acting as lead applicant:

1. Identify contact person and authorized ECWA representative.
2. Provide identifying information about ECWA (i.e. EIN, DUNS, SAM).
3. Sign Memorandum of Understanding that outlines ECWA's responsibility.
4. Execute mandatory federal forms form NOFO FY20 PWEAA:
 - a. SF-424 – Application for Federal Assistance.
 - b. SF-424D – Assurances.
 - c. ED-900A – Additional EDA Assurances for Construction.
 - d. Applicant's Certification Clause (Appendix A to Environmental Narrative).
 - e. CD-511 – Certification Regarding Lobbying.

LFK:jmf

Attachments

cc: R.Stoll

M.Murphy

K.Prendergast



TO: Joseph Fiegl, Erie County Sewer District No. 6
Leonard Kowalski, Erie County Water Authority
FROM: Lori Szewczyk, ECIDA
DATE: February 19, 2020
RE: Bethlehem Steel Infrastructure Redevelopment Project

Project Description

Funding Agency: Economic Development Administration – Assistance to Coal Communities Program
– Funding Opportunity Number: PWEAA2020

Applicant: Industrial Land Development Corporation (ILDC)

Potential Co-applicants: Erie County Sewer District No. 6 and Erie County Water Authority

Project Type: Construction (public sewer and water infrastructure)

Estimated Project Cost: \$3 million - \$3.5 million

Cost Share: Project is eligible for 20% cost share, which will be provided by the ILDC

Deadline: No submission deadline – Applications are accepted on an ongoing basis until funds have been expended. ILDC intends to submit a completed application in March 2020

EDA accepts grant applications from eligible applicants, as described below. If an application is submitted by a group of co-applicants, each co-applicant must individually meet EDA eligible applicant criteria. Further, the application should include information that clearly specifies how the co-applicants will work together and which portions of the scope of work each co-applicant is responsible to manage.

Eligible Applicants

1. District Organization;
2. Indian Tribe or a consortium of Indian Tribes;
3. State, county, city, or other political subdivision of a State, including a special purpose unit of a State or local government engaged in economic or infrastructure development activities, or a consortium of political subdivisions;
4. Institution of higher education or a consortium of institutions of higher education;
5. Public or private non-profit organization or association acting in cooperation with officials of a political subdivision of a State.



February 24, 2020

VIA EMAIL

Mr. Leonard Kowalski
Erie County Water Authority
295 Main Street, Room 35
Buffalo, NY 14203

RE: Bethlehem Steel Infrastructure Redevelopment

Dear Leonard:

The Buffalo and Erie County Industrial Land Development Corporation (ILDC) is currently developing an application seeking funding from the Economic Development Administration's (EDA) Public Works and Economic Adjustment Assistance Program to construct critical infrastructure improvements necessary to further redevelop the former Bethlehem Steel site. Specifically, funds will be utilized to construct public sewer and water infrastructure on the site to service the future advanced manufacturing park. Attached please find a memo that outlines the proposed grant request.

As owner of the property, ILDC is ready to act as lead applicant to prepare and administer the grant; however, the EDA requires that the entity responsible for owning/maintaining the infrastructure join as a co-applicant on the application. As co-applicant, the Erie County Water Authority would be required to contribute the following to the preparation of the grant application:

- Identify contact person and authorized representative within your organization
- Provide identifying information about your organization (i.e. EIN, DUNS, SAM)
- Sign Memorandum of Understanding that outlines co-applicant's responsibility
- Execute several mandatory federal forms for NOFO FY20 PWEAA
 - SF-424 - application for Federal Assistance
 - SF-424D - Assurances
 - ED-900A – Additional EDA Assurances for Construction
 - Applicant's Certification Clause (Appendix A to environmental Narrative)
 - CD-511 – Certification Regarding Lobbying

The ILDC requests the cooperation of the Erie County Water Authority and Erie County Sewer District No. 6 as co-applicants to move forward with the EDA funding application. Your reply is appreciated.

Thank you for your consideration in this matter. Please feel free to contact me with any questions or concerns.

Sincerely,

John Cappellino

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING (“MOU”) made and entered into this 21st day of May, 2020, between the Buffalo and Erie County Industrial Land Development Corporation (hereinafter “ILDC”), with offices located at 95 Perry Street, Suite 403, Buffalo, New York 14203 and the Erie County Water Authority, with offices located at 295 Main Street, Room 350, Buffalo, New York 14203 (hereinafter “ECWA”, and together with the ILDC, the “Parties”).

WHEREAS, the ILDC owns approximately 150 acres of land located on the former Bethlehem Steel Site in Lackawanna, Erie County, New York (the “Site”); and

WHEREAS, the ILDC and the ECWA have been working together to re-develop the Site, including the installation of a new waterline; removal and relocation of rail tracks; as well as construction of the new Dona Street extension; and

WHEREAS, the Parties hereto now endeavor to further the acquisition and construction of Site infrastructure improvements by constructing and extending public sanitary sewer and water service (collectively, “Sewer and Water Infrastructure Improvements”) onto the Site; and

WHEREAS, the ILDC, in conjunction with the ECWA, agrees to seek grant funding for the Sewer and Water Infrastructure Improvements as described herein.

NOW, THEREFORE, in consideration of the mutual promises contained herein, the Parties agree as follows:

1. The undersigned do hereby memorialize and affirm that the ILDC shall serve as the Applicant, and the ECWA shall serve as a Co-Applicant, with respect to making an application for funding assistance from the United States Economic Development Administration (the “USEDA”) under the 2020 Public Works and Economic Adjustment Assistance Notice of Funding Opportunity, which includes Assistance to Coal Communities as defined therein, and within which the Site is located.
2. The funding assistance application will support the Bethlehem Steel Infrastructure Redevelopment Project, which will include the construction of the Sewer and Water Infrastructure Improvements. The proposed Sewer and Water Infrastructure Improvements are necessary to prepare and reposition the Site for redevelopment into a state-of-art manufacturing



industrial center. Redevelopment of this vacant former industrial site is a key regional priority of the Parties, addressing the need for shovel ready sites for attracting and growing manufacturing jobs and companies.

3. The ILDC (Applicant) and the ECWA (Co-Applicant) are requesting \$2,643,790 in federal funding assistance from the USEDA which is pledged to be matched by \$660,950 in local other share funds.
4. The ILDC, acting as Applicant: (i) will execute the application and agreement with USEDA, (ii) secure the local match of \$660,950 through potential funding sources including Empire State Development and/or the ILDC itself, (iii) bid, select and contract with a qualified firm or firms to design and/or rehab/replace/construct the Sewer and Water Infrastructure Improvements, and (iv) provide oversight and administration for the USEDA grant as it relates to the Sewer and Water Infrastructure Improvements.
5. The ECWA, acting as Co-Applicant, will assist with the administration of the ILDC's engineering agreements and construction contracts for the approximately 1,314 linear feet of water main infrastructure to be installed on the Site, that, upon completion, would be owned, operated, and maintained by the ECWA. The ECWA will also work with the ILDC to provide all necessary documentation for the administration of the USEDA grant. In the event a USEDA grant is awarded, the ECWA shall have no monetary responsibility to fund the local match of the grant.

Buffalo and Erie County
Industrial Land Development Corp.

Erie County Water Authority

John Cappellino
President & CEO

Jerome D. Schad, Chair