



ERIE COUNTY WATER AUTHORITY

INTEROFFICE MEMORANDUM

August 18th, 2023

To: Jerome D. Schad, Chair
Peggy A. LaGree, Vice Chair
Michele M. Iannello, Treasurer

From: Dave Aubertine, Director IT & Cybersecurity *DWA*

Subject: Spectrum Internet Services Contract

The Authority has a need for increased bandwidth at Van De Water and Sturgeon Point in support of an upcoming system upgrade and move of the backup data center as well as additions to security cameras.

The existing circuits will be upgraded from 200bm to 2GB (in an increase by a factor of 10). The current cost for both circuits is \$1000.00/each per month, and the upgrade will cost an additional \$400.00 per month, bringing the total MRC for both circuits from \$2000.00 to \$2800.00 per month on the existing 5-year contract. The pricing is all at or below NYS contract. The budget line is Unit 8525, line 23 (O&M).

The contract information is included for your consideration, and we request execution. Please feel free to contact Dave Aubertine with any questions.

DWA:

cc:

R.Stoll
K Prenderast
L Kowalski
L.Lester,
T. McCracken
M. Carney

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

Contract: Spectrum Data Services

Project No.: N/A

Project Description: Upgrade to existing network Point-to-point circuit from Spectrum

Item Description:

- | | | | |
|---|--|--|---------------------------------------|
| <input checked="" 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 checked="" 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 type="checkbox"/> Other _____ | | | |

Action Requested:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Board Authorization to Execute | <input 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"/> Other (if Applicable) | <u>David Aubertine</u> | Date: <u>8/30/23</u> |
| <input type="checkbox"/> Chief Operating Officer | _____ | Date: _____ |
| <input checked="" type="checkbox"/> Executive Engineer | <u>Jeanand F. Koralik</u> | Date: <u>09/08/2023</u> |
| <input checked="" type="checkbox"/> Director of Administration | <u>Levonja Lestee</u> | Date: <u>08/30/2023</u> |
| <input checked="" type="checkbox"/> Risk Manager | <u>Molly Op Musarra</u> | Date: <u>8/30/2023</u> |
| <input checked="" type="checkbox"/> Chief Financial Officer | <u>Oppe</u> | Date: <u>08/30/2023</u> |
| <input checked="" type="checkbox"/> Legal | <u>[Signature]</u> | Date: <u>8/30/2023</u> |

APPROVED FOR BOARD RESOLUTION:

- | | | |
|--|--------------------|-----------------------|
| <input checked="" type="checkbox"/> Secretary to the Authority | <u>[Signature]</u> | Date: <u>9/8/2023</u> |
|--|--------------------|-----------------------|

Remarks: Upgrade from 200mb to 2 GB service at VW and SP at 3 Will result in additional MRC of \$800.00 on existing agreement. Required for Data Center and cameras

Resolution Date: _____

Item No: _____



Ethernet Intrastate-Only Traffic Certification

Customer Name (Legal Entity): ERIE COUNTY WATER AUTHORITY'
 Billing Address: *****0337
295 MAIN ST
BUFFALO NY 14203

Charter Communications Operating, LLC and its subsidiaries providing the Services (“Spectrum”), presumes that more than 10% of the traffic carried on the WAN/Ethernet services that we provide to you over any circuit will be interstate in nature, and that therefore by Federal Communications Commission regulation each such circuit must be treated as jurisdictionally interstate in its entirety. If you expect that **10% or less** of the traffic to be carried over any circuit will be **interstate** in nature, please complete the certification form below to identify the relevant circuit(s) and specify the expected jurisdictional allocation of your traffic associated with such circuit(s). Please note that all Internet-related traffic is presumptively interstate. Also, please note that **you must provide this certification annually and whenever there is a material change in the actual or expected jurisdictional nature of your traffic.** In the event that you fail to provide this certification in accordance with procedures specified by Spectrum, Spectrum reserves the right to again presume that more than 10% of the traffic carried over each circuit is interstate in nature and calculate the fees applicable to that usage accordingly.

CERTIFICATION

I certify that the traffic carried by Spectrum in its provision of WAN/Ethernet services on the circuits **listed on the attached Service Order** is jurisdictionally intrastate and **will contain no more than 10% interstate traffic.**

(Authorized Customer Signature) (Date Signed)

(Printed Name) (Title)

Authorized Customer Contact Information:

Phone: (716) 685-8210 Email: daubertine@ecwa.org

Service Agreement (SA)

Pursuant to NYS Office of General Services Contract PS68706

Time Warner Cable Northeast, LLC D/B/A Spectrum shall provide Customer with Ethernet service between the service locations listed below, based upon the terms and conditions of the New York State Office of General Services Contract PS68706

Customer Name:	Erie County Water Authority
Date:	August 1, 2023

Section 1. Billing Information

Billing Name:	Erie County Water Authority
Street Address:	3030 Union Road
City, State and Zip Code:	Cheektowaga, NY 14227
Billing Contact:	David Aubertine
Contact phone number:	716-685-8210

Section 2. Service location Information

Service Location A	
Service Location Name:	Erie County Water Authority
Street Address:	3030 Union Road
City, State and Zip Code:	Cheektowaga, NY 14227
Installation Contact:	David Aubertine
Contact phone number:	716-685-8210
Email Address:	Dabubertine@ecwa.org

Service Location Z (#1)	
Service Location Name:	Erie County Water Authority
Street Address:	3750 River Road
City, State and Zip Code:	Tonawanda, NY 14150
Installation Contact:	David Aubertine
Contact phone number:	716-685-8210
Email Address:	Dabubertine@ecwa.org

Service Location Z (#2)	
Service Location Name:	Erie County Water Authority
Street Address:	722 Sturgeon Point
City, State and Zip Code:	Derby, NY 14047
Installation Contact:	David Aubertine
Contact phone number:	716-685-8210
Email Address:	Dabubertine@ecwa.org

Section 3. Initial Term of Service

Term	Effective Date:
Coterminous with Original 36 Month Service Agreement between the Parties dated July 25, 2022)	Customer's receipt of Completion Notice from Time Warner Cable Northeast, LLC D/B/A Spectrum

Section 4. Circuit and Pricing Information

Customer will not be eligible to receive any other additional discounts, promotions and/or credits. The rates and charges set forth in this SA are subject to estimated monthly Taxes, Surcharges and Fee charges (as set forth in the Agreement, OGS PS68706, Award 23100, Group 77017).

Customer will pay the following monthly recurring charges ("MRC"), which are fixed for the Term of this SA and the Installation costs.

<u>EPL Circuit Description</u>	<u>Location A ("From")</u>	<u>Location Z ("To")</u>	<u>Monthly Recurring Charges</u>	<u>Install Charge</u>
2G EPL	3030 Union Road Cheektowaga, NY 14227	3750 River Road Tonawanda, NY 14150	\$1,400.00	\$0.00
2G EPL	3030 Union Road Cheektowaga, NY 14227	722 Sturgeon Point Derby, NY 14047	\$ 1,400.00	\$0.00
Monthly Recurring Circuit Charges			\$2,800.00	---
Estimated Taxes			\$137.56	\$0.00
Estimated Total			\$2,937.56	\$0.00
One-time (Construction) Costs as defined in OGS Contract PS68706			---	\$0.00

Section 5. Additional Terms and Conditions

None.

Electronic and Counterpart Signatures. This Service Agreement may be signed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. Facsimile or PDF image signatures shall be treated as original signatures.

Customer: Erie County Water Authority	Time Warner Cable Northeast, LLC D/B/A Spectrum
Signature:	Signature:
Name:	Name: Rajat Mukherji
Title:	Title: Vice President, Spectrum Enterprise Sales
Date:	Date: