

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

Contract: 201900229

Project No.: _____

Project

RPF for Administration of Employee Accounts Under IRC Section 105

Description:

(h), Sec. 125 and Sec. 132 (f)

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 checked="" type="checkbox"/> Request for Proposals | | | |
| <input type="checkbox"/> Other _____ | | | |

Action Requested:

- | | |
|--|--|
| <input type="checkbox"/> Board Authorization to Execute | <input type="checkbox"/> Legal Approval |
| <input type="checkbox"/> Board Authorization to Award | <input 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 checked="" type="checkbox"/> Board Authorization to Solicit Request for Proposals | |
| <input type="checkbox"/> Other _____ | |

Approvals Needed:

APPROVED AS TO CONTENT:

- | | | |
|--|--|-----------------|
| <input checked="" type="checkbox"/> Department Head |  | Date: 9-19-2019 |
| <input checked="" type="checkbox"/> Risk Manager | Margaret A. Murphy | Date: 9/23/19 |
| <input checked="" type="checkbox"/> Director of Administration | Lavanya Jester | Date: 9/19/2019 |
| <input checked="" type="checkbox"/> Chief Financial Officer | Karen A. Buckley | Date: 9/24/19 |

APPROVED AS TO FORM:

- | | | |
|---|--------------------|---------------|
| <input checked="" type="checkbox"/> Legal | Margaret A. Murphy | Date: 9/23/19 |
|---|--------------------|---------------|

APPROVED FOR BOARD RESOLUTION:

- | | | |
|--|--|---------------|
| <input checked="" type="checkbox"/> Secretary to the Authority |  | Date: 9/24/19 |
|--|--|---------------|

Remarks: _____

Resolution

Date: _____

Item

No: _____



ERIE COUNTY WATER AUTHORITY

INTEROFFICE MEMORANDUM

September 25, 2019

To: Terrence D. McCracken, Secretary to the Authority

From: Daniel J. NeMoyer, Director of Human Resources

Subject: RFP: Flexible Spending Plan, RFP for Administration of Employee Flexible Spending
Accounts Under IRC Section 105(h), Sec 125 and Sec.132(f)
Project No: 201900229

The ECWA has a Flexible Spending Plan, currently administered by Pro Flex Administrators LLC, which covers employee accounts under Internal Revenue Code (IRC) Section 105 (h), Sec. 125, and Sec.132 (f). The current contract allows for an option to renew for one more additional year. However, since this was last issued in 2014, the Human Resources Department deems it advisable to issue a new request for proposal to administer this plan.

Therefore, I am requesting permission to solicit an RFP on the October 3, 2019 board meeting. A copy of proposed RFP is attached.

Below is the list of providers that will be sent the RFP:

Bene-Care Agency, LLC, 500 Seneca Street, Suite 301, Buffalo NY 14204
Lifetime Benefit Solutions, 205 Park Club Lane, Buffalo, NY 14221
P&A Group, 17 Court Street, Suite 500, Buffalo NY 14202
Pro-Flex Administrators LLC, 8321 Main Street, Williamsville NY 14221

Thank you.

DJN:tf

Attachment

ERIE COUNTY WATER AUTHORITY

Request for Proposal

for

Administration of Employee Accounts

Under IRC Section 105 (h), Sec. 125 and Sec. 132 (f)

Project No: 201900229



Erie County Water Authority
3030 Union Road
Cheektowaga, New York 14227

Contact:
Daniel J. NeMoyer
Director of Human Resources
Telephone: (716) 685-8249
E-mail: dnemoyer@ecwa.org

**REQUEST FOR PROPOSALS (RFP) FOR
Administration of Employee Accounts
Under IRC Section 105 (h), Sec. 125 and Sec. 132 (f)**

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The Request for Proposal (RFP) for Administration of Employee Accounts Under IRC Section 105 (h), Sec. 125 and Sec. 132 (f) is being conducted pursuant to New York State Finance Law §§ 139-j and 139-k and the Erie County Water Authority's Procurement Disclosure Policy. The Procurement Disclosure Policy is available by accessing the Erie County Water Authority's website-<http://www.ecwa.org>, under the caption "Doing Business with ECWA."

**REQUEST FOR PROPOSALS
FOR
Administration of Employee Accounts
Under IRC Section 105 (h), Sec. 125 and Sec. 132 (f)**

I. Background Information:

Background Information:

Organizational Information

The Erie County Water Authority is a public-benefit corporation formed in 1949 to provide a potable water supply to the residents of Western New York. The Authority was created by an Act of the State Legislature, codified in Sections 1050 through 1073 of Title 3 (the "Erie County Water Authority Act") of Article 5 of the Public Authorities Law of the State of New York (as amended), to, among other things, finance, construct, operate and maintain a water supply and distribution system to benefit the residents of the County of Erie, New York. The Authority became operational in 1953. The Authority is financially self-sustaining, paying all operating expenses from revenues generated from the sale of water to 168,477 customers.

The Erie County Water Authority is not an agency of New York State, nor an agency of Erie County government. The Authority is completely independent with respect to budgeting, bonding authority, debt management and credit rating.

The Erie County Water Authority is governed by a Board of Commissioners. Board members are appointed by the Erie County Legislature for a three-year term and continue to hold office until a successor is confirmed. The three-year terms of office are staggered. The enabling State legislation provides that the officers of the Authority shall consist of a Chairman, a Vice-Chairman and Treasurer who shall be members of the Authority, and a Secretary, who need not be a member of the Authority. The Board establishes policy and is responsible for the overall operations of the Authority.

II. Scope of Services Required

The Erie County Water Authority is accepting proposals from qualified firms to provide and administer a Flexible Spending Plan for a three (3) year term contract with the option of two (2) one (1) year mutually agreed extensions for services to include, but are not limited to:

- 1) Advising employer regarding the provisions that may be included in the plan, including but not limited to pre-tax premium deductions, medical expense reimbursement, dependent care reimbursement, adoption assistance reimbursement, individual premium reimbursement, parking reimbursement, transportation reimbursement and any other benefit options;

- 2) Providing information to employees illustrating the potential tax advantages of participation in a plan.
- 3) With the assistance from the employer, enrolling employees in the plan and preparing and distributing any required disclosures to participants.
- 4) Receiving and reviewing requests for reimbursement of eligible flexible spending account expenses and paying such expenses where authorized by the plan and by law.
- 5) Providing with each benefit payment a statement of the participants remaining account balance.
- 6) Before the end of each plan year, providing to each participant who has elected reimbursement for flexible spending account expenses, a statement setting forth each of his or her reimbursement account balances and advising of the potential forfeiture of any balances not used to reimburse the participant for expenses incurred prior to the end of the plan year.
- 7) Performing such benefits discrimination testing as shall be necessary to assure the plan's continuing compliance under Code Sections; 105 (h), 125 and 132 (f).
- 8) Providing such other services as shall be reasonably necessary to process benefit claims under the plan; and
- 9) Preparing an annual return (Form 5500 Series) for filing by the employer, if required by applicable law.

III. Estimated Proposal Timetable

October 3, 2019	-	Distribute Request for Proposals (RFP)
October 11, 2019	-	Deadline for submitting questions for RFP or Insurance Requirements clarification(s) - due by 5:00 pm, EDT
November 1, 2019	-	RFP Responses due by 10:00 am, EDT
November 5, 2019	-	Evaluation and selection process to be completed
November 14, 2019	-	Presentation and recommendation to the Authority's Board of Commissioners

The firm selected will be notified after the Authority's Board of Commissioners has made an award of contract.

IV. Proposal Format

Proposals are to be submitted in letter format and be concise, specific and straight forward. All pertinent information is to be contained in the Proposal. Extraneous information in the Proposal is discouraged.

Proposals are to remain valid for ninety (90) days.

The Proposal is to address the following:

1. Qualifications of the Organization: How long in business, location(s), size of staff, qualifications of current personnel.
2. List of current clients.
3. References.
4. Description of Services(s) to be provided and Delivery of Service(s) as outlined under Scope of Work.
5. Fee structure with an explanation of what is and what is not included. Fee structure must include all applicable fees.
6. Identify the person(s) to whom the Authority may direct any questions regarding the response put forth by you (your firm) and provide the individual(s) telephone number.

VI. Submission of Proposal

One original and five additional copies of your response must be submitted in a sealed envelope. All proposals must bear on the outside the following:

Proposal For: Account Administration of Employee Accounts
Under IRC Section 105 (h), Sec. 125 and Sec. 132 (f)

Submitted To: ERIE COUNTY WATER AUTHORITY Attn: Daniel J. NeMoyer

All responses to the RFP must be submitted no later than 10:00 a.m. (EDT) on November 1, 2019 to the following:

Erie County Water Authority
Attn: Daniel J. NeMoyer, Director of Human Resources
3030 Union Road
Cheektowaga, New York 14227

OR BY EMAIL TO DNEMOYER@ECWA.ORG

Submitted By: RESPONDENT'S NAME
RESPONDENT'S ADDRESS
CITY, STATE, ZIP CODE
RESPONDENT'S PRIMARY CONTACT PERSON
RESPONDENT'S TELEPHONE NUMBER
DATE SUBMITTED

All responses to the RFP become the property of the Erie County Water Authority.

The Authority reserves the right to reject any and all responses to the RFP. The award will be made to the firm whose appointment is deemed to be in the best interest of the Authority in its sole discretion.

The Respondent to whom the contract is awarded shall be required to enter into a written agreement with the Authority on a form approved by the Authority's legal counsel and comply with the Authority's insurance requirements (See Attachment C). The RFP and the response to the RFP, or any part thereof, may be incorporated into and made a part of the final contract. The firm shall not assign any interest in this agreement and shall not transfer any interest in the same without prior written approval of the Authority.

The Authority reserves the right to negotiate the terms and conditions of the contract with the selected Respondent.

The Authority reserves the right to request additional information from any and all Respondents to assist it in its evaluation process.

Any questions regarding the RFP should be addressed in writing and submitted by email to dnemoyer@ecwa.org no later than October 11, 2019 at 5:00 pm (EDT).

Any changes to the RFP will be communicated in writing to all individuals (firm) who receive this RFP.

Respondent, its agents and/or associates shall refrain from contacting or soliciting any other Erie County Water Authority official, including Commissioners and employees of the Authority, regarding the selection of a qualified firm during the RFP process. Failure to comply may disqualify the respondent, at the option of the Authority.

VII. Evaluation/Selection Process

The Erie County Water Authority will review all accepted responses to the RFP and will have the option of short listing firms for oral presentations. The Authority will notify the firm if an oral presentation is required.

The Erie County Water Authority will report to the Board of Commissioners the results of the evaluation process. Responses to the RFP will be ranked by a Review Committee and presented to the Board.

The Erie County Water Authority may contact a respondent for additional information.

Should the Authority be unable to negotiate a satisfactory contract with the first firm, negotiations with that firm shall be formally terminated. The Authority shall then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, the Authority shall terminate negotiations with that firm. The Authority's representative(s) shall then undertake negotiations with the third most qualified firm.

Should the Authority be unable to negotiate a satisfactory contract with any of the selected firms, the Authority's representative may select additional firms with which to continue negotiations, even if the firm did not reply to the RFP.

**THE ERIE COUNTY WATER AUTHORITY IS UNDER NO OBLIGATION TO
AWARD A PROFESSIONAL SERVICE CONTRACT TO THE LOWEST COST
RESPONDENT OR ANY RESPONDENT.
RESPONDENT'S CERTIFICATION**

I have carefully examined the Request for Proposals (RFP) and any other documents accompanying or made a part of this Request for Proposals for Insurance Brokerage Services.

I hereby propose to furnish the information/services specified in my response to the Request for Proposals for the Erie County Water Authority (Authority) at the prices or rates quoted in my proposal. I agree that my proposal will remain firm for a period of up to **ninety (90) days from November 1, 2019** in order to allow the Authority adequate time to evaluate all proposals it receives.

I agree to abide by all conditions of the Request for Proposals issued by the Authority.

I certify that all information contained in this response to the Request for Proposals is truthful to the best of my knowledge and belief. I further certify that I am authorized to submit this response to the Request for Proposals on behalf of the Broker as its act and deed and that the same is ready, willing and able to perform if awarded the contract.

I further certify, under oath, that this proposal is made without prior understanding, agreement, connection, discussion, or collusion with any other person, firm or corporation submitting a proposal for the same service(s), product(s), coverage(s), etc. unless a joint proposal is disclosed by the respondents and the joint proposers act as a syndicate, and the individual parties in the joint proposal, as well as the syndicate, abide by all the terms and conditions set forth in this RFP; and, that the undersigned executed this Respondent's Certification with full knowledge and understanding of the matters therein contained and was duly authorized to do so.

NAME OF BUSINESS:

BY:

SIGNATURE:

NAME & TITLE, TYPED OR PRINTED:

MAILING ADDRESS:

CITY, STATE, ZIP CODE:

TELEPHONE NUMBER:

**BACKGROUND
FORMS A, B and C**

STATE FINANCE LAW REQUIREMENTS

The Erie County Water Authority (the "Authority") is a government entity, as that term is defined in State Finance Law §§ 139-j(1)(a) and 139-k(1)(a). When the Authority seeks to procure goods or services by means of an Invitation or Notice to Bid, or a Request for Proposals, the State Finance Law imposes certain restrictions on anyone who may wish to offer goods or services to the Authority as an Offerer, as that term is defined in §§ 139-j(1)(h) and 139-k(1)(h).

During the Restricted Period, as defined in §§ 139-j(1)(f) and 139-k(1)(f), when bids or proposals are being solicited, the Authority will designate a contact person with whom the Offerer may contact for information and other authorized purposes as set forth in § 139-j of the State Finance Law. The designated contact is identified in the Notice to Bidders, or in the Request for Proposal. An Offerer is authorized to contact the Authority's designated contact for such purposes set forth in § 139-j(3).

Pursuant to the State Finance Law, the Authority is also required to make certain findings before making any determinations as to the qualifications and eligibility of those seeking a procurement contract, as that term is defined in State Finance Law §§ 139-j(1)(g) and 139-k(1)(g). Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings of non-responsibility occurring within a 4-year period, the Offerer will be debarred from obtaining procurement contracts with the Authority. Further information about these requirements can be found in §§ 139-j and 139-k of the New York State Finance Law and the Erie County Water Authority's Procurement Disclosure Policy.

The following forms will be used by the Authority to make such findings:

Form A - Offerer's Affirmation of Understanding of, and Agreement to Comply with, the Authority's Permissible Contact Requirements During the Restricted Period.

Form B - Offerer's Certification of Compliance with State Finance Law.

Form C - Offerer's Disclosure of Prior Non-Responsibility Determinations.

FORM A

**Offerer's Affirmation of Understanding of, and Agreement to Comply
with, the Permissible Contact Requirements During the Restricted Period**

Instructions:

The Erie County Water Authority (the "Authority") is a government entity, as that term is defined in State Finance Law §§ 139-j(1)(a) and 139-k(1)(a). The Authority must obtain a written affirmation of understanding and agreement to comply with procedures regarding permissible contacts with the Authority in the restricted period for a procurement contract in accordance with State Finance Law §139-j and §139-k. It is required that this affirmation be obtained as early as possible in the procurement process.

Offerer affirms that it understands and agrees to comply with the procedures of the Authority relative to permissible contacts as required by State Finance Law §139-j(3) and §139-j(6)(b).

By: _____ Date: _____

Name: _____

Title: _____

Contractor Name: _____

Contractor Address: _____

FORM B

**Offerer's Certification of Compliance
With State Finance Law §139-k(5)**

Instructions:

The Erie County Water Authority (the "Authority") is a government entity, as that term is defined in State Finance Law §§ 139-j(1)(a) and 139-k(1)(a). The Authority must obtain a Certification that the information submitted for a procurement contract is complete, true, and accurate regarding any prior findings of non-responsibility, such as non-responsibility pursuant to State Finance Law §139-j. The Offerer must agree to sign the Certification, under penalty of perjury, and to provide the Certification to the Authority. The Certification should be obtained as early as possible in the process, but no later than when an Offerer submits its proposal.

Offerer Certification:

I certify that all information provided to the Authority relating to the awarding of a procurement contract is complete, true, and accurate.

By: _____ Date: _____

Name: _____

Title: _____

Contractor Name: _____

Contractor Address: _____

FORM C

Offerer's Disclosure of Prior Non-Responsibility Determinations

Background:

The Erie County Water Authority (the "Authority") is a government entity, as that term is defined in State Finance Law §§ 139-j(1)(a) and 139-k(1)(a). New York State Finance Law §139-k(2) obligates the Authority to obtain specific information regarding prior non-responsibility determinations with respect to State Finance Law §139-j. In accordance with State Finance Law §139-k, an Offerer must be asked to disclose whether there has been a finding of non-responsibility made within the previous four (4) years by any Governmental Entity due to: (a) a violation of State Finance Law §139-j; or (b) the intentional provision of false or incomplete information to a Government Entity.

The terms "Offerer" and "Governmental Entity" are defined in State Finance Law §§139-j(1). and §139-k(1). These sections also set forth detailed requirements about the restrictions on contacts during the procurement process. A violation of State Finance Law §139-j includes, but is not limited to, an impermissible contact during the restricted period (for example, contacting a person or entity other than the designated contact person, when such contact does not fall within one of the exemptions).

As part of its responsibility determination, State Finance Law §139-k(3) mandates consideration of whether an Offerer fails to timely disclose accurate or complete information regarding the above non-responsibility determination. In accordance with law, no Procurement Contract shall be awarded to any Offerer that fails to timely disclose accurate or complete information under this section, unless a finding is made that the award of the Procurement Contract to the Offerer is necessary to protect public property or public health safety, and the Offerer is the only source capable of supplying the required Article of Procurement, as that term is defined in State Finance Law §§ 139-j(1)(b) and 139-k(1)(b), within the necessary timeframe. See State Finance Law §139-j(10)(b) and §139-k(3).

Instructions:

The Authority must include a disclosure request regarding prior non-responsibility determinations in accordance with State Finance Law §139-k in its solicitation of proposals or bid documents or specifications or contract documents, as applicable, for procurement contracts. The attached form is to be completed and submitted by the individual or entity seeking to enter into a Procurement Contract. It shall be submitted to the Authority no later than when the Offerer submits its proposal.

FORM C (Continued)**Offerer's Disclosure of Prior Non-Responsibility Determinations**

Name of Individual or Entity Seeking to Enter into the Procurement Contract:

Address: _____

Name and Title of Person Submitting this Form: _____

Contract Procurement Number: _____

Date: _____

1. Has any Governmental Entity made a finding of non-responsibility regarding the individual or entity seeking to enter into the Procurement Contract in the previous four years? (Please circle):
- No Yes

If yes, please answer the next questions:

2. Was the basis for the finding of non-responsibility due to a violation of State Finance Law §139-j (Please circle):
- No Yes
3. Was the basis for the finding of non-responsibility due to the intentional provision of false or incomplete information to a Governmental Entity? (Please circle) No Yes
4. If you answered yes to any of the above questions, please provide details regarding the finding of non-responsibility below.

Governmental Entity: _____

Date of Finding of Non-Responsibility: _____

Basis of Finding of Non-Responsibility: _____

Add additional pages as necessary)

- [illegible]

Title: _____

CONTRACT TERMINATION PROVISION

Instructions:

A Contract Termination Provision will be included in each procurement contract governed by State Finance Law §139-k. New York State Finance Law §139-k(5) provides that every procurement contract award subject to the provisions of State Finance Law §§139-k and 139-j shall contain a provision authorizing the governmental entity to terminate the contract in the event that the certification is found to be intentionally false or intentionally incomplete. This statutory contract language authorizes, but does not mandate, termination. "Government entity" and "procurement contract" are defined in State Finance Law §§139-j(1) and 139-k(l).

This required clause will be included in a covered procurement contract.

A sample of the Termination Provision is included below. If a contract is terminated in accordance with State Finance Law §139-k(5), the Erie County Water Authority (the "Authority"), as a governmental entity, is required to include a statement in the procurement record describing the basis for any action taken under the termination provision.

Sample Contract Termination Provision

The Erie County Water Authority, as a governmental entity, reserves the right to terminate this contract in the event it is found that the certification filed by the Offerer in accordance with New York State Finance Law §139-k was intentionally false or intentionally incomplete. Upon such finding, the Authority may exercise its termination right by providing written notification to the Offerer in accordance with the written notification terms of this contract.

SECTION 139-L OF THE STATE FINANCE LAW
STATEMENT RELATING TO SEXUAL HARASSMENT POLICY

1. "Bidder" has the same meaning as the term, "Offerer," as that term is defined in State Finance Law § 139-k(1)(h), and includes anyone who submits a bid or proposal.
2. Every proposal or bid hereafter made and submitted to the Erie County Water Authority, where competitive bidding or a sealed proposal is required by statute, rule or regulation, for work or services performed or to be performed or goods sold or to be sold, shall contain the following statement subscribed by the Bidder and affirmed by such Bidder as true under penalty of perjury:

SEXUAL HARASSMENT BIDDING CERTIFICATION

- (a) "By submission of this bid/proposal, EACH BIDDER AND EACH PERSON SIGNING ON BEHALF OF ANY BIDDER CERTIFIES, AND IN THE CASE OF A JOINT BID EACH PARTY THERETO CERTIFIES AS TO ITS OWN ORGANIZATION, under penalty of perjury, that the Bidder has and has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all its employees. Such policy shall, at a minimum, meet the requirements of Section two hundred one-g of the Labor Law."
3. A bid/proposal shall not be considered for award nor shall any award be made to a Bidder who has not complied with subdivision one of this section; provided, however, that if in any case the Bidder cannot make the foregoing certification, the Bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons therefore.

The undersigned CERTIFIES, under penalty of perjury, that he is authorized to make this bid/proposal and execute this statement on sexual harassment; that he is familiar with the statements contained in ¶2(a) of this document, as well as the provisions of State Finance Law §139-L and Labor Law §201-g, and such statements are true and have been complied with by the Bidder.

(Name of Individual, Partnership or Corporation)

By _____
(Person authorized to sign)

(SEAL)

ATTACHMENT C INSURANCE REQUIREMENTS

Erie County Water Authority Insurance Requirements for Vendor Services

Project Number: 201900229

Description: **REQUEST FOR PROPOSALS (RFP) FOR
Administration of Employee Accounts
Under IRC Section 105 (h), Sec. 125 and Sec. 132 (f)**

The following minimum insurance requirements shall apply to vendors providing services to the Erie County Water Authority (ECWA). If a service or project, in the opinion of ECWA, represents an unusual or exceptional risk, ECWA may establish additional insurance requirements for that service or project. All insurance required herein shall be obtained at the sole cost and expense of the contractor, including deductibles and self-insured retentions, and shall be in full force and effect on the contract commencement date and for the duration of the contract. These requirements include but are not limited to the minimum insurance requirements.

Insurance Requirements:

a) Workers Compensation:

Part 1: Workers Compensation: Statutory

Part 2: Employers Liability: \$1,000,000.

Note: If New York State domiciled employees are used, coverage to be New York Statutory for both Parts 1 and 2

b) New York Disability Benefits Liability: Statutory coverage if New York State domiciled employees are used.

c) Commercial General Liability:

- \$2,000,000. General Aggregate
- \$2,000,000. Products/Completed Operations Aggregate
- \$1,000,000. Each Occurrence
- \$1,000,000. Personal Injury/Advertising Liability
- Erie County Water Authority to be scheduled as an Additional Insured for both on-going and completed operations (attach Additional Insured endorsement to Certificate of Insurance)
- Insurance to be primary and non-contributory

d) Automobile Liability:

- \$1,000,000. Each Accident
- Erie County Water Authority to be scheduled as an Additional Insured.

e) Umbrella Liability:

- \$1,000,000. Each Occurrence
- \$1,000,000. Aggregate
- Erie County Water Authority to be scheduled as an Additional Insured

f) Professional Liability

- \$1,000,000 Per Claim
- \$1,000,000 Aggregate

g) Cyber Liability

- \$1,000,000 Per Claim
- \$1,000,000 Aggregate
-

h) Crime/Fidelity Bond

- \$500,000 Per Loss
- Coverage should include an endorsement for Employee Theft of Client Property or equivalent

i) Certificates of Insurance to be provided to ECWA prior to start of work as follows:

- ACORD 25 (Item a-f) including copy of Additional Insured Endorsement Note: If coverage provided for NYS domiciled employees require Forms C 105.2 and DB 120.1 for Workers Compensation and NYS DBL.

Certificates of Insurance, on forms approved by the New York State Department of Insurance, must be submitted to ECWA prior to the award of contract. Renewals of Certificates of Insurance, on forms approved by the New York State Department of Insurance, must be received by ECWA 30 days prior to the expiration of the insurance policy period.

Certificates of Insurance and renewals, on forms approved by the New York State Department of Insurance, must be submitted to ECWA prior to the award of contract. Each insurance carrier issuing a Certificate of Insurance shall be rated by A. M. Best no lower than "A-" with a Financial Strength Code (FSC) of at least VII. The professional service provider shall name ECWA, its officers, agents and employees as additional insured on a Primary and Non-Contributory Basis, including a Waiver of Subrogation endorsement (form CG 20 26 11 85 or equivalent), on all applicable liability policies. Any liability coverage on a "claims made" basis should be designated as such on the Certificate of Insurance.

To avoid confusion with similar insurance company names and to properly identify the insurance company, please make sure that the insurer's National Association of Insurance Commissioners (N.A.I.C.) identifying number or A. M. Best identifying number appears on the Certificate of Insurance. Also, at the top of the Certificate of Insurance, please list the project number.

Acceptance of a Certificate of Insurance and/or approval by ECWA shall not be construed to relieve the outside vendor of any obligations, responsibilities or liabilities.

Certificates of Insurance should be e-mailed to mmurphy@ecwa.org or mailed to Ms. Margaret Murphy, ECWA General Counsel Erie County Water Authority, 295 Main Street – Room 350, Buffalo, New York 14203-2494, or If you have any questions you can contact Mr. Murphy by e-mail or phone (716) 849-8433.

List of Vendors - Flex Plan Administration

P & A Group
17 Court Street
Suite 500
Buffalo, New York 14202

Nova
c/o Independent Health
P.O. Box 9050
Williamsville, NY 14231

BeneCare Agency LLC
500 Seneca St, Suite 301
Buffalo 14204

Lifetime Benefit Solutions
205 Park Club Lane
Buffalo, NY 14221

Pro-Flex Administration
Attn: Ryan A. Burkard, GBDS, President
8321 Main Street
Williamsville, NY 14221

OneBridge Benefits
410 Main St, Suite 5
Buffalo 14202

TPS Group
270 Northpointe Pkwy
Suite 10
Buffalo 14228