



# ERIE COUNTY WATER AUTHORITY

## INTEROFFICE MEMORANDUM

July 8, 2022

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

From: Dave Aubertine, Director IT & Cybersecurity

Subject: Spectrum Internet Services Contract *DWA*

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In 2022, the IT department began reviewing internet and network connectivity at all ECWA locations and working with service providers to identify opportunities for improvement. After reviewing the existing agreements with Spectrum, it was determined that all of the existing connections could be doubled in terms of bandwidth with a minimal increase in monthly recurring cost (MRC). The current MRC is \$7,569.20 and the new MRC would be \$7,887.00, a difference of \$317.80 per month.

Additionally, the Authority has a need for increased security at remote sites. For security cameras to be installed, additional internet connectivity will need to be provisioned at three remote sites.

- **Pine Hill Pump Station:** 75 Pennock Place, Cheektowaga, NY 14225
- **Windom Pump Station:** Lake Avenue, Orchard Park, NY 14127
- **Marilla Station:** 3365 Two Rod Road, Marilla, NY 14102

The bandwidth requirements for these sites will be the same as other sites with similar requirements under current contract (\$1,000 MRC per site) bringing the total MRC on the new contract to \$10,887.00. There are additional one-time construction fees related to the installation of the new service at the three remote locations totaling \$58,303.00. Spectrum has advised that if the new service contract is signed by EOM July, the construction costs will be waived in full. In the unlikely event that the 36-month contract is terminated early, the construction costs will be prorated at 1/36<sup>th</sup> of the total cost times the months remaining on the contract. The pricing is all on 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 for 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:** Internet bandwidth upgrade and new service installation from Spectrum

**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:**

Other (if Applicable) \_\_\_\_\_ Date: \_\_\_\_\_  
 Chief Operating Officer Russell F. Hall \_\_\_\_\_ Date: 7/8/2022  
 Executive Engineer Jeanaid F. Koralicki \_\_\_\_\_ Date: 07/11/2022  
 Director of Administration Levonja Justice \_\_\_\_\_ Date: 07/08/2022  
 Risk Manager Molly Op Musarra \_\_\_\_\_ Date: 07/08/2022  
 Chief Financial Officer Karen A. Prindigast \_\_\_\_\_ Date: 07/11/2022  
 Legal [Signature] \_\_\_\_\_ Date: 7/8/2022

**APPROVED FOR BOARD RESOLUTION:**

Secretary to the Authority [Signature] \_\_\_\_\_ Date: 7/11/22

**Remarks:** Spectrum bandwidth upgrade (double at all locations) plus new service at 3 locations. Will result in MRC of 10,887. Construction of ~60k waived in full.

**Resolution Date:** 7/8/22                      **Item No:** \_\_\_\_\_



## SERVICE ORDER

THIS SERVICE ORDER ("Service Order"), is executed and effective upon the date of the signature set forth in the signature block below ("Effective Date") and is by and between Charter Communications Operating, LLC on behalf of those operating subsidiaries providing the Service(s) hereunder ("Spectrum") and Customer (as shown below) and is governed by and subject to the Spectrum Enterprise Commercial Terms of Service posted to the Spectrum Enterprise website, <https://enterprise.spectrum.com/> (or successor url) or, if applicable, an existing services agreement mutually executed by the parties (each, as appropriate, a "Service Agreement"). Except as specifically modified herein, all other terms and conditions of the Service Agreement shall remain unamended and in full force and effect.

Spectrum Enterprise Contact Information	
Contact:	John Taylor
Telephone:	7165588031
Email:	john.taylor@charter.com

Customer Information		
Customer Name ERIE COUNTY WATER AUTHORITY '	Order # 13211562	
Address 295 MAIN ST BUFFALO NY 14203		
Telephone (716) 849-8444	Email: daubertine@ecwa.org	
Contact Name David Aubertine	Telephone (716) 849-8444	Email: daubertine@ecwa.org
Billing Address 295 MAIN ST BUFFALO NY 14203		

NEW AND REVISED SERVICES AT 3030 Union Rd Unit FIA, Cheektowaga NY 14227				
Service Description	Order Term	Quantity	Monthly Recurring Charge(s)	Total Monthly Recurring Charge(s)
Fiber Internet 2Gbps	36 Months	1	\$1,999.00	\$1,999.00
Static IP 61 61 Static IP	36 Months	1	\$ 75.00	\$ 75.00
<b>TOTAL*</b>				<b>\$2,074.00</b>



1.  **TOTAL CHARGE(S).** Total Monthly Recurring Charges and Total One-Time Charges are due in accordance with the monthly invoice.
2.  **TAXES.** Plus applicable taxes, fees, and surcharges as presented on the respective invoice(s).
3.  **SPECIAL TERMS.**



By signing below, the signatory represents they are duly authorized to execute this Service Order.

**CUSTOMER SIGNATURE**

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



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**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 Internet service at the service locations listed below, based upon the terms and conditions of the New York State Office of General Services Contract PS68706**

<b>Customer Name:</b>	Erie County Water Authority
<b>Date:</b>	6-24-2022

**Section 1. Billing Information**

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

**Section 2. Service location Information**

<b>Service Location 1</b>	
<b>Service Location Name:</b>	Erie County Water Authority
<b>Street Address:</b>	6007 Lake Ave
<b>City, State and Zip Code:</b>	Orchard Park, NY 14127
<b>Installation Contact:</b>	David Aubertine
<b>Contact phone number:</b>	716-685-8210
<b>Email Address:</b>	<a href="mailto:Daubertine@eriewater.com">Daubertine@eriewater.com</a>

<b>Service Location 2</b>	
<b>Service Location Name:</b>	Erie County Water Authority
<b>Street Address:</b>	75 Pennock Pl
<b>City, State and Zip Code:</b>	Cheektowaga, NY 14225
<b>Installation Contact:</b>	David Aubertine
<b>Contact phone number:</b>	716-685-8210
<b>Email Address:</b>	<a href="mailto:Daubertine@eriewater.com">Daubertine@eriewater.com</a>

<b>Service Location 3</b>	
<b>Service Location Name:</b>	Erie County Water Authority
<b>Street Address:</b>	3365 Two Rod Road
<b>City, State and Zip Code:</b>	East Aurora, NY 14052
<b>Installation Contact:</b>	David Aubertine
<b>Contact phone number:</b>	716-685-8210
<b>Email Address:</b>	<a href="mailto:Daubertine@eriewater.com">Daubertine@eriewater.com</a>



<b>Service Location 4</b>	
<b>Service Location Name:</b>	Erie County Water Authority
<b>Street Address:</b>	21 Penora St
<b>City, State and Zip Code:</b>	Depew, NY 14043
<b>Installation Contact:</b>	David Aubertine
<b>Contact phone number:</b>	716-685-8210
<b>Email Address:</b>	<a href="mailto:Daubertine@eriewater.com">Daubertine@eriewater.com</a>

### Section 3. Initial Term of Service

<b>Term</b>	<b>Effective Date:</b>
<b>36 month term</b>	Time Warner Cable Northeast, LLC D/B/A Spectrum Completion notice

### 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 do not include, but are subject to 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.

<b><u>EPL Circuit Description</u></b>	<b><u>Location A</u></b>	<b><u>Location Z</u></b>	<b><u>Monthly Recurring Charges</u></b>	<b><u>Install Charge</u></b>
<b>200MB EPL</b>	6007 Lake Ave, Orchard Park, NY 14127	75 Pennock Pl, Cheektowaga, NY 14225	<b>\$ 1,000.00</b>	<b>\$0.00</b>
<b>200MB EPL</b>	6007 Lake Ave, Orchard Park, NY 14127	3365 Two Rod Road, East Aurora, NY 14052	<b>\$ 1,000.00</b>	<b>\$0.00</b>
<b>200MB EPL</b>	6007 Lake Ave, Orchard Park, NY 14127	21 Penora St., Depew, NY 14043	<b>\$ 1,000.00</b>	<b>\$0.00</b>
<b>Total Monthly Recurring Circuit Charges</b>			<b>\$3,000.00</b>	<b>\$0.00</b>
<b>Estimated Monthly Recurring Taxes</b>			<b>\$440.10</b>	<b>\$0.00</b>
<b>Estimated Total Monthly Recurring Charges including Taxes</b>			<b>\$3,440.10</b>	<b>\$0.00</b>
<b>One-time (Construction) Costs as defined in OGS Contract PS68706</b>			<b>\$58,303.34</b>	<b>\$0.00</b>

**Section 5. Additional Terms and Conditions**

In lieu of upfront payment of One-Time Costs (as defined in NYS OGS Contract #PS68706) of \$ 58,303.34 and as identified in **Section 4, “Circuit and Pricing Information”** above, Customer agrees to the Initial Term of Service outlined in **Section 3** this Service Agreement of N/A months (the “Initial Term of Service”). In the event that the Customer terminates any portion of the Service during the Initial Term of Service, Customer will pay to Time Warner Cable Northeast, LLC, d/b/a Spectrum, an amount equal to 1/36 of the One-Time Costs, multiplied by the number of months, or any portion thereof, remaining in the Initial Term of Service.

**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.

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

**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 Internet service at the service locations listed below, based upon the terms and conditions of the New York State Office of General Services Contract PS68706**

<b>Customer Name:</b>	Erie County Water Authority
<b>Date:</b>	6-24-2022

**Section 1. Billing Information**

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

**Section 2. Service location Information**

<b>Service Location 1</b>	
<b>Service Location Name:</b>	Erie County Water Authority
<b>Street Address:</b>	3030 Union Road
<b>City, State and Zip Code:</b>	Cheektowaga, NY 14227
<b>Installation Contact:</b>	David Aubertine
<b>Contact phone number:</b>	716-685-8210
<b>Email Address:</b>	<a href="mailto:Daubertine@eriewater.com">Daubertine@eriewater.com</a>

<b>Service Location 2</b>	
<b>Service Location Name:</b>	Erie County Water Authority
<b>Street Address:</b>	295 Main St
<b>City, State and Zip Code:</b>	Buffalo, NY 14203
<b>Installation Contact:</b>	David Aubertine
<b>Contact phone number:</b>	716-685-8210
<b>Email Address:</b>	<a href="mailto:Daubertine@eriewater.com">Daubertine@eriewater.com</a>

<b>Service Location 3</b>	
<b>Service Location Name:</b>	Erie County Water Authority
<b>Street Address:</b>	722 Sturgeon Point
<b>City, State and Zip Code:</b>	Derby, NY 14047
<b>Installation Contact:</b>	David Aubertine
<b>Contact phone number:</b>	716-685-8210
<b>Email Address:</b>	<a href="mailto:Daubertine@eriewater.com">Daubertine@eriewater.com</a>

Service Location 4	
<b>Service Location Name:</b>	Erie County Water Authority
<b>Street Address:</b>	3300 River Road
<b>City, State and Zip Code:</b>	Tonawanda, NY 14150
<b>Installation Contact:</b>	David Aubertine
<b>Contact phone number:</b>	716-685-8210
<b>Email Address:</b>	<a href="mailto:David.Aubertine@eriewater.com">David.Aubertine@eriewater.com</a>

Service Location 5	
<b>Service Location Name:</b>	Erie County Water Authority
<b>Street Address:</b>	3750 River Road
<b>City, State and Zip Code:</b>	Tonawanda, NY 14150
<b>Installation Contact:</b>	David Aubertine
<b>Contact phone number:</b>	716-685-8210
<b>Email Address:</b>	<a href="mailto:David.Aubertine@eriewater.com">David.Aubertine@eriewater.com</a>

Service Location 6	
<b>Service Location Name:</b>	Erie County Water Authority
<b>Street Address:</b>	1193 Sweet Home Rd
<b>City, State and Zip Code:</b>	Amherst, NY 14228
<b>Installation Contact:</b>	David Aubertine
<b>Contact phone number:</b>	716-685-8210
<b>Email Address:</b>	<a href="mailto:David.Aubertine@eriewater.com">David.Aubertine@eriewater.com</a>

### Section 3. Initial Term of Service

Term	Effective Date:
36 month term	Time Warner Cable Northeast, LLC D/B/A Spectrum Completion notice

### 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 do not include, but are subject to 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</u>	<u>Location Z</u>	<u>Monthly Recurring Charges</u>	<u>Install Charge</u>
200MB EPL	3030 Union Road, Cheektowaga, NY 14227	295 Main St, Buffalo NY 14203	\$ 1,000.00	\$0.00
200MB EPL	3030 Union Road, Cheektowaga, NY 14227	722 Sturgeon Point Derby, NY	\$ 1,000.00	\$0.00
200MB EPL	3030 Union Road, Cheektowaga, NY 14227	3300 River Road Tonawanda, NY 14150	\$ 1,000.00	\$0.00
200MB EPL	3030 Union Road, Cheektowaga, NY 14227	3750 River Road Tonawanda, NY 14150	\$ 1,000.00	\$0.00
200MB EPL	3030 Union Road, Cheektowaga, NY 14227	1193 Sweet Home Road Amherst, NY 14228	\$ 1,000.00	\$0.00
EPL TOTAL			\$5,000.00	\$0.00
<u>SIP Circuit Description</u>	<u>Location</u>	<u>Per Unit Cost</u>	<u>Monthly Recurring Charges</u>	<u>Install Charge</u>
SIP Trunk (36)	295 Main St, Buffalo NY 14203	\$13.00	\$ 468.00	\$0.00
(4) 20 # DID Blocks	295 Main St, Buffalo NY 14203	\$0.75	\$3.00	\$0.00
(2) 100# DID Block	295 Main St, Buffalo NY 14203	\$7.50	\$15.00	\$0.00
Flat rate Local + 10,000 no-charge LD minutes (overage: \$0.03/min)	295 Main St Buffalo NY 14203	\$0.00	\$0.00	\$0.00
SIP Trunk Total			\$486.00	
<u>SIP Circuit Description</u>	<u>Location</u>	<u>Per Unit Cost</u>	<u>Monthly Recurring Charges</u>	<u>Install Charge</u>
SIP Trunk (24)	3030 Union Road, Cheektowaga, NY 14227	\$13.00	\$312.00	\$0.00

Flat rate Local + 5000 no-charge LD minutes (overage \$0.03/min)	3030 Union Road, Cheektowaga NY 14227	\$0.00	<b>\$0.00</b>	<b>\$0.00</b>
(8) 20 # DID Blocks	3030 Union Road, Cheektowaga, NY 14227	\$3.00	<b>\$24.00</b>	<b>\$0.00</b>
(2) 100# DID Block	3030 Union Road, Cheektowaga, NY 14227	\$7.50	<b>\$15.00</b>	<b>\$0.00</b>
SIP Trunk Total			<b>\$351.00</b>	
<b>Total Monthly Recurring Circuit Charges</b>			\$5,837.00	\$0.00
<b>Estimated Monthly Recurring Taxes</b>			\$931.70	\$0.00
<b>Estimated Total Monthly Recurring Charges including Taxes</b>			\$6,768.70	\$0.00
<b>One-time (Construction) Costs as defined in OGS Contract PS68706</b>			\$0.00	\$0.00

**Section 5. Additional Terms and Conditions**

In lieu of upfront payment of One-Time Costs (as defined in NYS OGS Contract #PS68706) of \$ **0.00** and as identified in **Section 4, “Circuit and Pricing Information”** above, Customer agrees to the Initial Term of Service outlined in **Section 3** this Service Agreement of N/A months (the “Initial Term of Service”). In the event that the Customer terminates any portion of the Service during the Initial Term of Service, Customer will pay to Time Warner Cable Northeast, LLC, d/b/a Spectrum, an amount equal to **1/36** of the One-Time Costs, multiplied by the number of months, or any portion thereof, remaining in the Initial Term of Service.

**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.

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



## Ethernet Intrastate-Only Traffic Certification

Customer Name (Legal Entity): \_\_\_\_\_

Billing Address: \_\_\_\_\_

\_\_\_\_\_

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: \_\_\_\_\_ Email: \_\_\_\_\_