



ERIE COUNTY WATER AUTHORITY

INTEROFFICE MEMORANDUM

August 4, 2022

To: Terrence D. McCracken, Secretary to the Authority

From: Michael Wymer, PE, Senior Production Engineer *MWW*

Subject: Machining and Fabrication Services for the Repair of Various ECWA Equipment
(Frederick Machine & Manufacturing Inc.)
ECWA Project No. 202000143

The following documents are attached:

- Blue Authorization Form - this form provides the project name and project number, the action that is being requested of the Board, and it provides a list of approvals that are required prior to being acted on by the Board.
- Three (3) originals of Amendment No. 1 request for Board action and execution by the Authority.

On January 21, 2021, the Authority and Frederick Machine & Manufacturing, Inc. entered into a contract to furnish, upon request, specific machining and fabrications services for various Authority equipment.

The 2022 Capital Budget for the Van de Water Treatment Plant included \$225,000.00 for the replacement of a delivered water pump. Supply chain issues indicated delivery of a new pump would not occur until 2023. As a result, it was decided to shift the budgeted funds to the refurbishment of two existing delivered water pumps, utilizing the services provided by Frederick Machine.

Attached is Amendment No. 1 which will increase the total not to exceed cost for services and equipment by \$115,000.00 (from \$78,598.50 to \$193,598.50) and the total not to exceed cost of materials by \$50,000.00 (from \$20,000.00 to \$70,000.00). The current contract expiration date of December 31, 2022, remains unchanged.

Budget Information:

- Department No.: 100 Production Department
- Unit: 1015 Van de Water Plant
- Capital Budget Item No.: 101678 Van de Water Delivered Water Pump Replacement (\$221,633 remains)

MWW:jmf
Attachments
cc: R.Stoll
L.Kowalski
D.Patton
ECWA-543-2001

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

Contract: 21-04-01 **Project No.:** 202000143
Project Description: Machining and Fabrication Services for the Repair of Various ECWA Equipment

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:

<input checked="" type="checkbox"/> Sr. Production Engineer	<u>Richard W. Wynn</u>	Date: <u>8/4/2022</u>
<input checked="" type="checkbox"/> Chief Operating Officer	<u>Russell J. Stiles</u>	Date: <u>8/5/2022</u>
<input checked="" type="checkbox"/> Executive Engineer	<u>Gerard F. Koraluk</u>	Date: <u>08/05/2022</u>
<input checked="" type="checkbox"/> Director of Administration	<u>Devanya L. Santos</u>	Date: <u>08/04/2022</u>
<input checked="" type="checkbox"/> Risk Manager	<u>Molly Jo Musarra</u>	Date: <u>08/05/2022</u>
<input checked="" type="checkbox"/> Chief Financial Officer	<u>Karen A. Bendugast</u>	Date: <u>08/04/2022</u>
<input checked="" type="checkbox"/> Legal	<u>[Signature]</u>	Date: <u>8/4/2022</u>

APPROVED FOR BOARD RESOLUTION:

☒ Secretary to the Authority [Signature] Date: 8/8/22

Remarks: Amendment No. 1 for Frederick Machine & Manufacturing, Inc..

Resolution Date: _____

Item No: _____

**AMENDMENT NO. 1 TO THE MACHINING AND FABRICATION SERVICES
FOR THE REPAIR OF VARIOUS AUTHORITY EQUIPMENT CONTRACT**

AMENDMENT, effective August 18, 2022 (“Amendment No. 1”) to the Contract for Machining and Fabrication Services for the Repair of Various Authority Equipment (Contract No. 21-04-01), effective on January 21, 2021, by and between:

ERIE COUNTY WATER AUTHORITY
295 Main Street, Room 350
Buffalo, New York 14203

hereinafter referred to as the “Authority,” and

FREDERICK MACHINE & MANUFACTURING, INC.
405 Ludington Street
Buffalo, New York 14206

hereinafter referred to as the “Contractor.”

WHEREAS, on January 21, 2021, the Authority and the Contractor entered into a contract for machining and fabrication services for the repair of various Authority equipment (the “Contract”); and

WHEREAS, the terms of the Contract limited the total expenditure for services and materials to \$98,598.50; and

WHEREAS, the Authority desires to have the Contractor perform services which will exceed the limit set forth in the Contract; and

WHEREAS, the Authority’s Chief Operating Officer and Executive Engineer recommend that the Authority amend the Contract by increasing total expenditure for services and materials to \$263,598.50; and

WHEREAS, in accordance with paragraph 4.02 of the Contract, no modification or variation from the terms of the Contract shall be effective unless it is in writing and authorized by a resolution of the Board of Commissioners of the Authority (the “Board”) and signed by all parties;

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

- (1) The parties agree to amend paragraph 3.04 of the Contract to increase the total cost

not to exceed for services and equipment by \$115,000.00, changing the current figure of \$78,598.50 to \$193,598.50; and

- (2) The parties agree to amend paragraph 3.05 of the Contract to increase the total cost not to exceed for materials by \$50,000.00, changing the current figure of \$20,000.00 to \$70,000.00; and
- (3) The parties agree all other terms and conditions of the Contract, including the hourly rates listed under paragraph 3.03 of the Contract, shall remain without change or amendment; and
- (4) This Amendment by 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 have caused this Amendment No. 1 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

**FREDERICK MACHINE &
MANUFACTURING, INC**

By _____
James M. Kelly, Vice President

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On the _____ day of August, 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 ERIE) ss:

On the _____ day of _____, in the year 2022, before me personally came James M. Kelly, to me known, who, being by me duly sworn, did depose and say that he resides in _____, New York, that he is the Vice President of the Corporation described in the above instrument; and that he signed his name thereto by order of the Board of Directors of said Corporation.

Notary Public