

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

Contract: _____ **Project No.:** 202000012

Project Description: Transmission Main Design Projects 2020-2021

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 checked="" 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 type="checkbox"/> Other (if Applicable) | _____ | Date: _____ |
| <input checked="" type="checkbox"/> Chief Operating Officer | <i>Russell J. Stolt</i> | Date: 12/4/19 |
| <input checked="" type="checkbox"/> Executive Engineer | <i>Joseph F. Knaulke</i> | Date: 12-4-19 |
| <input checked="" type="checkbox"/> Director of Administration | <i>Laurynne Lester</i> | Date: 12/4/19 |
| <input checked="" type="checkbox"/> Risk Manager | <i>Molly P. Musarra</i> | Date: 12/4/19 |
| <input checked="" type="checkbox"/> Chief Financial Officer | <i>Karen L. Hendry</i> | Date: 12/4/19 |
| <input checked="" type="checkbox"/> Legal | <i>Margaret A. Murphy</i> | Date: 12/4/19 |
| APPROVED FOR BOARD RESOLUTION: | | |
| <input checked="" type="checkbox"/> Secretary to the Authority | <i>[Signature]</i> | Date: 12/4/19 |

Remarks: _____

P:\RFP\202000012\16 Correspondence\2019-12-03 Authorization Form Solicit RFP.docx

Resolution Date: _____

Item No: _____



ERIE COUNTY WATER AUTHORITY
INTEROFFICE MEMORANDUM

December 3, 2019

To: Terrence D. McCracken, Secretary to the Authority

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

Subject: Request for Proposals
Transmission Main Design Projects 2020-2021
ECWA Project No. 202000012

The Authority is planning to either replace or install several large-diameter transmission mains in 2020 and 2021. The projects will be in Lease-Managed, Direct Service, and in out-of-district service areas. The projects are scheduled for design in 2020 with construction in 2021. Attached is a copy of the Request for Proposals (RFP). The RFP includes three projects (Contract A, Contract B, and Contract C) and the detailed description of each of those projects is included in the attached RFP. I recommend that the Request for Proposals be issued to the following consulting engineers:

Arcadis
CHA Consulting, Inc.
Erdman Anthony
GHD
Greenman-Pedersen, Inc.
Nussbaumer & Clarke, Inc.
Wendel
Wm. Schutt and Associates

The Engineering Department is requesting a Resolution to Solicit the Request for Proposals. The contact person for the Restricted Period for this RFP will be Leonard F. Kowalski, Executive Engineer.

The Request for Proposals and Authorization Form will need prior approval by the Legal Department, Chief Financial Officer, and Risk Manager prior to being sent to the Board for consideration.

SWD:jmf
Attachments
cc: R.Stoll
L.Lester
S.Denzler
ECWA-888-2001

**REQUEST FOR PROPOSALS
FOR CONSULTING ENGINEERING SERVICES**

TRANSMISSION MAIN DESIGN PROJECTS 2020-2021

ECWA Project No. 202000012

A. General

The Erie County Water Authority (Authority) will accept proposals for consulting engineering services for the 2020-2021 transmission main design projects.

The Authority reserves the right to modify or cancel this Request for Proposals and/or the projects; to reject any or all proposals; and to waive any or all irregularities. This Request for Proposals does not obligate the Authority to award a contract for any of the projects or to reimburse any costs associated with the preparation of any proposal.

The Request for Proposal (RFP) is being conducted pursuant to the 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 web site – <http://www.ecwa.org>, under the caption "Doing Business".

B. Project Description

The Authority is planning to either replace or install several large-diameter transmission mains in 2020 and 2021. The projects will be in Lease-Managed, Direct Service, and in out-of-district service areas. The projects are scheduled for design in 2020 with construction in 2021. Due to the nature of these projects, coordination efforts with other utilities, government agencies and railroads will be time consuming and needs to be taken into consideration when developing your design fee.

The project will entail the following three (3) contracts:

Contract A

Town of Tonawanda – Project will consist of the installation of a new 48-inch diameter waterline from the southernmost point on Brookside Terrace West (in the City of Tonawanda) easterly to a point approximately 325 feet west of Military Road in the Town of Tonawanda (approximate length of 4,250 LF). The new waterline will parallel the existing 48-inch waterline in that area, adding a redundant pipe to the distribution system. The new waterline is expected to run within an established easement in that area, but coordination with National Grid, the Town of Tonawanda, City of Tonawanda, and all other responsible agencies are included in the design. The project will require a boring or directional drilling underneath the railroad tracks west of Military Road. All valving, air releases, interconnections to existing waterline, and chambers necessary to isolate flows shall be included in the design. Project includes a hydraulic analysis to demonstrate functionality and redundancy of existing and proposed waterlines in case of

a waterline failure in the area. Pipe materials to use, sizes, and interconnection details to existing Prestressed Concrete Cylinder Pipe (PCCP) will be necessary during the design.

Contract B

Contract B will consist of two (2) projects that will be bid separately. A separate design fee for each project needs to be provided.

1 - Town of Evans – Project will consist of the installation of a new large-diameter waterline on Lake Shore Road just east of the Sturgeon Point Water Treatment Plant (WTP). New waterline will connect the existing 42-inch and 48-inch diameter waterlines at that location (approximate length of 100 LF) and shall include all valving, air releases, interconnections to existing waterline, and chambers necessary to isolate flows. Project will also include a new large-diameter waterline on Sweetland Road from 7174 Sweetland to the intersection at Sweetland and Lake Shore Road to connect the existing 42-inch and 48-inch diameter waterlines (approximate length of 3,600 LF). All valving, air releases, interconnections to existing waterline, and chambers necessary to isolate flows shall be included in the design. Project includes a hydraulic analysis to size both pipes in Evans to demonstrate functionality and redundancy of existing and proposed waterlines in case of a waterline failure in the area. Pipe materials to use, sizes, and interconnection details to existing Prestressed Concrete Cylinder Pipe (PCCP) will be necessary during the design. Extensive knowledge of PCCP will be required for this project. This project will be bid as a standalone project and will require its own drawings and project manual. The final drawings and project manual shall be delivered to the Authority within 170 days from the notice to proceed.

2 – Town of Amherst - Project will consist of the installation of a new large-diameter waterline paralleling the I-290 in Amherst from the south side of Main Street to the south side of Wehrle Drive (approximate length of 4,100 LF). The new waterline is expected to run within an established easement in that area, but coordination with National Grid, the New York State Department of Transportation, Town of Amherst, and all other responsible agencies are included in the design. The project will require a boring or directional drilling underneath the I-290 highway. All valving, air releases, interconnections to existing waterline, and chambers necessary to isolate flows shall be included in the design. Project includes a hydraulic analysis to calculate pipe size, but a minimum 30-inch diameter pipe is expected. Pipe materials to use, sizes, and interconnection details to existing Prestressed Concrete Cylinder Pipe (PCCP) will be necessary during the design. Connection to the Wehrle Tank connection pipe and crossing of Wehrle Drive (by bore or horizontal directional drilling) is also included in the design. This project will be bid as a standalone project and will require its own drawings and project manual.

Contract C

Contract C will consist of the following three (3) designs and will be bid collectively as one project.

1 – City of Lackawanna – Project will consist of the installation of a new large-diameter waterline along Fisher Road and the western side of US Highway 219 in the City of Lackawanna from Abbott Road to a point approximately 900 feet north of the end of Fisher Road (approximate length of 3,500 LF). The project will run along Fisher Road in the right-of-way, and then within easement areas owned by National Grid and other agencies within wooded areas. All valving, air releases, interconnections to existing waterline, and chambers necessary to isolate flows shall be included in the design. Project includes a hydraulic analysis to calculate pipe size, but a minimum 24-inch diameter pipe is expected. Pipe materials to use, sizes, and interconnection details to existing Prestressed Concrete Cylinder Pipe (PCCP) will be necessary during the design.

2 – Town of West Seneca - Project will consist of the installation of a new large-diameter waterline from 76 Slade Avenue crossing the on/off ramps to US Highway 219 north of Ridge Road (approximate length 750 LF). The project will require a boring or directional drilling underneath the US Highway 219 on/off ramps and behind the current hotel near that location. All valving, air releases, interconnections to existing waterline, and chambers necessary to isolate flows shall be included in the design. Coordination with the NY State Department of Transportation, Town of West Seneca, and all other responsible agencies are included in the design. Project includes a hydraulic analysis to calculate pipe size, but a minimum 24-inch diameter pipe is expected. Pipe materials to use, sizes, and interconnection details to existing Cast Iron Pipe (CIP) will be necessary during the design.

3 – Town of West Seneca - Project will consist of the installation of a new large-diameter waterline on Langner Road from 300 Langner Road (following Langner Road Right-of-Way) to Ridge Road, then crossing Ridge Road (approximately 500 LF), then heading west on Ridge (approximately 250 LF), then north behind the 1900 Ridge Plaza to connect to existing Ductile Iron Pipe (DIP) behind 355 Orchard Park Road (approximate length of 1,300 LF). The project will cross existing railroad tracks and be mainly located within an easement owned by other agencies. Coordination with railroads, the Town of West Seneca and all other responsible agencies are included in the design. Boring or horizontal directional drilling of Ridge Road and the railroad tracks are expected in this project. All valving, air releases, interconnections to existing waterline, and chambers necessary to isolate flows shall be included in the design. Project includes a hydraulic analysis to calculate pipe size, but a minimum 24-inch diameter pipe is expected. Pipe materials to use, sizes, and interconnection details to existing Cast Iron Pipe and Ductile Iron Pipe will be necessary during the design.

C. Scope of Work

The general scope of work for each phase is summarized below. The methods of payment shall be per the Authority standard form of Professional Services Contract, a copy of which is available upon request.

1. Survey

Upon authorization from the Authority, the Consultant shall complete the following services.

- a. Obtain field topographic survey data for the preparation of construction plans required for final design of the project. Survey data is to be according to NAD83

and NAVD88 datums and the New York State Plane Coordinate System – West Zone.

2. **Design**

Upon authorization from the Authority, the Consultant shall complete the following services.

- a. Prepare detailed design drawings, specifications and contract documents. Tasks include, but are not limited to:
 - 1) Conferences with the Authority, agencies, etc.
 - 2) Review of available drawings and records furnished by the Authority.
 - 3) Preparation of base drawings in AutoCAD version 2017 from the survey data obtained in the survey phase and the available records furnished by the Authority.
 - 4) Hydraulic analysis to determine the size of the proposed transmission watermain and system redundancy in case of failure.
 - 5) Evaluate the use of temporary waterlines to facilitate the installation of the proposed waterlines in areas where extensive rock excavation is anticipated.
 - 6) Evaluate the use of trenchless technologies such as re-lining and pipe bursting.
 - 7) Preparation of engineering calculations to support the design of the improvements, including related civil, mechanical, electrical, structural, and architectural features of the project.
 - 8) Submission of the plans to various utility companies and agencies, as required, to incorporate all existing utilities within the project limits.
 - 9) Coordination with all municipalities and agencies having jurisdiction within the project limits.
 - 10) Preparation of final plans, profiles, and job specific detail drawings that include editing of the Authority's standard detail drawings where appropriate.
 - 11) Preparation of contract specifications that include editing of the Authority's standard "front end" specifications and standard technical specifications where appropriate and preparation of additional technical specifications as required.
 - 12) Obtaining New York State Wage Rates and inserting them into the specifications.
 - 13) Preparation of a quantity take-off and a construction cost estimate.
 - 14) Preparation of an engineering report and submission with contract specifications, drawings, application forms and fees to Erie County Health Department for approval.
 - 15) Report to the Authority bi-weekly on the progress of the design work with a written bi-weekly summary of the work performed in that time period, providing project schedule updates and forecasting future work and project costs.
 - 16) Costs to obtain geotechnical quotes and coordinate geotechnical work are included in the proposal.
 - 17) Evaluate available pipe materials and recommend pipe type(s) to use based on site geometry and soil conditions.

- 18) Provide submittals to the Authority at 30, 70, 95, and 100 percent completion.
- 19) Attendance at a final design meeting with the Authority.
- b. Prepare engineering data, where necessary, with regard to regulatory permit applications as required to obtain local, state, federal and public utility approval for the initiation and construction of the work.
- c. Furnish to the Authority five (5) sets of drawings, specifications and other contract documents, for final review by the Authority and other approving agencies.
- d. Prepare documentation for compliance with New York State SEQR (Type II actions).
- e. Prepare a schedule for the project utilizing the Authority's standard format. The project schedule shall be updated bi-weekly and as needed.

3. **General Services**

Upon authorization from the Authority, the Consultant shall complete the following services.

- a. Furnish twenty (20) sets of contract drawings, final specifications, and other documents required for bidding and construction purposes for each contract.
- b. Conduct a pre-bid meeting when appropriate.
- c. Prepare and distribute addenda.
- d. Provide assistance to the Authority in securing bids, tabulating bid results, analyzing bid results, and making recommendations on the award of each construction contract.
- e. Provide pre-construction meeting notice to all municipalities, utility companies, fire districts, and all other interested parties, conduct a pre-construction meeting and distribute minutes.
- f. Supply an approved contractor's schedule for construction of the project.
- g. Provide detailed initial stakeout (once only), including bench marks, reference and axis lines along the routes of the construction or where necessary.
- h. Give consultation and advice to the Authority during construction.
- i. Prepare elementary sketches and supplementary sketches, if required, to resolve actual field conditions encountered.
- j. Interpret contract documents and resolve problems as to amount, quality, acceptability, and fitness.
- k. Review the contractor's submittals of material and/or equipment for compliance with the Consultant's design concept and take appropriate action such as but not limited to: "approved", "approved as corrected", "revise and resubmit"; or "not approved".
- l. Furnish general construction inspection as to quality and quantity of the contractor's work as the construction progresses in order to recommend partial payment.
- m. Coordinate with all Authority's customers within the project area regarding the construction work.
- n. Schedule and attend progress meetings.
- o. Report to the Authority bi-weekly on the progress of the work with a written bi-weekly summary of the work performed in that time period, providing project

schedule updates and forecasting future work and project costs. Also include daily inspector reports.

- p. Notify the Authority when a change in the work is proposed which will cause an adjustment in the contract cost. Evaluate whether the proposed change is justified and reasonable, and if necessary prepare change orders, field directives, and make recommendations for approval. Discuss changes in the plans or procedures authorized by the Consultant with the Authority prior to implementation. Obtain approval for all change orders from the Board of Commissioners prior to implementation.
- q. When new waterlines are placed into service, notify the appropriate fire districts in writing, identifying addresses of new hydrants placed into service and existing hydrants soon to be removed from service. A copy of this letter shall also be sent to the Authority.
- r. Check line and grade for preparation of record drawings.
- s. Make a final inspection, furnish a report on project completion, and make recommendations for final payments to contractors and for the release of retained amounts, if any.

4. **Resident Inspection**

Upon authorization from the Authority, the Consultant shall complete the following services.

- a. Provide technical inspection of construction by a full-time resident engineer and/or inspectors as required, who will:
 - 1) Inspect all work to determine the progress, quality, quantity and conformance of the work in accordance with contract documents.
 - 2) Notify customers in writing prior to start of construction.
 - 3) Prepare daily inspector reports.
 - 4) Review, verify and approve requests for monthly and final payments to contractors, based on quantities of work put in place.
 - 5) Provide bi-weekly updates summarizing the Resident Inspection costs and projecting future Resident Inspection costs for the duration of the project.
- b. For Resident Inspection services, the Consultant shall provide an hourly rate that is fully loaded (direct hourly rate, overhead and profit). Overtime premium will be paid at 50% of the Resident Inspectors' direct hourly rate. Consultant shall breakdown its direct hourly rate, its audited overhead rate for inspection services and its profit percentage.
- c. Once a bid has been awarded, the contract will set an estimated amount and a not-to-exceed amount for Resident Inspection services. Before reaching the not-to-exceed amount for Resident Inspection, the Consultant must seek approval from the Authority's Board of Commissioners to increase the amount of the Resident Inspection based on the realistic number of hours to complete such services.
- d. Consultant shall provide an estimate for the number of Resident Inspection hours for each project.

5. **Record Drawings**

Upon authorization from the Authority, the Consultant shall complete the following services.

- a. Provide record drawings, including the basemapping, (on AutoCAD Version 2017) of all completed work according to the latest ECWA As-Built Standards. Update the existing ECWA valve and hydrant details to reflect the completed work. Furnish one set of mylar transparencies and all AutoCAD files on CD of these drawings to the Authority.
- b. Provide horizontal and vertical coordinates using survey grade Real Time Kinematic (RTK) GPS with horizontal centimeter level accuracy and best possible vertical precision given the environmental conditions during collection for all mainline valves, hydrants, hydrant valves, permanent blow-offs, and meter pits. Coordinates shall be presented as points within an ESRI geodatabase feature class, or provided in Microsoft Excel, Microsoft Access, or .dbf format. At a minimum, the coordinate file shall contain a Northing, Easting, Elevation, horizontal precision, vertical precision, and Description for each feature.
- c. Provide copies of all photographs (digital and print) taken during the course of the design and construction work.
- d. Record Drawings and coordinates to be based on the NY State Plane Coordinate System – West Zone. Data is to be according to NAD83 and NAVD88 datums. Coordinates shall be provided in Microsoft Excel, Microsoft Access, or .dbf format. At a minimum, the coordinate file shall contain a Northing, Easting, Elevation, and Description for each feature.
- e. Submit mylar transparencies, AutoCAD files, and GPS coordinates no later than one month after final payment of the Construction Contract is recommended for approval and in accordance with Authority Standards.

6. **Special Services**

The Authority may require the Consultant to provide or arrange for and assist in obtaining one or more of the following special services in carrying out the project. Because it is not possible to determine in advance the need for or the cost of such services, these are included as separate elements of cost which shall be separately negotiated. These services include:

- a. Soils Investigations - including test borings, pavement cores, and the related analysis.
- b. Detailed mill, shop and/or laboratory inspection of materials and equipment.
- c. Land surveys, maps, plates, descriptions and title investigations which may be required to acquire lands, easements, and rights-of-way for the proposed facilities.
- d. Additional copies of reports, contract drawings and documents.
- e. Extra travel and subsistence for the Consultant and his staff beyond that normally required under ordinary circumstances, when authorized by the Authority.
- f. Assistance to the Authority serving as an expert witness in litigation arising from project development or construction.
- g. New York State SEQR (Type I and Unlisted Actions).
- h. Air, water, and/or soil sampling, testing, and/or analysis.
- i. Operation and maintenance manuals.
- j. Start-up services.
- k. Hazardous material testing and assessment.

1. Wetlands investigations, delineation, and mitigation.

D. Information Requests

All questions and requests for information are to be directed to the designated ECWA Contact Person, Mr. Leonard F. Kowalski, PE, Executive Engineer at 716-685-8220, in accordance with New York State Finance Law §§139-j and 139-k.

E. Proposal Requirements

Firms may submit proposals for one or both projects. Separate proposals are not required. Proposals are to be concise, specific and straightforward. All pertinent information is to be contained in the proposal. The use of artwork, special covers, and extraneous information in the proposals is discouraged. Proposals are to remain valid for a minimum of 60 days. Each proposal is to include the following:

- Item 1 - Qualifications and related experience, particularly on the type of projects outlined above.
- Item 2 - Project understanding, technical approach and detailed scope of services. Identify any suggested modifications to the Scope of Work in Section C.
- Item 3 - Project staffing for all key personnel and subcontractors; current workload; and office location(s) where work will be performed for each project.
- Item 4 - Qualifications of resident inspector(s) including applicable education, training, experience, and NICET certification.
- Item 5 - Work performed for the Authority in 2017, 2018, and 2019.
- Item 6 - Current remaining workload with the Authority.
- Item 7 - Completed attachment titled Section 139 of State Finance Law per attached.
- Item 8 - Proof of insurance in accordance with the attached Erie County Water Authority Insurance Requirements for Professional Services per attached.
- Item 9 - Fee proposal which is to include a breakdown of engineering fees for each construction contract showing personnel, hours, hourly rates, overhead rates, and subcontractor costs for each phase per the scope of work. All consultants shall include Special Services lump sum cost of \$30,000 for the purposes of this proposal.

Proposals shall include the following form for comparison purposes:

Project 202000012 – RFP for Transmission Main Design Projects, 2020-2021	
Survey	\$
Design	\$
General Services	\$
Resident Inspection	\$
Record Drawings	\$
Special Services	\$ 30,000.00
TOTAL:	\$

* A separate form shall be provided for each contract.

Proposals will be accepted until 4:00 p.m. on Friday, February 15, 2020. Four copies of each proposal are to be delivered to Erie County Water Authority, 3030 Union Road, Buffalo, New York 14227 to the attention of Mr. Leonard F. Kowalski, PE, Executive Engineer. Proposals received after this time will not be considered and will be returned unopened. All proposals being mailed (including Federal Express, UPS, Priority Mail, etc.) or hand delivered shall be directed to the attention of Mr. Kowalski in a sealed envelope and be clearly marked on the outside of the mailing or hand delivered envelope as follows: "PROPOSAL – TRANSMISSION MAIN DESIGN PROJECTS 2020-2021"

F. Evaluation and Selection

All proposals will be evaluated by a small in-house committee made up of Authority personnel familiar with the proposed project. Interviews and/or presentations of the proposals will be requested if needed. The proposals will be evaluated based on the criteria listed above.

The final scope of work and fee for the engineering services for the project will be negotiated with the selected firm. A Professional Service Contract will then be executed pending successful negotiation and authorization by the Authority Board of Commissioners. All firms submitting proposals will be notified of the selection results. It is anticipated that the selection process will be completed in February 2020 and that the agreement will be executed in April 2020.

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 as 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, but no later than when the Offerer submits its proposal.

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 conducting the Governmental Procurement 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)

FORM C (Continued)

5. Has any Governmental Entity or other governmental agency terminated or withheld a Procurement Contract with the above-named individual or entity due to the intentional provision of false or incomplete information? (Please circle): No Yes

6. If yes, please provide details below.

Governmental Entity: _____

Date of Termination or Withholding of Contract: _____

Basis of Termination or Withholding:

[illegible]

(Add additional pages as necessary)

Offerer certifies that all information provided to the Erie County Water Authority with respect to State Finance Law §139-k is complete, true, and accurate.

By: _____ Date: _____
Signature

Name: _____

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, 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/proposal 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)

END OF BID FORM SUPPLEMENTS

**REQUEST FOR PROPOSALS
FOR CONSULTING ENGINEERING SERVICES**

TRANSMISSION MAIN DESIGN PROJECTS 2020-2021

ECWA PROJECT No. 202000012

Insurance Specs:

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
- Per project aggregate shall apply

d. Automobile Liability:

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

e. Umbrella Liability:

- \$5,000,000. Each Occurrence
- \$5,000,000. Aggregate

- Erie County Water Authority to be scheduled as an Additional Insured
- Per project aggregate shall apply

f. Professional Liability

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

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

ACORD 25 (Item a-e) 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. Such insurance shall continue through the term of this Agreement and vendor shall purchase at his sole expense either 1) an Extended Reporting Endorsement (also, known as Tail Coverage); or 2) Prior Acts Coverage from new insurer with a retroactive date back to the date of, or prior to, the inception of this Agreement; or 3) demonstrate through Certificates of Insurance that vendor has Maintained continuous coverage with the same or original insurer. Coverage provided under items; 1), 2), or 3) will continue as long as the law allows.

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 mmusarra@ecwa.org or mailed to Ms. Molly Jo Musarra, ECWA Claim Representative/Risk Manager Erie County Water Authority, 295 Main Street – Room 350, Buffalo, New York 14203-2494, or If you have any questions you can contact Ms. Musarra by e-mail or phone (716) 849-8465.