

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

Contract: _____ **Project No.:** 201900059

Project Description: Utility and Telecommunications Audit RFP

Item Description:

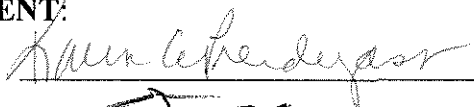
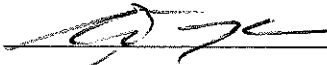
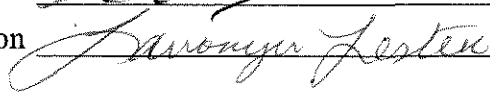
- | | | | |
|---|--|---|---------------------------------------|
| <input checked="" type="checkbox"/> Agreement | <input type="checkbox"/> Professional Service Contract | <input type="checkbox"/> Amendment | <input type="checkbox"/> Change Order |
| <input type="checkbox"/> BCD | <input type="checkbox"/> NYSDOT Agreement | <input type="checkbox"/> Contract Documents | <input type="checkbox"/> Addendum |
| <input type="checkbox"/> Recommendation for Award of Contract | <input type="checkbox"/> Recommendation to Reject Bids | | |
| <input type="checkbox"/> Request for Proposals | | | |
| <input type="checkbox"/> Other _____ | | | |

Action Requested:

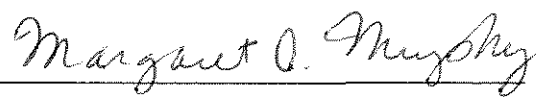
- | | |
|---|--|
| <input checked="" type="checkbox"/> Board Authorization to Execute | <input type="checkbox"/> Legal Approval |
| <input type="checkbox"/> Board Authorization to Award | <input type="checkbox"/> Execution by the Chairperson |
| <input type="checkbox"/> Board Authorization to Advertise for Bids | <input type="checkbox"/> Execution by the Secretary to the Authority |
| <input type="checkbox"/> Board Authorization to Solicit Request for Proposals | |
| <input type="checkbox"/> Other _____ | |

Approvals Needed:

APPROVED AS TO CONTENT:

- | | | |
|--|--|------------------|
| <input checked="" type="checkbox"/> Department Head |  | Date: 7/5/19 |
| <input checked="" type="checkbox"/> Risk Manager |  | Date: 07/25/2019 |
| <input checked="" type="checkbox"/> Director of Administration |  | Date: 7/26/2019 |
| <input type="checkbox"/> Executive Engineer | _____ | Date: _____ |

APPROVED AS TO FORM:

- | | | |
|---|--|---------------|
| <input checked="" type="checkbox"/> Legal |  | Date: 7/29/19 |
|---|--|---------------|

APPROVED FOR BOARD RESOLUTION:

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

Remarks: _____

Resolution Date: _____

Item No: _____

for



ERIE COUNTY WATER AUTHORITY

INTEROFFICE MEMORANDUM

July 10, 2019

To: Commissioners Schad, Carney, and Jones

From: Karen A. Prendergast, Chief Financial Officer *KAP*

Subject: Utility and Telecommunication Audit RFP Report & Recommendation

At the April 18, 2019 meeting, the Board authorized the issuance of an RFP for the above referenced audit. RFP packages were sent to six (6) firms.

Troy & Banks
American Utility Consultants
TRI Utility
Utility Audit Solutions
Tri Stem
Computel Consultants

The Authority received three (3) responses. The respondents are Tri Stem, Troy and Banks, Inc., and American Utility Consultants. A committee consisting of myself, Robert Lichtenthal, and Richard Planavsky reviewed the proposals.

All three of the respondents submitted strong proposals. All the firms have an appropriate amount of staff "depth," proven skill and experience.

A comparison of the three respondents is attached. American Utility Consultants was recommended by staff for the following reasons:

- 1.) Their fee of 22% of the savings they recover for ECWA from overbilling by utilities in the past six years is lower than Troy and Banks' fee of 24% and Tri Stem's fee of 29% for the same period.
- 2.) American Utility's fee of 22% of one future year of savings is lower than Troy & Banks fee of 24% of one future year. Tri Stem does not take a fee for future savings.

Assuming each audit would achieve similar savings, American Utility would result in the highest savings retention.

The Authority has contracted with Troy & Banks three times in the past 20 years with the following results,

- 2000 – identified savings of \$12,221 for a 38% fee for a net refund of \$8,242
- 2004 – identified savings of \$657 for a 40% fee for a net refund of \$394, and
- 2006 – Based on Troy & Banks records, we received a net refund of \$1,084; no additional information about this audit can be found.

Based on these findings, American Utilities should be given the opportunity to achieve greater savings for the Authority.

Please consider authorizing the Chairman to execute an agreement with American Utility Consultants after review by the Legal Department.

cc T McCracken
 M Murphy
 R Planavsky

	Troy & Banks	American Utility	Tri Stem
Years in Business	20	28	25
Audit Utilities	YES	YES	YES
Audit Telecommunications	YES	YES	YES
Work on Contingency	YES	YES	YES
% on Past 6 years Refunds	24%	22%	29%
Future Savings %	24%	22%	0%
Length of Future Savings	1 Year	1 Year	N/A
Additional Fee if no Savings	NO	NO	NO
Name	Thomas Ranallo	Mike Lockhart	Courtney Lopez
Telephone	716-838-4402	212-245-1500 x 102	800-724-9859
References	Erie County	NYC Post Office	Cityof New Orleans
	M & T Bank	NYC Housing Auth	Texas DOT

UTILITY BILL AUDITING AGREEMENT



1 Landmark Square, Suite 805
Stamford, CT 06901
(203) 325-1500
(203) 325-1501 Fax
www.AmericanUtilityConsultants.com

Client: _____

Building(s): _____

I. The undersigned Client hereby retains American Telephone & Utility Consultants, Inc. d/b/a American Utility Consultants and its subcontractors ("American"), to serve as its exclusive agent and consultant, to audit its telephone, electric, gas, steam, fuel, water and sewer bills, including associated taxes.

II. Scope of Work

American agrees to examine Client's utility accounts to determine past and present overcharges and overpayments, as well as future billing reduction opportunities. American will prepare necessary documentation and negotiate with utility companies, city and state agencies, tax agencies, or other parties to have overcharges corrected, overpayments refunded and/or credited, and billing reductions implemented. Should Client elect to prepare such documentation and/or negotiate directly with appropriate parties, Client is still obligated to pay American the fees described below.

III. Recovered Monies

Client agrees to pay American twenty-two percent (22%) of all recovered monies in the form of refund(s) or credit(s). Payment shall be due within thirty (30) days from the date the credit first appears on Client's billing or thirty (30) days from receipt of refund.

IV. Future Billing Reductions

In the event American causes a reduction in Client's future bills by means of, including, but not limited to, correction of error(s), rate change(s), or any combination thereof, Client agrees to pay American twenty-two percent (22%) of the cumulative savings for a twelve (12) month period, beginning the date the savings first appears on Client's bill and ending twelve (12) consecutive months thereafter, notwithstanding the effective date of termination. All fees are due and payable within thirty (30) days of such appearance.

V. Performance Clause

Either party may terminate this agreement upon thirty (30) days prior written notice at any time, for any reason, provided that the fees associated with any Recoverable Monies or Future Billing Reductions that American has secured or advised Client of as of the effective date of termination, shall be payable pursuant to the terms of this agreement, notwithstanding the effective date of termination. All payments not received from Client within thirty (30) days shall be subject to interest accrued at the rate of eighteen percent (18%) per annum, compounded monthly. American shall also be entitled to reimbursement from Client of the expenses, including attorney's fees, incurred in collecting any overdue amounts. This agreement is governed by and shall be construed in accordance with the laws of New York State. The parties submit all their disputes arising out of or in connection with this agreement to the exclusive jurisdiction of the courts of New York State. Client agrees to provide American its utility bills and any other pertinent information American may request.

Agreed to and Accepted by the Following Parties:

American

Signed _____
Name Michael T. Lockhart
Title President
Date _____

Client

Signed _____
Name _____
Title _____
Date _____

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: American Utility Consultants Date: May 9, 2019

Name: Michael T. Lockhart

Title: President

Contractor Name: American Utility Consultants

Contractor Address: 1 Landmark Square, Suite 805
Stamford, CT 06901

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: American Utility Consultants Date: May 9, 2019

Name: Michael T. Lockhart

Title: President

Contractor Name: American Utility Consultants

Contractor Address: 1 Landmark Square, Suite 805

Stamford, CT 06901

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:

American Utility ConsultantsAddress: 1 Landmark Square, Suite 805Stamford, CT 06901Name and Title of Person Submitting this Form: Michael T. LockhartContract Procurement Number: RFP:201900059Date: May 9, 2019

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:

(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: _____

Signature

Date: May 9, 2019

Name: Michael T. Lockhart

Title: President

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

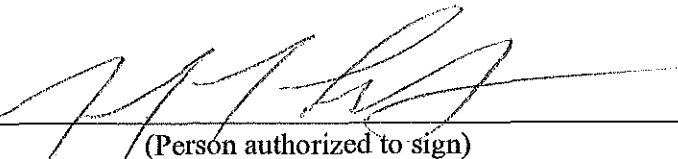
- (a) "By submission of this bid/proposal, EACH BIDDER AND EACH PERSON SIGNING ON BEHALF OF ANY BIDDER CERTIFIES, AND IN THE CASE OF A JOINT BID EACH PARTY THERETO CERTIFIES AS TO ITS OWN ORGANIZATION, under penalty of perjury, that the Bidder has and has implemented a written policy addressing sexual 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.

American Telephone & Utility Consultants, Inc. d/b/a American Utility Consultants

(Name of Individual, Partnership or Corporation)

By



(Person authorized to sign)

(SEAL)

PROPOSER CERTIFICATION

I have carefully examined the Request for Proposal and any other documents accompanying or made a part of this Request for Proposal.

I hereby propose to furnish the goods or services specified in the Request for Proposals at the prices or rates quoted in my response. I agree that my response to the RFP will remain firm for a period of up to 120 days after receipt by the Authority in order to allow the Authority adequate time to evaluate all responses.

I agree to abide by all conditions of this RFP.

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

I further certify, under oath, that this response to the RFP is made without prior understanding, agreement, connection, discussion, or collusion with any other person, firm or corporation submitting a response to the RFP for the same product or service; 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.

American Telephone & Utility Consultants, Inc. d/b/a American Utility Consultants

NAME OF BUSINESS

BY: 

SIGNATURE

Michael T. Lockhart

NAME & TITLE, TYPED OR PRINTED

1 Landmark Square, Suite 805

MAILING ADDRESS

Stamford, CT 06901

CITY, STATE, ZIP CODE

(203) 325-1500 Ext.101

TELEPHONE NUMBER



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
07/17/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Gotham Brokerage Co., Inc. 75 Maiden Lane, Suite 804 New York NY 10038	CONTACT NAME: Edwin Urgiles PHONE (A/C, No, Ext): (212) 406-7300 FAX (A/C, No): (212) 571-0690 E-MAIL: edwinu@gothambrokerage.com ADDRESS: INSURER(S) AFFORDING COVERAGE INSURER A: Travelers INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	NAIC # 19046
INSURED American Telephone & Utility One Landmark Square #805 Stamford CT 06901		

COVERAGES **CERTIFICATE NUMBER:** Cert ID 1294 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WYO	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	Y	680-3D026642 680-3D026642 04465 19046 A++, XV	06/24/2019 06/24/2019	06/24/2020 06/24/2020	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 300,000 PERSONAL & ADV INJURY \$ 5,000 GENERAL AGGREGATE \$ 1,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS		680-3D026642 04465 19046 A++, XV	06/24/2019	06/24/2020	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTIONS \$ 10,000		ISF-CUP-1375Y698 04465, 19046, A++, XV	06/24/2019	06/24/2020	EACH OCCURRENCE \$ 2,000,000 AGGREGATE \$ 2,000,000 \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input type="checkbox"/> N/A				PER STATUTE E L EACH ACCIDENT \$ E L DISEASE - EA EMPLOYEE \$ E L DISEASE - POLICY LIMIT \$
A	Business Personal		680-3D026642 04465, 19046, A++, XV	06/24/2019	06/24/2020	Property \$ 40,000 \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
CERTIFICATE HOLDER: ERIE COUNTY WATER AUTHORITY WOULD BE COVERED AS ADDITIONAL INSURED PER ENDORSEMENT CGDI050494, TO THE EXTENT PROVIDED THEREIN.

Project #201900059
Approved - 07/25/2019 - TA

CERTIFICATE HOLDER Erie County Water Authority 295 Main Street, Ste 350 Buffalo NY 14203	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
--	---

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Travelers Casualty Insurance Company of America

A.M. Best #: 004465 NAIC #: 19046 FEIN #: 060876835

Domiciliary Address

One Tower Square
Hartford, CT 06183
United States

Web: www.travelers.com

Phone: 860-277-0111

Fax: 844-816-9447

Financial Strength Rating



A++ Superior

Assigned to insurance companies that have, in our opinion, a superior ability to meet their ongoing insurance obligations.

View additional news, reports and products for this company.

Based on A.M. Best's analysis, 058470 - The Travelers Companies, Inc. is the **AMB Ultimate Parent** and identifies the topmost entity of the corporate structure. View a list of operating insurance entities in this structure.

Best's Credit Ratings

Financial Strength Rating View Definition

Rating: A++ (Superior)
Affiliation Code: g (Group)
Financial Size Category: XV (\$2 Billion or greater)
Outlook: Stable
Action: Affirmed
Effective Date: October 31, 2018
Initial Rating Date: June 30, 1972

Long-Term Issuer Credit Rating View Definition

Long-Term: aa+
Outlook: Stable



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
07/25/2019

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PRODUCER Gotham Brokerage Co., Inc. 75 Maiden Lane, Suite 804 New York NY 10038	CONTACT NAME: Edwin Urgiles PHONE (A/C, No, Ext): (212) 406-7300 FAX (A/C, No): (212) 571-0690 E-MAIL ADDRESS: edwinu@gothambrokerage.com														
INSURED American Telephone & Utility Consultants Inc 1 Landmark Square, 8th Fl Stamford CT 06901	<table border="1"><tr><td>INSURER(S) AFFORDING COVERAGE</td><td>NAIC #</td></tr><tr><td>INSURER A: LANDMARK AMERICAN</td><td>33138</td></tr><tr><td>INSURER B:</td><td></td></tr><tr><td>INSURER C:</td><td></td></tr><tr><td>INSURER D:</td><td></td></tr><tr><td>INSURER E:</td><td></td></tr><tr><td>INSURER F:</td><td></td></tr></table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A: LANDMARK AMERICAN	33138	INSURER B:		INSURER C:		INSURER D:		INSURER E:		INSURER F:	
INSURER(S) AFFORDING COVERAGE	NAIC #														
INSURER A: LANDMARK AMERICAN	33138														
INSURER B:															
INSURER C:															
INSURER D:															
INSURER E:															
INSURER F:															

COVERAGES

CERTIFICATE NUMBER: Cert ID 1300

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:					EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$ OTHER:
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ OTHER:
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$ OTHER:
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N If yes, describe under DESCRIPTION OF OPERATIONS below	N/A				PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	Professional Liability		LHR777165 12619, 33138, A+ XIV	07/17/2019	07/17/2020	\$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
PROOF OF COVERAGE ONLY*****

Project #201900059
Approved - 07/25/2019 - TA

CERTIFICATE HOLDER

CANCELLATION

Erie County Water Authority 295 Main Street, Ste 350 Buffalo NY 14203	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
---	---

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Landmark American Insurance Company

A.M. Best #: 012619 **NAIC #:** 33138 **FEIN #:** 730994137

Administrative Office

945 East Paces Ferry Road Suite
1800

Atlanta, GA 30326-1160

United States

[View Additional Address
Information](#)

Web: www.rsui.com

Phone: 404-231-2366

Fax: 404-231-3755

Financial Strength Rating



A+ Superior

Assigned to insurance companies that have, in our opinion, a superior ability to meet their ongoing insurance obligations.

[View additional news, reports and products for this company.](#)

Based on A.M. Best's analysis, 058309 - Alleghany Corporation is the **AMB Ultimate Parent** and identifies the topmost entity of the corporate structure. [View a list of operating insurance entities in this structure.](#)

Best's Credit Ratings

Financial Strength Rating View Definition

Rating: A+ (Superior)
Affiliation Code: r (Reinsured)
Financial Size Category: XIV (\$1.5 Billion to \$2 Billion)
Outlook: Stable
Action: Affirmed
Effective Date: November 02, 2018
Initial Rating Date: September 23, 2003

Long-Term Issuer Credit Rating View Definition

Long-Term: aa-
Outlook: Stable

Erie County Water Authority Insurance Requirements for Professional Services

Project Number: 201900059

Description: The utility audits will include ECWA utility billings for electric and heating fuels. The telecommunications audit will include ECWA telecommunications billings. The proposer will provide work accomplished including refunds recovered from utility companies.

The following minimum insurance requirements shall apply to professional service providers under agreement with the Erie County Water Authority (ECWA). The professional service provider carries relevant insurance for the services covered. If at anytime, in the opinion of ECWA, there is an unusual or exceptional risk, ECWA may establish additional insurance requirements for the duration of the agreement. All insurance required herein shall be obtained at the sole cost and expense of the professional service provider, including deductibles and self-insured retentions. These requirements include but are not limited to the minimum insurance requirements.

An X indicates insurance coverage is required.

X **Commercial General Liability Insurance:** (including, but not limited to, Bodily (Personal) Injury, Premises Operations, Property Damage Liability (broad form), Contractual Liability, Advertising Injury, Independent Contractors, Product Liability, Completed Operations Liability and Explosion, in an amount not less than \$1,000,000 combined single limit and \$2,000,000 in the aggregate:

X **Per Policy**

___ **Per Project or Job**

___ **Per Location**

There should be no exclusions for any claims filed, actual or alleged, for violation of any applicable statute including, but not limited to, the New York State or federal labor laws, ordinances, administrative orders, executive orders, rules, regulations, or decrees of any court of competent jurisdiction.

X **Commercial Business Automobile Insurance** in an amount of not less than \$1,000,000 each accident and shall cover liability arising out of any automobile owned, leased, hired, borrowed and non-owned automobiles.

☐ **Excess Umbrella Liability Insurance:**

☐ \$1,000,000 in the aggregate

☐ \$2,000,000 in the aggregate

☐ \$3,000,000 in the aggregate

☐ \$4,000,000 in the aggregate

☐ \$5,000,000 in the aggregate

☐ **Per Policy**

☐ **Per Project or Job**

☐ **Per Location**

☒ **Professional Liability Insurance:** Per each occurrence and in the aggregate. Continuous coverage shall be maintained, or on an extended discovery period ("tail coverage"), for a period of not less than two years from the time the agreement has been completed in an amount of not less than:

☒ \$1,000,000 in the aggregate

☐ \$2,000,000 in the aggregate

☐ \$3,000,000 in the aggregate

☐ \$4,000,000 in the aggregate

☐ \$5,000,000 in the aggregate

☒ **Per Policy**

☐ **Per Project or Job**

☐ **Per Location**

X Workers' Compensation and Employers' Liability and New York State Disability Benefits Insurances, as required by New York State statute.

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.

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

Certificates of Insurance should be e-mailed to AALESSI@ECWA.ORG, or mailed to Mr. Anthony Alessi, ECWA Claims 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 Mr. Alessi by e-mail or phone (716) 849-8477.

Please refer to the bid and the contract document(s) for additional information regarding insurance requirements.

A Proposal for

Utility and Telecommunication Audit/Consulting Services

RFP: 201900059

For

Erie County Water Authority

Dated: May 9th, 2019

Presented by:



1 Landmark Square, Suite 805, Stamford, CT 06901

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AMERICAN
UTILITY CONSULTANTS
COST RECOVERY & REDUCTION EXPERTS

1 Landmark Square, Suite 208
Stamford, CT 06901
(203) 325-1500
(203) 325-1501 Fax
www.AmericanUtilityConsultants.com

May 9, 2019

Richard Planavsky
Chief Business Office Manager
Erie County Water Authority
295 Main Street, Room 350
Buffalo, NY 14203-2494

Re: Proposal for Utility and Telecommunication Audit/Consulting Services

Dear Richard:

American Utility Consultants is pleased to submit its response to RFP: 201900059 and agrees to perform the audit based upon its specifications and to include all services as requested.

American Utility Consultants has been in the auditing business for over 28 years and is a national leader in the industry. We are extremely proud of our reputation for excellence in client service, commitment and unparalleled knowledge of utility industry tariffs, billing policies, and procedures. Some of our clients from our founding years remain our clients today.

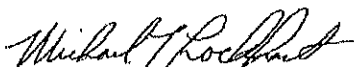
We have audited tens of thousands of accounts nationwide and recovered hundreds of millions of dollars for our clients. We have an 80% success rate and routinely achieve five and six figures in savings for our clients, and sometimes far greater.

Advanced technology systems, proprietary software, and our team of well-trained analysts are the driving forces that will allow us to maximize refunds and future savings opportunities. Our technical approach is unique, and our proven track record speaks for itself.

Our distinguished list of clients includes many of the country's largest and most notable hotels, hospitals, government, commercial, industrial and residential properties such as US Postal Service, Hilton Hotels, US General Services Administration, Co-op City, Bloomingdale's, American Red Cross, Cornell University Medical College, Waldorf Astoria Hotel, RXR Realty, CB Richard Ellis, Jones Lang LaSalle, NYC Housing Authority and numerous others.

We sincerely hope that we are allowed to begin a mutually rewarding relationship with the Erie County Water Authority and look forward to your decision.

Very truly yours,



Michael T. Lockhart
President

1. Executive Summary

The Erie County Water Authority, New York, is looking to conduct a full utility audit of the electric, gas, telecommunications, water, sewer and fuel expenditures. American Utility Consultants, given the opportunity, is confident that our audit can help the Erie County Water Authority reach its goal of reducing the Authorities spend on utilities significantly and will exceed your expectations. With over 28 years of experience nationwide in this industry, our proven track record demonstrates that we out-perform our competitors when it comes to cost recovery and savings services.

A utility bill audit can benefit the Authority, by recovering significant refunds/credits resulting from past overcharges and obtaining future billing reductions through the identification of more favorable rates and available discounts programs.

We are proud of our reputation in the industry and our case studies demonstrate our unparalleled proven track record and a reputation for securing million for other large-scale audits such as USPS, GSA, NYC Housing Authority, and our most recent project, Co-op City.

One of the greatest strengths of our company is our ability to apply the utility tariffs and state Public Utility Commission rules and regulations to our clients' advantage. While there is a great deal of similarity among these documents nationwide, each one must be carefully analyzed in the context of possible application for the subject facility. Although we make no claim to be any of the following, we do feel that our auditing role takes on similar characteristics of an accountant, engineer, and attorney. And because the tariffs, rules, and regulations are constantly changing and voluminous, it takes experience and instinct to know how to sort through them to uncover roadmaps to opportunities.

All audits will be conducted to maximize refunds and billing reductions while minimizing the efforts for your staff at the Erie County Water Authority. We will write the proper letters and appeals, and make the necessary phone calls and follow-ups, and assist you in whatever necessary way to recover your money. And since we don't get paid until after we obtain a refund, we have every incentive to expedite the results.

Our fee structure for utility bill audits is 100% contingency based, which meets the Erie County Water Authority's goal and removes any risk to the Erie County Water Authority. In the unlikely event that we do not obtain a refund, credit or billing reduction, you pay us absolutely nothing.

We anticipate performing the utility bill audit and providing a report of our initial findings in approximately 120 days following receipt of utility bills and historical billing data from the utility companies. However, it could take several months for the utility companies to respond to our requests for billing adjustments.

2. Firm Qualifications and Experience

American Utility Consultants (AUC) is a privately held cost recovery, reduction, and consultancy company. Founded in 1990, it has grown from a small start-up into a leading nationwide utility bill auditing firm and energy consulting firm. Our advanced technology systems, proprietary software, and a team of experienced analysts are the driving forces behind our reputation as one of the leading experts in Utility Cost Recovery and Reduction.

Since the founding of AUC, our goal has been to maximize our clients' savings with no risk to them. We are confident that we can demonstrate through our decades of experience and our proven track record that we can successfully provide utility auditing services.

AUC has extensive experience working on energy services projects across all industry sectors from manufacturing, hospitals, hotels, educational, federal and state governments, retail, commercial and residential properties nationwide. To date we have saved hundreds of millions of dollars for our clients, reducing their electric, natural gas, steam, fuel, water, sewer, and telecommunications costs. Our contingency-based services improve the bottom line for our clients by obtaining refunds by having past overcharges corrected and furthermore, by identifying favorable rates and discount programs, enabling clients to save on future utility bills. We manage the entire process in-house, thereby ensuring the audits are performed timely using our proprietary software and methodology.

Our companies' founder and current president, Michael T. Lockhart, is a graduate of the Tulane University School of Engineering with a B.S. in Electrical Engineering and is also a Certified Energy Manager (CEM) and a Certified Energy Procurement Professional by the Association of Energy Engineers. Recognized as an expert in his field, he has lectured at various industry events, including REBNY, BOMA and has been interviewed for many articles published by The New York Times, Crain's, Habitat Magazine, The Co-Operator, and many others.

AUC prides itself on building long-term relationships with its clientele, delivering impressive and valuable results. Our unparalleled proven track record of recovering significant refunds and billing reductions for 80% of our clients speaks for itself. We are recognized for our service beyond the initial audit. Our analysts, periodically re-audit client's accounts to discover any overcharges that may have occurred after the preliminary audit.

3. Staff Qualification and Management

We anticipate there being two key people assigned to work on the Erie County Water Authority accounts with an average of about 23 years of auditing industry experience per person. Furthermore, there will likely be other database programmers and data entry personnel utilized from time to time during this engagement. In fact, this same highly effective and efficient approach is how we were able to secure tens of millions for other audits.

Michael Lockhart, President, and Founder

Mr. Lockhart founded the company in 1990 and is a graduate of Tulane University, School of Engineering, where he obtained a Bachelor of Science in Electrical Engineering. He also is a Certified Energy Manager (CEM) and Certified Energy Procurement Professional (CEP) by the Association of Energy Engineers.

Recognized as an expert in his field, he has lectured at various industry events, including REBNY and BOMA, and has been interviewed for many articles published by The New York Times, Crain's Business, Habitat Magazine, The Co-Operator, and many other industry publications. He has also testified before local government agencies on various utility industry issues.

Natalie Urbano, Analyst

Ms. Urbano has been working for AUC since 2000 as an Analyst. One of her many accomplishments was obtaining \$3.5 million in cost recovery for the USPS while acting as the project manager of its audit. Ms. Urbano was also the project manager of the audit of NYCHA's buildings and the liaison between ATUC and NYCHA's records group.

Her prior experience includes owning a real estate appraisal and property tax consulting firm for 10 years. During that time, she prepared appraisals and testified as an expert witness before numerous N.J. county tax boards and before N.J. Tax Court. She also negotiated assessment reductions with tax assessors. Ms. Urbano is a graduate of Columbia University, where she obtained an MBA in Finance.

Tara Turner Lockhart, Vice President of Business Development

Ms. Turner Lockhart joined AUC in 2005 and performs many roles for the company. In addition to her Business Development responsibilities, Tara assists in the preliminary auditing process, tariff research, and compiling of utility billing data.

Previously, before joining AUC, Tara worked at a Fortune 500 company for 15 years, as Director of Operations and Retail Analysis. Her responsibilities included divisional operational and sales budgets, inventory and sales reporting, inventory and operations forecasting and preparing weekly divisional finance reports.

3.1 Case Studies

Below are a few of our large-scale audits comparable to the Erie County Water Authority

Riverbay Corporation at Co-op City \$14.5M in Refunds and Savings



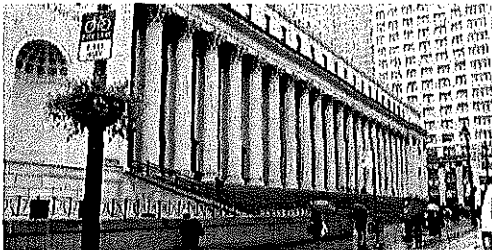
American Utility Consultants is currently performing a contingency fee-based utility bill audit. The purpose was to secure refunds by correcting past billing errors and also to obtain future billing reductions by identifying more favorable rates and available discount programs. To date, we have obtained \$14,500,000 in refunds and billing reductions.

Weill Cornell Medical College \$2.3M in Refunds and Savings



Along with many other findings, American Utility Consultants identified two properties that qualified for a special discount on their utility bills as a result of recent facility upgrades. However, the utility company refused to provide the discount because it argued that the qualifying work was performed prior to the start of the discount program. It took five years, including an informal hearing before the Public Service Commission, along with two appeals, but American ultimately prevailed. The utility company was ordered to provide a refund of \$250,000 plus \$150,000 in interest. Other refunds and billing reductions associated with the electric and water bills totaled \$1,900,000.

United States Postal Service \$3.7M in Refunds and Savings



American audited 256 post office locations in New York City and New Jersey and obtained \$3.7M in refunds and billing reductions. The savings resulted from the correction of improperly estimated, broken meters, misread meters, including bills issued to a meter which had been removed several years earlier, and meters not being billed using discounted rate classifications they were entitled to receive.

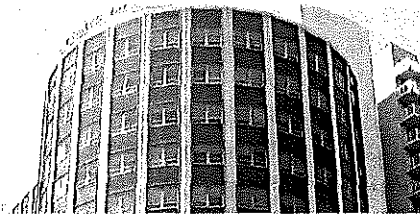
Case Studies Continued....

NYC Housing Authority \$18M in Refunds and Savings



This multi-site city agency audit illustrates the difference between us and our competitors. At first, NYCHA hired us and two other auditing firms to audit its 2700 buildings and gave each firm 900 buildings each. Our results far surpassed our two competitors whose contracts were terminated due to their lack of performance. NYCHA received \$18 million in refunds and \$4.5 million in on-going annual savings associated with the correction of improper service classifications throughout NYCHA's 2,700 buildings. The \$18M refund is the largest amount ever issued by the utility company. Our high level of success was attributed to our ability to navigate the political landscape and resolve the issues satisfactorily, considering the political sensitivity involved in working closely with two city agencies.

Beth Israel Medical Center \$7 Million in Refunds and Savings



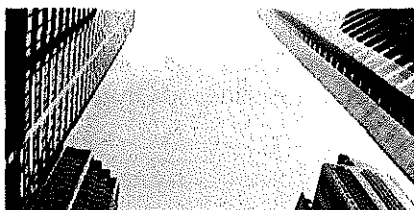
American Utility Consultants audited Beth Israel Medical Center's utility bills shortly after a competitor had obtained only \$30K in refunds. American discovered a total of \$7 million in overcharges and billing reduction opportunities that the prior utility bill auditing firm had overlooked, including meter multiplier errors, charges for missing meters, and discounts described on a utility bill that was not reflected in the calculations.

GSA and VA Medical Centers \$2 Million in Refunds and Savings



American audited facilities in nine states, including California, Hawaii, Virginia, West Virginia, North Carolina, New York, Maryland, Pennsylvania, and Delaware. American obtained refunds of numerous past billing errors as well as future billing reductions by switching to more favorable rates.

Commercial Office Building \$1M In Refunds and Savings



A new owner of an office building was overcharged more than \$370K due to its water meters being misread, immediately before the property was transferred. As a result, the new owners were charged for water that was actually consumed more than a year before the property was sold. Furthermore, when one of the meters stopped registering, the water agency over-estimated its rate of usage for more than a year by relying on the incorrect readings. Once the meter was finally replaced, the new meter's rate of usage supported American's claim that the bills issued to the broken meter were excessive. In addition to this \$370K refund, another \$640K in water and electric savings was achieved.

3.2. A Few of Our Distinguished Clients & Testimonials

AUC has a growing list of clients from small businesses, global property management companies to the Government. We have performed audits from coast to coast, from small scale audits to large scale audits with thousands of locations. We are proud of our recent Dunn and Brad Street Past Performance Rating of 96 (please refer to the document enclosed in our folder.)



Testimonials

"American Utility Consultants has secured over \$2 million in refunds and ongoing billing reductions. They are knowledgeable, thorough and persistent, and we would enthusiastically recommend their services"

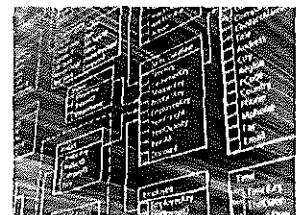
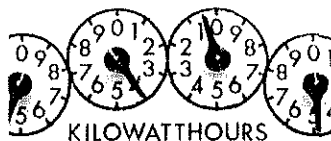
- George Brendel, Financial Manager
Weill Cornell Medical Group

"I am shocked – We never dreamed it would pay off it has. There was a lot of sloppiness, such as misreading of meters and overestimated bills."

- Nicholas DeCarlo, Environment Compliance Specialist
United States Post Service – USPS

4. Utility Bill Auditing

We have over 28 years of experience in the energy consulting industry and saved hundreds of millions of dollars for our clients. We are confident that our auditing and services will help the Erie County Water Authority achieve utility cost savings. Our approach would be highly organized, efficient and focused.



We are recognized nationwide as a leader in cost recovery and reduction. Our audits produce precedent-setting cases and record-breaking refunds. AUC recovered the largest refund ever given by the NYC DEP. Performing a utility bill audit will improve your bottom line by identifying hidden opportunities that are extremely complex and almost impossible to verify without sophisticated systems in place.

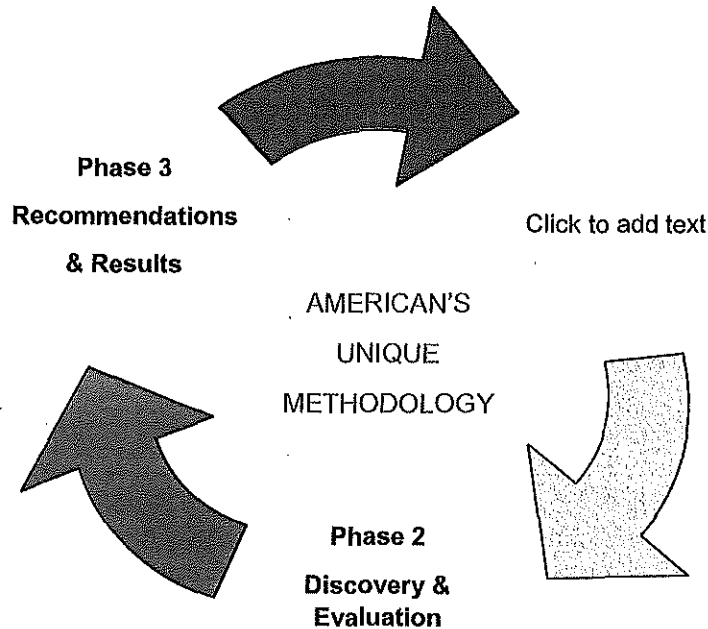
We are one of the few companies that audit all utilities including water, sewer, electric and natural gas, steam, and fuel. This obviates hiring multiple firms and is advisable because utility usage is sometimes interrelated.

During our 28 years of business, we have seen countless billing errors by utilities, including removed meters still being billed, the same meters being billed on different accounts, and meters being overcharged because of the wrong multiplier to name a few.

Unfortunately, utilities are not required to bill customers based on the most cost-effective rate classification. We will lower future costs by optimizing rates and ensuring that the Erie County Water Authority is taking advantage of all possible discounts and exemptions, which will lower its operating costs. We also compare buildings' usage to that of other similar buildings in our extensive database to uncover possible billing discrepancies.

5. Methodology

All audits are conducted to maximize refunds and savings while minimizing the efforts of our busy clients. Our process is broken down into three phases.



5.1 Phase 1 – Research & Preliminary Analysis

We begin by gathering billing histories and meter data from the customer and utility companies. We perform site surveys when warranted to inspect the metering equipment and examine the specific usage of each service. This information is used to help verify that the present setup corresponds with the utility's billing records.

Simultaneously, we review the utility company and Public Utility Commission rules and regulations for special rates, riders, tariffs, rebate programs, tax laws, discounts, exemptions, economic development incentives or any other opportunities that pertain to the Erie County Water Authority.

We import gathered data into our database and use sophisticated proprietary computer programs which we developed to discover billings errors that are difficult to detect and would have otherwise gone unnoticed. We are confident that our process is far superior to our competitors, as we have performed audits of portfolios immediately following a competitor's audit and uncovered significant refund and billing reduction opportunities that were overlooked.

5.2 Phase 2 – Discovery & Evaluation

We review the reports generated by our system and analyze the billing histories extensively looking for errors. Here are a few examples of billing errors:

- Bills that are mathematically incorrect
- Bills that are on incorrect rates (or not the most advantageous rate)
- Overlapping billing periods
- Duplicate bills
- Improperly estimated bills
- Erroneous demands
- Demand meters resetting improperly
- Meter multiplier errors
- Improper charges and taxes, etc.
- Broken meters being estimated
- Correction of power factor penalties
- Discounts or exemptions not being utilized
- Payments not posted
- Combine/remove/add utility company equipment (such as combining meters) to obtain billing reductions

In addition to finding the errors described above, we research the utilities' tariffs to confirm the client is being billed correctly and to discover any rate changes that would work to our clients' advantage. As the tariffs, rules and regulations are voluminous and constantly changing it takes experience and instinct to know how to sort through them to uncover roadmaps to opportunities.

5.3 Phase 3 – Recommendations & Results

We shall provide the Erie County Water Authority with a detailed report of our findings and recommendations and proceed with implementing them. We have the expertise in writing technical, persuasive complaints to the utility companies, a skill that has proved to set us apart from our competitors. We will manage the entire process, such as filing claims and appeals concerning billing errors and requesting changes in rate classifications. We will meet with the representatives of the utility companies and PSC when warranted and make the necessary follow up phone calls to obtain refunds and implement any savings opportunities. However, client cooperation is essential for us to do the best possible job.

6. Cost Proposal

Utility Bill Audit Contingency Fee: 22% of Recovered Monies and 22% of Future Billing Reductions for 12 months, as per attached "Utility Bill Auditing Agreement"

7. Schedule

In terms of our current workload and available resources, we anticipate performing the utility bill audit and providing a report of our initial findings in approximately 120 days following receipt of one month's bills from the Erie County Water Authority, and historical billing data from the utility companies. However, we would like to make you aware that it could take several months for the utility companies to respond to our requests for billing adjustments. And since we don't get paid until after we obtain a refund, we have every incentive to expedite the results.

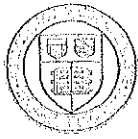
8. Proposers Contact Information

Michael T. Lockhart, President
Office: (203) 325-1500 x101
m.lockhart@atuc.com

Proposers Headquarters:

American Utility Consultants
1 Landmark Square, Suite 805
Stamford CT 06901
(203) 325-1500
(203) 325-1501 Fax

9. References



Company Name: Cornell University Medical College

Contact Person: George Brendel, Facilities Budget Support Manager

Phone Number: (212) 746-1089

Email: gjbrend@med.cornell.edu

Contract Value: \$2.3 million in refund/savings to date – Contract ongoing



Company Name: Riverbay Corporation @ Co-op City

Contact Person: Peter Merola, Director of Finance

Phone Number: (718) 320-3300 x 3316

Email: pmerola@riverbaycorp.com

Contract Value: \$12 million in refunds/savings to date – Contract ongoing, auditing 35 high rise and 7 townhouse buildings.



Contact: Louis Trimboli, Senior Property Manager

Phone Number: (212) 223-1125

Email: lou.trimboli@cbre.com

Contract Value: Results undisclosed – Contract ongoing



Company Name: RXR Realty

Contact Person: Michael Aisner, Portfolio Property Manager

Phone Number: (212) 390-9697

Email: maisner@rxrrealty.com

Contract Value: Results undisclosed – Contract ongoing



Hilton Hotels

Contact Person: Michael Smith, Director of Property Operations

Phone Number: (212) 261-5767

Email: mike_smith@hilton.com

Contract Value: Results undisclosed – Contract ongoing



Company Name: United States Postal Service (256 facilities)

Contact Person: Nicholas DeCarlo, Environmental Compliance Coordinator

Phone Number: (212) 330-3107

Contract Value: \$3.7 million in refunds/savings – audited 40 properties in New York City



U.S. General Services Administration

Company Name: General Services Administration (23 facilities)

Contact Person: Louis M. Lozito, Chief, Facility Support Branch, Property Mgmt Division (Retired)

Phone Number: (212) 264-4257

Contract Value: \$2 million in refunds/savings – audited over 20 NYC properties



Company Name: NYC Housing Authority (900 buildings)

Contact Person: Carl Hafner, Asst. Director of Energy Department

Phone Number: (212) 306-4674

Contract Value: \$18 million in refund audited 2700 buildings in New York

10. Attachments Returned with RFP

The following attachments are enclosed:

Certificate of Insurance

Dunn & Brad Street Past Performance Ranking 2018 - 96/100

Example of A Recent Auditing Report

Utility Bill Auditing Agreement

Form A

Form B

Form C

Section 139-L Of The State Finance Law Statement Relating To Sexual Harassment Policy

Proposer Certification



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

05/09/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Automatic Data Processing Insurance Agency, Inc. 1 Adp Boulevard Roseland NJ 07068		CONTACT NAME: PHONE (A/C, No, Ext): FAX (A/C, No): E-MAIL ADDRESS:	
INSURED AMERICAN UTILITY CONSULTANTS DBA: American Utility Consultants 1 LANDMARK SQ STE 805 Stamford CT 06901		INSURER(S) AFFORDING COVERAGE INSURER A: Phoenix Insurance Company INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	
		NAIC # 25623	

COVERAGES **CERTIFICATE NUMBER:** 1161230 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER:						EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$ COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y/N ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N/A	N	UB8L78410819	02/01/2019	02/01/2020	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER AMERICAN UTILITY CONSULTANTS 1 LANDMARK SQ STE 805 Stamford CT 06901	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
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CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

04/23/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Gotham Brokerage Co., Inc.
75 Maiden Lane, Suite 804
New York NY 10038

CONTACT NAME: Edwin Urgiles
PHONE (A/C No, Ext): (212) 406-7300 FAX (A/C No): (212) 571-0690
E-MAIL: edwinu@gothambrokerage.com
ADDRESS:

INSURED
American Telephone & Utility
One Landmark Square #805
Stamford CT 06901

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A: Travelers	
INSURER B:	
INSURER C:	
INSURER D:	
INSURER E:	
INSURER F:	

COVERAGES

CERTIFICATE NUMBER: Cert ID 1224

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATION MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	Y Y	680-3D026642 680-3D026642	06/24/2018 06/24/2018	06/24/2019 06/24/2019	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS & COM/OP AGG \$ 2,000,000
A	AUTOMOBILE LIABILITY ANY AUTO ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS <input type="checkbox"/>		680-3D026642	06/24/2018	06/24/2019	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> EXCESS LIAB DED <input checked="" type="checkbox"/> RETENTION \$ 10,000		18F-C02-13752628	06/24/2018	06/24/2019	EACH OCCURRENCE \$ 2,000,000 AGGREGATE \$ 2,000,000
	WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input type="checkbox"/> N/A				PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
						\$ \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
EFFECTIVE 4/23/19 CERTIFICATE HOLDER Erie County Water Authority WOULD BE COVERED AS AN
ADDITIONAL INSURED PER ENDORSEMENT CGD1050494, AND WAIVER OF SUBROGATION PER ENDORSEMENT
CG24041093 TO THE EXTENT PROVIDED THEREIN.

CERTIFICATE HOLDER

CANCELLATION

Erie County Water Authority
295 Main Street, Suite 350
Buffalo, NY 14203

Attn: Anthony Alessi

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Open Ratings

Past Performance Evaluation

1. COMPANY OVERVIEW

Primary Name : AMERICAN TELEPHONE & UTILITY CONSULTANTS, INC.
Alternate Name : AMERICAN UTILITY CONSULTANTS
D-U-N-S® : 80-584-1566
Address : 1 Landmark Sq Ste 805
 STAMFORD, CT 06901
Telephone Number : +1 (203) 325-1500

Past Performance Evaluation

Report Date : 10-29-2018
Order Number 4148414

Company Information

Year Started: 1996
Year of Current Control: 1996
Annual Sales:
Total Employees: 6
SIC/Line of Business: 8742/Management consulting services

2. SUPPLIER PERFORMANCE RATINGS

The supplier's overall performance rating is an assessment of predicted performance. Ratings are on a scale from 0 to 100, where 100 represents the highest level of customer satisfaction. The SIC-level benchmark indicates how the supplier's overall performance rating ranks in comparison against peers.

Overall Performance Rating

96



Bottom

SIC/Quintile



Top

Overall, how satisfied do you feel about the performance of this company during this transaction?

SIC: 8742/Management consulting services

Detailed Performance Ratings

RELIABILITY:

How reliably do you think this company follows through on its commitments?

96



COST:

How closely did your final total costs correspond to your expectations at the beginning of the transaction?

94



ORDER ACCURACY:

How well do you think the product/service delivered matched your order specifications and quantity?

96



DELIVERY/TIMELINESS:

How satisfied do you feel about the timeliness of the product/service delivery?

95



QUALITY:

How satisfied do you feel about the quality of the product/service provided by this company?

96



BUSINESS RELATIONS:

How easy do you think this company is to do business with?

97



PERSONNEL:

How satisfied do you feel about the attitude, courtesy, and professionalism of this company's staff?

96



CUSTOMER SUPPORT:

How satisfied do you feel about the customer support you received from this company?

97



RESPONSIVENESS:

How responsive do you think this company was to information requests, issues, or problems that arose in the course of the transaction?

96



Open Ratings

Past Performance Evaluation

Business Name : AMERICAN TELEPHONE & UTILITY CONSULTANTS, INC.

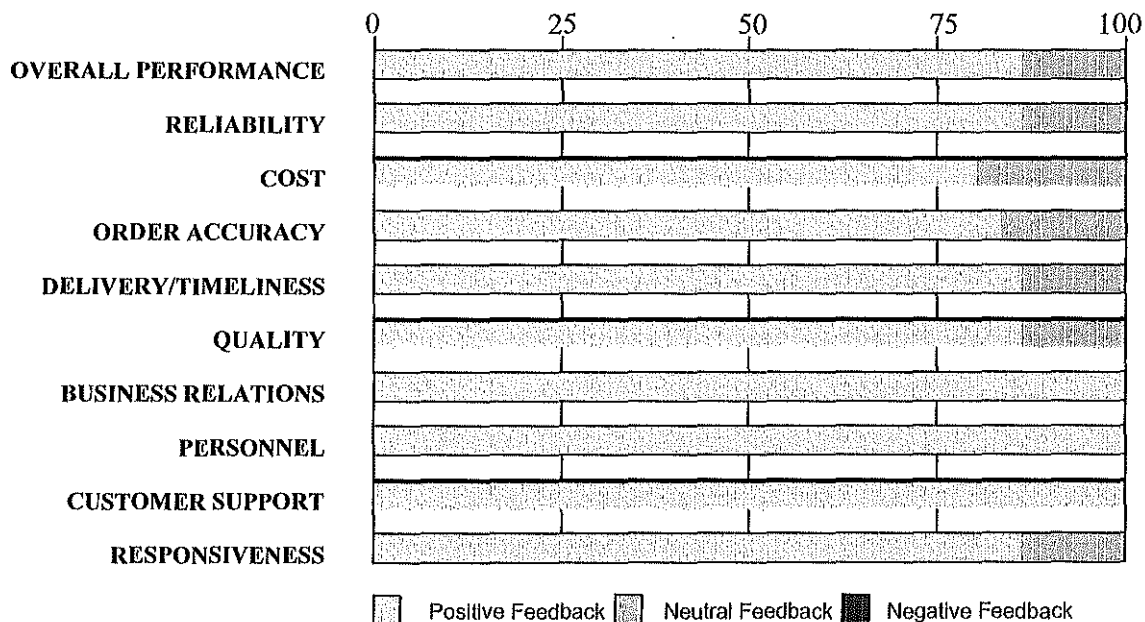
D-U-N-S® : 80-584-1566

Report Date : 10-29-2018

3. DISTRIBUTION OF FEEDBACK

This supplier's ratings were based in part on survey feedback from past customers. This chart provides a breakdown of the survey responses received from customers in the last 12 months. For each of the survey questions, the responses, which were provided on a 0 to 10 scale, are categorized as "positive" (9 to 10), "neutral" (5 to 8), or "negative" (0 to 4). All Customer feedback is provided confidentially; individual reference responses are not disclosed.

The percentages of responses falling into each category are shown below.



4. CUSTOMER REFERENCES SURVEYED

The most recent feedback obtained on this supplier came from companies in the following industries.

SIC/Line of Business:

Total number of surveys completed : 7.

Note: The supplier ratings set forth above incorporate the responses and performance opinions of the surveyed customer references and not those of Dun & Bradstreet. Some references may not have provided ratings for all performance aspects.

The report may not be reproduced in whole or part in any manner whatsoever.

January 23, 2019

[REDACTED]
GENERAL MANAGER
[REDACTED]
New York, NY 10019

Re: Electric Audit

Dear Sue:

Thank you for expanding the scope of the audit to include the other utilities. We would like to update you on the status of the electric audit and need clarification about the sales tax status of the electric accounts.

Interval v Billed Peak Demand and Usage Con Ed Account [REDACTED]

We obtained from Con Ed the 15-minute interval data for the largest account and compared it to the peak demand and billed usage for each billing period from 1/28/2016 to 12/21/2018. Although we were missing the interval data from noon on 1/28/2016 to midnight the same day, we filed a claim with Con Ed for the first bill it issued to the account, covering the period from 1/28/2016 to 2/24/2016, which appeared to reflect over-estimated usage and demand. Con Ed denied the claim, explaining that it had previously corrected the estimated bill, and the actual, higher demand occurred on 1/28/2016 at 2:15 PM.

Liberty Power

Liberty Power's supply contract with the prior owners ended in September 2016, and a 1-year contract was signed by the current owners in February 2016 to take effect when the old contract ended. In November 2017, two months after the new contract expired, Liberty Power issued back-bills totaling \$395,000 of which nearly \$310,000 was due to the supposed increase of the Installed Capacity tags ("ICAP") of the accounts. ICAP tags are determined each year by Con Ed and are based on each account's peak demand during the peak day of the prior summer.

Liberty Power's contract allows such increases in demand-based charges to be passed through to customers. However, it states that the increase should be based on increases over the "Customer's current demand obligations, including, but not limited to ICAP, TCAP and UCAP, as determined by the Utility, together with Customer's historical energy usage." The back-bill was calculated based on the difference between the new ICAP values that went into effect May 2016 (for the period from May 2016 through April 2017), and May 2017 (for the period from May 2017 until the contract's expiration in September 2017) and the "2015 Planning Year ICAP" numbers appearing on Schedule 1 (attached) of the contract.

We obtained from Con Ed the correct ICAP values that were in effect at the time the contract was signed and saw that they were much higher than those appearing on Schedule 1 of the contract. Since Schedule 1 understated the initial ICAP values, the back-bill calculations reflect the ICAP tags more than doubling in May 2016, when they actually only increased by 1.5%. We recalculated what the back-bills should have

been based on the actual reduced difference in ICAP tags. The corrected re-bills are approximately \$305,000 less than what Liberty Power billed. As such, we shall file a claim with Liberty Power asking for a refund of the overcharges because the back-bills were paid in full. We shall keep you informed.

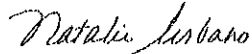
Sales Taxes

We noticed that Liberty Power initially charged sales tax on its supply bills but stopped doing so from May 2016 to September 2017. Subsequently Constellation's invoices also do not include sales tax. However, Con Ed's delivery invoices **do** include sales taxes.

Please let me know which forms were provided to Liberty Power and Constellation, indicating that sales taxes should not be charged, and if the forms were also provided to Con Edison. If Con Ed charged sales taxes in error, we would like to obtain a refund of those taxes from New York State. However, before doing so we would like to confirm that sales taxes on the tenants' electricity and that of the common area have been remitted to New York State. If that is the case, Con Ed's delivery charges are being taxed twice and the property would be entitled to a refund. Please provide copies of the sales tax forms filed with New York State and the supporting worksheets for the electricity re-sold to the tenants and for the common area electric. If these forms are handled by the company doing the sub-metering, kindly supply its contact information so that we can obtain the forms and worksheets from it.

We hope you are pleased with our findings and thank you for your patience. We look forward to investigating the sales tax matter further and look forward to receiving the requested forms and supporting worksheets. Please let me know if you have any questions and concerns.

Very truly yours,



Natalie Urbano
Analyst

