



**ERIE COUNTY WATER AUTHORITY**  
**INTEROFFICE MEMORANDUM**

May 9, 2022

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

From: Terrence D. McCracken, Secretary to the Authority

Subject: Amendment to Agreement with E3 Communications

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On August 16, 2018, the Authority awarded the Consultant a professional service contract to provide communications and public relations services (the "Contract") for a three-year term, beginning August 1, 2018. Pursuant to paragraph 3 of the Contract, the Contract may be renewed at the option of both parties for two (2) additional one (1) year terms at the option of the Authority on 30 days written notice to the firm on the same terms and conditions provided for herein at a cost mutually agreed upon by both parties and in accordance with industry standards.

On September 16, 2021, the Board of Commissioners approved extending the Contract for an additional one-year period through July 31, 2022. I am recommending that the Board approve the second additional one (1) year term beginning August 1, 2022.

There is a resolution on the meeting May 19, 2022, approving Amendment No. 3 for an additional one-year extension from August 1, 2022 to July 31, 2023. Thank you.

Budget Info:

Unit 6030 Public Information, Item No. 60 Special Services

TDM/tg

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

**Contract:**

**Project No.:**

**Project Description:** Amendment No. 3 to the Services Contract with E3 Communications

**Item Description:**

- |   |  |   |                                       |
|---|--|---|---------------------------------------|
| <input type="checkbox"/> Agreement                            | <input type="checkbox"/> Professional Service Contract | <input checked="" 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 type="checkbox"/> Board Authorization to Execute                       | <input type="checkbox"/> Legal Approval                              |
| <input type="checkbox"/> Board Authorization to Award                         | <input checked="" 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 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 type="checkbox"/> Chief Operating Officer               | _____                            | Date: _____             |
| <input type="checkbox"/> Executive Engineer                    | _____                            | Date: _____             |
| <input checked="" type="checkbox"/> Director of Administration | <u><i>Savanya Lestis</i></u>     | Date: <u>05/09/2022</u> |
| <input checked="" type="checkbox"/> Risk Manager               | <u><i>Molly Jo Musarra</i></u>   | Date: <u>05/09/2022</u> |
| <input checked="" type="checkbox"/> Chief Financial Officer    | <u><i>Karen A. Bendugast</i></u> | Date: <u>05/09/2022</u> |
| <input checked="" type="checkbox"/> Legal                      | <u><i>[Signature]</i></u>        | Date: <u>5/9/2022</u>   |

**APPROVED FOR BOARD RESOLUTION:**

- |  |                           |                      |
|--|---------------------------|----------------------|
| <input checked="" type="checkbox"/> Secretary to the Authority | <u><i>[Signature]</i></u> | Date: <u>5/11/22</u> |
|--|---------------------------|----------------------|

**Remarks:** Pending receipt of updated Insurance Certificates prior to Board Meeting. MJM

**Resolution Date:** \_\_\_\_\_

**Item No:** \_\_\_\_\_

**AMENDMENT NO. 3 TO  
PROFESSIONAL SERVICES CONTRACT**

AMENDMENT, effective May 19, 2022, to the Professional Services Contract, entered on the 10<sup>th</sup> day of September 2018, by and between:

**ERIE COUNTY WATER AUTHORITY**

295 Main Street, Room 350  
Buffalo, New York 14203

hereinafter referred to as the “Authority,” and

**E3 COMMUNICATIONS, INC.**

551 Franklin Street  
Buffalo, New York 14202

hereinafter referred to as “Consultant.”

**WHEREAS**, on August 16, 2018, the Authority awarded the Consultant a professional service contract to provide communications and public relations services (the “Contract”) for a three-year term, beginning August 1, 2018; and

**WHEREAS**, the Contract was fully executed on September 10, 2018, with the Authority making its first payment for services for the month of August 2018;

**WHEREAS**, on April 30, 2020, the Authority and the Consultant agreed to increase the Consultant’s rate to \$7,000 per month effective April 1, 2020;

**WHEREAS**, on September 16, 2021, the Authority and the Consultant agreed to extend the term of the contract for an additional one-year period through July 31, 2022;

**WHEREAS**, the parties wish to extend the contract for an additional one-year period through July 31, 2023 pursuant to paragraph 3 of the Contract;

**WHEREAS**, in accordance with paragraph 5 of the Contract, no modification or variation from the terms of the Contract shall be effective unless it is in writing and authorized by a resolution of the Board of Commissioners of the Authority (the “Board”) and signed by all parties; and

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

- (1) The parties extend the term of the Contract for communications and public relations services until July 31, 2023 at a rate of \$7,000 for the period from August 1, 2022 through July 31, 2023;

- (2) The parties agree all other terms and conditions of the Contract shall remain unchanged and in effect; and
- (3) This Amendment may be executed in counterparts, each of which is deemed an original, but all of which together are deemed to be one and the same agreement.

**IN WITNESS WHERETO**, the parties hereto have caused this Amendment No. 3 to be signed by their respective duly constituted officers, attested and sealed pursuant to proper authority.

**ERIE COUNTY WATER AUTHORITY**

By \_\_\_\_\_  
Jerome D. Schad, Chair

**E3 COMMUNICATIONS, INC.**

By \_\_\_\_\_  
Earl V. Wells, President

**STATE OF NEW YORK    )**  
**COUNTY OF ERIE        ) ss:**

On the \_\_\_\_ day of May, in the year 2022, before me personally came Jerome D. Schad, to me known, who, being by me duly sworn, did depose and say that he resides in the Amherst, New York, that he is the Chair of the Board of Commissioners for the Erie County Water Authority described in the above instrument, and he signed his name thereto by the authorization of the Board of Commissioners for the Erie County Water Authority.

\_\_\_\_\_  
Notary Public

**STATE OF NEW YORK    )**  
**COUNTY OF ERIE        ) ss:**

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

\_\_\_\_\_  
Notary Public