



ERIE COUNTY WATER AUTHORITY

INTEROFFICE MEMORANDUM

November 3, 2023

To: Terrence D. McCracken, Secretary to the Authority

From: Clayton J. Johnson, PE, Production Engineer *CJJ*

Subject: One Year Contract Extension – Amendment No. 3
Machining and Fabrication Services for the Repair of Various ECWA Equipment
(Frederick Machine & Manufacturing Inc.)
ECWA Project No. 202000143

This contract includes work associated with unanticipated maintenance of equipment throughout ECWA's facilities. This contract pertains to specialty equipment such as pumps, impellers, the Van de Water WTP plate and frame press, sludge collection equipment, etc. This contract serves as an on-call contract that helps ECWA respond to maintenance issues in a timely manner. For example, if a high service pump becomes inoperable due to normal wear and tear, this contract would cover the repair work associated with machining the impeller. ECWA staff does not have the expertise or machining equipment to properly perform this type of work. The intent of this contract is to perform small-scale equipment repairs that need immediate attention.

This above-referenced contract is a two-year contract with two potential one-year extensions. The original contract was executed in January 2021 and ran through December 2022. The contract was extended for one year from January 2023 through December 2023 (Amendment No. 2). The Authority and the contractor, Frederick Machine and Manufacturing, Inc. agree that a second one-year extension of the current contract to December 31, 2024, at the same terms and conditions would be mutually beneficial for both parties. The Contractor's interest in extending the current contract is expressed in the attached letter dated October 23, 2023.

Frederick Machine & Manufacturing Inc. has proven to be a highly capable and reliable contractor whose services are valuable in the operation of Authority facilities. Based on this information it is recommended that the Authority exercise the one-year extension.

The following documents are attached:

- Authorization Form - this form provides the project name and project number, the action that is being requested of the Board, and it provides a list of approvals that are required prior to being acted on by the Board.

To: Terrence D. McCracken
Secretary to the Authority

- 2 -

November 6, 2023

- Three (3) originals of Amendment No. 3 request for Board action and execution by the Authority.
- Frederick Machine & Manufacturing letter dated October 23, 2023, requesting the second one-year extension.

Budget Information:

Unit: 1020 Control Operations

O&M Budget Item No. 19 Payments to Contractors - Other

CJJ:jmf

Attachments

cc: C.Eaton

L.Kowalski

M.Wymer

D.Patton

ECWA-543-2001-X-20

October 23, 2023

Erie County Water Authority
3030 Union Rd.
Cheektowaga, NY 14224-1097

Re: Contract/Project No. 202000143

To Whom it May Concern:

We wish to extend our current Machining and Fabrication Services with Erie County Water Authority for another year (December 31, 2024), under the same terms and conditions agreed upon in our original contract.

Sincerely,



Jennifer Frederick-Kelly
President



MACHINE & MANUFACTURING

PHONE: (716) 892-1425 FAX: (716) 892-1426 WWW.FREDERICKMACHINE.COM

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

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

Item Description:








☐ Agreement ☐ Professional Service Contract ☒ Amendment ☐ Change Order
☐ BCD ☐ NYSDOT Agreement ☐ Contract Documents ☐ Addendum
☐ Recommendation for Award of Contract ☐ Recommendation to Reject Bids
☐ Request for Proposals
☒ Other One Year Contract Extension

Action Requested:

☒ Board Authorization to Execute ☒ Legal Approval
☐ Board Authorization to Award ☒ Execution by the Chairman
☐ Board Authorization to Advertise for Bids ☐ Execution by the Secretary to the Authority
☐ Board Authorization to Solicit Request for Proposals
☐ Other _____

Approvals Needed:

APPROVED AS TO CONTENT:

<input checked="" type="checkbox"/> Sr. Production Engineer		Date: <u>11/6/2023</u>
<input checked="" type="checkbox"/> Chief Operating Officer		Date: <u>11/06/2023</u>
<input checked="" type="checkbox"/> Executive Engineer		Date: <u>11/06/2023</u>
<input checked="" type="checkbox"/> Director of Administration		Date: <u>11/6/2023</u>
<input checked="" type="checkbox"/> Risk Manager		Date: <u>11/6/2023</u>
<input checked="" type="checkbox"/> Chief Financial Officer		Date: <u>11/06/2023</u>
<input checked="" type="checkbox"/> Legal		Date: <u>11/6/23</u>

APPROVED FOR BOARD RESOLUTION:

☒ Secretary to the Authority  Date: 11/7/2023

Remarks: Amendment No. 3 for Frederick Machine & Manufacturing, Inc.

Resolution Date: _____

Item No: _____

**AMENDMENT NO. 3 TO THE MACHINING AND FABRICATION SERVICES
FOR THE REPAIR OF VARIOUS AUTHORITY EQUIPMENT CONTRACT**

AMENDMENT, effective November 16, 2023 (“Amendment No. 3”) to the Contract for Machining and Fabrication Services for the Repair of Various Authority Equipment (Contract No. 21-04-01), effective on January 21, 2021, by and between:

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

hereinafter referred to as the “Authority,” and

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

hereinafter referred to as the “Contractor.”

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

WHEREAS, on August 18, 2022, the Authority and the Contractor entered into Amendment No. 1 to the Contract increasing the total costs allowable under the Contract; and

WHEREAS, on December 15, 2022, the Authority and the Contractor entered into Amendment No. 2 to the Contract extending the term of the Contract until December 31, 2023; and

WHEREAS, in accordance with paragraph 6.01 of the Contract, the parties may agree in writing to extend the term of the contract for two (2) additional one-year terms, under the same terms and conditions; and

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

WHEREAS, the Contractor has agreed to extend the term of the Contract until December 31, 2024, upon the same terms and conditions, including pricing as set forth in Article 3 of the Contract;

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

- (1) The terms and conditions of the Contract shall continue in effect until December 31, 2024; and
- (2) The parties agree all other terms and conditions of the Contract, including the hourly rates listed under paragraph 3.03 of the Contract, shall remain without change or amendment; and
- (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 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

**FREDERICK MACHINE &
MANUFACTURING, INC**

By _____
James M. Kelly, Vice President

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On the _____ day of November, in the year 2023, before me personally came Jerome D. Schad, to me known, who, being by me duly sworn, did depose and say that he resides in Amherst, New York, that he is the Chair of the Board of Commissioners for the Erie County Water Authority described in the above instrument; and that he signed his name thereto by order of the Board of Commissioners.

Notary Public

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On the _____ day of _____, in the year 2023, before me personally came James M. Kelly, to me known, who, being by me duly sworn, did depose and say that he resides in _____, New York, that he is the Vice President of the Corporation described in the above instrument; and that he signed his name thereto by order of the Board of Directors of said Corporation.

Notary Public