

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

**Contract:** \_\_\_\_\_ **Project No.:** 202000011  
**Project Description:** Van de Water Treatment Plant Capacity Expansion – Preliminary Design.

**Item Description:**

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

**Action Requested:**

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

**Approvals Needed:**

**APPROVED AS TO CONTENT:**

<input checked="" type="checkbox"/> Other (if Applicable)	<u><i>Stephen J. [Signature]</i></u>	Date: <u>12/3/19</u>
<input checked="" type="checkbox"/> Chief Operating Officer	<u><i>Russell [Signature]</i></u>	Date: <u>12/3/19</u>
<input checked="" type="checkbox"/> Executive Engineer	<u><i>Leonard F. [Signature]</i></u>	Date: <u>12-3-19</u>
<input checked="" type="checkbox"/> Director of Administration	<u><i>Larson [Signature]</i></u>	Date: <u>12-4-19</u>
<input checked="" type="checkbox"/> Risk Manager	<u><i>Nolly [Signature]</i></u>	Date: <u>12/4/19</u>
<input checked="" type="checkbox"/> Chief Financial Officer	<u><i>Steven [Signature]</i></u>	Date: <u>12/4/19</u>
<input checked="" type="checkbox"/> Legal	<u><i>Margaret A. [Signature]</i></u>	Date: <u>12/4/19</u>

**APPROVED FOR BOARD RESOLUTION:**

<input checked="" type="checkbox"/> Secretary to the Authority	<u><i>[Signature]</i></u>	Date: <u>12/4/19</u>
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**Remarks:** \_\_\_\_\_

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

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





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

December 3, 2019

To: Terrence D. McCracken, Secretary to the Authority

From: Michael Wymer, Senior Production Engineer *MW*

Subject: Request for Proposals  
Van de Water Treatment Plant Capacity Expansion – Preliminary Design  
ECWA Project No. 202000011

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Attached is a copy of the Request for Proposals for the above referenced project.

The Van de Water WTP has a current rated capacity of 49.5 MGD. In support of the expansion of ECWA's northern and eastern service areas, including a potential increase in bulk sales to Genesee County, a preliminary design project has been proposed for the expansion of the Van de Water Treatment Plant to 82.5 MGD.

A 2010 Capital Improvement Plan outlined the necessary improvements to achieve the 82.5 MGD capacity including the construction of a fourth sedimentation basin, two additional filters, and ancillary improvements to pumping, chemical feed and instrumentation systems. This project would further establish the basis of design for these systems, equipment performance criteria, and the overall layout of the new facilities through site and building plan/elevation drawings. The scope of the project would include construction costs, phasing and duration.

The project directly supports ECWA's Comprehensive Strategic Plan Initiatives 1: Resiliency of ECWA Infrastructure and Assets, 2: Water Quality, and 3: Expand ECWA's Regional Presence.

I recommend that the Request for Proposals be issued to the following consulting engineers: Arcadis, GHD, Nussbaumer & Clark, and Hazen & Sawyer.

The Engineering Department is requesting a Resolution to Solicit the Request for Proposals. The Contact Person for the Restricted Period for this Request for Proposals will be Michael Wymer, Senior Production Engineer.

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

MWW:jmf  
Attachments  
cc: K.Prendergast  
L.Lester  
R.Stoll  
L. Kowalski

**REQUEST FOR PROPOSALS  
FOR CONSULTING ENGINEERING SERVICES**

**VAN DE WATER TREATMENT PLANT  
CAPACITY EXPANSION PROJECT**

**ECWA Project No. 202000011**

**General**

The Erie County Water Authority (Authority) is seeking Professional Services Proposals for consulting engineering services to develop the basis of design for the expansion of the treatment capacity of the Van de Water Treatment Plant (VDWTP).

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

The Request for Proposal (RFP) is being conducted pursuant to the New York State Finance Law §§139-j and 139-k and the Erie County Water Authority's Procurement Disclosure Policy. The Procurement Disclosure Policy is available by accessing the Erie County Water Authority's web site – <http://www.ecwa.org>, under the caption "Doing Business with ECWA".

**Project Description**

The Van de Water WTP has a current rated capacity of 49.5 MGD. In support of the expansion of ECWA's northern and eastern service areas, including a potential increase in bulk sales to Genesee County, it is desired to complete a series of improvements to improve the reliability and performance of existing treatment processes and to also increase the capacity of the Van de Water Treatment Plant from 49.5 MGD to 82.5 MGD.

**General Scope of Work**

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

The general scope of work for this project shall be as follows.

**Task 1 – Additional Coagulation Basin and Filters**

A 2010 Capital Improvement Project Report completed by Malcolm Pirnie, Inc. outlined the necessary improvements to achieve an 82.5 MGD treatment capacity for the Van de Water Treatment Plant including the construction of a fourth coagulation basin (flocculation, sedimentation, residuals collection) and two additional filters. The report also identified necessary



improvements to ancillary systems including pumping, piping, chemical feed, finished water storage, residuals, and electrical/instrumentation.

This task of the project will be to identify the necessary improvements and complete basis of design documents for the expansion of the treatment plant capacity to 82.5 MGD including:

1. Review reports, drawings, specifications, and other records furnished by the Authority.
2. Review the assumptions and recommendations from previous work including the 2010 Van de Water Capital Improvement Project Report.
3. Site walkthrough and review of operating records to verify existing conditions and to assist in the preparation of preliminary design documents.
4. Establish/confirm process design parameters/criteria including any deviations from regulatory requirements.
5. Develop overall plant/facility process flow diagram.
6. Verify hydraulic requirements and establish process elevations.
7. Develop initial layout plans for all unit treatment processes. Identify sizing, volume, footprints and all major mechanical items.
8. Determine chemical feed requirements, current capabilities and required improvements.
9. Prepare initial equipment/motor list for major electrical equipment.
10. Develop initial drawings incorporating the new coagulation basin, filters, and connecting piping including, at a minimum:
  - a. Overall Site Plan
  - b. Hydraulic Profile
  - c. Process Flow Diagram
  - d. Flocculation Basin 4 Plan
  - e. Flocculation Basin 4 Sections
  - f. Sedimentation Basin 4 Plan
  - g. Sedimentation Basin Sections
  - h. Filter 5 and 6 Plan
  - i. Filter 5 and 6 Sections
  - j. Piping Profiles/Interconnections
  - k. Details
11. List identifying required technical specifications for final design.
12. Identify construction sequencing (maintenance of plant operations).
13. Prepare an opinion of estimated projects costs including construction cost and engineering fee for the completion of final design documents. The contingency utilized for cost estimating will be consistent with industry standards for the level of detail provided in the basis of design documents provided under this task.
14. Prepare project schedule containing the estimated duration of final design, bid and construction phases.
15. Prepare an engineering Basis of Design Report, including the information listed above. Submit report to the NYSDOH for review and approval.
16. Conduct review meetings with Authority (3 minimum) and regulatory agencies (2 minimum).

All work under Task 1 shall be completed and delivered to the Authority within 240 days from the notice to proceed from ECWA on this task.

## **Task 2- Improvements to Filters 1 through 4**

ECWA desires to complete an upgrade of the components of existing Filters 1 through 4 to improve the reliability and performance of the filtration process. Every filter component is original to the 1970s construction and is approaching the end of useful life. Presently the filters utilize water backwash only and lack the ability for full filter-to-waste capabilities. The overall scope of work for Filters 1 through 4 under this task will include:

- Replacement of all valves and actuators
- Addition of filter to waste capabilities
- Replacement of the filter underdrain system to provide the ability for an air/water backwash process
- Replacement of filter media

The general scope of work under this task shall include:

1. Review reports, drawings, specifications, and other records furnished by the Authority.
2. Review the assumptions and recommendations from previous work including the 2010 Van de Water Capital Improvement Project Report and the 1998 Filter to Waste System Improvements Design Documents.
3. Site walkthrough and review of operating records to verify existing conditions and to assist in the preparation of preliminary design documents.
4. Establish/confirm process design parameters/criteria including any deviations from regulatory requirements.
5. Verify and establish process elevations, water/air flowrates, and placement/routing of new piping and equipment.
6. Develop initial layout plans for all unit treatment processes. Identify sizing, volume, footprints and all major mechanical items.
7. Prepare initial equipment/motor list for major electrical equipment.
8. Develop initial drawings incorporating the filter improvements including, at a minimum:
  - a. Site Plan of Filter Improvement Area
  - b. Process Flow Diagram
  - c. Overall Filter 1-4 Plan
  - d. Filter Pipe Gallery Sections
  - e. Typical Filter Plan
  - f. Typical Filter Sections/Elevations
  - g. Piping Profiles/Interconnections
  - h. Details
9. List identifying required technical specifications for final design.
10. Identify construction sequencing (maintenance of plant operations).
11. Prepare an opinion of estimated projects costs including construction cost and engineering fee for the completion of final design documents. The contingency utilized for cost estimating will be consistent with industry standards for the level of detail provided in the basis of design documents provided under this task.
12. Prepare project schedule containing the estimated duration of final design, bid and construction phases.



13. Preparation of an engineering Basis of Design Report, including the information listed above. Submit report to the NYSDOH for review and approval.
14. Conduct review meetings with Authority (3 minimum) and regulatory agencies (2 minimum).

All work under Task 2 shall be completed and delivered to the Authority within 240 days from the notice to proceed from ECWA on this task.

### **Task 3- Full-Scale Pilot of Coagulation Basin**

The 2010 Capital Improvement Project Report examined the various design standards for the Van de Water treatment process including standards associated with operation of the three existing coagulation basins at flows up to 82.5 MGD. The report states that two standards (theoretical detention time and approach velocity below the tube settlers), exceed AWWA recommended sedimentation design standards at a flow of 82.5 MGD. The report recommended completion of a full-scale pilot to evaluate plant performance at an increased surface overflow rate, and thus align the schedule for the construction of the fourth coagulation basin with timing of anticipated system demand.

The general scope of this task of the project will be to identify and complete a full-scale pilot study of the sedimentation process including:

1. Development of an ECWA/NYSDOH approved Work Plan for the pilot study including but not limited to study approach, evaluation criteria, methodology, schedule and report format.
2. Completion of the full-scale pilot utilizing one of the existing sedimentation basins
3. Report summarizing the results of the pilot testing including recommendations for new basin ratings/unit capacity.
4. Preparation of an engineering report, including the information listed above. Submit report to the NYSDOH for review and approval.

All work under Task 3 shall be completed and delivered to the Authority within 270 days from the notice to proceed from ECWA on this task.

### **Special Services**

The Authority may require one or more of the following special services in carrying out the project.

1. Soils Investigations - including test borings, pavement cores, and the related analysis.
2. Field investigations to support verification of piping or other buried utilities.
3. Detailed mill, shop and/or laboratory inspection of materials and equipment.
4. Land surveys, maps, plates, descriptions and title investigations including those which may be required to acquire lands, easements, and rights-of-way for the proposed facilities.
5. Additional copies of reports, contract drawings and documents.
6. Development of detailed drawings outside the technical scope of work of this request for proposals.
7. Extra travel and subsistence for the Consultant and his staff beyond that normally required under ordinary circumstances, when authorized by the Authority.

8. Assistance to the Authority serving as an expert witness in litigation arising from project development or construction.
9. New York State SEQR (Type I and Unlisted Actions).
10. Air, water, and/or soil sampling, testing, and/or analysis.
11. Operation and maintenance manuals.
12. Start-up services.
13. Hazardous material testing and assessment.
14. Wetlands investigations, delineation, and mitigation.
15. Storm Water Pollution Prevention Plans
16. Applications for NYSDEC permitting
17. Laboratory testing, jar testing, and pilot testing performed by consultant.

### **Information Requests**

All questions and requests for information are to be directed to the designated ECWA Contact Person, Mr. Michael W. Wymer, PE, Senior Production Engineer at 716-685-8292, in accordance with New York State Finance Law §§139-j and 139-k. An optional pre-proposal meeting will be held at the Van de Water Treatment Plant (3750 River Road, Tonawanda, NY 14150) on \_\_\_\_\_ at \_\_\_\_\_. local time to view the work location and discuss the project.

### **Proposal Requirements**

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

- Item 1 - Qualifications and related experience, particularly on the type of projects outlined above.
- Item 2 - Project understanding, technical approach and detailed scope of services. Identify any suggested revisions to and expand upon the detail of the general scope of work as outlined herein.
- Item 3 - Project staffing for all key personnel and subcontractors; current workload; and office location(s) where work will be performed for each project.
- Item 4 - A minimum of three references for similar work performed in the past five (5) years.
- Item 5 - Work performed for the Water Authority in 2017, 2018, and 2019.
- Item 6 - Current remaining workload with the Water Authority.
- Item 7 - Completed attachment titled Section 139 of State Finance Law per attached.



- Item 8 - Proof of insurance in accordance with the attached Erie County Water Authority Insurance Requirements for Professional Services per attached.
- Item 9 - Proposed project schedule, consistent with the durations listed above for each task. Identify any exceptions to the listed durations.
- Item 10 - Fee proposal which is to include a breakdown of engineering fees for each task showing personnel, hours, hourly rates, overhead rates, and subcontractor costs for each phase per the scope of work. All consultants shall include Special Services lump sum cost of \$50,000 for the purposes of this proposal. All tasks shall be awarded together as one project.

Proposals shall include the following form for comparison purposes:

<b>Project 202000011</b> <b>RFP for Van de Water Treatment Plant</b> <b>Capacity Expansion</b>	
<b>Task 1 – Additional Coagulation Basin and Filters</b>	\$
<b>Task 2 – Improvements to Filters 1-4</b>	
<b>Task 3 – Full-Scale Pilot of Coagulation Basin</b>	\$
<b>Special Services</b>	\$ 50,000.00
<b>TOTAL:</b>	\$

**Proposals will be accepted until 4:00 p.m. on \_\_\_\_\_.** Five copies of each proposal are to be delivered to Erie County Water Authority, 3030 Union Road, Cheektowaga, New York 14227 to the attention of Mr. Leonard F. Kowalski, P.E., Executive Engineer. Proposals received after this time will not be considered and will be returned unopened. All proposals being mailed (including Federal Express, UPS, Priority Mail, etc.) or hand delivered shall be directed to the attention of Mr. Kowalski in a sealed envelope and be clearly marked on the outside of the mailing or hand delivered envelope as follows: "PROPOSAL – Van de Water Treatment Plant Capacity Expansion".

### **Evaluation and Selection**

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

The final scope of work and fee for the engineering services for the project will be negotiated with the selected firm(s). Professional Service Contracts will then be executed pending successful



negotiation and authorization by the Water Authority Board of Commissioners. All firms submitting proposals will be notified of the selection results. It is anticipated that the selection process will be completed in February 2020, and that the agreement will be executed in March 2020.

## **FORMS A, B, and C**

### **STATE FINANCE LAW REQUIREMENTS**

The Erie County Water Authority (the "Authority") is a government entity, as that term is defined in State Finance Law §§ 139-j(1)(a) and 139-k(1)(a). When the Authority seeks to procure goods or services by means of an Invitation or Notice to Bid, or a Request for Proposals, the State Finance Law imposes certain restrictions on anyone who may wish to offer goods or services to the Authority as an Offerer, as that term is defined in §§ 139-j(1)(h) and 139-k(1)(h).

During the Restricted Period, as defined in §§ 139-j(1)(f) and 139-k(1)(f), when bids or proposals are being solicited, the Authority will designate a contact person with whom the Offerer may contact for information and other authorized purposes as set forth in §139-j of the State Finance Law. The designated contact is identified in the Notice to Bidders, or in the Request for Proposal. An Offerer is authorized to contact the Authority's designated contact for such purposes as set forth in § 139-j(3).

Pursuant to the State Finance Law, the Authority is also required to make certain findings before making any determinations as to the qualifications and eligibility of those seeking a procurement contract, as that term is defined in State Finance Law §§ 139-j(1)(g) and 139-k(1)(g). Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings of non-responsibility occurring within a 4-year period, the Offerer will be debarred from obtaining procurement contracts with the Authority. Further information about these requirements can be found in §§139-j and 139-k of the New York State Finance Law and the Erie County Water Authority's Procurement Disclosure Policy.

The following forms will be used by the Authority to make such findings:

Form A - Offerer's Affirmation of Understanding of, and Agreement to Comply with, the Authority's Permissible Contact Requirements During the Restricted Period.

Form B - Offerer's Certification of Compliance with State Finance Law.

Form C - Offerer's Disclosure of Prior Non-Responsibility Determinations.



**FORM A**

**Offerer's Affirmation of Understanding of, and Agreement to Comply  
with, the Permissible Contact Requirements During the Restricted Period**

**Instructions:**

The Erie County Water Authority (the "Authority") is a government entity, as that term is defined in State Finance Law §§ 139-j(1)(a) and 139-k(1)(a). The Authority must obtain a written affirmation of understanding and agreement to comply with procedures regarding permissible contacts with the Authority in the restricted period for a procurement contract in accordance with State Finance Law §139-j and §139-k. It is required that this affirmation be obtained as early as possible in the procurement process, but no later than when the Offerer submits its proposal.

Offerer affirms that it understands and agrees to comply with the procedures of the Authority relative to permissible contacts as required by State Finance Law §139-j(3) and §139-j(6)(b).

By: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Contractor Name: \_\_\_\_\_

Contractor Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**FORM B**

**Offerer's Certification of Compliance  
With State Finance Law §139-k(5)**

**Instructions:**

The Erie County Water Authority (the "Authority") is a government entity, as that term is defined in State Finance Law §§ 139-j(1)(a) and 139-k(1)(a). The Authority must obtain a Certification that the information submitted for a procurement contract is complete, true, and accurate regarding any prior findings of non-responsibility, such as non-responsibility pursuant to State Finance Law §139-j. The Offerer must agree to sign the Certification, under penalty of perjury, and to provide the Certification to the Authority. The Certification should be obtained as early as possible in the process, but no later than when an Offerer submits its proposal.

**Offerer Certification:**

*I certify that all information provided to the Authority relating to the awarding of a procurement contract is complete, true, and accurate.*

By: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Contractor Name: \_\_\_\_\_

Contractor Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



**FORM C****Offerer's Disclosure of Prior  
Non-Responsibility Determinations****Background:**

The Erie County Water Authority (the "Authority") is a government entity, as that term is defined in State Finance Law §§ 139-j(1)(a) and 139-k(1)(a). New York State Finance Law §139-k(2) obligates the Authority to obtain specific information regarding prior non-responsibility determinations with respect to State Finance Law §139-j. In accordance with State Finance Law §139-k, an Offerer must be asked to disclose whether there has been a finding of non-responsibility made within the previous four (4) years by any Governmental Entity due to: (a) a violation of State Finance Law §139-j; or (b) the intentional provision of false or incomplete information to a Government Entity.

The terms "Offerer" and "Governmental Entity" are defined in State Finance Law §§139-j(1) and §139-k(1). These sections also set forth detailed requirements about the restrictions on contacts during the procurement process. A violation of State Finance Law §139-j includes, but is not limited to, an impermissible contact during the restricted period (for example, contacting a person or entity other than the designated contact person, when such contact does not fall within one of the exemptions).

As part of its responsibility determination, State Finance Law §139-k(3) mandates consideration of whether an Offerer fails to timely disclose accurate or complete information regarding the above non-responsibility determination. In accordance with law, no Procurement Contract shall be awarded to any Offerer that fails to timely disclose accurate or complete information under this section, unless a finding is made that the award of the Procurement Contract to the Offerer is necessary to protect public property or public health safety, and the Offerer is the only source capable of supplying the required Article of Procurement, as that term is defined in State Finance Law §§ 139-j(1)(b) and 139-k(1)(b), within the necessary timeframe. See State Finance Law §139-j(10)(b) and §139-k(3).

**Instructions:**

The Authority must include a disclosure request regarding prior non-responsibility determinations in accordance with State Finance Law §139-k in its solicitation of proposals or bid documents or specifications or contract documents, as applicable, for procurement contracts. The attached form is to be completed and submitted by the individual or entity seeking to enter into a Procurement Contract. It shall be submitted to the Authority conducting the Governmental Procurement no later than when the Offerer submits its proposal.

**FORM C (Continued)****Offerer's Disclosure of Prior Non-Responsibility Determinations**

Name of Individual or Entity Seeking to Enter into the Procurement Contract:

\_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Name and Title of Person Submitting this Form: \_\_\_\_\_

\_\_\_\_\_

Contract Procurement Number: \_\_\_\_\_

Date: \_\_\_\_\_

1. Has any Governmental Entity made a finding of non-responsibility regarding the individual or entity seeking to enter into the Procurement Contract in the previous four years? (Please circle):
- No                      Yes

If yes, please answer the next questions:

2. Was the basis for the finding of non-responsibility due to a violation of State Finance Law §139-j (Please circle):
- No                      Yes
3. Was the basis for the finding of non-responsibility due to the intentional provision of false or incomplete information to a Governmental Entity? (Please circle)
- No                      Yes
4. If you answered yes to any of the above questions, please provide details regarding the finding of non-responsibility below.

Governmental Entity: \_\_\_\_\_

Date of Finding of Non-Responsibility: \_\_\_\_\_

Basis of Finding of Non-Responsibility: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Add additional pages as necessary)



**FORM C (Continued)**

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

6. If yes, please provide details below.

Governmental Entity: \_\_\_\_\_

Date of Termination or Withholding of Contract: \_\_\_\_\_

Basis of Termination or Withholding:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Add additional pages as necessary)

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

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Signature

Name: \_\_\_\_\_

Title: \_\_\_\_\_

## **CONTRACT TERMINATION PROVISION**

### **Instructions:**

A Contract Termination Provision will be included in each procurement contract governed by State Finance Law §139-k. New York State Finance Law §139-k(5) provides that every procurement contract award subject to the provisions of State Finance Law §§139-k and 139-j shall contain a provision authorizing the governmental entity to terminate the contract in the event that the certification is found to be intentionally false or intentionally incomplete. This statutory contract language authorizes, but does not mandate, termination. "Government Entity" and "procurement contract" are defined in State Finance Law §§ 139 j(1) and 139-k(l).

This required clause will be included in a covered procurement contract.

A sample of the Termination Provision is included below. If a contract is terminated in accordance with State Finance Law §139-k(5), the Erie County Water Authority, as a governmental entity, is required to include a statement in the procurement record describing the basis for any action taken under the termination provision.

### **Sample Contract Termination Provision**

The Erie County Water Authority, as a governmental entity, reserves the right to terminate this contract in the event it is found that the certification filed by the Offerer in accordance with New York State Finance Law §139-k was intentionally false or intentionally incomplete. Upon such finding, the Authority may exercise its termination right by providing written notification to the Offerer in accordance with the written notification terms of this contract.



SECTION 139-L OF THE STATE FINANCE LAW  
STATEMENT RELATING TO SEXUAL HARASSMENT POLICY

1. "Bidder" has the same meaning as the term, "Offerer," as that term is defined in State Finance Law § 139-k(1)(h), and includes anyone who submits a bid or proposal.
2. Every proposal or bid hereafter made and submitted to the Erie County Water Authority, where competitive bidding or a sealed proposal is required by statute, rule or regulation, for work or services performed or to be performed or goods sold or to be sold, shall contain the following statement subscribed by the Bidder and affirmed by such Bidder as true under penalty of perjury:

SEXUAL HARASSMENT BIDDING CERTIFICATION

- (a) "By submission of this bid/proposal, EACH BIDDER AND EACH PERSON SIGNING ON BEHALF OF ANY BIDDER CERTIFIES, AND IN THE CASE OF A JOINT BID EACH PARTY THERETO CERTIFIES AS TO ITS OWN ORGANIZATION, under penalty of perjury, that the Bidder has and has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all its employees. Such policy shall, at a minimum, meet the requirements of Section two hundred one-g of the Labor Law."
3. A bid/proposal shall not be considered for award nor shall any award be made to a Bidder who has not complied with subdivision one of this section; provided, however, that if in any case the Bidder cannot make the foregoing certification, the Bidder shall so state and shall furnish with the bid/proposal a signed statement which sets forth in detail the reasons therefore.

The undersigned CERTIFIES, under penalty of perjury, that he is authorized to make this bid/proposal and execute this statement on sexual harassment; that he is familiar with the statements contained in ¶2(a) of this document, as well as the provisions of State Finance Law §139-L and Labor Law §201-g, and such statements are true and have been complied with by the Bidder.

\_\_\_\_\_  
(Name of Individual, Partnership or Corporation)

By \_\_\_\_\_  
(Person authorized to sign)

(SEAL)

END OF BID FORM SUPPLEMENTS

**VAN DE WATER TREATMENT PLANT CAPACITY EXPANSION  
PRELIMINARY DESIGN  
REQUEST FOR PROPOSALS**

**ECWA PROJECT No. 202000011**

**Insurance Specs:**

The following minimum insurance requirements shall apply to vendors providing services to the Erie County Water Authority (ECWA). If a service or project, in the opinion of ECWA, represents an unusual or exceptional risk, ECWA may establish additional insurance requirements for that service or project. All insurance required herein shall be obtained at the sole cost and expense of the contractor, including deductibles and self-insured retentions, and shall be in full force and effect on the contract commencement date and for the duration of the contract. These requirements include but are not limited to the minimum insurance requirements.

**Insurance Requirements:**

**a. Workers Compensation:**

Part 1: Workers Compensation: Statutory

Part 2: Employers Liability: \$1,000,000.

Note: If New York State domiciled employees are used, coverage to be New York Statutory for both Parts 1 and 2

**b. New York Disability Benefits Liability:** Statutory coverage if New York State domiciled employees are used.

**c. Commercial General Liability:**

- \$2,000,000. General Aggregate
- \$2,000,000. Products/Completed Operations Aggregate
- \$1,000,000. Each Occurrence
- \$1,000,000. Personal Injury/Advertising Liability
- Erie County Water Authority to be scheduled as an Additional Insured for both on-going and completed operations (attach Additional Insured endorsement to Certificate of Insurance)
- Insurance to be primary and non-contributory
- Per project aggregate shall apply

**d. Automobile Liability:**

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

**e. Umbrella Liability:**

- \$1,000,000. Each Occurrence
- \$1,000,000. Aggregate



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

**f. Professional Liability**

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

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

ACORD 25 (Item a-e) including copy of Additional Insured Endorsement Note: If coverage provided for NYS domiciled employees require Forms C 105.2 and DB 120.1 for Workers Compensation and NYS DBL.

Certificates of Insurance, on forms approved by the New York State Department of Insurance, must be submitted to ECWA prior to the award of contract. Renewals of Certificates of Insurance, on forms approved by the New York State Department of Insurance, must be received by ECWA 30 days prior to the expiration of the insurance policy period.

Certificates of Insurance and renewals, on forms approved by the New York State Department of Insurance, must be submitted to ECWA prior to the award of contract. Each insurance carrier issuing a Certificate of Insurance shall be rated by A. M. Best no lower than "A-" with a Financial Strength Code (FSC) of at least VII. The professional service provider shall name ECWA, its officers, agents and employees as additional insured on a Primary and Non-Contributory Basis, including a Waiver of Subrogation endorsement (form CG 20 26 11 85 or equivalent), on all applicable liability policies. Any liability coverage on a "claims made" basis should be designated as such on the Certificate of Insurance. Such insurance shall continue through the term of this Agreement and vendor shall purchase at his sole expense either 1) an Extended Reporting Endorsement (also, known as Tail Coverage); or 2) Prior Acts Coverage from new insurer with a retroactive date back to the date of, or prior to, the inception of this Agreement; or 3) demonstrate through Certificates of Insurance that vendor has Maintained continuous coverage with the same or original insurer. Coverage provided under items; 1), 2), or 3) will continue as long as the law allows.

To avoid confusion with similar insurance company names and to properly identify the insurance company, please make sure that the insurer's National Association of Insurance Commissioners (N.A.I.C.) identifying number or A. M. Best identifying number appears on the Certificate of Insurance. Also, at the top of the Certificate of Insurance, please list the project number.

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

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