



ERIE COUNTY WATER AUTHORITY

INTEROFFICE MEMORANDUM

January 9, 2023

To: Terrence D. McCracken, Secretary to the Authority

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

Subject: One Year Contract Extension – Amendment No. 1
Overhead Crane Inspection, Repair, and Maintenance at Various ECWA Facilities
From February 4, 2021 to February 3, 2023
ECWA Project No. 202000142

This contract includes work associated with crane inspections throughout ECWA's water treatment plants and pump stations. Crane inspections are required annually, and this contract will cover the inspections for the next year (2023).

This above referenced contract is a two-year contract with two potential one-year extensions. The original contract was executed in February 2021 and runs through February 2023. The Authority and the contractor, Flatiron Crane Operating Company, LLC D/B/A Simmers Crane Design and Services, agree that a one-year extension of the current contract to February 3, 2024 under 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 email dated December 1, 2022.

Flatiron Crane Operating Company 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:

- Blue 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.

CJJ:jmf
Attachments
cc: R.Stoll
L.Kowalski
D.Patton
ECWA-423-2002-X-20

To: Terrence D. McCracken
Secretary to the Authority

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January 9, 2023

- Three (3) originals of Amendment No. 1 request for Board action and execution by the Authority.
- Flatiron Crane Operating Company (Simmers Crane and Design Services) email agreeing to a one-year extension

Budget Information:

Unit Nos.: 1010 Sturgeon Point Plant, 1015 Van De Water Plant, and 1020 Control Operations
O&M Budget Item No. 19 Payments to Contractors - Other

CJJ:jmf
Attachments
cc: R.Stoll
L.Kowalski
D.Patton
ECWA-423-2002-X-20

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

Contract: 21-07-02 **Project No.:** 202000142
Project Description: Overhead Crane Inspection, Repair, and Maintenance at Various Erie County Water Authority Facilities from February 4, 2021 to February 3, 2023

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	<u><i>Richard Wynn</i></u>	Date: <u>1/9/2023</u>
<input checked="" type="checkbox"/> Chief Operating Officer	<u><i>Russell Stolt</i></u>	Date: <u>1/9/2023</u>
<input checked="" type="checkbox"/> Executive Engineer	<u><i>Leonard F. Konalick</i></u>	Date: <u>01/09/2023</u>
<input checked="" type="checkbox"/> Director of Administration	<u><i>Devonja Lester</i></u>	Date: <u>01/09/2023</u>
<input checked="" type="checkbox"/> Risk Manager	<u><i>Molly Jo Musarra</i></u>	Date: <u>01/09/2023</u>
<input checked="" type="checkbox"/> Chief Financial Officer	<u><i>Oppe</i></u>	Date: <u>01/09/2023</u>
<input checked="" type="checkbox"/> Legal	<u><i>[Signature]</i></u>	Date: <u>1/9/2023</u>

APPROVED FOR BOARD RESOLUTION:

<input checked="" type="checkbox"/> Secretary to the Authority	<u><i>[Signature]</i></u>	Date: <u>1/9/2023</u>
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Remarks: Amendment No. 1 - first for contract time extension.

Pending receipt of C 105.2 and DB 120.1/MJM

Resolution Date: _____ **Item No:** _____

**AMENDMENT NO. 1 TO THE OVERHEAD
CRANE INSPECTION, REPAIR & MAINTENANCE CONTRACT**

AMENDMENT, effective January 19, 2023, to the Overhead Crane Inspection, Repair & Maintenance Contract, effective February 4, 2021, by and between:

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

hereinafter referred to as the “Authority,” and

**FLATIRON CRANE OPERATING COMPANY, LLC
D/B/A SIMMERS CRANE DESIGN & SERVICES**
11 Vanguard Drive
Reading, PA 19606

hereinafter referred to as “Contractor.”

WHEREAS, on February 4, 2021, the Authority awarded Pollock Research & Design, Inc., a contract for crane inspection, repair and maintenance (the “Contract”) for a two-year term, beginning February 4, 2021; and

WHEREAS, on December 17, 2021, Flatiron Crane Operating Company, LLC, purchased the assets, including the Contract, of Pollock Research & Design, Inc.; and

WHEREAS, the Contract provides for services to be provided to the Authority, as described in the Contract, from February 4, 2021 through February 3, 2023; and

WHEREAS, in accordance with Article 6, Paragraph 6.01 of the Contract, the parties may agree in writing to extend the term of the contract for two additional one (1) year terms, under the same terms and conditions or under terms and conditions acceptable to the Authority; and

WHEREAS, in accordance with Article 4 Paragraph 4.02 of the Contract, any modification or variation from the terms of the Contract must be in writing, 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 Contract until February 3, 2024, based on the same terms and conditions, including pricing as set forth in Article 3 of the Contract;

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

- (1) The terms and conditions of the Contract shall continue in effect until February 3, 2024; and
- (2) The parties agree that all references to Pollock Research & Design, Inc., and all references to Contractor in the Contract shall mean Flatiron Crane Operating Company, LLC d/b/a Simmers Crane Design & Services; and
- (3) The parties agree all other terms and conditions of the Contract shall remain unchanged and in effect; and
- (4) 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. 1 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

**FLATIRON CRANE OPERATING COMPANY,
LLC D/B/A/ SIMMERS CRANE DESIGN &
SERVICES**

By _____
Jill Mastandrea, Chief Financial Officer

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On the ____ day of January, 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 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)
COUNTY OF) ss:

On the ____ day of _____, in the year 2023, before me personally came Jill Mastandrea, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed within the instrument and acknowledged to me that she executed the same in her capacity as Chief Financial Officer of the company described in the above instrument, that by her signature she executed the instrument, and that she made such appearance before the undersigned in _____, _____.

Notary Public