



# ERIE COUNTY WATER AUTHORITY

## INTEROFFICE MEMORANDUM

December 4, 2023

To: Terrence D. McCracken, Secretary to the Authority

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

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

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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 steel repair bands for PCCP transmission mains, 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.

Amendment No. 1, executed in August 2022, increased the total contract amount by \$165,000 (from \$98,598.50 to \$263,598.50). In addition to extending the contract one additional year, this Amendment (No. 3) increases the total contract amount by \$200,000 (from \$263,598.50 to \$463,598.50).

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

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December 4, 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](http://WWW.FREDERICKMACHINE.COM)

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

<b>Contract:</b> <u>21-04-01</u>	<b>Project No.:</b> <u>202000143</u>
<b>Project Description:</b> <u>Machining and Fabrication Services for the Repair of Various ECWA Equipment</u>	

**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 checked="" type="checkbox"/> Other <u>One Year Contract Extension</u>			

**Action Requested:**


<input checked="" type="checkbox"/> Board Authorization to Execute	<input checked="" 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 checked="" type="checkbox"/> Sr. Production Engineer	<u></u>	Date: <u>12/4/2023</u>
<input checked="" type="checkbox"/> Chief Operating Officer	<u></u>	Date: <u>12/04/2023</u>
<input checked="" type="checkbox"/> Executive Engineer	<u></u>	Date: <u>12/04/2023</u>
<input checked="" type="checkbox"/> Director of Administration	<u></u>	Date: <u>12/04/2023</u>
<input checked="" type="checkbox"/> Risk Manager	<u></u>	Date: <u>12/4/2023</u>
<input checked="" type="checkbox"/> Chief Financial Officer	<u></u>	Date: <u>12/04/2023</u>
<input checked="" type="checkbox"/> Legal	<u></u>	Date: <u>12/04/23</u>

**APPROVED FOR BOARD RESOLUTION:**

<input checked="" type="checkbox"/> Secretary to the Authority	<u></u>	Date: <u>12-4-23</u>
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**Remarks:** Amendment No. 3 for Frederick Machine & Manufacturing, Inc.

<b>Resolution Date:</b> _____	<b>Item No:</b> _____
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**AMENDMENT NO. 3 TO THE MACHINING AND FABRICATION SERVICES  
FOR THE REPAIR OF VARIOUS AUTHORITY EQUIPMENT CONTRACT**

AMENDMENT, effective December 14, 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**, the terms of the Contract, as amended by Amendment No. 1, limit the total expenditure for services and materials to \$263,598.50; and

**WHEREAS**, the Authority’s Chief Operating Officer and Executive Engineer recommend that the Authority amend the Contract by increasing the total expenditure for services and materials to \$463,598.50; 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 parties agree to amend paragraph 3.04 of the Contract to increase the total cost not to exceed for services and equipment by \$100,000.00, changing the current figure of \$193,598.50 to \$293,598.50; and
- (2) The parties agree to amend paragraph 3.05 of the Contract to increase the total cost not to exceed for materials by \$100,000.00, changing the current figure of \$70,000.00 to \$170,000.00; and
- (3) The terms and conditions of the Contract shall continue in effect until December 31, 2024; and
- (4) 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
- (5) 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 December, 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