



ERIE COUNTY WATER AUTHORITY
INTEROFFICE MEMORANDUM

November 7, 2022

TO: Terrence D. McCracken, Secretary to the Authority

FROM: Lavonya C. Lester, Director of Administration *LCL*

SUBJECT: Landscape Professional Service Contract Extension PN#202100004

On April 15, 2021, the Authority entered a professional service contract with New York State Industries for the Disabled (NYSID) and the Erie County Chapter NYSARC, Inc. d/b/a The Arc Erie County (Arc) for landscaping services throughout the Authority's footprint. The services provided include the restoration of lawns, mowing, maintaining flowers, flower beds, tree trimming, shrubbery and the cleanup of leaves, trash, and litter. It also includes salting at Van de Water and Sturgeon Point locations. Landscape services are being provided at the Service Center, Van de Water, Sturgeon Point and (53) fifty-three additional service locations.

On April 7, 2022, the Authority authorized the first of four optional one-year contract extensions with NYSID and Arc for continued landscaping services. The total monthly cost was \$51,135.00

The NYS Department of Labor increased the prevailing wage rates for landscape laborers on July 1, 2022. Per the terms of the Agreement, §2.04, prevailing wage rates may be adjusted annually. All other administrative and preferred source fees have remained the same. The new monthly cost is \$53,672.00. This monthly cost will cover the services performed for the months beginning July through November 2022.

The Administration Department is recommending that we accept this increase. Funds are available in the budget to cover this minor prevailing wage increase.

Budget Information:

The following department units and budget lines will be used to pay for the services.

Control Dept	Unit:1020 401000 620319	Approx. 67% total cost
Sturgeon Point	Unit:1010 401000 620119	Approx. 16% total cost
Van De Water	Unit:1015 401000 620219	Approx. 9% total cost
Service Center	Unit:3070 401000 680019	Approx. 7% total cost

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

Contract: _____ **Project No.:** 202100004
Project Description: Landscape Professional Service Contract Extension

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 _____

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 type="checkbox"/> Other (if Applicable)	_____	Date: _____
<input checked="" type="checkbox"/> Chief Operating Officer	<u><i>Russell J. Abel</i></u>	Date: <u>11/7/2022</u>
<input checked="" type="checkbox"/> Executive Engineer	<u><i>Leonard F. Koralicki</i></u>	Date: <u>11/07/2022</u>
<input checked="" type="checkbox"/> Director of Administration	<u><i>Kevin J. Lortie</i></u>	Date: <u>11/07/2022</u>
<input checked="" type="checkbox"/> Risk Manager	<u><i>Molly J. Musarra</i></u>	Date: <u>11/7/2022</u>
<input checked="" type="checkbox"/> Chief Financial Officer	<u><i>Joseph J. ...</i></u>	Date: <u>11/07/2022</u>
<input checked="" type="checkbox"/> Legal	<u><i>[Signature]</i></u>	Date: <u>11/7/2022</u>

APPROVED FOR BOARD RESOLUTION:

<input checked="" type="checkbox"/> Secretary to the Authority	<u><i>[Signature]</i></u>	Date: <u>11/7/22</u>
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Remarks: Amendment No. 3: One-year NYSID ARC Contract Extension.

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

**AMENDMENT NO. 3 TO
PROFESSIONAL SERVICES AGREEMENT
FOR LANDSCAPING SERVICES**

AMENDMENT, effective November 17, 2022, to the Professional Services Agreement effective on April 15, 2021, by and between

ERIE COUNTY WATER AUTHORITY

295 Main Street, Room 350

Buffalo, New York 14203

hereinafter referred to as the “Authority,” and

NEW YORK STATE INDUSTRIES FOR THE DISABLED, INC.

11 Columbia Circle Drive

Albany, New York 12203

hereinafter referred to as “NYSID,” and

ERIE COUNTY CHAPTER NYSARC, INC. d/b/a

THE ARC ERIE COUNTY NEW YORK

30 Wilson Road

Williamsville, New York 14221

Hereinafter referred to as the “ARC,”

WHEREAS, on April 15, 2021, the Authority executed an agreement with NYSID and ARC to provide landscaping services to the Authority (the “Agreement”); and

WHEREAS, on November 10, 2021, the parties executed Amendment No. 1 to the Agreement reducing pricing of certain line items in the Agreement; and

WHEREAS, on April 7, 2022 the parties executed Amendment No. 2 to the Agreement extending the term of the Agreement to April 14, 2023; and

WHEREAS, in accordance with paragraph 3.02 of the Contract, the parties may amend the Agreement by written amendment authorized by resolution of the Authority’s Board of Commissioners; and

WHEREAS, NYSID has requested an increase in the unit prices set forth in the Agreement as a result of an increase by the State of New York in the Prevailing Wage Schedule applicable to this Agreement;

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

(1) The parties agree that, effective July 1, 2022, §§ 2.02 through 2.03 of the Agreement are deleted in their entirety and replaced with the following:

2.02 The Service Provider agrees to provide landscaping and salting services at the following per visit unit prices, which include all labor, materials, equipment, travel time and tolls to the Service Locations.

1. *For General Grounds Maintenance (as described in §1.02 (B)(8)):*

SITE	PER VISIT UNIT PRICE	ESTIMATED UNITS	ESTIMATED ANNUAL TOTAL COST
1: George W. Markle Tank and Windom Pump Station	\$640.44	30	\$19,213.20
2: Hamburg Booster Station	\$141.18	30	\$4,235.40
3: Lakeview Booster Station	\$178.40	30	\$5,352.00
4: Sturgeon Point Water Treatment Plant	\$1,713.41	30	\$51,402.30
5: John Horner Pumping Station	\$168.13	30	\$5,043.90
6: George O. Guenther Pumping Station	\$367.07	30	\$11,102.10
7: Chestnut Ridge Tank	\$189.95	30	\$5,698.50
8: East Aurora Station	\$212.67	30	\$6,380.10
9: Leydecker Road Station	\$123.21	30	\$3,696.30
10: Broadway Pump Station and Tank	\$215.62	30	\$6,468.60
11: Service Center/Stephen L. Vukelic Pumping Station	\$376.05	30	\$11,281.50
12: Sandridge Tank – Alden	\$215.62	30	\$6,468.60
13: Wehrle Drive Tank	\$187.38	30	\$5,621.40
14: Pine Hill Pumping Station	\$309.31	30	\$9,279.30
15: Pleasantview Tank	\$241.29	30	\$7,238.70
16: Depew Pumping Station	\$377.85	30	\$11,335.50

17: Richard F. Ball Pumping Station and Tanks	\$296.48	30	\$8,894.40
18: Jerome D. Van de Water Raw Water Station	\$312.65	30	\$9,379.50
19: Van de Water Filter Plant	\$625.04	30	\$18,751.20
20: Clark Street Pump Station	\$207.66	30	\$6,229.80
21: Jewett-Holmwood Pumping Station	\$176.86	30	\$5,305.80
22: Marilla Pump Station	\$143.75	30	\$4,312.50
23: Harris Hill Pump Station	\$223.32	30	\$6,699.60
24: William Street Pump Station	\$143.75	30	\$4,312.50
25: Gartman Road Pump Station	\$156.58	30	\$4,697.40
26: Eden 1 Pump Station	\$192.73	30	\$5,781.90
27: Eden 2 Pump Station	\$186.10	30	\$5,583.00
28: Marilla Tank	\$218.19	30	\$6,545.70
29: Eden 3 Pump Station and Tank	\$119.36	30	\$3,580.80
30: Eden 4 Tank	\$186.10	30	\$5,583.00
31: North Boston Pump Station	\$116.79	30	\$3,503.70
32: Crestwood Tank	\$118.59	30	\$3,557.70
33: Keller Road Station	\$118.59	30	\$3,557.70
34: Rice Hill Tank	\$141.18	30	\$4,235.40
35: Violet Street Station and Tank	\$141.18	30	\$4,235.40
36: Long Street Tank	\$115.51	30	\$3,465.30
37: Janice Street Tank	\$107.81	30	\$3,234.30
38: Ward Road Tank	\$185.72	30	\$5,571.60

39: Scherff Road Tank	\$216.52	30	\$6,495.60
40: Cole Road Tank	\$183.53	30	\$5,505.90
41: Benning Road Tank	\$183.53	30	\$5,505.90
42: Veterans Park Station and Tank	\$216.52	30	\$6,495.60
43: Colvin Tank	\$216.52	30	\$6,495.60
44: Trevett Road Station	\$123.21	30	\$3,696.30
45: Wohlhueter Tank	\$186.49	30	\$5,594.70
46: East Hill Station	\$162.36	30	\$4,870.80
47: Kulp Road Tank	\$229.48	30	\$6,884.40
48: Jennings Road Station	\$111.92	30	\$3,357.60
49: East Church Street Tank	\$149.78	30	\$4,493.40
50: Trevett Road Tank	\$107.81	30	\$3,234.30
51: Emery Station and Tank	\$134.76	30	\$4,042.80
52: Aurora Station and Tank	\$145.03	30	\$4,350.90
53: Griffin Mills Pump Station	\$141.18	30	\$4,235.40
54: Newstead Tank	\$184.43	30	\$5,532.90
55: Shadagee Road Station	\$136.56	30	\$4,096.80
56: Ellis Road	\$116.79	30	\$3,503.70

2. ***Rough Mowed Areas (as described in §1.02 (B)(9)):***

SITE	PER VISIT UNIT PRICE	ESTIMATED UNITS	ESTIMATED ANNUAL TOTAL COST
Sturgeon Point Water Treatment Plant	\$712.19	7	\$4,985.33

Van de Water Raw Water Station and Filter Plant	\$714.04	7	\$4,998.28
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3. **Spring and Fall Clean Up** (as described in §1.02 (B)(11)):

Spring Unit Price is \$16,403.24 per season.

Fall Unit Price is \$17,857.47 per season.

4. **Salting Services** (as described in §1.02 (C)):

SITE	PER VISIT UNIT PRICE
Sturgeon Point Water Treatment Plant	\$357.38
Van de Water Raw Water Station and Treatment Plant	\$357.38

2.03 The Service Provider agrees to accept payment for landscaping services, including all labor, equipment, and travel time, provided at the direction of the Facilities Manager in excess of the duties provided for under the provisions of this Agreement at an hourly rate of \$38.88.

(2) The parties agree all other terms and conditions of the Contract shall continue in effect until April 14, 2023;

(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

NEW YORK STATE INDUSTRIES FOR THE DISABLED, INC.

By _____
Meredith Hartman, Vice President of Contract Administration

**ERIE COUNTY CHAPTER NYSARC, INC.
d/b/a THE ARC ERIE COUNTY NEW YORK**

By _____
Douglas DiGesare, Chief Executive Officer

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On the _____ day of _____, 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 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 ALBANY) ss:

On the _____ day of _____, in the year 2022, before me personally came Meredith Hartman, to me known, who, being by me duly sworn, did depose and say that she resides in Saratoga County, New York, that she is the Vice President of Contract Administration of New York State Industries for the Disabled, Inc., described in the above instrument; and that she signed her name thereto by order of the Board of Directors of said Corporation.

Notary Public

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On the _____ day of _____, in the year 2022, before me personally came Douglas DiGesare, to me known, who, being by me duly sworn, did depose and say that he resides in Kenmore, New York, that he is the Chief Executive Officer of Erie County Chapter NYSARC, Inc. d/b/a The ARC Erie County, described in the above instrument; and that he signed his name thereto by order of the Board of Directors of said Corporation.

Notary Public