

BUFFALO SEWER AUTHORITY

REGULAR MEETING

September 28, 2023

9:00 A.M.

**Bird Island Treatment Facility, 90 West Ferry St.
Teleconference +1 917- 933-2166, ID #864 055 021**

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ITEM NO. 2

INFORMATIVE: TEMPORARY INVESTMENTS (CERTIFICATES OF DEPOSIT AND TREASURY BILLS)

As of July 31st, 2023

| ISSUE DATE | MATURITY DATE | TOTAL DAYS | AMOUNT | BANK | RATE | INTEREST AMOUNT |
|--|---------------------|------------|------------------------|--------------------------|-------|-----------------|
| CONSTRUCTION/CAPITAL IMPROVEMENT FUND | | | | | | |
| 31-Jul-12 | MONEY MARKET | | \$2,585,293.28 | Key | 0.01% | Public NOW |
| 4-Apr-23 | 1-Aug-23 | 119 | \$6,096,745.60 | M&T Securities | 4.75% | \$97,254.40 |
| 18-May-23 | 17-Aug-23 | 91 | \$7,253,213.50 | M&T Securities | 5.05% | \$93,786.50 |
| 1-Jun-23 | 31-Aug-23 | 91 | \$3,935,277.53 | M&T Securities | 5.23% | \$52,722.47 |
| 13-Jun-23 | 14-Sep-23 | 93 | \$1,898,046.79 | Key Banc Capital | 5.42% | \$26,953.21 |
| 28-Jun-23 | 28-Sep-23 | 92 | \$6,876,772.60 | Key Banc Capital | 5.40% | \$96,227.40 |
| 11-Jul-23 | 12-Oct-23 | 93 | \$6,559,331.50 | Key Banc Capital | 5.45% | \$93,668.70 |
| | | | \$35,204,680.80 | | | |
| LIABILITY AND CASUALTY RESERVE FUND | | | | | | |
| 31-Jul-12 | MONEY MARKET | | \$90,200.64 | Key | 0.01% | Public NOW |
| 20-Jul-23 | 20-Oct-23 | 92 | \$930,580.95 | Key Banc Capital | 5.21% | \$12,419.05 |
| | | | \$1,020,781.59 | | | |
| OPERATING FUND | | | | | | |
| 31-Jul-12 | Super NOW | | \$4,557,194.71 | Key | 0.01% | Public NOW |
| TRUST & AGENCY FUND | | | | | | |
| 31-Jul-12 | Super NOW | | \$4,295.39 | Key | 0.01% | Public NOW |
| SURPLUS FUND | | | | | | |
| 1-Jun-23 | 30-Nov-23 | 182 | \$2,457.10 | Wilmington U.S. Treasury | 4.68% | |
| | | | \$10,002,349.73 | Key Banc Capital | 5.23% | \$271,650.27 |
| | | | \$10,004,806.83 | | | |
| NET REVENUE FUND | | | | | | |
| 25-May-23 | 29-Aug-23 | 96 | \$189,288.11 | Wilmington U.S. Treasury | | |
| | | | \$3,560,904.00 | M&T Securities | 5.10% | \$49,096.00 |
| 27-Jul-23 | 26-Oct-23 | 91 | \$5,698,433.93 | M&T Securities | 5.25% | \$76,566.07 |
| 17-Jul-23 | 23-Sep-23 | 71 | \$7,499,891.40 | Key Banc Capital | 5.16% | \$77,108.60 |
| | | | \$16,948,517.44 | | | |
| BSA 2021 EIB FUND | | | | | | |
| 25-May-23 | 24-Aug-23 | 91 | \$316,766.63 | Cash | 0.00% | |
| | | | \$32,617,627.67 | M&T Securities | 5.14% | \$429,372.33 |
| 27-Jun-23 | 29-Sep-23 | 94 | \$9,987,046.37 | Key Banc Capital | 5.33% | \$140,953.63 |

| | | | | | | |
|-----------|-----------|----|------------------------|------------------|-------|--------------|
| 27-Jul-23 | 31-Oct-23 | 96 | \$10,103,385.60 | Key Banc Capital | 5.40% | \$147,614.40 |
| | | | \$53,024,826.27 | | | |

DEBT RESERVE FUND**Series J**

| | | | | | | |
|-----------|-----------|------|---------------------|----------------------|-------|--|
| 02-Jul-14 | 13-Nov-33 | 7076 | \$515,879.00 | UST State/Local Govt | 2.70% | |
|-----------|-----------|------|---------------------|----------------------|-------|--|

Series K

| | | | | | | |
|-----------|-----------|------|---------------------|----------------------|-------|--|
| 02-Jul-14 | 15-Feb-33 | 6803 | \$361,415.00 | UST State/Local Govt | 2.70% | |
|-----------|-----------|------|---------------------|----------------------|-------|--|

Series L

| | | | | | | |
|-----------|----------|------|---------------------|----------------------|-------|--|
| 12-Nov-15 | 1-Oct-35 | 7263 | \$689,547.00 | UST State/Local Govt | 2.44% | |
|-----------|----------|------|---------------------|----------------------|-------|--|

Series M

| | | | | | | |
|-----------|----------|-------|---------------------|----------------------|-------|--|
| 27-Jun-14 | 1-May-44 | 10901 | \$595,613.00 | UST State/Local Govt | 2.70% | |
|-----------|----------|-------|---------------------|----------------------|-------|--|

Series N

| | | | | | | |
|-----------|-----------|------|-----------------------|----------------------|-------|--|
| 15-Nov-12 | 15-Apr-32 | 7091 | \$2,167,157.00 | UST State/Local Govt | 2.42% | |
|-----------|-----------|------|-----------------------|----------------------|-------|--|

EFC 2021

| | | | | | | |
|-----------|----------|-----|---------------------|--------------------------|-------|------------|
| | | | \$5,908.76 | Wilmington U.S. Treasury | 4.32% | |
| 11-May-23 | 5-Sep-23 | 117 | \$321,754.27 | Key Banc Capital | 5.10% | \$5,245.73 |
| | | | \$327,663.03 | | | |

DSF PRIN &INT**\$0.01**

Wilmington Fund

DSF 2021 EIB**\$255,703.04**

Wilmington Fund 4.55%

RECEIVE & FILEBoard Meeting of September 28th, 2023

ITEM NO. 3

INFORMATIVE: REALLOCATION OF FUNDS

The following budgetary transfers have been made to cover unforeseen shortages. These transfers do not change the total amount of the Buffalo Sewer Authority's operating budget.

Wastewater Treatment Plant

| | | | | |
|----------|--|-------------|---------------------------------------|------------|
| 8/9/2023 | 00680105 Equipment Maintenance & Repair Supplies | -\$3,418.00 | 00450105 KEL Equipment Maintenance | \$3,418.00 |
|----------|--|-------------|---------------------------------------|------------|

Engineering Division

| | | | | |
|-----------|---------------------------------|-----------|--|----------|
| 8/17/2023 | 00600105 ENG Office Supplies | -\$235.98 | 00600106 ENG ED Licenses & Training | \$235.98 |
|-----------|---------------------------------|-----------|--|----------|

RECEIVE & FILE

Board Meeting of September 28, 2023

ITEM NO. 4

PAYMENT FROM JUDGMENT AND CLAIMS

WHEREAS: Board approval is required for charges made against the Buffalo Sewer Authority’s current budget for services and/or materials received during a prior fiscal year; and

WHEREAS: The following services were received during a prior fiscal year charged to the 2022-2023 budget account no. 00800108-480214:

WHEREAS:

| VENDOR | INVOICE | AMOUNT |
|----------------------------|-------------------|-------------|
| WB Mason | 226670201 | \$13.68 |
| WB Mason | 226625950 | \$449.94 |
| WB Mason | 227656976 | \$41.98 |
| Verizon | 071723-716N732253 | \$888.10 |
| Verizon | 061623-716N732253 | \$875.36 |
| Engie Resources | 77815 | \$3.20 |
| Engie Resources | 79014 | \$824.50 |
| Barclay Damon, LLP | 5233510 | \$16,710.00 |
| Babcock & Wilcox | 614922 | \$94.58 |
| Airgas USA, LLC | 9139603652 | \$1,176.00 |
| Dons Security Service Inc. | BSA23-08 | \$17,707.20 |
| Raftelis | 28265 | \$4,500.00 |

; and

WHEREAS: The Executive Secretary and staff recommend the above payment from the Judgment and Claims account.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves the above payment from the Judgment and Claims account.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of September 28, 2023

ITEM NO. 5

CLAIM AGAINST LIABILITY AND CASUALTY RESERVE FUND

WHEREAS: Marcell Richarson-Redden of 106 Easton Ave filed a Claim with the City of Buffalo for damage to her property on February 23, 2022; and

WHEREAS: The City of Buffalo Corporation Counsel and Executive Secretary reviewed this Claim and have negotiated a final settlement in the amount of \$116.62 in full and complete settlement of this matter.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to make payment to Marcell Richarson-Redden of 106 Easton Ave, Buffalo, NY 14215 in the final settlement amount of \$116.62 in full and complete settlement of this matter. This Claim will be paid out of the Liability and Casualty Reserve Fund.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of September 28, 2023

ITEM NO. 6

FUND BALANCE DESIGNATION

WHEREAS: The Buffalo Sewer Authority has adopted a Fund Balance Policy in an effort to ensure financial security through the maintenance of a healthy reserve fund.

WHEREAS: In accordance with this policy, each year the Buffalo Sewer Authority must designate the purpose of fund balance.

WHEREAS: The General Manager recommends the following designation of fund balance for the fiscal year ending June 30, 2023

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby approves the following designation of fund balance for the fiscal year ending June 30, 2023.

| | |
|---------------------|-------------------|
| Fund Balances: | |
| Non-Spendable | \$228,023 |
| Committed: | |
| Encumbrances | 10,492,055 |
| Loss Contingencies | 2,000,000 |
| Capital Projects | 10,969,811 |
| Unassigned | <u>10,000,000</u> |
| Total Fund Balances | \$33,689,889 |

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of September 28, 2023

ITEM NO. 7

TRAVEL AUTHORIZATION - ROCHESTER, NY

WHEREAS: The Maximo Utility Working Group (MUWG) the evolution of asset & work management using Maximo; and

WHEREAS: The MUWG Fall Conference will be held September 25-September 28, 2023 in Rochester, NY; and

WHEREAS: This conference includes training and discussion sessions on multiple concepts and functions of our IBM Maximo system; and

WHEREAS: The System Administrator recommends the Assistant Computer Systems Engineer Coordinator and Assistant Computer Programmer attendance to the Maximo Utility Working Group (MUWG) Fall Conference.

WHEREAS: Due to time Constraints, the Board was polled on September 7, 2023, and verbally authorized acceptance of this proposal; and

WHEREAS: It is now necessary to formally ratify that authorization.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the Assistance Computer Systems Engineer Coordinator and Assistant Computer Programmer to travel to Rochester, New York from September 25 – September 28, 2023 to attend the Maximo Utility Working Group (WUWG) Fall Conference at a total cost not to exceed \$3,000. Account nos. 00200104-458010 and 00200104-458012 will be utilized for this travel.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of September 28, 2023

ITEM NO. 8

TRAVEL AUTHORIZATION - CHARLESTON, SC

WHEREAS: The Reliability Excellence for Managers course provided by Life Cycle Engineering is intended for General Managers, Plant Managers and Maintenance Managers; and

WHEREAS: The Reliability Excellence for Managers course is held over the course of three sessions from October 17 – October 19, 2023, December 5 – December 7, 2023, and January 6 – January 8, 2023 in Charleston, SC; and

WHEREAS: The Reliability Excellence for Managers course guides participants toward building and sustaining a strategic Reliability Engineering program and gaining support to achieve an organization’s reliability goals. Building a business case for reliability, designing reliability into a process before it’s built, identifying operating risks and solving problems in all areas of asset management, with the goal of increasing equipment availability, stabilizing processes, reducing waste, improving overall equipment effectiveness (OEE), lowering maintenance cost and reducing spare parts inventory; and

WHEREAS: The Superintendent of Mechanical Maintenance seeks to remain current with industry best practices in the areas of asset management and plant reliability; and

WHEREAS: The General Manager recommends the Superintendent of Mechanical Maintenance attend the Reliability Excellence for Managers course sessions in Charleston, SC.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the Superintendent of Mechanical Maintenance to travel to Charleston, SC for three total Reliability Excellence for Managers course sessions, from October 17 – October 19, 2023, December 5 – December 7, 2023, and January 6 – January 8, 2023, at a cost of \$2,800 per session trip, for a total cost not to exceed \$8,400.00 and will be charged to account no. 00200104-458012.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of September 28, 2023

ITEM NO. 9

TRAVEL AUTHORIZATION - SAN DIEGO, CA

WHEREAS: The Association of Metropolitan Water Agencies (AMWA) is hosting its Executive Management Conference (EMC); and

WHEREAS: The EMC will be held October 22 – October 25, 2023 in San Diego, CA.; and

WHEREAS: The EMC serves as an opportunity for executive-level and peer-to-peer exchange networking in the water sector. Agenda items will address workforce development, application and utilization of technology in various contexts, overview of PFAS and emerging contaminants and perspectives on affordability and environmental justice; and

WHEREAS: The Chairman of the board recommends attendance for himself and the General Manager to attend the Association of Metropolitan Water Agencies Executive Management Conference.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the Board Chairman and General Manager to travel to San Diego, California from October 21 – October 26, 2023, to attend the Association of Metropolitan Water Agencies Executive Management Conference at a total cost not to exceed \$7000.00. Account nos. 00110104-458010, 00110104-458012, 00100104-458010 and 00100104-458012 will be utilized for this travel.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of September 28, 2023

ITEM NO. 10

TRAVEL AUTHORIZATION - PHILADELPHIA, PA

WHEREAS: The Buffalo Sewer Authority is actively working with PowerCorpsPHL and Buffalo Center for Health Equity to expand its integrated green infrastructure stewardship service program in order to foster workforce development; and

WHEREAS: The Authority seeks to address environmental, and equity needs as key design requirements within the structure of the Green Infrastructure Stewardship Service program in order to develop local talent from low-income and undeserved communities by providing training and complete wrap around services to successfully meet the Authority's Green Infrastructure maintenance management; and

WHEREAS: The Authority desires to maintain a peer-to-peer relationship with the Philadelphia Water Department and PowerCorpsPHL and it is recommended that the Superintendent of Mechanical Maintenance, the Forester (BSA) and Labor Supervisor I participate in a series of coordination meetings to be held in Philadelphia, PA October 30 – November 1, 2023.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the Superintendent of Mechanical Maintenance, the Forester (BSA) and Labor Supervisor I travel to Philadelphia, PA from October 29, 2023 through November 1, 2023, at a total cost not to exceed \$4,500.00 and will be charged to account no. 00200104-458010.

MOTION TO _____
MADE BY _____
2ND BY _____
AYES _____ NOES _____

Board Meeting of September 28, 2023

ITEM NO. 11

TRAVEL AUTHORIZATION - ASHEVILLE, NC

WHEREAS: The Buffalo Sewer Authority serves as a member agency for the National Association of Clean Water Agencies (NACWA), an organization dedicated to engagement and advocacy in the water sector on behalf of municipal organizations; and

WHEREAS: The NACWA Fall Strategic Leadership, Board of Directors Meeting, and National Clean Water Law & Enforcement Seminar will be held in Asheville, N.C. from November 6 – 10, 2023, covering major national concerns relating to the water sector practices and issues; and

WHEREAS: The General Manager serves on the Board of Directors as President; and

WHEREAS: The Chairman of the Board recommends the General Manager’s attendance to the NACWA Fall Strategic Leadership and Board of Directors Meeting, and Law and Enforcement Seminar.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to travel to Asheville, North Carolina from November 5 – November 12, 2023, to attend the NACWA Fall Strategic Leadership and Board of Directors Meeting and, National Clean Water Law & Enforcement Seminar at a total cost not to exceed \$2,500.00. Account no.’s 00110104-458010 and 00110104-458012 will be utilized for this travel.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of September 28, 2023

ITEM NO. 12

TRAVEL AUTHORIZATION - GREENVILLE, SC

WHEREAS: The National Council of Examiners for Engineering and Surveying (NCEES) develops and administers the professional engineering licensure and pre-licensing exams; and

WHEREAS: The Principal Sanitary Engineer has been selected by NCEES to participate in the PE Environmental Professional Activities and Knowledge Study (PAKS) Survey Creation Setting Meeting held November 8-9, 2023 in Greenville, SC to develop cut scores for the revised civil engineering discipline professional engineering exam which will be utilized across the United States including in New York State; and

WHEREAS: The Principal Sanitary Engineer’s participation in this process will ensure that the experience and knowledge that Buffalo Sewer Authority provides and requires of professional engineers are reflected in the licensing exam; and

WHEREAS: NCEES will provide air travel, lodging, board, and a \$320.00 stipend to cover incidentals and ground transport for all participants; and

WHEREAS: The General Manager recommends that the Principal Sanitary Engineer attend the PE Environmental PAKS Survey Creation Meeting.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the Principal Sanitary Engineer to travel to Greenville, SC on November 7, 2023-November 10, 2023, to participate in the PE Environmental PAKS Survey Creation Meeting and to accept the \$320.00 stipend from NCEES for incidentals and ground transportation costs. No expenses will be charged to the Buffalo Sewer Authority for this travel.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of September 28, 2023

ITEM NO. 13

TRAVEL AUTHORIZATION - TUCSON, AZ

- WHEREAS: The US Water Alliance is holding its annual One Water Summit 2023 in Tucson, Arizona from November 14 – November 16, 2023 along with a convening of the Water Equity Network learning teams on November 13, 2023; and
- WHEREAS: The Authority serves as a peer city partner in the Water Equity Network and continues to benefit from the community-based initiatives that are developed through the virtual and in-person convening; and
- WHEREAS: As a member of the Board of Directors for US Water Alliance, the General Manager needs to attend the annual board meeting, remain active on the latest innovative and inclusive approaches to foster community connections, manage water, and navigate regulatory issues; and
- WHEREAS: The Authority’s Principal Sanitary Engineer has been awarded a scholarship by Duke University’s Water Innovation Leadership Development (WILD) program as part of their delegation for registration and hotel costs (approximately \$1,450.00) to attend this summit; and
- WHEREAS: The Authority’s Senior Engineer has been awarded an all expenses paid opportunity to host a peer-to-peer dialogue highlighting work done with The Center for Water Security and Cooperation; and
- WHEREAS: The General Manager recommends attendance for himself and the Special Assistant (BSA) as Buffalo Learning Team Representatives and, Principal Sanitary Engineer and Senior Engineer, scholarship recipients, to the US Water Alliance One Water Summit 2023.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager, Special Assistant, and Principal Sanitary Engineer to travel to Tucson, AZ from November 12 – November 18, 2023, to attend the US Water Alliance One Water Summit 2023 at a total cost not to exceed \$5,000.00. Account nos. 00110104-458010, 00110104-458012, 00600104-458010 and 00600104-458012 will be utilized for this travel.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of September 28, 2023

ITEM NO. 14

REPORT ON BIDS RECEIVED-ELECTRICITY SUPPLY

WHEREAS: Bids were solicited by United Energy, the Buffalo Sewer Authority’s energy consultant, for electricity supply to the Bird Island Treatment Plant facility and outlying stations for various terms beginning on July 1, 2023. The following bids was formally opened and reviewed via e-mail for the Bird Island Treatment Facility on February 23, 2023;

| SUPPLIER | BIRD ISLAND TREATMENT FACILITY | YEAR |
|-----------------------------|--------------------------------|------|
| New Wave Energy, LLC | \$0.04800/kWh | 1 |
| | \$0.04800/kWh | 2 |
| | \$0.04700/kWh | 3 |
| Energy Mark LLC | \$0.04892/kWh | 1 |
| | \$0.04969/kWh | 2 |
| | \$0.05059/kWh | 3 |
| | \$0.04844/kWh | 4 |
| Smartest Energy | \$0.05194/kWh | 1 |
| | \$0.05155/kWh | 2 |
| | \$0.05150/kWh | 3 |
| | \$0.05159/kWh | 4 |
| Direct Energy | \$0.05546/kWh | 1 |
| | \$0.05630/kWh | 2 |
| | \$0.05763/kWh | 3 |
| Energo | \$0.05850/kWh | 1 |
| | \$0.05790/kWh | 2 |
| | \$0.05760/kWh | 3 |
| | \$0.05730/kWh | 4 |

and;

WHEREAS: Based upon the aforementioned bid pricing in accordance with the RFP as solicited, United Energy makes the following recommendation bid submission pricing, New Wave Energy (all rate/tariff classes)-1 Year Pricing: \$0.04800/kWh for the period July 1, 2023 through June 30, 2024; and

WHEREAS: The General Manager, and Treatment Plant Superintendent concur with United Energy and recommend awarding a one-year contract to New Wave Energy, LLC for electric supply for the Bird Island Treatment Facility and outlying stations.

WHEREAS: Due to time Constraints, the Board was polled on August 17, 2023, and verbally authorized acceptance of this proposal; and

WHEREAS: It is now necessary to formally ratify that authorization.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to enter into a contract with New Wave Energy, LLC for electricity supply for the Bird Island Treatment Facility and outlying stations for a one-year period, July 1, 2023 through June 30, 2024, at a cost of \$0.0480/kWh . The purchase of this commodity will be charged to various Treatment Plant accounts.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of September 28,2023

ITEM NO. 15

EXTENSION OF THE CONTRACT FOR ENERGY CONSULTING SERVICES

- WHEREAS: United Energy is a professional consulting organization specializing in energy commodities procurement geared to minimize financial risk and maximize savings; and
- WHEREAS: On July 31, 2019, the Board of the Buffalo Sewer Authority authorized the General Manager to enter into and execute an agreement with United Energy for energy consulting services for the period July 1, 2019 through June 30, 2020, with an option to renew for four (4) one-year periods through June 30, 2024; and
- WHEREAS: On June 24, 2020, the Board of the Buffalo Sewer Authority authorized an extension of six (6) months under the current terms, conditions, and pricing indicated in the contract document for the period July 1, 2020 through December 31, 2020; and
- WHEREAS: On October 28, 2020, the Board of the Buffalo Sewer Authority authorized an extension of six (6) months under the current terms, conditions, and pricing indicated in the contract document for the period January 1, 2021 through June 30, 2021 followed by a not to exceed one (1) year under the current terms, conditions, and pricing indicated in the contract document for the period July 1, 2021 through June 30, 2022; and
- WHEREAS: The proposal submitted for Professional Services of Energy Procurement is for \$30,000.00 annually, plus a cost of 15% of savings realized (for a cumulative total equal to or less than \$150,000.00) and a cost of 22% of savings realized (for a cumulative total greater than \$150,000.00); and
- WHEREAS: On September 28, 2022, the Board of the Buffalo Sewer Authority authorized the extension of the contract with United Energy Management for Energy Consulting Services for one (1) year through June 30, 2023; and
- WHEREAS: The Treatment Plant Superintendent recommends the extension of the contract with United Energy for the period of July 1, 2023 through June 30, 2024, at an annual base fee of \$30,000.00, plus the percentage indicated for cumulative savings realized.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to extend the contract with United Energy Management for Energy Consulting Services for one (1) year through June 30, 2024 under the current terms, conditions, and pricing indicated in the contract document until the new award for these services is prepared. Expenses for this extension will be charged to account nos. 00380106-432004 and 00380103-441001.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of September 28, 2023

ITEM NO. 16

AUTHORIZATION FOR PURCHASE - VACUUM PUMP BLOWER

WHEREAS: On May 3, 2023, the Board of the Buffalo Sewer Authority awarded the purchase of one (1) Vacuum Pump Blower at the Bird Island Treatment Facility with Stark Compression, LLC,

WHEREAS: The Treatment Plant Superintendent has determined a need for one (1) additional Vacuum Pump Blower. A quote was requested and received from Stark Compression, LLC, in the amount of \$124,296.00; and

WHEREAS: The Treatment Plant Superintendent, Acting Principal Chief Stationary Engineer and staff reviewed the quote received and recommend the purchase Vacuum Pump Blower from Stark Compression, LLC; and

WHEREAS: Board approval is required on purchases over \$20,000.00.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to purchase one (1) additional Vacuum Pump Blower from Stark Compression, LLC for a total cost of \$124,296.00. This purchase will be charged to account no. 00380105-466107.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of September 28, 2023

ITEM NO. 17

AUTHORIZATION FOR PURCHASE - HEAT EXCHANGERS

WHEREAS: On July 29, 2015, the Board of the Buffalo Sewer Authority designated Bell and Gossett/ITT, the original equipment manufacturer, and/or their authorized local representative, as a sole source for the purchase of Bell and Gossett brand heating and hot water pumps installed at the Bird Island Facility; and

WHEREAS: The Treatment Plant Superintendent has determined a need for a replacement Heat Exchangers for Chem Handling; A quote was requested and received form Frank P. Langley Company, Inc., the authorized local representative, in the amount of \$75,384.00; and

WHEREAS: The Treatment Plant Superintendent, Acting Principal Chief Stationary Engineer and staff reviewed the quote received and recommend Bell and Gossett brand parts Replacement Heat Exchangers for Chem Handling; and

WHEREAS: Board approval is required on purchases over \$20,000.00.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to purchase the needed purchase Bell and Gossett brand parts Replacement Heat Exchangers for Chem Handling for a total cost of \$75,384.00. This purchase will be charged to account no. 00380107-474080.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of September 28, 2023

ITEM NO. 18

REPORT ON BIDS RECEIVED - PNEUMATIC CONTROL SYSTEMS REPAIR AND SERVICES

WHEREAS: Formal bids were advertised and solicited for purchase of Pneumatic Control Systems Repairs at the Bird Island Treatment Facility. The following bids were received and opened by the Buffalo Sewer Authority on September 19, 2023:

| VENDOR | | | Mollenberg-Betz | Siemens | Stark Tech |
|-----------|-------------------------------------|------------|--------------------------------|---------------|---------------|
| A. | (1) HOURLY RATE FOR SERVICES | | \$138.00 | NO BID | NO BID |
| | (2) estimated service hours: | 480 | | | |
| | Total Labor Charges (1 x 2) | | \$66,240.00 | | |
| | Craft: | | Temperature control technician | | |
| B. | Misc. Charges | | \$80.00 | | |
| C. | Mark -Up | | 20% | | |
| | Percent mark-up over costs: | | | | |
| | OR | | | | |
| | DISCOUNT | | | | |
| | Percent discount for needed parts: | | | | |
| D. | GRAND TOTAL (A +B) | | \$66,320.00 | \$0.00 | \$0.00 |

; and

WHEREAS: The Treatment Plant Superintendent, Acting Principal Chief Stationary and staff reviewed the quote received and recommend the purchase be awarded to the only bidder, Mollenberg-Betz, at a total cost not to exceed \$66,320.00; and

WHEREAS: Board approval is required on purchases over \$35,000.00.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to purchase pneumatic control systems repairs services with Mollenberg-Betz, in the amount of \$66,320.00. This purchase will be charged to account no. 00380106-443421.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of September 27, 2023

ITEM NO. 19

WITHDRAW ITEM NO. 11 OF THE JULY 26, 2023 BOARD MEETING

WHEREAS: On July 26, 2023, the Board of the Buffalo Sewer Authority tabled Item number 11, Authorization to Purchase a Vehicle Under the Hornellsville Award Resolution; and

WHEREAS: The Director of Sewer Maintenance recommends that this item be withdrawn from consideration.

NOW THEREFORE
BE IT RESOLVED: That Resolution No. 11 of the Board Meeting of July 26, 2023 is hereby withdrawn

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of September 28, 2023

ITEM NO. 20

AUTHORIZATION TO PURCHASE A VEHICLE UNDER THE ONONDAGA BID 106-19 2024

WHEREAS: The Director of Sewer Maintenance, Head Motor Equipment Mechanic and Green Infrastructure staff request approval to purchase the following vehicle, with additional options, available under Onondaga County Contract to add to the existing fleet for Green Infrastructure:

| County Contract | Vendor | Vehicle | Cost |
|--------------------------------|--------------------|--|------------------|
| Bid No. 2024 Award No. 7974 | Van Bortel Ford | One (1) 2024 Ford F-450 XL Super Cab 4x4 With various options as listed on quote#34654: | \$62,763.94 |
| | | 9' 130USD Steel Dump Body 18" sides/24" gate stop/turn w/flashers in rear post cab shield w/8 flashers: 2-forward, 2-side, 4 rear facing 4 grill flashers ladder driver/passenger side of body elec/hd subframe hoist poly fenders, aluminum back pack tool box under body aluminum tool boxes 10 ton pintle hitch body painted to match fleet 84" C/A required: | \$28,490.00 |
| | | Delivery Charge: | <u>\$ 110.00</u> |
| | | Total Vehicle Cost: | \$91,363.94 |

WHEREAS: The Director of Sewer Maintenance, Head Motor Equipment Mechanic and Green Infrastructure staff recommend the purchase of the above vehicle at the total cost of \$91,363.94.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority authorizes the General Manager to purchase the above vehicle and additional options indicated from Van Bortel Ford, at a total cost of \$91,363.94. This purchase will be charged to account no. 00700107-474200.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

ITEM NO. 21

AUTHORIZATION TO PURCHASE A NEW AND UNUSED 2024 FORD E-450 CUTAWAY TRUCK WITH SEWER TELEVISIONING EQUIPMENT UNDER THE SOURCEWELL CONTRACT

WHEREAS: The Director of Sewer Maintenance and staff request approval to purchase the 2024 Ford E-450 Cutaway with 14' Supreme Box and Envriosight Sewer Televisioning Equipment as listed on the proposal dated September 5, 2023 under the Sourcewell Contract:

| Awarded Contract | Vendor | Equipment | Cost |
|------------------|-----------------------|--|--------------|
| 120721-EVS | Joe Johnson Equipment | 2024 Ford F450 Cutaway with 14' Supreme Box and Envriosight Sewer Televisioning Equipment as listed on the proposal. | \$148,862.77 |

; and

WHEREAS: Purchases over \$20,000.00 require Board Approval; and

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority authorizes the General Manager to purchase the above 2024 Ford F450 Cutaway with 14' Supreme Box with Envriosight Sewer Televisioning Equipment from Joe Johnson Equipment at a total estimated cost of \$148,862.77. This purchase will be charged to account no.00690107-474200.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of September 29, 2023

ITEM NO. 22

AUTHORIZATION FOR PURCHASE OF THE YEARLY SUBSCRIPTION FOR EZMAXMOBILE

WHEREAS: On February 17, 2021, the Board of the Buffalo Sewer Authority designated Interpro, the owner and distributor of EZMAXMOBILE software as a sole source for the purchase of software and technical support and professional services for EZMAXMOBILE; and

WHEREAS: The Buffalo Sewer Authority Sewer Maintenance Division currently uses EZMAXMOBILE for work order tracking for repairs and service performed throughout the City of Buffalo and plan on expanding the services for the Green Infrastructure Program; and

WHEREAS: Interpro Solutions submitted a quote for \$47,642.00 for the yearly renewal subscription fee to include EZMaxMobile Users, Enhanced Mapping, Cloud Services (Push Notifications); and

WHEREAS: Board approval is required on purchases over \$20,000.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to purchase the yearly subscription from Interpro Solutions at a cost not to exceed \$47,642.00. Account no. 00200107-474300 will be charged for this purchase.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of September 28, 2023

ITEM NO. 23

AUTHORIZATION TO PURCHASE A NEW AND UNUSED TRIVERUS MUNICIPAL CLEANING VEHICLE UNDER THE GSA ADVANTAGE-GOVERNMENT PURCHASING SERVICE

WHEREAS: The Director of Sewer Maintenance and Green Infrastructure Staff request approval to purchase the following Municipal Cleaning Vehicle under GSA Advantage a Government Purchasing Service through New York State Procurement Services:

| Awarded Contract | Vendor | Equipment | Cost |
|-------------------------|---------------|--|--------------|
| 47QMCA18D000Q | Triverus LLC | New and Unused MCV Base Unit with accessories as listed on Quote number S742 | \$197,082.98 |

; and

WHEREAS: Porous Pavement has been installed and being used as part of the Green Infrastructure Program that has been implemented by the Buffalo Sewer Authority, and the Municipal Cleaning Vehicle is required to clean and maintain the porous pavement. The Municipal Cleaning Vehicle has attachments that can also be used for cleaning receivers, catch basins and garage floors; and

WHEREAS: Purchases over \$20,000.00 require Board Approval; and

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority authorizes the General Manager to purchase the above Triverus MCV with accessories from Triverus LLC at a total estimated cost of \$197,082.98. This purchase will be charged to account no. 00700107-474200.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of September 28, 2023

ITEM NO. 24

**REPORTS ON BIDS RECEIVED - PURCHASE OF ONE NEW AND UNUSED
2024 FORD F-250 XL**

WHEREAS: New York State Vehicle Marketplace Mini-bids were advertised and solicited for the purchase of one (1) new and unused 2024 Ford F-250 XL; and

WHEREAS: The following bids were received and opened by the Buffalo Sewer Authority Purchase Department:

| Dealer | Year | Make | Model | NYS Price for Vehicles | Total Number of Vehicles | Total Price for Mini-Bid |
|--|------|------|------------------------|------------------------|--------------------------|--------------------------|
| Delacy Ford | 2024 | Ford | F250 XL | \$46,069.65 | 1 | \$46,069.65 |
| Town Auto Group | 2024 | Ford | Reg Cab XL 4x4 | \$46,478.25 | 1 | \$46,478.25 |
| C.Basil Ford Inc. | 2024 | Ford | F-250 XL Reg 142" WB | \$46,835.78 | 1 | \$46,835.78 |
| Falls Dodge Inc. dba Joe Cecconis Chrysler Complex | 2023 | Ram | 2500 tradesman Reg cab | | 1 | \$48,731.60 |
| Whitmoyer Ford, Inc. | 2023 | Ford | F-250 | | 1 | \$49,400.00 |

; and

WHEREAS: The Director of Sewer Maintenance, Head Motor Equipment Mechanic and Green Infrastructure staff reviewed the bids received and recommend the purchase to the lowest bidder, Delacy Ford, at a total cost of \$46,069.65; and

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to enter into and execute a contract with Delacy Ford for the purchase of one (1) new and unused 2024 Ford F-250 XL at a total cost not to exceed \$46,069.65. This purchase will be charged to account no. 00700107-474200.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of September 28, 2023

ITEM NO. 25

REPORT ON BIDS RECEIVED-PURCHASE OF MASTERFLEX PUMPS AND PARTS

WHEREAS: Bids were solicited for the purchase of Masterflex Peristaltic Pumps needed as spare replacements for use in Primary Sedimentation and Final Effluent Buildings at the Bird Island Treatment Facility. The following bids were received by the Buffalo Sewer Authority:

| VENDOR | Manufacturer | Model | Cost |
|---|----------------------|----------------------------------|--------------------|
| Avantor (VWR International) | Masterflex | EW-7111-70, 108024-CR | \$20,297.50 |
| Koester | Watson Marlow | APEX-35 | \$23,846.00 |
| AAI | Masterflex | EW-7111-70, 108024-CR | \$26,938.00 |
| Corrosion Products & Equipment | | | NO QUOTE |

: and

WHEREAS: The Treatment Plant Superintendent, Superintendent of Mechanical Maintenance and staff reviewed the quote received and recommend the purchase be awarded to the lowest bidder, Avantor (VWR International); at a total cost not to exceed \$20,297.50; and

WHEREAS: Board approval is required for purchase of commodities over \$20,000.00

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to purchase Masterflex Pumps and Parts, in the amount of \$20,297.50. This purchase will be charged to account nos. 00240105-466107 and 00330105-466107.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of September 28, 2023

ITEM NO. 26

CHANGE ORDER NO. 4 – CONTRACT NO. 82000039

| | | |
|---|------------------------|---------------------|
| CONTRACTOR: | ORIGINAL CONTRACT COST | \$3,378,000.00 |
| STC Construction, Inc. | PREVIOUS CHANGE ORDERS | \$877,900.45 |
| 63 Zoar Valley Road | THIS CHANGE ORDER | <u>-\$15,030.49</u> |
| Springville, NY 14141 | ADJUSTED CONTRACT COST | \$4,240,869.96 |
| VENDOR# 6041 | ACCOUNT# | 02000499-490740 |
| WORK: Broadway at Oak Real Time Control Project | | |

DESCRIPTION OF CHANGE OR EXTRA WORK:

Item #1 Final Adjustment

REASON FOR CHANGE OR EXTRA WORK:

Item #1 Adjustment of contract amount for actual quantities used.

COST OF CHANGE OR EXTRA WORK:

Item #1 (\$15,030.49)

THE TOTAL COST OF THE CHANGE OR EXTRA WORK: (\$15,030.49)

The Total DECREASE to the Contract as a result of this Change Order is \$15,030.49

- WHEREAS: On October 20, 2021, the Board of the Buffalo Sewer Authority authorized the General Manager to enter into and execute a contract with STC Construction, Inc., for the Broadway at Oak Real Time Control project at a cost not to exceed \$3,378,000.00; and
- WHEREAS: On June 22, 2022, the Board of the Buffalo Sewer Authority authorized a \$177,287.80 Change Order No. 1 to this contract for removal and storage of slag material; and
- WHEREAS: On July 20, 2022, the Board of the Buffalo Sewer Authority authorized a Change Order No. 2 to this contract for the extension of time for removal and disposal of slag material; and
- WHEREAS: On October 19, 2022, the Board of the Buffalo Sewer Authority authorized a \$700,612.65 Change Order No. 3 to this contract for disposal of slag material, winter shutdown, and deviations between record drawings and field conditions, and
- WHEREAS: The Principal Sanitary Engineer and staff and CHA have reviewed Change Order No. 4 to Contract No. 82000039 as detailed above and recommend approval.

CONTRACT SUPPLEMENT CONDITIONS:

1. The contract completion date established in the original contract or as modified by previous contract supplements is hereby changed by 89 calendar days to set a new final completion date of September 28, 2023.
2. Any additional work to be performed under this contract supplement shall be carried out in compliance with the specifications included in the preceding description of changes involved with the supplemental contract drawings designated none and under the provisions of the original contract, including compliance with applicable equipment specifications, general specifications, and project specifications for the same type of work.
3. This contract supplement unless otherwise provided herein does not relieve the Contractor from strict compliance with the guarantee provisions of the original contract, particularly those pertaining to performance and operation of equipment.
4. The Contractor expressly agrees that he will place under coverage of his performance and payment bonds and Contractor's Insurance all work covered by this contract supplement. The Contractor will furnish to the Owner evidence of increased coverage of his performance and payment bonds for the accrued value of all contract supplements that exceeds the original contract price by twenty percent (20%).
5. The costs established under this contract supplement are acknowledged as including any and all costs associated with the work described herein and including any and all costs associated with any and all work performed or to be performed by the Contractor that may be affected in any manner by the work described herein.

NOW THEREFORE

BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves Change Order No. 4 to Contract No. 82000039 as written in the above Agenda Item, decreasing the contract cost in the amount of \$15,030.49 making the adjusted contract cost \$4,240,869.96.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of September 28, 2023

ITEM NO. 27

CONTRACT NO. 82000039

CERTIFICATE OF ACCEPTANCE AND OCCUPANCY

PROJECT: Broadway at Oak Real Time Control Project

CONTRACTOR: STC Construction, Inc.
63 Zoar Valley Road
Springville, NY 14141

WHEREAS: The Buffalo Sewer Authority Principal Sanitary Engineer and Staff and CHA have certified that the Contractor completed the work in accordance with the plans and specifications on 9/28/2023.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby finds and determines that:

- a. The work to be performed under the terms of the Contract has been complete and is accepted;
- b. The date of entrance and occupancy be fixed as of 9/28/2023;
- c. The maintenance period commences on 9/28/2023;
- d. The Board approved Change Order No. 4 on September 28, 2023, resulting in a net decrease of \$15,030.49, thereby making the adjusted contract cost \$4,240,869.96.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of September 28, 2023

ITEM NO.28

CHANGE ORDER NO. 5 – CONTRACT NO. 82000017

| | | |
|-----------------------------|------------------------|---------------------|
| CONTRACTOR: | ORIGINAL CONTRACT COST | \$2,262,000.00 |
| NOVA Site Companies | PREVIOUS CHANGE ORDERS | \$317,130.81 |
| 6 Lena Court | THIS CHANGE ORDER | <u>\$452,607.28</u> |
| West Seneca, New York 14224 | ADJUSTED CONTRACT COST | \$3,031,738.09 |

VENDOR# 9596 ACCOUNT# 02000507-490740

WORK: Smith at Eagle Real Time Control Project

DESCRIPTION OF CHANGE OR EXTRA WORK:

- Item #1 Contractor shall furnish and install a new Tideflex Series 37G inline check valves & 2 precast concrete doghouse manholes and install owner furnished Tideflex Checkmate inline check valves.
- Item #2 Contractor shall modify, remove, and reset existing plug valves at the Smith Street RTC with new actuators.
- Item #3 Contractor will extend the existing 10” sewer main in Great Arrow by 123 ft and install a new cleanout at the end.

REASON FOR CHANGE OR EXTRA WORK:

- Item #1 Different check valves and additional manholes are needed to address concerns relating to basement backups and street flooding during seiche events.
- Item #2 Repair and replacement of system actuator along with related required work to facilitate removal and replacement.
- Item #3 A sewer connection was uncovered during water main repair work in Great Arrow. An existing sewer main needs to be extended to properly service a lateral from a residential property.

COST OF CHANGE OR EXTRA WORK:

| | |
|---------|--------------|
| Item #1 | \$92,320.70 |
| Item #2 | \$262,086.58 |
| Item #3 | \$98,200.00 |

THE TOTAL COST OF THE CHANGE OR EXTRA WORK: \$452,607.28

The Total INCREASE to the Contract as a result of this Change Order is \$452,607.28

- WHEREAS: In Item No. 20, on April 1, 2020 the Board of the Buffalo Sewer Authority authorized the General Manager to enter into and execute a contract with Nova Site Company, LLC for the Smith St. at Eagle St. Real Time Control Project at a cost not to exceed \$2,262,000.00; and
- WHEREAS: Change Order No. 1 to Contract No. 82000017 was approved by the Board on October 20, 2021 with no increase in cost but an increase in the construction schedule of 233 days; and
- WHEREAS: Change Order No. 2 to Contract No. 82000017 was approved by the Board on June 22, 2022 in the amount of \$235,406.63 for additional work and materials; and
- WHEREAS: Change Order No. 3 to Contract No. 82000017 was approved by the Board on September 28, 2022 in the amount of \$0.00 for retention reduction from 5% to 1%; and
- WHEREAS: Change Order No. 4 to Contract No. 82000017 was approved by the Board on May 24, 2023 in the amount of \$81,724.18 for check valve installation and modifications.
- WHEREAS: The Principal Sanitary Engineer and staff have reviewed a request for a Change Order No. 5 to Contract No. 82000017 as detailed above and recommend its approval.

CONTRACT SUPPLEMENT CONDITIONS:

1. The contract completion date established in the original contract or as modified by previous contract supplements is hereby changed by 233 calendar days to set a new final completion date.
2. Any additional work to be performed under this contract supplement shall be carried out in compliance with the specifications included in the preceding description of changes involved with the supplemental contract drawings designated none and under the provisions of the original contract, including compliance with applicable equipment specifications, general specifications, and project specifications for the same type of work.
3. This contract supplement unless otherwise provided herein does not relieve the Contractor from strict compliance with the guarantee provisions of the original contract, particularly those pertaining to performance and operation of equipment.
4. The Contractor expressly agrees that he will place under coverage of his performance and payment bonds and Contractor's Insurance all work covered by this contract supplement. The Contractor will furnish to the Owner evidence of increased coverage of his performance and payment bonds for the accrued value of all contract supplements that exceeds the original contract price by twenty percent (20%).
5. The costs established under this contract supplement are acknowledged as including any and all costs associated with the work described herein and including any and all costs associated with any and all work performed or to be performed by the Contractor that may be affected in any manner by the work described herein.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves Change Order No. 5 to Contract No. 82000017 as written in the above Agenda Item, increasing the contract cost in the amount of \$452,607.28 making the adjusted contract cost \$3,031,738.09.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of September 28, 2023

ITEM NO. 29

CHANGE ORDER NO. 2- CONTRACT NO. 82000042

| | | |
|-----------------------|-------------------------------------|---------------------|
| CONTRACTOR: | ORIGINAL CONTRACT COST | \$4,512,455.00 |
| Kandey Company, Inc. | PREVIOUS CHANGE ORDERS | \$482,585.83 |
| 19 Ransier Drive | THIS CHANGE ORDER | <u>\$438,329.21</u> |
| West Seneca, NY 14224 | ADJUSTED CONTRACT COST | \$5,433,370.04 |
| VENDOR# 4603 | ACCOUNT# | 02000497-490740 |
| WORK: | Mill Race Real Time Control Project | |

DESCRIPTION OF CHANGE OR EXTRA WORK:

- Item #1 Bulkhead stabilization
- Item #2 Additional delay costs
- Item #3 Hamburg Drain Roof Repair

REASON FOR CHANGE OR EXTRA WORK:

- Item #1 Additional bulkhead effort to isolate construction area from the Buffalo River and the combined sewer system. Unspecified bedrock conditions necessitated additional concrete and underwater construction to replace and fortify bulkhead to enable site safety.
- Item #2 Additional costs not included in the original change order to this contract were identified due to supply and labor cost increases during period that site access delays were experienced.
- Item #3 Use of industrial divers to identify and repair Hamburg Drain.

COST OF CHANGE OR EXTRA WORK:

- Item #1 \$359,667.29
- Item #2 \$63,661.92
- Item #3 \$15,000.00

THE TOTAL COST OF THE CHANGE OR EXTRA WORK: \$438,329.21

The Total INCREASE to the Contract as a result of this Change Order is \$438,329.21

WHEREAS: On November 22, 2021, the Board of the Buffalo Sewer Authority authorized the General Manager to enter into and execute a contract with Kandey Construction, Inc., for the Mill Race Real Time Control project at a cost not to exceed \$4,512,455.00; and

WHEREAS: On October 19, 2022, the Board of the Buffalo Sewer Authority authorized a \$482,585.83 Change Order No. 1 to this contract for costs associated with easement delays and inflationary forces, Carroll Street sewer interconnection, and flowmeter redesign; and

WHEREAS: The Principal Sanitary Engineer and staff and GHD have reviewed Change Order No. 2 to Contract No. 82000042 as detailed above and recommend approval.

CONTRACT SUPPLEMENT CONDITIONS:

1. The contract completion date established in the original contract or as modified by previous contract supplements is hereby changed by 60 calendar days to set a new final completion date of May 24, 2024.
2. Any additional work to be performed under this contract supplement shall be carried out in compliance with the specifications included in the preceding description of changes involved with the supplemental contract drawings designated none and under the provisions of the original contract, including compliance with applicable equipment specifications, general specifications, and project specifications for the same type of work.
3. This contract supplement unless otherwise provided herein does not relieve the Contractor from strict compliance with the guarantee provisions of the original contract, particularly those pertaining to performance and operation of equipment.
4. The Contractor expressly agrees that he will place under coverage of his performance and payment bonds and Contractor's Insurance all work covered by this contract supplement. The Contractor will furnish to the Owner evidence of increased coverage of his performance and payment bonds for the accrued value of all contract supplements that exceeds the original contract price by twenty percent (20%).
5. The costs established under this contract supplement are acknowledged as including any and all costs associated with the work described herein and including any and all costs associated with any and all work performed or to be performed by the Contractor that may be affected in any manner by the work described herein.

NOW THEREFORE

BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves Change Order No. 2 to Contract No. 82000042 as written in the above Agenda Item, increasing the contract cost in the amount of \$438,329.21 making the adjusted contract cost \$5,433,370.04.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

ITEM NO. 30

CONFIRMATION OF APPOINTMENTS

WASTEWATER TREATMENT PLANT OPERATOR I (PERMANENT)
TREATMENT PLANT OPERATIONS
\$20.59 HOURLY
EFFECTIVE: SEPTEMBER 5, 2023

TERRANCE BRENNAN
62 MANDAN
BUFFALO, NY 14216

GENERAL COUNSEL (EXEMPT)
CITY HALL ADMINISTRATION
\$115,468 PER ANNUM
EFFECTIVE: SEPTEMBER 11, 2023

CHERYL COLSTON
333 PARKER
BUFFALO, NY 14216

DIRECTOR OF EMPLOYEE RELATIONS (EXEMPT)
CITY HALL ADMINISTRATION
\$110,243 PER ANNUM
EFFECTIVE: SEPTEMBER 11, 2023

GELEA JAMES
221 SANDERS
BUFFALO, NY 14216

WHEREAS: The preceding appointments were made by the General Manager since the last Board Meeting; and

WHEREAS: The General Manager requests confirmation of each appointment.

NOW THEREFORE
BE IT RESOLVED: That the preceding appointments are hereby confirmed by the Board of the Buffalo Sewer Authority.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

ITEM NO. 31

AMENDMENT TO SCHEDULE OF JOB CLASSIFICATION PLAN

WHEREAS: There is a need to modify the Job Classification Plan

NOW THEREFORE

BE IT RESOLVED: That the Board of the Buffalo Sewer Authority approves the addition of the following position to Job Classification Plan:

- | | |
|---|-----------------|
| One (1) Senior Administrative Assistant | 00110121 411001 |
| One (1) Senior Engineer | 00200121 411001 |

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of September 28, 2023

ITEM NO. 32

UPGRADE IN EXEMPT POSITION

WHEREAS: The Board of the Buffalo Sewer Authority is restructuring its Exempt Administrative Managerial staff; and

WHEREAS: The Board of the Buffalo Sewer Authority has reviewed and approved the duties of its Exempt Administrative Managerial staff: and

WHEREAS: The Board desires to upgrade the position of General Counsel from Job Group XIVB (M22) to Job Group XVB (M36).

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority approves the above upgrade.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of September 28, 2023

ITEM NO. 33

REQUEST FOR LEAVE OF ABSENCE

WHEREAS: The Buffalo Sewer Authority has received a request from David Battel, a permanent Laborer I, for an unpaid leave of absence. Mr. Battel has accepted a position with the City of Buffalo Fire Department as a Firefighter beginning September 1, 2023, and is requesting an unpaid leave of absence for the duration of his probationary period; and

WHEREAS: The General Manager has reviewed this request and recommends approval of Mr. David Battel’s request for an unpaid leave of absence for the duration of his probationary period as a City of Buffalo Firefighter.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby grants David Battel, an unpaid leave of absence beginning September 1, 2023, and extending until the end of his probationary period as a City of Buffalo Firefighter.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of September 28, 2023

ITEM NO. 34

REQUEST FOR LEAVE OF ABSENCE

WHEREAS: The Buffalo Sewer Authority has received a request from Stephen Doctor, a permanent Laborer I, for an unpaid leave of absence. Mr. Doctor has accepted a position with the City of Buffalo Fire Department as a Firefighter beginning September 1, 2023, and is requesting an unpaid leave of absence for the duration of his probationary period; and

WHEREAS: The General Manager has reviewed this request and recommends approval of Mr. Stephen Doctor’s request for an unpaid leave of absence for the duration of his probationary period as a City of Buffalo Firefighter.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby grants Stephen Doctor an unpaid leave of absence beginning September 1, 2023, and extending until the end of his probationary period as a City of Buffalo Firefighter.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of September 28, 2023

ITEM NO. 35

REQUEST FOR LEAVE OF ABSENCE

WHEREAS: The Buffalo Sewer Authority has received a request from Brandon Donohue, a permanent Laborer I, for an unpaid leave of absence. Mr. Donohue has accepted a position with the City of Buffalo Fire Department as a Firefighter beginning September 1, 2023, and is requesting an unpaid leave of absence for the duration of his probationary period; and

WHEREAS: The General Manager has reviewed this request and recommends approval of Mr. Brandon Donohue’s request for an unpaid leave of absence for the duration of his probationary period as a City of Buffalo Firefighter.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby grants Brandon Donohue an unpaid leave of absence beginning September 1, 2023, and extending until the end of his probationary period as a City of Buffalo Firefighter.

MOTION TO _____
MADE BY _____
2ND BY _____
AYES _____ NOES _____

Board Meeting of September 28, 2023

ITEM NO. 36

TUITION REIMBURSEMENT

WHEREAS: In accordance with the Agreements between the Buffalo Sewer Authority and CSEA Local 815 and the Communications Workers of America, the following Buffalo Sewer Authority employees have applied for Tuition Reimbursement:

| <u>EMPLOYEE</u> | <u>SCHOOL</u> | <u>COURSE</u> | <u>TUITION%</u> | <u>REIMBURSEMENT TOTAL</u> |
|-----------------|---------------|---------------------------------|-----------------|--------------------------------|
| Zachary Isch | Buffalo State | Twentieth Century Europe | 100% | \$1,180.00 |
| Zachary Isch | Buffalo State | Introduction to Theater Arts | 100% | \$1,180.00 |
| Zachary Isch | Buffalo State | Fee | | \$150.00 |
| Lisa Yaeger | Buffalo State | Great Lakes Ecosystems | 50% | \$706.50 |
| Lisa Yaeger | Buffalo State | Comm Strat Math Science | 75% | \$1059.75 |

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves the above applications for Tuition Reimbursement totaling \$4,276.25. These Reimbursements will be charged to account no. 00200106-421026.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of September 28, 2023.

ITEM NO. 37

ADJOURNMENT OF MEETING

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of September 28, 2023