

BUFFALO SEWER AUTHORITY

REGULAR MEETING

November 1, 2023

9:00 A.M.

Bird Island Treatment Facility, 90 West Ferry St.

Teleconference +1 917- 933-2166, ID #602 396 827

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CALL OF THE ROLL

Present: _____

Absent: _____

The meeting was called to order at _____. A quorum was present.

ITEM NO. 1

Motion to Adopt the Minutes of the Meeting of September 28, 2023

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

ITEM NO. 2

INFORMATIVE: TEMPORARY INVESTMENTS

As of September 30th, 2023

ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
CONSTRUCTION/CAPITAL IMPROVEMENT FUND						
31-Jul-12	MONEY MARKET		\$2,880,304.01	Key	0.01%	Public NOW
11-Jul-23	12-Oct-23	93	\$6,559,331.50	Key Banc Capital	5.45%	\$93,668.70
1-Aug-23	26-Oct-23	86	\$6,096,715.24	Key Banc Capital	5.24%	\$77,284.76
17-Aug-23	9-Nov-23	84	\$4,252,364.20	Key Banc Capital	5.24%	\$52,635.80
31-Aug-23	21-Nov-23	82	\$3,935,279.23	M&T Securities	5.26%	\$47,720.77
28-Sep-23	7-Dec-23	70	\$6,875,812.55	Key Banc Capital	5.27%	\$71,187.45
			\$30,599,806.73			
LIABILITY AND CASUALTY RESERVE FUND						
31-Jul-12	MONEY MARKET		\$90,328.87	Key	0.01%	Public NOW
20-Jul-23	20-Oct-23	92	\$930,580.95	Key Banc Capital	5.21%	\$12,419.05
			\$1,020,909.82			
OPERATING FUND						
31-Jul-12	Super NOW		\$8,029,206.36	Key	0.01%	Public NOW
TRUST & AGENCY FUND						
31-Jul-12	Super NOW		\$6,780.06	Key	0.01%	Public NOW
SURPLUS FUND						
			\$2,476.67	Wilmington U.S. Treasury	4.79%	
1-Jun-23	30-Nov-23	182	\$10,002,349.73	Key Banc Capital	5.23%	\$271,650.27
			\$10,004,826.40			
NET REVENUE FUND						
			\$191,417.20	Wilmington U.S. Treasury		
27-Jul-23	26-Oct-23	91	\$5,698,433.93	M&T Securities	5.25%	\$76,566.07
29-Aug-23	28-Nov-23	91	\$7,560,222.04	Key Banc Capital	5.25%	\$101,777.96
26-Sep-23	26-Dec-23	91	\$7,498,930.34	M&T Securities	5.26%	\$101,069.66
			\$20,949,003.51			

BSA 2021 EIB FUND

			\$317,475.62	Cash		
27-Jul-23	31-Oct-23	96	\$10,103,385.60	Key Banc Capital	5.40%	\$ 147,614.40
24-Aug-23	24-Nov-23	92	\$32,617,503.63	Key Banc Capital	5.27%	\$445,496.37
29-Sep-23	21-Dec-23	83	\$9,986,461.42	M&T Securities	5.30%	\$123,538.58
			\$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		
			\$707.60	Wilmington U.S. Treasury	4.79%	
5-Sep-23	29-Feb-24	177	\$332,248.24	Key Banc Capital	5.22%	\$8,751.76
			\$332,955.84			
			\$0.01	DSF PRIN &INT		
				Wilmington Fund		

DSF 2021 EIB

			\$703,042.59	Wilmington Fund	4.79%	
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RECEIVE & FILEBoard Meeting of November 1st, 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

9/26/2023	00450103 KELF Electric Light & Power	-\$1,000.00	00360103 DEWA Water	\$1,000.00
9/26/2023	00650103 SWRM Water	-\$1,000.00	00360103 DEWA Water	\$1,000.00
9/28/2023	00380107 INCIN Machinery & Equipment	-\$78,530.00	00380106 INCIN Repairs to Equipment	\$78,530.00
9/28/2023	00360103 DEWA Water	-\$2,000.00	00400103 SOUTH Water	\$2,000.00

Sewer Maintenance Division

10/16/23	00650106 SWRM ED , Licenses & Training	-\$30,000.00	00690107 AUTO Cars & Other Vehicle	\$30,000.00
10/23/23	00650106 SWRM Maintenance Contract	-\$500.00	00650105 SWRM Office Supplies	\$500.00

RECEIVE & FILE

Board Meeting of November 1, 2023

ITEM NO. 4

INFORMATIVE: PUBLIC NOTICE - DRAFT PUBLIC PARTICIPATION PLAN FOR REVISED COMBINED SEWER OVERFLOW LONG-TERM CONTROL PLAN (LTCP)

The Buffalo Sewer Authority (BSA) is currently engaging in negotiations with the New York State Department of Environmental Conservation, the United States Department of Justice, and the United States Environmental Protection Agency regarding a revised LTCP to reflect updated model results and technological advances.

As this plan is being negotiated, an Enhanced Public Participation Plan for conformance with New York State Department of Environmental Conservation's Commissioner Policy 29 (CP-29) has been developed.

The Buffalo Sewer Authority (BSA) will make the Enhanced Public Participation Plan available on the BSA's website: www.buffalosewer.org/transparency and a physical copy will be available at Buffalo Sewer Authority's office in Room 1038 City Hall, 65 Niagara Square, Buffalo, NY from November 6, 2023 to January 8, 2024 for public review and comment.

This item is presented to the Board for their information to be acknowledged and received and filed.

RECEIVE & FILE

Board Meeting of November 1, 2023

ITEM NO. 5

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 prior fiscal year; and

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

VENDOR	INVOICE	AMOUNT
NYSID	1014473	\$8,910.24
Geiter Done	99287	\$184.53
Engie	0000067236	\$18.13
Engie	0000067234	\$17.48
Engie	0000067227	\$1,570.56
University Facilities	94239	\$154.76
Alpha Analytical	783264-786225	\$4,195.99

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

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby approves the above payments from Judgment and Claims account no. 00800108-480214.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of November 1, 2023

ITEM NO. 6

AUTHORIZATION FOR ISSUANCE OF CREDIT CARDS

WHEREAS: The Buffalo Sewer Authority has a Credit Card Policy that governs the issuance and proper use of BSA credit cards. This policy is approved annually by the Board; and

WHEREAS: Each credit card is issued by KeyBank, and has an authorized credit limit of \$15,000.00.

WHEREAS: The Credit Card Policy requires the Board to designate individuals to be issued BSA credit cards; and

WHEREAS: The Board has previously designated Desiree Briggs, Paulette Lee, and LaToya Cunningham to be issued credit cards; and

WHEREAS: The Executive Secretary recommends that a credit card be issued to Oluwole McFoy, and the Director of Sewer Maintenance recommends that a credit card be issued to Julia Olszewski; and

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes BSA credit cards to be issued to Desiree Briggs, LaToya Cunningham, Paulette Lee, Oluwole McFoy, and Julia Olszewski.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of November 1, 2023

ITEM NO. 7

AUTHORIZATION FOR PURCHASE OF BUSINESS NETWORK NETAPP UPGRADE

WHEREAS: The System Administrator has determined a need for Business Network NetApp Upgrade; and

WHEREAS: Upon request, Lynx Technologies, submitted a quote in the amount of \$194,527.03 for the Business Network NetApp Upgrade; and

WHEREAS: The System Administrator and staff reviewed the quote received and recommend this purchase; and

WHEREAS: Board approval is required on purchases of goods 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 Business Network NetApp Upgrade from Lynx Technologies, in the amount of \$194,527.03. This purchase will be charged to account no. 00200107-474300.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of November 1, 2023

ITEM NO. 8

BUFFALO SEWER AUTHORITY BOARD RESOLUTION TO PERMIT VIDEOCONFERENCE MEETINGS IN ACCORDANCE WITH NEW YORK STATE OPEN MEETINGS LAW

WHEREAS: By passing Chapter 56 of the Laws of 2022 (“Chapter 56”), the New York State Legislature amended Section 103 of the Open Meetings Law; and

WHEREAS: Chapter 56 adds Section 103-a of the Open Meetings Law, permitting the Buffalo Sewer Authority (the “Board”) to authorize its members to attend meetings by videoconferencing under extraordinary circumstances; and

WHEREAS: Section 103-a(2)(a) requires the Board to adopt a resolution following a public hearing authorizing the use of videoconferencing under such circumstances; and

WHEREAS: The Board having held a public hearing deems it appropriate that the Board and any and all committees of the Board now existing or hereafter created be authorized to use videoconferencing to conduct meetings in the manner described under Section 103-a; and

WHEREAS: Section 103-a(2) allows for hybrid meetings by requiring “that a minimum number of members are present to fulfill the Board’s quorum requirement in the same physical location or locations where the public can attend”; and

WHEREAS: Section 103-a(2)(c) requires that members be physically present at any such meeting “unless such member is unable to be physically present at any such meeting location due to extraordinary circumstances; and

WHEREAS: The Board also deems it appropriate that the Board and any and all committees of the Board continue to be authorized to use videoconferencing to conduct meetings where each member wishing to attend and participate in such meeting is physically present at such meeting at a location where the public can attend; and

WHEREAS: The Board has established written procedures governing member and public attendance consistent with Section 103-a.

NOW THEREFORE
BE IT RESOLVED:

The Board hereby authorizes the Board and any and all committees of the Board now existing or hereafter created to use videoconferencing to conduct meetings in the manner authorized by Section 103-a, including meetings where a member who is unable to be physically present at any such meeting location due to extraordinary circumstances is permitted to attend and participate in the meeting by videoconferencing from a remote location that is not open to the public; and it is further

BE IT FURTHER
RESOLVED:

That, in addition, the Board continues to authorize the Board and any and all committees of the Board now existing or hereafter created to use videoconferencing to conduct meetings where each member wishing to attend and participate in such meeting is physically present at such meeting at a location where the public can attend; and it is further

BE IT FURTHER
RESOLVED:

That the Board hereby adopts the Procedures Governing Member and Public Attendance at Meetings Conducted by Use of Videoconferencing attached hereto and made part hereof (the "Procedures") and directs that all meetings of the Board conducted by use of videoconferencing and all meetings of any committee of the Board conducted by use of videoconferencing shall be conducted in accordance with such Procedures as they may from time to time be revised or amended and in accordance with the applicable provisions of the Open Meetings Law; and it is further

BE IT FURTHER
RESOLVED: ,

That the attached Procedures be conspicuously posted on the public website of the Buffalo Sewer Authority Board, www.Buffalosewer.org.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting November 1, 2023

ITEM NO. 9

TRAVEL AUTHORIZATION -ALBANY, NY

WHEREAS: The New York State Floodplain and Stormwater Managers Association (NYSFSMA) is holding its Board of Directors meeting on November 3, 2023, in Albany, New York; and

WHEREAS: NYSFSMA is a not-for-profit association that brings together New York State professionals to foster awareness, information exchange and cooperation concerning floodplain and stormwater management; and

WHEREAS: The Principal Sanitary Engineer serves on the Board of Directors for NYSFSMA representing the Buffalo Sewer Authority and NYSDEC Region 9 and is expected to attend appropriate governance meetings.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the Principal Sanitary Engineer to travel to Albany, New York, from November 3, 2023 – November 4, 2023, to attend NYSFSMA’s Board of Directors meeting in Albany, NY, for a total cost not to exceed \$250.00. Account no. 00600104-458010 will be charged for this travel.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting November 1, 2023

ITEM NO. 10

TRAVEL AUTHORIZATION - ARLINGTON, VA

WHEREAS: The Sustainable Water Infrastructure Management (SWIM) Center helps the water sector transform and adapt the broad spectrum of social and physical infrastructure systems to become more intelligent, sustainable and resilient to the impacts of extreme events; and

WHEREAS: The 2023 Sustainable Water Infrastructure Management (SWIM) Annual Workshop and Conference will be held in Arlington, Virginia from December 12 – December 14, 2023, covering the importance of water security, affordability, equity and how to manage water to build a more sustainable and resilient society; and

WHEREAS: The General Manager has been asked to present with other water utilities on water equity initiatives; and

WHEREAS: The Board Chairman recommends the General Manager’s attendance at the 2023 SWIM Annual Workshop and Conference.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to travel to Arlington, Virginia from December 11 – December 15, 2023, to attend the 2023 SWIM Annual Workshop and Conference \$2,000.00. Account nos. 00110104-458010 and 00110104-458012 will be utilized for this travel.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of November 1, 2023

ITEM NO. 11

TRAVEL AUTHORIZATION - FORT WORTH, TX

WHEREAS: The National Public Employer Labor Relations Association (National PELRA) Labor Relations Academy & Certification Program is holding its Academy and certification exam on January 16, 2024 –January 19, 2024, in Fort Worth, TX; and

WHEREAS: The National PELRA provides professional development, networking, and advocacy services to labor relations and human resource professionals, so that public sector employers may deliver the most efficient and effective services to citizens and taxpayers.; and

WHEREAS: The Director of Employee Relations will participate in Academy 1-3 courses and the provided examination.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the Director of Employee Relations to travel to Fort Worth, TX, from January 15, 2024 – January 20, 2024, to attend The National PELRA Labor Relations Academy & Certification Program in Fort Worth, TX, for a total cost not to exceed \$3,000.00. Account nos. 001200104-458010 and 001200104-458012 will be utilized for this travel.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting November 1, 2023

ITEM NO. 12

**CHANGE ORDER NO. CR-B-01, BIRD ISLAND WASTEWATER TREATMENT FACILITY
SECONDARY SYSTEM REHABILITATION AND UPGRADES, CONTRACT B – CLEANING,
CONTRACT NO. 82000050**

CONTRACTOR:	ORIGINAL CONTRACT COST	\$10,220,036.38
J.A. Brundage the Drain Doctor Inc.	PREVIOUS CHANGE ORDERS	N/A
1400 College Ave	THIS CHANGE ORDER	<u>\$5,386,339.16</u>
Niagara Falls, New York 14305		

VENDOR NO.	1944	ACCOUNT NO.	02000532-490740
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WORK: Contract B – Cleaning: This contract includes the cleaning and removal of grit and debris which have accumulated in the secondary system over time, reducing the plant flow and isolation capabilities.

DESCRIPTION OF CHANGE OR EXTRA WORK:

Item #1 Escalated bid pricing in response to the extraordinary inflationary pressures across all raw materials, as well as escalations in the transportation market due to vast staffing shortages and rising crude oil prices.

REASON FOR CHANGE OR EXTRA WORK:

Item #1 Due to extenuating circumstances, the execution of the Construction Contracts experienced significant delays; from an anticipated Notice to Proceed (NTP) date of October 2021 to a NTP date of September 27, 2022. During that time, the domestic construction industry experienced extraordinary inflationary pressures across all raw materials, as well as escalations in the transportation market due to vast staffing shortages and rising crude oil prices. These pressures are in part due to the lingering impacts of a global pandemic and the ongoing supply chain variability. As such, the cost and lead time to provide the materials required for implementation of the Project have increased significantly.

COST OF CHANGE OR EXTRA WORK:

Item #1 \$5,386,339.16

THE TOTAL COST OF THE CHANGE OR EXTRA WORK: \$5,386,339.16

- WHEREAS: On June 23, 2021, the Board of the Buffalo Sewer Authority authorized the General Manager to enter into and execute a contract with J.A. Brundage the Drain Doctor Inc. for Bird Island Treatment Facility Secondary System Rehabilitation and System Upgrades project as the responsible low bidder at a cost not to exceed \$10,220,036.38; and
- WHEREAS: On September 27, 2022, Notice to Proceed was issued for Contract No. 82000050 in accordance with the above Board approval; and
- WHEREAS: The General Manager, Treatment Plant Superintendent, Principal Sanitary Engineer, and Senior Instrumentation Technician concur with AECOM, who on behalf of the Authority has reviewed Change Order No. CR-B-01 to Contract No. 82000050 in the amount of \$5,386,339.16 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 247 calendar days, resulting in a final completion date of March 31, 2027.
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. CR-B-01 to Contract No. 82000050 as written in the above Agenda Item, increasing the contract cost in the amount of \$5,386,339.16 making the adjusted contract cost \$15,606,375.54. Expenses from this contract will be paid from account No. 02000532-490740.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of November 1,2023

ITEM NO. 13

BLANKET ORDER APPROVAL -FOR FIELD ENGINEERING SERVICES TO SUPPORT THE EMERSON OVATION DISTRIBUTED CONTROL SYSTEM

WHEREAS: The Buffalo Sewer Authority’s Distributed Control System, (DCS) is an Ovation System provided by Emerson Process Control; and

WHEREAS: Emerson Process Control is on the Sole Source list for Ovation field service as well as ovation parts and components; and

WHEREAS: Emerson Process Control submitted a proposal to provide field engineering services in place to assist in system troubleshooting, cybersecurity and general system maintenance, encompassing emergency onsite services as well as call-in assistance with Ovation issues; and

WHEREAS: The Treatment Plant Superintendent, Senior Instrument Technician, and staff recommend retaining Emerson Process Control, for field engineering services on an as-needed basis for the 2023-2024 fiscal year.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to retain Emerson Process Control, for field engineering services on an as-needed basis in an amount not to exceed \$150,000.00 for the period November 1, 2023 through June 30, 2024. Expenses for these services will be charged to account no. 00200106-432004.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of November 1, 2023

ITEM NO. 14

AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH AECOM USA, INC., FOR CONSULTANT ENGINEERING SERVICES FOR SECONDARY SYSTEM REHABILITATION AND UPGRADES PHASE III

WHEREAS: The Buffalo Sewer Authority (BSA) issued a request for proposals (RFP) on August 2, 2023, for professional engineering services to develop plans and specifications to assist the Buffalo Sewer Authority with the Secondary System Phase III Project; and

WHEREAS: The RFP was issued to multiple firms including AECOM USA, Inc., Arcadis, GHD, Inc, and Jacobs; and

WHEREAS: AECOM USA, Inc., and Arcadis, responded to the RFP by the specified deadline of 10:00 AM September 13, 2023; and

WHEREAS: A consultant selection committee appointed by the General Manger reviewed and ranked the proposals received; and

WHEREAS: Based upon the proposal review and interviews, the consultant selection committee recommends retaining AECOM USA, Inc., for the professional engineering services outlined in the RFP at an agreed upon cost not to exceed \$4,840,000.00.

NOW THEREFORE

BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to execute an agreement with AECOM USA, Inc., at a cost not to exceed \$4,840,000.00 to complete the professional services defined in the proposal dated September 13, 2023. The cost of this contract will be funded from account no. 02000576-432004.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of November 1, 2023

ITEM NO. 15

**AUTHORIZATION TO PURCHASE 2024 FORD F-550 UNDER THE ONONDAGA BID:
ONGOV-106-19 2024**

WHEREAS: The Superintendent of Mechanical Maintenance and Head Motor Equipment Mechanic request approval to purchase the following vehicle, with additional options, available under Onondaga County Contract to add to the existing fleet:

County Contract	Vendor	Vehicle	Cost
Bid No. ONGOV-106-19 2024	Van Bortel Ford	One (1) 2024 Ford F-550 XL Crew Cab 4x4 192 WB 84 CA with additional options per Quote No. 34677 Total Cost:	\$121,481.23

WHEREAS: The Superintendent of Mechanical Maintenance and Head Motor Equipment Mechanic recommend the purchase of the above vehicle at the total cost of \$121,481.23.

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 \$121,481.23. This purchase will be charged to account no.00520107-474200.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of November 1, 2023

ITEM NO. 16

CHANGE ORDER NO. 1– CONTRACT RENEWAL AND MODIFICATIONS CONTRACT NO. 82000026 WET WEATHER OPERATIONAL OPTIMIZATION AND REAL TIME CONTROL COORDINATION SYSTEM IMPLEMENTATION

CONSULTANT:	ORIGINAL CONTRACT COST	\$4,293,633.00
EmNet/Xylem/Xylem Vue, Inc.	PREVIOUS CHANGE ORDERS	\$0.00
121 S. Niles Ave Ste 22	THIS CHANGE ORDER	<u>\$475,000.00</u>
South Bend, IN 46617	ADJUSTED CONTRACT COST	\$4,768,633.00

VENDOR NO. 15497 ACCOUNT NO. 82000026 02000514-432004

PROJECT: Wet Weather Operational Optimization and Real Time Control Coordination System
Implementation

DESCRIPTION OF CHANGE OR EXTRA WORK:

- Item #1 Sensor Network and Data Acquisition
- Item #2 Globally Coordinated Control Strategy
- Item #3 Optimization of Long-Term Control Plan

REASON FOR CHANGE OR EXTRA WORK:

- Item #1 Transition of sensor network and integration for added accessibility, as well as extension of sensor support through October 2024.
- Item #2 Integrating facility operations and incorporating additional data to create a more resilient climate responsive system that will both operate the Real Time Control network, but also inform the activities of facility operators.
- Item #3 Provide additional support as Buffalo Sewer Authority reevaluates Long-Term Control Plan water quality objectives to achieve equity and environmental justice.

COST OF CHANGE OR EXTRA WORK:

- Item #1 \$325,200.00
- Item #2 \$138,800.00
- Item #3 \$11,000.00

THE TOTAL COST OF THE CHANGE OR EXTRA WORK: \$475,000.00

WHEREAS: In Item No. 19, on May 27, 2020, the Board of the Buffalo Sewer Authority awarded a three (3) year term agreement with optional three (3) one (1) year renewals thereafter for Wet Weather Operational Optimization and Real Time Control Coordination System Implementations to EmNet, LLC; and

WHEREAS: The original three (3) year term period is now expiring and EmNet, LLC and certain contract conditions require adjustment to reflect the acquisition of EmNet, LLC by Xylem, Inc. and to reflect technological advances; and

WHEREAS: Upon request from the Principal Sanitary Engineer, Xylem, Inc. has submitted a change order proposal to incorporate these changes and to extend this contract for the first of three (3) one (1) year renewals; and

WHEREAS: The Principal Sanitary Engineer and staff have reviewed this Change Order No. 1 request to Contract No. 82000026 in the amount of \$475,000.00 as detailed above and recommend its approval.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby approves Change Order No. 1 to Contract No. 82000026 as written in the above Agenda Item, increasing the contract cost in the amount of \$475,000.00, making the adjusted contract cost \$4,768,633.00. These funds shall be drawn from account number 02000514-432004.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of November 1, 2023

ITEM NO. 17

CHANGE ORDER NO. 5 – CONTRACT NO. 81900014 SMITH AT EAGLE RTC PROJECT

CONSULTANT:	ORIGINAL CONTRACT COST	\$188,527.00
Arcadis	PREVIOUS CHANGE ORDERS	\$147,210.00
50 Fountain Plaza, Suite 600	THIS CHANGE ORDER	<u>\$22,500.00</u>
Buffalo, NY 14202	ADJUSTED CONTRACT COST	\$358,237.00

VENDOR NO. 1652 ACCOUNT NO. 02000488-432004

WORK: Smith at Eagle Inline Storage Real Time Control Project

DESCRIPTION OF CHANGE OR EXTRA WORK:

Item #1 Additional construction administration work.

REASON FOR CHANGE OR EXTRA WORK:

Item #1 The consultant provided site coordination, submittal reviews, change issue evaluation, progress payment processing and other tasks for the requested changes as part of the installation of Tideflex backwater valves to address basement flooding concerns along the Smith St. Drain.

COST OF CHANGE OR EXTRA WORK:

Item #1 \$22,500.00

THE TOTAL COST OF THE CHANGE OR EXTRA WORK: \$22,500.00

WHEREAS: In Item No. 21, on July 26, 2017, the Board of the Buffalo Sewer Authority prequalified five (5) engineering firms for submission of proposals for the engineering services for future real time control projects; and

WHEREAS: In Item No. 30, on March 6, 2019, the Board of the Buffalo Sewer Authority authorized the General Manager to enter into an agreement with Arcadis; one of those five engineering firms which were pre-qualified on July 26, 2017, in the amount of \$188,527.00 to perform design and bid services for the Smith at Eagle Real Time Control Project with expenses to be charged to account no. 02000488-432004; and

WHEREAS: On March 29, 2019, Contract No. 81900014 was executed between the Buffalo Sewer Authority and Arcadis pursuant to the aforementioned Item No. 30 of the March 6, 2019 Board Meeting; and

WHERAS: In Item No. 17, on October 28, 2020, the Board of the Buffalo Sewer Authority authorized a change order in the amount of \$82,710.00 to perform construction administration services and complete funding applications for the Smith at Eagle Real Time Control Project; and

WHEREAS: In Item No. 18, on October 20, 2021, the Board of the Buffalo Sewer Authority authorized a change order in the amount of \$15,510.00 to perform additional construction administration and redesign services for the Smith at Eagle Real Time Control Project; and

WHEREAS: In Item No. 33, on April 6, 2022, the Board of the Buffalo Sewer Authority authorized a change order in the amount of \$32,490.00 to perform additional Engineering services and subcontracting Inspection services for the Smith at Eagle Real Time Control Project; and

WHEREAS: In Item No. 29, on March 1, 2023, the Board of the Buffalo Sewer Authority authorized a change order in the amount of \$16,500.00 to perform additional Engineering services and subcontracting Inspection services for the Smith at Eagle Real Time Control Project; and

WHEREAS: The Principal Sanitary Engineer and staff have reviewed a request for a Change Order No. 5 to Contract No. 81900014 (Proposal for Additional Engineering Services Smith- Eagle RTC Construction Administration) for \$22,500.00 as detailed above and recommend its approval.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby approves Change Order No. 4 to Contract No. 81900014 as written in the above Agenda Item, increasing the contract cost in the amount of \$22,500.00, making the adjusted contract cost \$358,237.00. Expenses from this contract will be funded from account no. 02000488-432004.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of November 1, 2023

ITEM NO. 18

CHANGE ORDER NO. 3– ADDITIONAL CONSTRUCTION OBSERVATION SERVICES
CONTRACT NO. 81900016 BROADWAY AT OAK REAL TIME CONTROL STRUCTURE
ENGINEERING SERVICES

CONSULTANT:	ORIGINAL CONTRACT COST	\$154,400.00
CHA Companies	PREVIOUS CHANGE ORDERS	\$339,534.00
2200 Main Place Tower	THIS CHANGE ORDER	<u>\$4,536.00</u>
Buffalo, New York 14202	ADJUSTED CONTRACT COST	\$498,470.00

VENDOR NO. 13108	ACCOUNT NO. 81900016	02000509-432004
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PROJECT: Broadway/Oak Real Time Control Structure

DESCRIPTION OF CHANGE OR EXTRA WORK:

Item #1 Additional construction observation services.

REASON FOR CHANGE OR EXTRA WORK:

Item #1 Construction of the Broadway at Oak Real Time Control Project encountered delays due to unknown conditions requiring additional construction observation time beyond what was originally budgeted.

COST OF CHANGE OR EXTRA WORK:

Item #1 \$4,536.00

THE TOTAL COST OF THE CHANGE OR EXTRA WORK: \$4,536.00

WHEREAS: In Item No. 21, on July 26, 2017, the Board of the Buffalo Sewer Authority prequalified five (5) engineering firms for submission of proposals for the engineering services for future real time control projects; and

WHEREAS: In Item No. 31, on March 6, 2019, the Board of the Buffalo Sewer Authority authorized the General Manager to enter into an agreement with CHA; one of those five engineering firms which were pre-qualified on July 26, 2017, in the amount of \$154,400.00 to perform design and bid services for the Broadway at Oak Real Time Control Project; and

WHEREAS: In Item No. 19, on October 20, 2021, the Board of the Buffalo Sewer Authority approved a change order in the amount of \$203,454.00 to perform construction administration, construction observation, and post-construction monitoring services for the Broadway at Oak Real Time Control Project; and

WHEREAS: In Item No. 19, on October 20, 2021, the Board of the Buffalo Sewer Authority approved a change order in the amount of \$203,454.00 to perform construction administration, construction observation, and post-construction monitoring services for the Broadway at Oak Real Time Control Project; and

WHEREAS: In Item No. 10, on July 20, 2022, the Board of the Buffalo Sewer Authority approved a change order in the amount of \$136,080.00 to perform construction observation services for the Broadway at Oak Real Time Control Project; and

WHEREAS: The Principal Sanitary Engineer and staff have reviewed a request for a Change Order No. 3 to Contract No. 81900016 in the amount of \$4,536.00 as detailed above and recommend its approval.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby approves Change Order No. 3 to Contract No. 81900016 as written in the above Agenda Item, increasing the contract cost in the amount of \$4,536.00, making the adjusted contract cost \$493,934.00. These funds shall be drawn from account no. 02000509-432004.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of November 1, 2023

ITEM NO. 19

CHANGE ORDER NO. 3 CONTRACT NO. 82000025 MISCELLANEOUS SYSTEM WIDE SEWER REPAIRS

CONTRACTOR:	ORIGINAL CONTRACT COST	\$2,997,886.00
Destro & Brothers Concrete Co., Inc.	PREVIOUS CHANGE ORDER	\$2,000,000.00
132 Dingens Street	THIS CHANGE ORDER	<u>(\$8,247.63)</u>
Buffalo, NY 14206	ADJUSTED CONTRACT COST	\$4,989,638.37

VENDOR NO. 254	ACCOUNT NO.	02000516-490740
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WORK: Miscellaneous System Wide Sewer Repairs

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 (\$8,247.63)

THE TOTAL COST OF THE CHANGE OR EXTRA WORK: (\$8,247.63)

The Total DECREASE to the Contract as a result of this Change Order: \$8,247.63

WHEREAS: On July 29, 2020 the Board of the Buffalo Sewer Authority authorized the General Manager to enter into and execute a contract with Destro & Brothers Concrete Co., Inc., for Miscellaneous System Wide Sewer Repairs project at a cost not to exceed \$2,997,886.00; and

WHEREAS: On December 4, 2020, Notice to Proceed was issued for Contract No. 82000025 in accordance with the above-Board approval; and

WHEREAS: On May 25, 2022 the Board of the Buffalo Sewer Authority Authorized Change Order No. 1 to Contract 82000025 in the amount of \$1,500,000.00 Due to supply chain issues, and global concerns, the ongoing pandemic, and other domestic and international issues, the price for petroleum, steel, asphalt, and plastic pipe has risen precipitously between July 2020 and May 2022; and

WHEREAS: On May 3, 2023 the Board of the Buffalo Sewer Authority Authorized Change Order No. 2 to Contract 82000025 in the amount of \$500,000.00 for replacement of water and sewer main and approximately thirty (30) lead water services on Dewitt Street from West Delavan Avenue to Potomac Avenue.; and

WHEREAS: The Principal Sanitary Engineer and staff have reviewed a request for a Change Order No. 3 to Contract No. 82000025 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 0 calendar days, making the final completion date 11/01/2023.
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. 1 to Contract No. 82000025 as written in the above Agenda Item, decreasing the contract cost in the amount of \$8,247.63 making the adjusted contract cost \$4,989,638.37

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of November 1, 2023

ITEM NO. 20

CONTRACT NO. 82000025

CERTIFICATE OF ACCEPTANCE AND OCCUPANCY

PROJECT: Miscellaneous System Wide Sewer Repairs

CONTRACTOR: Destro & Brothers Concrete Co. Inc.
411 Ludington Street
Buffalo, NY 14206

WHEREAS: The Buffalo Sewer Authority Principal Sanitary Engineer and Staff and Destro & Brothers Concrete Co. Inc. have certified that the Contractor completed the work in accordance with the plans and specifications on 11/01/2023.

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 11/01/2023;
- c. The maintenance period commences on 11/01/2023;
- d. The Board approved Change Order No. 3 on November 1, 2023, resulting in a net decrease of \$8,247.63 thereby making the adjusted contract cost \$4,989,638.37.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of November 1, 2023

ITEM NO. 21

AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH GREELEY AND HANSEN, A TY-LIN COMPANY FOR CAPITAL PROJECTS PROGRAM MANAGEMENT SERVICES

WHEREAS: The Buffalo Sewer Authority issued a request for proposals (RFP) for the purposes of securing the services of a consulting firm to provide Capital Projects Program Management Services for an initial five (5) year guaranteed period with up to five (5) additional one-year extensions; and

WHEREAS: Four (4) firms responded to this RFP; and

WHEREAS: A consultant selection committee appointed by the General Manager reviewed the submitted proposals and interviewed each team and ranked the firms on the basis of both their interviews and proposals; and

WHEREAS: The RFP provided a contract value not to exceed \$6,000,000.00 (six million dollars) with future year’s contract values to be negotiated between the Authority and the Consultant on the basis of work anticipated and the wage structures provided in the Consultant’s cost proposal; and

WHEREAS: The Principal Sanitary Engineer and staff recommend contracting with Greeley and Hansen, a TY-Lin Company for these services as detailed in their proposal of August 18, 2023, at a cost not to exceed \$6,000,000.00 for the first year with subsequent year’s contract amounts to be approved for the first four years and up to five additional one-year contract extensions to be approved by the Board of the Buffalo Sewer Authority.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to execute agreements with Greeley and Hansen, TY-Lin to complete Capital Projects Program Management Services. The cost of this contract will be funded for this initial first year at not to exceed amount of \$6,000,000.00 from account no. 02000577-432004.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of November 1, 2023

ITEM NO. 22

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>
Casey Wiles	Medaille College	Case Studies in Global Strategy	100%	\$3,100.00

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves the above applications for Tuition Reimbursement totaling \$3,100.00. These Reimbursements will be charged to account no. 00200106-421026.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of November 1, 2023.

ITEM NO. 23

CONFIRMATION OF APPOINTMENTS

WASTEWATER OPERATOR I (PERMANENT)
SEWAGE TREATMENT PLANT
\$20.59 PER HOUR
EFFECTIVE: OCTOBER 16, 2023

BRIANNA LARKIN
309 WEST AVE APT C
BUFFALO, NY

INTERGOVERNMENTAL COORDINATOR (EXEMPT)
CITY HALL ADMINISTRATION
\$81,165 PER ANNUM
EFFECTIVE: OCTOBER 2, 2023

MARIA GRANVILLE
21 WEST AVE
BUFFALO, NY

PRINCIPAL CHIEF STATIONARY ENGINEER (2ND PROVISIONAL)
SEWAGE TREATMENT PLANT
\$92,195 PER ANNUM
EFFECTIVE: SEPTEMBER 15, 2023

RAFAEL RAMOS III
221 ABBINGTON
TONAWANDA, NY

LABORER II (PERMANENT)
SEWAGE TREATMENT PLANT
\$21.15 PER HOUR
EFFECTIVE: OCTOBER 2, 2023

JOHN RUSSO
67 EVANSTON PLACE
BUFFALO, NY

LABORER I (PERMANENT)
SEWAGE TREATMENT PLANT
\$19.98 PER HOUR
EFFECTIVE: OCTOBER 16, 2023

ADAM BEYER
57 COLUMBUS AVE
BUFFALO, NY

LABORER I (PERMANENT)
SEWAGE TREATMENT PLANT
\$19.98 PER HOUR
EFFECTIVE: OCTOBER 16, 2023

ANTHONY JAMES
221 SANDERS RD
BUFFALO, NY

LABORER I (PERMANENT)
SEWAGE TREATMENT PLANT
\$19.98 PER HOUR
EFFECTIVE: OCTOBER 16, 2023

SEAN GOODSPEED
145 SHENANDOAH RD
BUFFALO, NY

SENIOR STOCK CLERK (PERMANENT)
SEWAGE TREATMENT PLANT
\$49,276 PER ANNUM
EFFECTIVE: OCTOBER 30, 2023

COLIN SHANAHAN
57 COLUMBUS AVE
BUFFALO, NY

SR. 1ST CLASS STATIONARY ENGINEER
SEWAGE TREATMENT PLANT
\$25.11 PER HOUR
EFFECTIVE: OCTOBER 30, 2023

EMMANUEL TRUEHEART
11 HIGHGATE AVE
BUFFALO, NY

SEWER CONSTRUCTION WORKER (PROVISIONAL)
SEWAGE TREATMENT PLANT
\$24.12 PER HOUR
EFFECTIVE: OCTOBER 30, 2023

NICHOLAS SHUBBUCK
78 MAYER AVE
BUFFALO, NY

SEWER CONSTRUCTION WORKER (PROVISIONAL)
SEWAGE TREATMENT PLANT
\$24.87 PER HOUR
EFFECTIVE: OCTOBER 30, 2023

JACOB VULLO
19 ASHTON PLACE
BUFFALO, NY

SEWER CONSTRUCTION WORKER (PROVISIONAL)
SEWAGE TREATMENT PLANT
\$24.12 PER HOUR
EFFECTIVE: OCTOBER 30, 2023

RICKY VIRGIL
398 SHERMAN ST
BUFFALO, NY

WHEREAS: The preceding appointments were made by the General Manger 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 _____

Board Meeting November 1, 2023

ITEM NO. 24

ADJOURNMENT OF MEETING

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of November 1, 2023