

# Table of Contents

i. October 2018 Meeting Agenda .....	2
1. Draft September Meeting Minutes .....	6
2. Personnel Actions - October .....	11
3. 2018-10-001 - Vehicles .....	12
4. 2018-10-002 - Certain Employees to Use Time Management System .....	14
5. 2018-10-003 - AECOM Consent Order Services .....	16
6. AECOM Consent Order Services 10 12 18 .....	18
7. 2018-10-004 - Approving 2019 Holiday Schedule .....	23
8. 2019 Holiday Schedule .....	24
9. 2018-10-005 - Sexual Harassment Policy .....	25
10. Sexual Harassment Policy .....	27
11. NFWB sexual harassment reporting form .....	35
12. 2018-10-006 - Settle Zitto Claim .....	37
13. Zitto - Notice of Claim .....	38
14. 2018-10-007 - Influent Piping Repair .....	42
15. Quote HJ2018-133 .....	43
16. Photo of 18" Pipe .....	45
17. 2018-10-008 - Wet Well Valve Platforms .....	46
18. Quote HJ2018-136 .....	47
19. 2018-10-009 - Replace 115,000 Volt Switch at WWTP .....	48
20. Ferguson Electric Invoice (#132406) .....	49
21. 2018-10-010 - Specifying Persons Who May Contact Banks .....	50
22. 2018-10-011 - Revise Procurement Policy .....	51
23. October 29 Draft Procurement Policy .....	52
24. 2018-10-012 - Award Sed Basin Improvement Design and Engineering .....	61
25. 2018-10-013 - Award GPS Rehabilitation Design and Engineering .....	63
26. 2018-10-014 - Award Screenings, Grit, Polymer, Dewatering Agreement .....	65
27. 2018-10-015 - Award Carbon and Filter Support Replacement Engineering Agreement .....	67
28. 2018-10-016 - Award Electrical System and Lighting Improvements Engineering Agreement .....	69
29. 2018-10-017 - Award Heat and Ventilation Engineering Agreement .....	71
30. 2018-10-018 - Award Waterline and Piping Engineering Agreement .....	73
31. 2018-10-019 - CPL on RFP Engineering and Design Work .....	75



**Regular Session of the  
Niagara Falls Water Board  
October 29, 2018 5:00 PM at  
Michael C. O’Laughlin Municipal Water Plant**

**1. Attendance and Preliminary Matters**

- a. Forster \_\_\_Kimble \_\_\_ Larkin\_\_\_ Leffler\_\_\_ O’Callaghan\_\_\_
- b. Letters and Communications
- c. Public Comment (All speakers must register with the Chairperson prior to roll call and are limited to three minutes per person – total time for all speakers may not exceed one hour)
- d. Approval of Minutes from September 24, 2018

**2. Executive Director**

- 3. Director of Operations**
- a. Projects at WWTP
  - b. RFP Resolutions

**4. Superintendent**

- 5. Engineering**
- a. Update regarding Niagara Air Reserve Station water main project

**6. Personnel Items/Director of Administrative Services**

**a. Staff Requested:**

**Motion to Approve Personnel Actions and Report dated  
October 22, 2018.**

**b. Invoice/Bill Management System**

**7. Information Technology (IT) Dept.**

**8. Financial Reports – Director of Financial Services**

**a. 2019 Budget Update**

**9. Reports**

**a. Questions Regarding O&M Report for September (if any)**

**b. Safety**

**10. General Counsel and Secretary**

**11. From the Chairman**

**12. Resolutions**

**2018-10-001 – VEHICLE ASSET ADMINISTRATION**

**2018-10-002 – CERTAIN EMPLOYEES TO USE TIME MANAGEMENT  
SYSTEM EFFECTIVE IMMEDIATELY**

**2018-10-003 – AUTHORIZING FUNDS FOR AECOM TO PERFORM  
WORK REQUIRED BY CONSENT ORDER**

**1. October 12, 2018 Proposal**

**2018-10-004 – APPROVING 2019 HOLIDAY SCHEDULE**

1. **Schedule of 2019 Holidays**

**2018-10-005 – SEXUAL HARASSMENT POLICY**

1. Policy
2. Complaint Form

**2018-10-006 – AUTHORIZING SETTLEMENT OF ANGELA ZITTO  
CLAIM FOR PROPERTY DAMAGE AT 2647 PIERCE AVENUE**

1. Notice of Claim

**2018-10-007 – AUTHORIZING FUNDS FOR 18” DIAMETER  
INFLUENT PIPING REPAIR**

1. **Mollenberg-Betz Quote No. HJ2018-133**
2. **Photograph of Pipe**

**2018-10-008 – AUTHORIZING FUNDS TO REPLACE WET WELL  
VALVE PLATFORMS**

1. **Mollenberg-Betz Quote No. HJ2018-136**

**2018-10-009 – REPLACEMENT OF DEFECTIVE 115,000 VOLT SWITCH**

1. **Ferguson Electric Invoice No. 132406**

**2018-10-010 – PERSONNEL WHO MAY DISCUSS WATER BOARD  
ACCOUNTS WITH FINANCIAL INSTITUTIONS**

**2018-10-011 – ANNUAL REVIEW OF PROCUREMENT POLICY  
AND ADOPTION OF REVISED POLICY**

1. **Procurement Policy Dated October 29, 2018**

**2018-10-012 – AUTHORIZING ENGINEERING SERVICES  
AGREEMENT FOR SCUM PUMP, FINE SCREEN TRAVELING  
BRIDGE, AND ISOLATION PLATE GUIDE IMPROVEMENTS AT  
WASTEWATER TREATMENT PLANT (PROJECT NO. 1)**

**2018-10-013 – AUTHORIZING ENGINEERING SERVICES  
AGREEMENT FOR GORGE PUMPING STATION REHABILITATION  
PROJECT (PROJECT NO. 2)**

**2018-10-014 – AUTHORIZING ENGINEERING SERVICES  
AGREEMENT FOR IMPROVEMENTS TO SCREENINGS AND GRIT  
TRANSPORT EQUIPMENT, POLYMER EQUIPMENT, AND  
DEWATERING CONTROLS AT WASTEWATER TREATMENT PLANT  
(PROJECT NO. 3)**

**2018-10-015 – AUTHORIZING ENGINEERING SERVICES  
AGREEMENT FOR GRANULATED ACTIVATED CARBON AND  
CARBON FILTER SUPPORT GRAVEL REPLACEMENT AT  
WASTEWATER TREATMENT PLANT (PROJECT NO. 4)**

**2018-10-016 – AUTHORIZING ENGINEERING SERVICES  
AGREEMENT FOR ELECTRICAL SYSTEM AND LIGHTING  
IMPROVEMENTS AT WASTEWATER TREATMENT PLANT  
(PROJECT NO. 5)**

**2018-10-017 – AUTHORIZING ENGINEERING SERVICES  
AGREEMENT FOR CRITICAL HEATING AND VENTILATION  
IMPROVEMENTS AT WASTEWATER TREATMENT PLANT  
(PROJECT NO. 7)**

**2018-10-018 – AUTHORIZING ENGINEERING SERVICES  
AGREEMENT FOR REPLACEMENT OF PLANT WATERLINE,  
PROCESS WATERLINE, AND INTERIOR PROCESS PIPING  
AT WASTEWATER TREATMENT PLANT (PROJECT NO. 9)**

**2018-10-019 – DIRECTING CLARK PATTERSON LEE TO SERVE AS  
WATER BOARD'S REPRESENTATIVE FOR DESIGN AND BIDDING  
OF CAPITAL PROJECTS AT WASTEWATER TREATMENT PLANT**

**13. Unfinished Business**

**14. New Business & Additional Items for Discussion**

**15. Executive Session**

**16. Adjournment of Meeting**



**Regular Session of the  
Niagara Falls Water Board  
September 24, 2018 5:00 PM at  
Michael C. O’Laughlin Municipal Water Plant**

**1. Attendance and Preliminary Matters**

a. Forster P Kimble P Larkin P Leffler P O’Callaghan A

b. Letters and Communications

c. Public Comment (All speakers must register with the Chairperson prior to roll call and are limited to three minutes per person – total time for all speakers may not exceed one hour)

d. Approval of Minutes from July 30, 2018

*Motion by Mr. Forster and seconded by Ms. Leffler to approve.*

*Forster Y Kimble Y Larkin Y Leffler P O’Callaghan A*

*Motion was carried 4-0*

**2. Executive Director**

*There was nothing new for discussion from the Executive Director at this time.*

**3. Director of Operations**

*There was nothing new for discussion from the Director of Operations at this time.*

**4. Superintendent**

*There was nothing new for discussion from the Superintendent at this time.*

**5. Engineering**

*There was nothing new for discussion from the Engineering department at this time.*

## **6. Personnel Items – Director of Administrative Services**

### **I. Staff Requested:**

**Motion to Approve Personnel Actions and Report dated September 17, 2018.**

*Motion by Mr. Forster and seconded by Ms. Larkin to approve.*

*Forster\_Y\_Kimble\_Y\_Larkin\_Y\_Leffler\_P\_O'Callaghan\_A\_*

*Motion was carried 4-0*

### **II. Staff Requested:**

**Motion to Authorize Director of Administrative Services to execute documents necessary to renew liability insurance coverage for 10/18/2018 to 10/18/2019.**

*Motion by Ms. Leffler and seconded by Ms. Larkin to approve.*

*Forster\_Y\_Kimble\_Y\_Larkin\_Y\_Leffler\_P\_O'Callaghan\_A\_*

*Motion was carried 4-0*

## **7. Information Technology (IT) Dept.**

*There was nothing from the IT department at this time.*

## **8. Financial Reports – Director of Financial Services**

*Ms. Walker states she will have the continuing disclosure report from Drescher & Malecki tomorrow, 9/26/18.*

## **9. Reports**

- a. O&M Reports for July and August**
- b. Safety**

*There was nothing new for discussion from Safety at this time.*

## **10. General Counsel and Secretary**

*There was nothing new for discussion from General Counsel at this time.*

## **11. From the Chairman**

*There was nothing new for discussion from the Acting Chairperson at this time.*

## **12. Resolutions**

### **2018-09-001 – AUTHORIZING PURCHASE OF STOCK OF FIRE HYDRANTS**

#### **a. Lock City Quote**

*Motion by Mr. Forster and seconded by Ms. Larkin to approve.*

*Forster\_ Y \_ Kimble\_ Y \_ Larkin\_ Y \_ Leffler\_ Y \_ O'Callaghan\_ A\_*

*Motion was carried 4-0*

### **2018-09-002 – AWARDING CONTRACT FOR SANITARY SEWER MANHOLE REPAIR PROJECT AT 22ND AND NIAGARA STREETS**

#### **a. Bid Tabulation and Award Package**

*Motion by Mr. Forster and seconded by Ms. Leffler to approve.*

*Forster\_ Y \_ Kimble\_ Y \_ Larkin\_ Y \_ Leffler\_ Y \_ O'Callaghan\_ A\_*

*Motion was carried 4-0*

### **2018-07-003 – AUTHORIZING FUNDS FOR MISCELLANEOUS IN-PLANT MECHANICAL MAINTENANCE SERVICES**

*Motion by Ms. Larkin and seconded by Ms. Kimble to approve.*

*Forster\_ Y \_ Kimble\_ Y \_ Larkin\_ Y \_ Leffler\_ Y \_ O'Callaghan\_ A\_*

*Motion was carried 4-0*



**2018-09-004 – AWARD BID FOR PRIMARY TREATMENT POLYMER**

**a. Bid Tabulation and Award Package**

*Motion by Mr. Forster and seconded by Ms. Larkin to approve.*

*Forster\_Y\_Kimble\_Y\_Larkin\_Y\_Leffler\_Y\_O'Callaghan\_A\_*

*Motion was carried 4-0*

**2018-09-005-A – AUTHORIZING AMENDMENT TO SCHEDULE A OF  
ORDER ON CONSENT R9-2012906-129**

*Motion by Mr. Forster and seconded by Ms. Larkin amend the proposed resolution to state "\$13.5 million" in the resolved.*

*Forster\_Y\_Kimble\_Y\_Larkin\_Y\_Leffler\_Y\_O'Callaghan\_A\_*

*Motion was carried 4-0*

*Motion by Mr. Forster and seconded by Ms. Larkin to approve Resolution 2018-09-005-A, as amended.*

*Forster\_Y\_Kimble\_Y\_Larkin\_Y\_Leffler\_Y\_O'Callaghan\_A\_*

*Motion was carried 4-0*

**13. Unfinished Business**

*There was no unfinished business to discuss at this time.*

**14. New Business & Additional Items for Discussion**

*There was no new business to discuss at this time.*

**15. Executive Session**

*Motion by Mr. Forster and seconded by Ms. Larkin to enter into executive session to discuss a matter related to collective bargaining as requested by the Director of Administrative Services at 5:41 p.m.*

**16. Adjournment of Meeting**

*Motion by Ms. Larkin and seconded by Ms. Leffler to adjourn the meeting at 6:13 p.m.*

DRAFT

**Niagara Falls Water Board  
Personnel Actions and Report  
Monday, October, 22, 2018**

Recommended Moves by the Director of Administrative Services

**I. PERSONNEL ACTIONS RECOMMEND TO HIRE**

Line Item Number	Position	Department/Location	Pay Rate or Grade	ADDITIONAL INFORMATION

**II. RECOMMENDED PROMOTION / MOVE / APPOINTMENT**

Line Item Number	Position	Type of labor move	Change in pay rate or grade	ADDITIONAL INFORMATION
1	Senior Engineering Systems Technician	Revising position description & grade	Current Grade 21A move to 22A	Annual average difference in base of \$5,500

**IV. BOARD NOTIFICATION OF OTHER MOVEMENT (CBA BID, MCSB APPOINTMENT, LEGAL STATUS CHANGE)**

Name	Position & type of labor move	Department/Location	Pay Rate or Grade	ADDITIONAL INFORMATION / AUTHORITY
Fifi Sandonato	Permanet Status to Administrative Assistant	Administrative /Water	19A	Promotional Civil Service Exam / MCSB

**V. OTHER ACTIVITY**

**OTHER PERSONNEL ACTIVITY FOR BOARD NOTIFICATION**

Dennis Kirkland	Operator (SOS)	WWTP / Operations	SOS	LOA (Personal)
Bill Wright	Superintendent	Outside Operations	Salary	LOA (Personal)
Darryl Dinoto	Classified Temporary	IT/Records section	\$25 per uor (PT)	Working directly under Joe Morock collecting and coordinating record transfers to storage media and distruction of outdated material.

*NIAGARA FALLS WATER BOARD RESOLUTION # 2018-10-001*

**VEHICLE ASSET ADMINISTRATION**

**WHEREAS**, the Niagara Falls Water Board (“Water Board”) operates a substantial number of wheeled vehicles; and

**WHEREAS**, the Water Board has a responsibility to exercise oversight and management with respect to Water Board property; and

**WHEREAS**, the Water Board has determined that establishing clear standards and requirements for the marking and GPS tracking of its vehicles will assist with the management and protection of Water Board assets and is in the best interest of the Water Board and its ratepayers;

\* CONTINUED ON NEXT PAGE \*

**NOW THEREFORE BE IT**

**RESOLVED**, that within 30 days, all Niagara Falls Water Board wheeled vehicles (including trucks, SUV's, sedans, and equipment such as backhoes) with a gross vehicle weight in excess of 2,000 pounds shall:

1. Be equipped with a functional, non-removable GPS tracking device; and
2. All Water Board trucks, SUV's, and equipment that are registered with the NYS Department of Motor Vehicles shall bear official Niagara Falls Water Board license plates; and
3. All Water Board trucks, SUV's, and equipment shall bear the Water Board emblem on the driver's door and the front passenger door, with said emblem to be clearly visible and to be a decal that is not easily removed (not magnetic), and all trucks should have a reflective stripe for marking and visibility; and
4. Unless specifically authorized by a Water Board contract or resolution, no Water Board employee shall be permitted to take home a Water Board vehicle overnight.

*Water Board Personnel Responsible for Implementation of this Resolution:*

Executive Director  
Director of Operations

*Water Board Budget Line or Capital Plan Item with Funds for this Resolution:*

On October 29, 2018, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Board Member Forster	[    ]	[    ]	[    ]	[    ]
Board Member Kimble	[    ]	[    ]	[    ]	[    ]
Board Member Larkin	[    ]	[    ]	[    ]	[    ]
Board Member Leffler	[    ]	[    ]	[    ]	[    ]
Chairman O'Callaghan	[    ]	[    ]	[    ]	[    ]

Signed By:

Vote Witnessed By:

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Daniel T. O'Callaghan, Chairperson

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Sean W. Costello, Secretary to Board

*NIAGARA FALLS WATER BOARD RESOLUTION # 2018-10-002*

**CERTAIN EMPLOYEES TO USE  
TIME MANAGEMENT SYSTEM EFFECTIVE IMMEDIATELY**

**WHEREAS**, the Niagara Falls Water Board (“Water Board”) has invested in a state-of-the-art time and attendance management system that will permit efficient and accurate recording of time and may be used to create mustering reports in the event of an emergency; and

**WHEREAS**, certain of the Water Board’s exempt employees have been using the system as part of a trial run/test; and

**WHEREAS**, the Water Board recognizes that certain of its professional employees perform substantial services off premises or work flexible schedules, but verification of at least most of the hours worked is necessary to be certain that leave time properly is utilized and for NYS Retirement System reporting;

\* CONTINUED ON NEXT PAGE \*

**NOW THEREFORE BE IT**

**RESOLVED**, that effective immediately, all Niagara Falls Water Board employees who are not covered by a collective bargaining agreement shall log in using the time and attendance management system when beginning their workday, and shall log out using the time and attendance management system when departing for the day; and

**AND IT IS FURTHER RESOLVED**, that an employee who misses a log in or log out must email an individual to be designated by the Director of Administrative services with a written explanation for the failure and the verifiable time that they began or ended the work day; and

**AND IT IS FURTHER RESOLVED**, that employees covered by this resolution who through neglect of duty or insubordination miss more than a total of three log in or log outs in any 21-day period shall be subject to disciplinary action.

*Water Board Personnel Responsible for Implementation of this Resolution:*

Director of Administrative Services

On October 29, 2018, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Board Member Forster	[    ]	[    ]	[    ]	[    ]
Board Member Kimble	[    ]	[    ]	[    ]	[    ]
Board Member Larkin	[    ]	[    ]	[    ]	[    ]
Board Member Leffler	[    ]	[    ]	[    ]	[    ]
Chairman O'Callaghan	[    ]	[    ]	[    ]	[    ]

Signed By:

Vote Witnessed By:

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Daniel T. O'Callaghan, Chairperson

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Sean W. Costello, Secretary to Board

**AUTHORIZING FUNDS FOR AECOM  
TO PERFORM WORK REQUIRED BY CONSENT ORDER**

**WHEREAS**, the Niagara Falls Water Board (“Water Board”) entered into a Consent Order with the New York State Department of Environmental Conservation dated December 19, 2017 to address water quality concerns related to discharges from the Niagara Falls Wastewater Treatment Plant (the “WWTP”); and

**WHEREAS**, AECOM is providing to the Water Board miscellaneous engineering assistance in connection with the Consent Order, in addition to work on engineering evaluations and reporting required by the Consent Order; and

**WHEREAS**, in a proposal dated October 12, 2018, AECOM has proposed to perform the miscellaneous engineering assistance and work on engineering evaluations and reporting that are required by the Consent Order from the present through the end of 2019 for a total fee not to exceed \$350,440, to be billed on a time and material basis; and

**WHEREAS**, the Water Board has engaged Clark Patterson Lee as its engineering management consultant and to monitor the work performed by engineering firms in connection with the Consent Order, and Rick Henry, P.E., has recommended that the Water Board authorize funds for the estimated future cost of AECOM work on said Consent Order items, with any vouchers for payment to be reviewed by CPL; and

**WHEREAS**, CPL will provide regular reports to the Water Board regarding payments to AECOM related to Consent Order work;

\* CONTINUED ON NEXT PAGE \*



**NOW THEREFORE BE IT**

**RESOLVED**, that on behalf of the Niagara Falls Water Board, the Executive Director is hereby authorized to enter into an agreement with AECOM to perform the miscellaneous engineering assistance and work on engineering evaluations and reporting that are required by the Consent Order from the present through the end of 2019 for a total fee not to exceed \$350,440, to be billed on a time and material basis, with said agreement and any payments made pursuant to this resolution first to be reviewed by Rick Henry, P.E., of CPL, as the Board's engineering management consultant.

*Water Board Personnel Responsible for Implementation of this Resolution:*  
Executive Director

*Water Board Budget Line or Capital Plan Item with Funds for this Resolution:*

On October 29, 2018, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Board Member Forster	[    ]	[    ]	[    ]	[    ]
Board Member Kimble	[    ]	[    ]	[    ]	[    ]
Board Member Larkin	[    ]	[    ]	[    ]	[    ]
Board Member Leffler	[    ]	[    ]	[    ]	[    ]
Chairman O'Callaghan	[    ]	[    ]	[    ]	[    ]

Signed By:

Vote Witnessed By:

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Daniel T. O'Callaghan, Chairperson

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Sean W. Costello, Secretary to Board



October 12, 2018

Mr. Rolfe Porter, P.E.  
Niagara Falls Water Board  
5815 Buffalo Avenue  
Niagara Falls, NY 14304

**Re: Proposal for Continuing Services related to Incident of July 29 2017  
Exclusive of Consent Order Items 11 and 14**

Dear Mr. Porter:

AECOM USA, Inc. (AECOM) is pleased to submit this proposal to the Niagara Falls Water Board (NFWB) for continuing engineering and operations assistance related to the Niagara Falls Water Board Wastewater Treatment Plant (WWTP). These services are a continuation of AECOM's work related to the incident of July 29, 2017 and the resulting Consent Order; exclusive of Items 11 and 14 in Schedule A of the Consent Order. Our services will include efforts in the following areas:

**Task 1 – Miscellaneous Engineering Assistance Related to Consent Order**

Services under Task 1 will include the following work items at the WWTP:

1. Involvement in day to day operation, maintenance and planning activities,
2. Monitoring of plant performance,
3. Troubleshooting and evaluation of systems and equipment as the need arises,
4. Provide engineering assistance as needed including process troubleshooting, capital improvement planning, equipment specification, etc.,
5. Attendance at routine operations and maintenance meetings,
6. Miscellaneous services within the scope and budget of this task, and
7. Onsite Environmental Monitor reporting to the NYSDEC per the Consent Order requirements.

**Task 2 - Consent Order Engineering Evaluation and Reporting**

Services under Task 2 will include including the following specific items from the Consent Order Schedule A:

1. Task 2A - Consent Order Item #6: Assistance with chemical coagulant evaluation (lead role), exclusive of detailed design services.
2. Task 2B - Consent Order Item #7: Assistance with Sedimentation Basin 5 operation and alternatives valuation (lead role), exclusive of detailed design services.
3. Task 2C - Consent Order Item #9: Assistance with disinfection system evaluation, operation and improvements identification (lead role), exclusive of detailed design services.
4. Task 2D - Consent Order Item #10: Assistance with optimizing carbon filtration /minimizing sulfide production (lead role), exclusive of detailed design services.
5. Task 2E - Consent Order Item #15: Preparation of Quarterly Progress reports to NYSDEC



Mr. Rolfe Porter  
October 12, 2018

Page 2

### Fees and Expenses

This effort will occur over the next approximately 1.25 years (2018 and 2019) and is expected to evolve as we move forward through the process. AECOM proposes to perform these services on a time and materials (T&M) basis with a not-to-exceed dollar amount of \$350,440. The breakdown of this amount is as follows:

Task 1 – Miscellaneous Engineering Assistance Related to Consent Order	\$200,000
Task 2 - Consent Order Engineering Evaluation and Reporting	\$150,440
<b>TOTAL</b>	<b>\$350,440</b>

At this time, the budget is our best estimate of the necessary level of services. Appropriate personnel will be utilized as needed for the tasks to be performed. If the T&M budget exceeds the necessary effort, any remaining project budget will NOT be billed. AECOM has an exemplary history of completing projects on time and under budget for the NFWB. Project charges will be billed as follows:

- Labor – Direct salary times a 2.7 labor multiplier.
- Other Direct Costs: Cost plus 5% (includes mileage at the IRS rate, blueprints, photocopying, etc.)
- Subcontractors: Cost plus 5%.

Personnel anticipated to work on this project and current direct labor rates are listed below:

• John Goeddertz, Ph.D. Sr. Project Manager	\$72
• Tom McPherson, P.E. Project Principal	\$77
• Jeff Tudini, Senior Project Engineer	\$53
• Ryan Delamere, Project Engineer	\$29
• Jordan Radomski, Project Engineer	\$22
• Casey Blumberg, Project Engineer	\$22
• CAD Operators (Approximate. Rate may vary depending upon personnel availability.)	\$25-30

Personnel not listed above may be used depending upon their expertise and availability. All project billings will identify the individual working on the project, their title, billing rate, and hours worked listed by week ending date.



**Mr. Rolfe Porter**  
**October 12, 2018**

**Page 3**

The following assumptions were made when preparing this proposal:

1. Detailed design (i.e. preparation of contract documents suitable for competitive bidding) of the following facilities is NOT included in AECOM's scope of services.
  - a. Consent Order Item 6, 7, and 10 related to optimization of existing physical chemical treatment facilities.
  - b. Consent Order Item 9 – Disinfection system upgrades

However, assistance with scoping and equipment selection for activities undertaken by maintenance staff or IDIQ contractors (Mollenberg Betz, Ferguson) will be included as we have done with a number of other in-house upgrades. For portions of this work that require a detailed design to be prepared by others, AECOM will contribute and assist as necessary to ensure that activities are consistent with the best interests of the NFWB and its long term operation of the WWTP.

2. AECOM has included mileage costs in our other direct costs. Mileage will be billed at the current IRS rate.
3. No subcontractor services are anticipated under this project.

### **Statement of Qualifications and Project Personnel**

#### ***AECOM Statement of Qualifications***

AECOM (formerly URS Corporation) has been providing engineering services to the Niagara Falls Water Board since its inception. These services are very broad in nature and involve general civil engineering work, architectural services, sewer collection system work, and wastewater treatment plant engineering work. The following projects have been successfully performed and completed for the Water Board on time and on (or under) budget:

- WWTP roof replacement evaluation design and construction phase services,
- WWTP building envelope repairs design and construction phase services,
- Gorge Pumping Station reliability analysis,
- Gorge Pumping station roof replacement (partial) design and construction phase services,
- LS-4 roof replacement design and construction phase services,
- WWTP Turbidity Study,
- WWTP Mercury Study,
- Falls Street Tunnel evaluation, design, and construction phase services,
- Contract 62A emergency repairs evaluation, design, and construction phase services,
- Iroquois Street Sewer evaluation, design, and construction phase services,
- 2011 – 2018 Consulting Engineer/Rate Consultant Services (Annual Contract)
- 2015 LaSalle Sewer System Infiltration Abatement evaluation, design, and construction phase services,



**Mr. Rolfe Porter**  
**October 12, 2018**

**Page 4**

- 2016/2017 LaSalle Sewer System Infiltration Abatement evaluation, design, and construction phase services, and
- Assistance with the July 29, 2017 incident.

We think our history of successful projects performed for the NFWB speaks well to our ability to provide first rate engineering services at a fair cost to the Water Board.

#### ***AECOM Project Personnel***

**John Goeddertz, Ph.D., Project Manager** John Goeddertz, Ph.D. will serve as the overall project manager and principal client contact for this project. Dr. Goeddertz has successfully performed many prior projects for the Water Board and its predecessor, the City of Niagara Falls. Considering Dr. Goeddertz's proven track record with the Water Board, the Water Board can be assured that the work will be done to the NFWB's complete satisfaction.

**Tom McPherson, P.E. Project Principal** Tom McPherson will serve as project principal and will provide any necessary structural engineering services required.

**Jeff Tudini, Senior Project Engineer** Mr. Tudini will assist with treatment plant engineering evaluations including chemical treatment bench testing, equipment selection and design, and process engineering.

**Ryan Delamere, Jordan Radomski, Casey Blumberg, Project Engineers** Messrs. Delamere and Radomski and Ms. Blumberg have experience in a variety of civil engineering tasks that have included the evaluation, design, and construction of water/wastewater infrastructure. These project engineers will work on miscellaneous technical tasks that may arise through this project.

**CAD Operators** AECOM has a CAD/drafting department that will assist with figure preparation in support of the various project needs and requirements.

#### **Work Schedule**

The project will occur throughout the remainder of 2018 and 2019, complying with the deadlines specified in the Consent Order.



**Mr. Rolfe Porter**  
**October 12, 2018**

**Page 5**

Thank you for your continued trust in AECOM to help shape the future of the NFWB's WWTP. If you have any questions as you review this proposal please feel free to contact AECOM.

Sincerely,

**AECOM USA, Inc.**

A handwritten signature in black ink, appearing to read "John Goeddertz".

John G. Goeddertz, Ph.D.  
Project Manager

A handwritten signature in blue ink, appearing to read "Thomas M. McPherson".

Thomas M. McPherson, P.E., VP  
Project Principal

*NIAGARA FALLS WATER BOARD RESOLUTION # 2018-10-004*

**APPROVING 2019 HOLIDAY SCHEDULE**

**WHEREAS**, the Director of Administrative Services has prepared a proposed 2019 holiday schedule for Niagara Falls Water Board (“Water Board”) staff; and

**WHEREAS**, the Water Board desires formally to approve and adopt this schedule to aid in 2019 planning;

**NOW THEREFORE BE IT**

**RESOLVED**, that the Niagara Falls Water Board hereby adopts and approves the 2019 schedule of holidays as proposed by the Director of Administrative Services.

*Water Board Personnel Responsible for Implementation of this Resolution:*  
Director of Administrative Services

On October 29, 2018, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Board Member Forster	[    ]	[    ]	[    ]	[    ]
Board Member Kimble	[    ]	[    ]	[    ]	[    ]
Board Member Larkin	[    ]	[    ]	[    ]	[    ]
Board Member Leffler	[    ]	[    ]	[    ]	[    ]
Chairman O’Callaghan	[    ]	[    ]	[    ]	[    ]

Signed By:

Vote Witnessed By:

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Daniel T. O’Callaghan, Chairperson

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Sean W. Costello, Secretary to Board



# Niagara Falls Water Board

5815 Buffalo Ave  
Niagara Falls, NY 14304

To: All Employees & Unit Chairs

Subject: **2019 Holidays**

Below is a list of the contractual holidays for the year 2019 with the date the holiday will be observed:

<b>New Year's Day*</b>	<b>Tuesday</b>	<b>January 1, 2019</b>
<b>Martin Luther King Jr. Day*</b>	<b>Monday</b>	<b>January 21, 2019</b>
Lincoln's Birthday	Monday	February 11, 2019
Washington's Birthday	Monday	February 18, 2019
<b>Memorial Day*</b>	<b>Monday</b>	<b>May 27, 2019</b>
<b>Independence Day*</b>	<b>Thursday</b>	<b>July 4, 2019</b>
<b>Labor Day*</b>	<b>Monday</b>	<b>September 2, 2019</b>
Columbus Day	Monday	October 14, 2019
<b>Veterans Day*</b>	<b>Monday</b>	<b>November 11, 2019</b>
<b>Thanksgiving Day*</b>	<b>Thursday</b>	<b>November 28, 2019</b>
<b>Christmas Day*</b>	<b>Wednesday</b>	<b>December 25, 2019</b>
<b>Birthday where applicable*</b>		

\*Paid Holiday for employees hired after 12/31/07.

A handwritten signature in black ink, which appears to read "Jim Perry", is written over a horizontal line.

Jim Perry, Director, Administrative Services



*NIAGARA FALLS WATER BOARD RESOLUTION # 2018-10-005*

**SEXUAL HARASSMENT POLICY**

**WHEREAS**, the Niagara Falls Water Board (“Water Board”) is committed to maintaining a workplace free from sexual harassment; and

**WHEREAS**, the Water Board has a zero-tolerance policy for any form of sexual harassment, and all employees are required to work in a manner that prevents sexual harassment in the workplace; and

**WHEREAS**, Water Board staff recently prepared and distributed a revised sexual harassment policy dated October 1, 2018 that meets standards set forth by the Department of Labor and Division of Human Rights pursuant to recently enacted Labor Law § 201-G; and

**WHEREAS**, the Water Board desires, by formal resolution, to affirm and commit that Water Board directors, officers, employees, applicants for employment, interns (whether paid or unpaid), contractors and persons conducting business with the Water Board shall comply with the sexual harassment policy;

\* CONTINUED ON NEXT PAGE \*

**NOW THEREFORE BE IT**

**RESOLVED**, that Water Board directors, officers, employees, applicants for employment, interns (whether paid or unpaid), contractors and persons conducting business with the Water Board shall comply with the sexual harassment policy dated October 1, 2018 and as may from time to time be amended and revised; and

**IT IS FURTHER RESOLVED**, that the sexual harassment policy and complaint form shall be distributed not only to all employees of the Water Board, but also shall be posted near the main entrances of the water and wastewater treatment plants and distributed to contractors and vendors performing services at Water Board facilities.

*Water Board Personnel Responsible for Implementation of this Resolution:*  
Director of Administrative Services

On October 29, 2018, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Board Member Forster	[    ]	[    ]	[    ]	[    ]
Board Member Kimble	[    ]	[    ]	[    ]	[    ]
Board Member Larkin	[    ]	[    ]	[    ]	[    ]
Board Member Leffler	[    ]	[    ]	[    ]	[    ]
Chairman O'Callaghan	[    ]	[    ]	[    ]	[    ]

Signed By:

Vote Witnessed By:

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Daniel T. O'Callaghan, Chairperson

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Sean W. Costello, Secretary to Board



*The Niagara Falls Water Board* is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. The Water Board has a zero-tolerance policy for any form of sexual harassment, and all employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of the water Boards commitment to a discrimination-free work environment.

Sexual harassment is against the law. All employees have a legal right to a workplace free from sexual harassment, and employees can enforce this right by filing a complaint internally with The Water Board or with a government agency or in court under federal, state or local antidiscrimination laws.

**Policy:**

1. The Niagara Falls Water Board Policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business with *The Niagara Falls Water Board*.

2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action, up to and including termination.

3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse employment action including being discharged, disciplined, discriminated against, or otherwise subject to adverse employment action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. The Niagara Falls Water Board has a zero-tolerance policy for such retaliation against anyone who, in good faith complains or provides information about suspected sexual harassment. Any employee of The Niagara Falls Water Board who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. Any employee, paid or unpaid intern or non-employee<sup>1</sup> working in the workplace who believes they have been subject to such retaliation should inform a supervisor, manager, or The Director of Administrative Services. Any employee, paid or unpaid intern or non-employee who believes they have been a victim of such retaliation may also seek compensation in other available forums, as explained below in the section on Legal Protections.

<sup>1</sup> A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, "gig" workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and subjects The Niagara Falls Water Board to liability for harm to victims of sexual harassment. Harassers may also be individually subject to liability. Employees of every level, who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who knowingly allow such behavior to continue, will be penalized for such misconduct.



5. The Niagara Falls Water Board will conduct a prompt, thorough and confidential investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.
6. All employees are encouraged to report any harassment or behaviors that violate this policy. The Niagara Falls Water Board will provide all employees a complaint form for employees to report harassment and file complaints.
7. Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe to the Director of Administrative Services.
8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be posted prominently in all work locations and be provided to employees upon hiring.

## **What Is “Sexual Harassment”?**

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the complaining individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment consists of words, signs, jokes, pranks, intimidation or physical violence which is of a sexual nature, or which is directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called “quid pro quo” harassment. Any employee who feels harassed should complain so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

## **Examples of sexual harassment**

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

Physical assaults of Sexual nature

- Touching, pinching, patting, grabbing, brushing against another employee's body or poking another employees' body;
- Rape, sexual battery, molestation or attempts to commit these assaults.

Unwanted sexual advances or propositions, such as:

- Requests for sexual favors accompanied by implied or overt threats concerning the victim's job performance evaluation, a promotion or other job benefits or detriments;
- Subtle or obvious pressure for unwelcome sexual activities.

Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience, which create a hostile work environment.

Sexual or discriminatory displays or publications anywhere in the workplace, such as:

- Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.

Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:

- Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
- Sabotaging an individual's work;
- Bullying, yelling, name-calling.

### **Who can be a target of sexual harassment?**

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. A perpetrator of sexual harassment can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

### **Where can sexual harassment occur?**

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises or not during work hours.

### **What is "Retaliation"?**

Unlawful retaliation can be any action that would keep a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation.

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in "protected activity." Protected activity occurs when a person has:

- filed a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;



- complained that another employee has been sexually harassed; or
- Encouraged a fellow employee to report harassment.

## Reporting Sexual Harassment

**Preventing sexual harassment is everyone's responsibility.** The Niagara Falls Water Board cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager or Director of Administrative Services. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or *Director of Administrative Services*.

Reports of sexual harassment should be made in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf. Employees, paid or unpaid interns or non-employees who believe they have been a victim of sexual harassment may also seek assistance in other available forums, such as New York State Division of Human Rights (DHR), United States Equal Employment Opportunity Commission (EEOC), and local protections.

## Supervisory Responsibilities

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to the Director of Administrative Services.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

## Complaint and Investigation of Sexual Harassment

**All** complaints or information about suspected sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough. The investigation will be confidential to the extent possible. All persons involved, including complainants, witnesses and alleged perpetrators will be accorded due process to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. Employees who participate in any investigation will not be retaliated against.



Investigations will be done in accordance with the following steps:

- Upon receipt of complaint, The Administrative Services office will conduct an immediate review of the allegations, and take any interim actions, as appropriate. If complaint is oral, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the oral reporting.
- If documents, emails or phone records are relevant to the allegations, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;
- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
  - A list of all documents reviewed, along with a detailed summary of relevant documents;
  - A list of names of those interviewed, along with a detailed summary of their statements;
  - A timeline of events;
  - A summary of prior relevant incidents, reported or unreported; and
  - The final resolution of the complaint, together with any corrective actions action(s).
- Keep the written documentation and associated documents in the employer's records.
- Promptly notify the individual who complained and the individual(s) who responded of the completion of investigation, and implement any corrective actions identified in the written document.
- Inform the individual who complained of their right to file a complaint or charge externally as outlined below.





## **Legal Protections and External Remedies**

Sexual harassment is not only prohibited by The Niagara Falls Water Board but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at The Niagara Falls Water Board, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time within one year of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, within three years of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to The Niagara Falls Water Board does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment. You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR. DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines. DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, and Bronx, New York 10458. You may call (718) 741-8400 or visit: [www.dhr.ny.gov](http://www.dhr.ny.gov). Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.



## Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov).

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

## Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit [www.nyc.gov/html/cchr/html/home/home.shtml](http://www.nyc.gov/html/cchr/html/home/home.shtml).

## Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.



## EMPLOYEE REPORTING FORM SEXUAL HARASSMENT

### COMPLAINANT INFORMATION

Name: \_\_\_\_\_

Home Address: \_\_\_\_\_

Home Phone: \_\_\_\_\_

Job Title: \_\_\_\_\_

### SUPERVISORY INFORMATION

Immediate Supervisor's Name:  
\_\_\_\_\_

Title:  
\_\_\_\_\_

### COMPLAINT INFORMATION

1. Your complaint of Sexual Harassment is made against:

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Relationship to you (supervisor, subordinate, co-worker or other) \_\_\_\_\_

2. Please describe the conduct of incident(s) that is the basis of this complaint and your reasons for concluding that the conduct is sexual harassment. Please use additional sheets of paper as needed, and attach any relevant documents or evidence.

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3. Date(s) Sexual Harassment occurred: \_\_\_\_\_

is the sexual harassment still continuing?      Yes      or      NO

4. Please list the name and contact information of any witnesses or individuals that may have information related to your complaint

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5. Have you previously complained or provided information (verbally or written) about sexual harassment while employed at The Niagara Falls Water Board? If Yes, when and whom did you complain or provide information?

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I request that the Niagara Falls Water Board investigate this complaint of sexual harassment in a timely and confidential manner as outlined in the Sexual Harassment Policy.

Signature: \_\_\_\_\_ Date \_\_\_\_\_

*Adoption of this form does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.*

NIAGARA FALLS WATER BOARD RESOLUTION # 2018-10-006

**AUTHORIZING SETTLEMENT OF ANGELA ZITTO  
CLAIM FOR PROPERTY DAMAGE AT 2647 PIERCE AVENUE**

**WHEREAS**, on or about October 2, 2018 claimant Angela Zitto filed a notice of claim against the Niagara Falls Water Board, seeking to recover for damages allegedly caused by Niagara Falls Water Board personnel striking power and telephone lines while operating a vehicle near 2467 Pierce Avenue on or about September 29, 2018, and Ms. Zitto has produced a bill marked paid for the repair of the resulting damage; and

**WHEREAS**, the Water Board's best interests are served by the prompt resolution of Ms. Zitto's claim which totals \$876;

**NOW THEREFORE BE IT**

**RESOLVED**, that the Niagara Falls Water Board be and is hereby authorized to pay the sum of \$876 to Angela Zitto as settlement in full of the Notice of Claim filed on or about October 2, 2018, on the condition that she executes a general release acknowledging that no party admits fault for the underlying incident.

*Water Board Personnel Responsible for Implementation of this Resolution:*  
General Counsel

*Water Board Budget Line or Capital Plan Item with Funds for this Resolution:*

On October 29, 2018, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Board Member Forster	[    ]	[    ]	[    ]	[    ]
Board Member Kimble	[    ]	[    ]	[    ]	[    ]
Board Member Larkin	[    ]	[    ]	[    ]	[    ]
Board Member Leffler	[    ]	[    ]	[    ]	[    ]
Chairman O'Callaghan	[    ]	[    ]	[    ]	[    ]

Signed By:

Vote Witnessed By:

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Daniel T. O'Callaghan, Chairperson

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Sean W. Costello, Secretary to the Board



# NIAGARA FALLS WATER BOARD

5815 Buffalo Avenue  
Niagara Falls, NY 14304

NIAGARA FALLS  
OCT 02 2018  
WATER BOARD

In person

## NOTICE OF CLAIM FORM FOR PERSONAL INJURY, DAMAGE TO PROPERTY OR LOSS OF PROPERTY

NOTE: NO NOTICE OF CLAIM WILL BE ACCEPTED IF FILED LATER THAN 90 DAYS FROM THE DATE OF LOSS. YOUR CLAIM MUST PROVIDE VALID PROOF OF ALLEGED DAMAGES AND PROOF OF THE VALUE OF ANY PROPERTY ALLEGEDLY DAMAGED.

UNDER NEW YORK LAW, ANY PERSON WHO PRESENTS A FALSE OR FRAUDULENT CLAIM TO A LOCAL GOVERNMENT FOR PAYMENT IS SUBJECT TO CRIMINAL AND CIVIL PENALTIES INCLUDING RECOVERY OF THREE TIMES THE AMOUNT OF DAMAGES SUSTAINED BY SUCH LOCAL GOVERNMENT.

CLAIM INVESTIGATION BY THE NIAGARA FALLS WATER BOARD WILL TAKE BETWEEN 6 TO 8 WEEKS

1. Name of Claimant: Angela Zitto
2. Address of Claimant: 2467 Pierce Ave  
Niagara Falls ny 14301
3. Claimant's telephone number: 716-923-5439
4. Owner of damaged or lost property: Angie Zitto
5. Owner's address: 2467 Pierce Ave  
Niagara Falls, ny 14301
6. Owner's telephone number: 716-923-5439
7. Date of Loss: 9/19/18
8. Time when loss occurred: 200 AM / PM est. (There is police report on file)
9. Exact location of loss(i.e. house address, nearest cross street): 1:33pm.  
2467 Pierce Ave; NFalls ny 14301



10. Police report number (if any) See attached HLNF648 PPJGP

11. Describe how loss occurred: \_\_\_\_\_

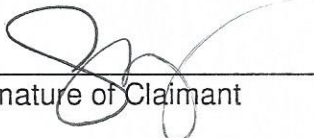
Water Dept employee cleaning sewer in front of house  
took out power / cable / telephone lines to 4 houses  
my house. Required an electrician to reattach because  
Nat'l grid couldn't do according to their protocols.  
This was due to employee error.

12. List all items of property damage ascertained to date (attach two original  
estimates of repair or replacement and all paid original  
receipts): \_\_\_\_\_

\$850 repair Bill attached  
plus 1 HR pay had to leave work early to  
meet electrician to restore power to my home.  
on 9/19/18 \$26<sup>00</sup>/hr  
 $850 + 26 = 876$

Claim must be notarized

THE UNDERSIGNED DECLARES, UNDER PENALTIES OF PERJURY, THAT  
HE/SHE IS THE CLAIMANT, THAT HE/SHE HAS READ THE FOREGOING  
NOTICE OF CLAIM, THAT TO THE BEST OF HIS/HER KNOWLEDGE THE  
INFORMATION CONTAINED HEREINABOVE IS TRUE AND CORRECT.

  
Signature of Claimant

Sworn to before me this 1st

day of Oct, 20 18

  
Notary Public/ Commissioner of Deeds

Christa Ritz  
Notary Public, State of New York  
Qualified in Niagara County  
No. 01RI6216163  
Commission Expires Jan. 11, 2022

INVOICE NO.

**Dave Rulli Electric**  
Contracting  
(716)990-7129

(716)990-7129

SOLD TO <b>ANSIE ZITTO</b>		<b>www.daverulliclectric.com</b>		VIA
ADDRESS <b>2467 PEARCE AVE</b>		ADDRESS		
CITY, STATE, ZIP <b>N.Y. N.Y.</b>		CITY, STATE, ZIP		
CUSTOMER ORDER NO.	SOLD BY	TERMS	F.O.B.	DATE <b>9/19/18</b>

[illegible]



NY State Law requires that any accident resulting in a fatality, injury or damage \$1000 be reported by YOU to the Department of Motor Vehicles (DMV) within information is a misdemeanor and may result in the suspension/revocation of y or registrations.

Report your Accident to DMV on DMV form MV-104 (Report of Motor Veh satisfy YOUR civilian reporting requirement.

<b>Accident Report #</b> HLNF648PPJ6P	<b>Local Codes</b> NF-39774-18	<b>Date</b> 09/19/2018	<b>Time</b> 1:33 PM	<b>#</b> 1
<b>Police Agency</b> NIAGARA FALLS CITY PD - 03102			<b>Officer's Name/Bo</b> VANEGMOND	

**VEHICLE #** 001

<b>Operator's Name</b> KOURTY JOHN T			<b>Date of Birth</b> 10/24/1983
<b>City/State/Zip</b> NIAGARA FALLS NY 14305		<b>Motorist I.D.#</b> 943669733	
<b>Vehicle Type</b> TANK	<b>Insurance Code and Company</b> 994 - GOVERNMENT OWNED		
<b>Vehicle Towed By</b>			<b>Ve</b>

**Miscellaneous Notes**

Please wait 14 days before contacting DM

If you want to purchase a copy of the



NIAGARA FALLS WATER BOARD RESOLUTION # 2018-10-007

**AUTHORIZING FUNDS FOR 18” DIAMETER INFLUENT PIPING REPAIR**

**WHEREAS**, Niagara Falls Water Board (“Water Board”) staff have identified a section of 18” influent piping at the wastewater treatment plant that needs immediate replacement; and

**WHEREAS**, the scale and scope of this job is beyond the current capacities of the Water Board’s own forces; and

**WHEREAS**, Water Board staff have obtained from Mollenberg-Betz a quote to perform all labor and furnish all materials to perform the necessary work pursuant to a pre-bid indefinite delivery/indefinite quantity contract;

**NOW THEREFORE BE IT**

**RESOLVED**, that on behalf of the Niagara Falls Water Board, its Executive Director hereby is authorized pay Mollenberg-Betz up to \$25,148 in Water Board funds to furnish the required labor and materials to repair the 18” influent pipe.

*Water Board Personnel Responsible for Implementation of this Resolution:*  
Executive Director

*Water Board Budget Line or Capital Plan Item with Funds for this Resolution:*

On October 29, 2018, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Board Member Forster	[    ]	[    ]	[    ]	[    ]
Board Member Kimble	[    ]	[    ]	[    ]	[    ]
Board Member Larkin	[    ]	[    ]	[    ]	[    ]
Board Member Leffler	[    ]	[    ]	[    ]	[    ]
Chairman O’Callaghan	[    ]	[    ]	[    ]	[    ]

Signed By:

Vote Witnessed By:

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Daniel T. O’Callaghan, Chairperson

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Sean W. Costello, Secretary to Board



# MOLLENBERG-BETZ INC

JOE HIGGINS  
SERVICE PROJECT MANAGER  
300 SCOTT STREET  
BUFFALO, NY 14204  
jhiggins@mollenbergbetz.com



P: (716) 614-7450 x 212  
F: (716) 614-7467  
www.mollenbergbetz.com

To:	Niagara Falls Water Board	Fax:	
Attn:	Joe Argona	Date:	October 5, 2018
From:	Joe Higgins	Pages:	2
Re:	18" DI Influent Piping Repair Budget	Quote #:	HJ2018-133

☐ Urgent    
 ☒ For Review    
 ☐ Please Comment    
 ☐ Please Reply    
 ☐ Please Recycle

Dear Joe:

Mollenberg-Betz, Inc. is pleased to submit the following proposal for the above referenced project per the Scope of Work, Pricing, and the following Notes and Exceptions. This work shall be completed on a time and material basis and invoiced as per the In-Plant Mechanical Maintenance contract. This is for budget purposes.

We propose to remove the pipe from the flanged to the existing Hymax coupling. We will furnish and install (1) length of 18" pipe flanged by plain end and (1) 18" Hymax coupling. To access this, we will need to have scaffolding erected. The scope of our proposal is detailed below.

## Scope of Work

- ▶ Lock out valves while being serviced.
- ▶ Erect scaffolding to safely access pipe.
- ▶ Furnish and install (2) new 18" test balls to isolate piping while repairs are being made.
- ▶ Test balls will be turned over to NFWB after project is complete.
- ▶ Demo and remove pipe at flange and existing coupling.
- ▶ Furnish and install (1) 18" Hymax coupling.
- ▶ All flanges, bolts and supports shall be stainless steel.
- ▶ Clean-up and demobilize site.

## Budget Pricing

Labor .....	\$11,136.00
Scaffolding .....	\$5,438.00
Material .....	<u>\$8,574.00</u>
Total Budget .....	\$25,148.00

### Notes and Exceptions

1. **Sales or use taxes are not included in our pricing.** If applicable they will be added to the quoted price. If the project is treated as a capital improvement, the quoted price will increase by the cost of the use tax incurred by Mollenberg-Betz.
2. Washington DC is proposing tariffs on certain imported products and particularly on steel and steel pipe. As such, we are struggling to obtain firm pricing for these products. Price(s) included in this proposal shall remain in effect for five (5) days from the date of this proposal. Thereafter, Mollenberg-Betz may in good faith adjust such prices to reflect increases in the costs or availabilities of such price components. Any surcharges from our suppliers at the time of shipping will be added to the costs of this proposal.
3. This quote is for scope as described. Any additional parts or materials which may be required beyond this scope would be billed extra. We would discuss any additions with you before proceeding.
4. Scaffolding has been quoted by Safeway Group and will need to be erected to access pipe.

Sincerely,

**MOLLENBERG-BETZ, INC.**

Joe Higgins  
Service Project Manager







NIAGARA FALLS WATER BOARD RESOLUTION # 2018-10-008

**AUTHORIZING FUNDS TO REPLACE WET WELL VALVE PLATFORMS**

**WHEREAS**, the wet well valve platforms at the Niagara Falls Water Board (“Water Board”) wastewater treatment plant have corroded and otherwise deteriorated and require replacement in order to maintain a safe and functional work area; and

**WHEREAS**, the scale and scope of this job is beyond the current capacities of the Water Board’s own forces; and

**WHEREAS**, Water Board staff have obtained from Mollenberg-Betz a quote to perform all labor and furnish all materials to perform the necessary work for one platform pursuant to a pre-bid indefinite delivery/indefinite quantity contract; and

**WHEREAS**, the replacement wet well valve platforms will incorporate fiberglass and other non-corrosive materials in order to maximize the service life of the replacement platforms;

**NOW THEREFORE BE IT**

**RESOLVED**, that on behalf of the Niagara Falls Water Board, its Executive Director hereby is authorized pay Mollenberg-Betz up to \$149,026 in Water Board funds to furnish the required labor and materials to replace two wet well valve platforms at the wastewater treatment plant.

*Water Board Personnel Responsible for Implementation of this Resolution:*  
Executive Director

*Water Board Budget Line or Capital Plan Item with Funds for this Resolution:*

On October 29, 2018, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Board Member Forster	[    ]	[    ]	[    ]	[    ]
Board Member Kimble	[    ]	[    ]	[    ]	[    ]
Board Member Larkin	[    ]	[    ]	[    ]	[    ]
Board Member Leffler	[    ]	[    ]	[    ]	[    ]
Chairman O’Callaghan	[    ]	[    ]	[    ]	[    ]

Signed By:

Vote Witnessed By:

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Daniel T. O’Callaghan, Chairperson

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Sean W. Costello, Secretary to Board



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To:	Niagara Falls Water Board	Fax:	
Attn:	Joe Argona	Date:	October 22, 2018
From:	Joe Higgins	Pages:	1
Re:	Wet Well valve platform	Quote #:	HJ2018-136

☐ Urgent
 ☒ For Review
 ☐ Please Comment
 ☐ Please Reply
 ☐ Please Recycle

Dear Joe:

Mollenberg-Betz, Inc. is pleased to submit the following proposal for the above referenced project per the Scope of Work, Pricing, and the following Notes and Exceptions. This work shall be completed on a time and material basis and invoiced as per the in plant mechanical maintenance contract. This is for budget purposes. The scope of our proposal is detailed below:

## Scope of Work

- ▶ Fabricate and install stainless steel supports per drawing from CPL
- ▶ Furnish and install stainless steel Hilti anchors per CPL specifications
- ▶ Furnish and install Strongwell FRP platform, ladders and safety rail system per CPL drawing
- ▶ Provide scaffolding rental, erection and removal to allow safe access to work area\*
- ▶ We assume area will be cleaned prior to arrival of Mollenberg-Betz

## Budget pricing per platform

Labor .....	\$25,613.00
Strongwell FRP System .....	\$19,550.00
Scaffolding rental .....	\$11,500.00
Material .....	\$17,850.00
Total .....	\$74,513.00

## Notes and Exceptions

1. **Sales or use taxes are not included in our pricing.** If applicable they will be added to the quoted price. If the project is treated as a capital improvement, the quoted price will increase by the cost of the use tax incurred by Mollenberg-Betz. This price is firm for 30-days.
2. This quote is for scope as described. Any additional parts or materials which may be required beyond this scope would be billed extra. We would discuss any additions with you before proceeding.
3. We have not included overtime in the scope of this proposal
4. NFWB will only be invoiced the cost of the scaffolding rental plus contract make up. If multiple platforms are installed savings will be generated. The scaffolding is for budget purposes only and we anticipate that it will come in under budget.
5. Due to the volatility of the metals market, the stainless steel structural material can only be price protected by our vendor for 24 hours. Due to this factor it is possible that the material number could increase due to market prices.

Sincerely,

**MOLLENBERG-BETZ, INC.**

Joe Higgins  
Service Project Manager

*NIAGARA FALLS WATER BOARD RESOLUTION # 2018-10-009*

**REPLACEMENT OF DEFECTIVE 115,000 VOLT SWITCH**

**WHEREAS**, in September 2018, a 115,000 volt group operated switch at the Niagara Falls Water Board (“Water Board”) wastewater treatment plant was discovered to be defective and required immediate replacement; and

**WHEREAS**, certain portions of that replacement work were performed by Ferguson Electric pursuant to a pre-bid indefinite delivery/indefinite quantity contract; and

**WHEREAS**, Ferguson Electric has presented an invoice for its services in the amount of \$34,000;

**NOW THEREFORE BE IT**

**RESOLVED**, that the Niagara Falls Water Board hereby authorizes payment to Ferguson Electric in the amount of \$34,000 for its services performed pursuant to the pre-bid indefinite delivery/indefinite quantity contract to replace the 115,000 volt group switch at the wastewater treatment plant.

*Water Board Personnel Responsible for Implementation of this Resolution:*  
Director of Financial Services

*Water Board Budget Line or Capital Plan Item with Funds for this Resolution:*

On October 29, 2018, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Board Member Forster	[    ]	[    ]	[    ]	[    ]
Board Member Kimble	[    ]	[    ]	[    ]	[    ]
Board Member Larkin	[    ]	[    ]	[    ]	[    ]
Board Member Leffler	[    ]	[    ]	[    ]	[    ]
Chairman O’Callaghan	[    ]	[    ]	[    ]	[    ]

Signed By:

Vote Witnessed By:

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Daniel T. O’Callaghan, Chairperson

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Sean W. Costello, Secretary to Board





## INVOICE

**Job Location**  
Niagara Falls Water Board  
1301 Buffalo Ave  
Niagara Falls NY

Ferguson Electric Service  
321 Ellicott Street Buffalo NY 14203-1618  
(716) 853-3321 Fax # (716) 853-3325

Niagara Falls Water Board  
5815 Buffalo Ave  
Attn: Accts Payable Dept  
Niagara Falls NY 14304-

**Customer Number:** 2523  
**Invoice Number:** 132406  
**Invoice Date:** 10/22/2018  
**Job Number:** U25359  
**P.O. Number:** CPO 18-00035

**Billing for Service on:**  
7/12/2018

**Description:**

Line 1: Replacement Of Defective 115,000 Volt Group Operated Switch at Waste Water Facility

**Work Requested by:**  
Joe Argona

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34,000.00

**Terms:** Net 30 Days

<b>Subtotal</b>	34,000.00
<b>Sales Tax</b>	0.00
<b>Total Amount Due</b>	34,000.00

\* Any amount not paid when due shall bear an additional charge of either 1 1/2% per month or the maximum rate permissible under applicable state law, whichever is lesser.

*NIAGARA FALLS WATER BOARD RESOLUTION # 2018-10-010*

**PERSONNEL WHO MAY DISCUSS WATER BOARD ACCOUNTS  
WITH FINANCIAL INSTITUTIONS**

**WHEREAS**, the Niagara Falls Water Board (“Water Board”) maintains various accounts as authorized by law at financial institutions; and

**WHEREAS**, one or more inquiries by non-Water Board personnel have been made to these financial institutions; and

**WHEREAS**, the Water Board desires to safeguard its account information from unauthorized disclosure or access;

**NOW THEREFORE BE IT**

**RESOLVED**, that the Director of Financial Services shall advise in writing all institutions maintaining Water Board financial accounts which Water Board staff members may be provided with information regarding Water Board accounts, and that any inquiries about those accounts by third parties should be referred to the Director of Financial Services.

*Water Board Personnel Responsible for Implementation of this Resolution:*  
Director of Financial Services

On October 29, 2018, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Board Member Forster	[    ]	[    ]	[    ]	[    ]
Board Member Kimble	[    ]	[    ]	[    ]	[    ]
Board Member Larkin	[    ]	[    ]	[    ]	[    ]
Board Member Leffler	[    ]	[    ]	[    ]	[    ]
Chairman O’Callaghan	[    ]	[    ]	[    ]	[    ]

Signed By:

Vote Witnessed By:

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Daniel T. O’Callaghan, Chairperson

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Sean W. Costello, Secretary to Board

*NIAGARA FALLS WATER BOARD RESOLUTION # 2018-10-011*

**ANNUAL REVIEW OF PROCUREMENT POLICY  
AND ADOPTION OF REVISED POLICY**

**WHEREAS**, the Niagara Falls Water Board (“Water Board”) is required by Public Authorities Law § 2824(1)(e) to adopt written policies and procedures for the procurement of goods and services; and

**WHEREAS**, the Water Board annually reviews its procurement policy; and

**WHEREAS**, the Water Board has identified certain desirable revisions and improvements to the procurement policy;

**NOW THEREFORE BE IT**

**RESOLVED**, that the Niagara Falls Water Board hereby adopts the procurement policy dated October 29, 2018; and

**IT IS FURTHER RESOLVED**, that effective November 1, 2018, all procurements shall be made consistent with the procurement policy dated October 29, 2018.

*Water Board Personnel Responsible for Implementation of this Resolution:*

Executive Director

Director of Financial Services

On October 29, 2018, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Board Member Forster	[    ]	[    ]	[    ]	[    ]
Board Member Kimble	[    ]	[    ]	[    ]	[    ]
Board Member Larkin	[    ]	[    ]	[    ]	[    ]
Board Member Leffler	[    ]	[    ]	[    ]	[    ]
Chairman O’Callaghan	[    ]	[    ]	[    ]	[    ]

Signed By:

Vote Witnessed By:

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Daniel T. O’Callaghan, Chairperson

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Sean W. Costello, Secretary to Board



## **NIAGARA FALLS WATER BOARD PROCUREMENT POLICY AND PROCEDURES**

The Niagara Falls Water Board ('NFWB') is a public benefit corporation that was created pursuant to Public Authorities Law § 1231-b. The statute setting forth the NFWB's functions states that its "powers and duties are in all respects for the benefit of the people of the city and the service area and the state for the improvement of their health, welfare and prosperity and that such purposes are public purposes and that the water board is and will be performing an essential governmental function." Pub. Auth. L. § 1230-e (6). The NFWB's powers permit it to "enter into contracts" and to "acquire . . . property." *Id.* at § 1230-f. "All contracts for construction or purchase of supplies, materials or equipment shall be let by the water board, shall be made in conformity with the applicable provisions of section one hundred three of the general municipal law and section one hundred thirty-five of the state finance law." *Id.* at § 1230-u. This procurement policy is designed to set forth in simple language how the NFWB will implement these provisions of law.

NFWB's procurement policy is intended to assure the prudent and economic use of public monies in the best interests of the people in the NFWB's service area and of the State of New York, and will facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances. It is also the intention of this policy to guard against favoritism, extravagance, fraud and corruption, and, wherever possible within existing laws, to promote and support local businesses and industry. The principal way that this procurement policy will help to accomplish these aims will be promoting the competitive securing of goods and services whenever feasible.

### **PROCEDURE FOR THE PROCUREMENT OF GOODS AND SERVICES**

The NFWB hereby formally adopts the following written procedure ("procedure") applicable to all purchases of goods and services after November 1, 2018. This procedure is meant actively to promote competitive procurements of all goods and services, with very limited exceptions, as set forth herein. The current revision replaces and supersedes all prior procurement policies. NFWB staff is hereby directed to comply with this procedure and to retain the necessary documentation as required herein to substantiate such compliance. This procedure and the NFWB's guidelines for acquisition and disposal of property should be included in the NFWB employee handbook and posted at NFWB.org.

#### **1. REQUIREMENTS APPLICABLE TO ALL PROCUREMENTS**

- 1.1. For all procurements, it is the responsibility of those involved to comply with all state and local laws and always to perform their duties in an ethical manner which will not cast suspicion on the way in which the NFWB operates its procurement system. It is imperative that all NFWB employees involved in the process of procuring goods and services be especially cautious to avoid any appearance of indiscretion or impropriety when dealing with vendors and/or prospective vendors. In addition, NFWB Board Members, officers, and employees shall conduct themselves at all times in accordance with the NFWB Conflicts of Interest Policy and the NFWB Code of Ethics Policy as amended from time to time by the Board.
- 1.2. All purchasing contracts made by the NFWB shall be evidenced digitally in its Financial Management Software ("FMS"), or in writing, on a Requisition form which provides a description of the items purchased, the terms of the sale, and the NFWB internal budget account number, and shall be maintained as part of the records of the Board.
- 1.3. When all variables are equivalent, local vendors shall be given preference over non-local vendors.
- 1.4. Procurements shall not be parceled, split, divided, or purchased over a period of time in order to circumvent the dollar purchasing limitations specified herein or to circumvent the employee's authorized spending limit.
- 1.5. Non-bid products and services should be reviewed periodically for competitive pricing and at any time that prices have increased.
- 1.6. To promote competition, in addition to advertising bids, NFWB staff is encouraged to take additional reasonable steps to encourage as many bidders as possible, and may notify known vendors of bids, post bids in trade message boards, notify Union halls, and post bids on construction exchange websites.

## 2. CONSTRUCTION CONTRACTS – GENERAL POLICY

All contracts or orders for work, material, or supplies performed or furnished in connection with construction costing in excess of \$20,000, shall be awarded pursuant to a Resolution of the NFWB Board.

The NFWB shall include such bid specifications as are deemed desirable in the judgment of the Executive Director, including requiring appropriate bid security. The NFWB shall not award any construction contract except to the lowest bidder who, in its opinion, is qualified to perform the work required and who is responsible and reliable. The NFWB may, however, reject any or all bids or waive any informality in a bid if it believes that the public interest will be promoted thereby. The NFWB may reject any bid if, in its judgment, the business and technical organization, plant, resources, financial standing, or experience of the bidder justifies such rejection in view of the work to be performed.

All construction contracts shall be let in accordance with General Municipal Law § 103 and the provisions of state law pertaining to prevailing wages, labor standards, and working hours. Where a cost for erection, construction, or alteration of buildings shall exceed \$500,000, the contract must comply with State Finance Law § 135, which is incorporated by reference herein and includes, among other things, requirements for separate bidding on plumbing, HVAC, and electrical work. Where appropriate, construction contracts should be advertised in not only a newspaper, but also posted to online construction exchanges in order to encourage multiple competitive bids.

Nothing in this policy shall be construed to limit or diminish the power of the NFWB to do any construction directly by the officers, employees, or agents of the NFWB.

### 3. PURCHASES OF GOODS, EQUIPMENT AND SERVICES (NOT INVOLVING CONSTRUCTION) – GENERAL POLICY

Except as otherwise expressly provided herein, purchase orders by NFWB involving an expenditure on a reasonably anticipated annual basis of more than \$20,000 in the case of goods and equipment and \$35,000 in the case of services, shall be made pursuant to an open competitive bidding process. For goods and equipment, purchase contracts shall be awarded to the lowest responsible bidder furnishing the security required by NFWB for the purchase after advertisement for sealed bids in the manner provided for by General Municipal Law § 103. In the case of services, the award must be based on the best value to NFWB, which if not equated to low price should be, wherever possible, based upon quantifiable criteria that result in the contract award to the offeror that optimizes quality, cost, and efficiency.

In any case where a responsible bidder's gross price is reducible by an allowance for the value of used machinery, equipment, apparatus, or tools to be traded in by NFWB, the gross price shall be reduced by the amount of such allowance, for the purposes of determining the low bid. In cases where two or more responsible bidders furnishing the required security submit identical bids as to price, NFWB's Board may award the contract to any of such bidders. NFWB reserves its discretion to reject all bids and re-advertise for new bids in the manner provided for in this procedure.

### 4. PROCEDURES FOR PURCHASE ORDERS, INCLUDING BLANKET PO'S

#### 4.1. **Purchases Less Than \$1,000**

- 4.1.1. Where possible, prior to the purchase of an item or service, the NFWB employee shall contact at least two (2) suppliers of the item or items to be procured to obtain the best price for and quality of the item or items to be purchased.
- 4.1.2. Division Heads are authorized to make and approve purchases on behalf of the NFWB in an aggregate amount up to \$1,000.

- 4.1.3. Various other subordinate employees, if designated in writing by a Director, are authorized to make and approve purchases on behalf of the NFWB in an aggregate amount up to \$500.

#### **4.2. Purchases Greater Than \$1,000 and Less than \$5,000**

- 4.2.1. Quotes for purchases of \$1,000 up to and including \$5,000, whether verbal or written, shall be documented in the quotes section of the procurement process and/or as part of a manual purchase requisition.
- 4.2.2. Required Final Approval: Any Director, provided that budgeted funds for the purchase first have been identified.

#### **4.3. Purchases Greater Than \$5,000 and Less than \$20,000**

- 4.3.1. Quotes for purchases of \$5,000 up to and including \$20,000, whether verbal or written, shall be documented in the quotes section of the procurement process and/or as part of a manual purchase requisition form and as a separate written document, dated and signed by an authorized vendor representative. Wherever possible, a minimum of three written quotes must be obtained. All written quotes and a memorandum for verbal quotes shall be scanned and attached to the requisition and maintained by the Board's FMS.
- 4.3.2. Required Final Approval: Executive Director or his designee as authorized in writing may approve up to and including \$10,000. Purchases over \$10,000 require Board of Directors approval.

#### **4.4. Purchases of Goods Greater Than \$20,000 and Services Greater than \$35,000**

- 4.4.1. Copy of competitive bids, dated and signed by authorized vendor representatives, or one of the exceptions listed in Section 5 below, along with an explanation for the exception, indicated on the requisition.
- 4.4.2. Required Final approval: Board of Directors (Board approval is required for all purchases over \$10,000, but competitive bids for goods and equipment less than \$20,000 and services less than \$35,000 is not required).

### **5. EXCEPTIONS TO COMPETITIVE BIDDING REQUIREMENTS**

The NFWB may contract or purchase through non-competitive negotiations under the following circumstances.

#### **5.1. Emergencies**

- 5.1.1. Notwithstanding any of the other provisions in this procedure, in the case of public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting NFWB buildings, property, pipelines, or the life, health, safety or property of NFWB employees, customers or the

general public require immediate action which cannot await a competitive process or competitive bidding, contracts for public work or the purchase of supplies, materials or equipment or services (including necessary replacement parts that could not reasonably be stockpiled) may be let by NFWB's Executive Director or his designee by immediate contract and the Executive Director may temporarily dispense with the competitive bidding or procurement requirements set forth herein. However, a good faith emergency must exist and while the emergency procurements do not require competitive bidding, it is nevertheless the policy and procedure of NFWB that such procurements must, wherever possible, be made at the lowest possible cost to NFWB.

- 5.1.2. Declarations of Emergency shall be documented in writing. The Executive Director will email to all members of the NFWB Board prior to or as soon as possible after making a procurement pursuant to this section a short statement to advise them of the emergency, the reason why the situation constitutes an emergency, a description of the emergency procurement, and the estimated cost of the emergency procurement. Emergency procurements shall be ratified by the NFWB Board at their next regularly scheduled meeting, or may be ratified at a special meeting called pursuant to NFWB by-laws.

## **5.2. New York State Contracts and Niagara County Contracts**

- 5.2.1. The NFWB may, without soliciting competitive bids, purchase materials, equipment and supplies through New York State ("NYS") and Niagara County contracts at the same prices and under the same terms and conditions as the State or County. However, no purchase may be made through a NYS or County contract after competitive bids have been received unless the purchase may be made upon the same conditions and specifications as the bid but at a lower price.
- 5.2.2. All purchases through a NYS or County contract must be made only from the vendor awarded the contract. No purchases may be made from other vendors without soliciting competitive bids.
- 5.2.3. When it is determined that a purchase is to be made through NYS or Niagara County contract, an approved requisition and/or purchase order referencing a valid NYS contract number must be prepared.
- 5.2.4. A list of commodities available through NYS contracts can be reviewed at the following website: <http://www.ogs.state.ny.us>

## **5.3. "Piggybacking" on Contracts of the United States or any State, Agency, or other Political Subdivision or District Thereof**

- 5.3.1. The NFWB may, pursuant to General Municipal Law § 103(16), "piggyback" on contracts awarded by government entities that have been made available for use by other government entities, provided that those contracts were let in a manner that constitutes competitive bidding consistent with New York state law, including municipal cooperative purchasing. When "piggybacking," the NFWB



is not required independently to seek competitive bids, as this already has been done by the other government entity.

- 5.3.2. The contract to be “piggybacked” must have been let by a government entity, not a private party or not-for-profit corporation. Contracts let through the National Joint Powers Alliance (“NJPA”) and similar public cooperative contract purchasing agencies may be appropriate for piggybacking.
- 5.3.3. The contract explicitly must have been made available for use by other governmental entities; unilateral offers by vendors to extend contract pricing and terms and conditions offered to other government entities are not acceptable.
- 5.3.4. The contract must have been let to the lowest responsible bidder or on the basis of best value.
- 5.3.5. To “piggyback” on a contract generally will require NFWB staff to obtain and review a copy of the underlying contract/bid specification. This and any similar documentation should be scanned and maintained as part of the requisition/purchase order for the procurement.

#### **5.4. Repair and Maintenance Provided by Original Manufacturer**

Repair and maintenance services provided by the original equipment manufacturer, supplier or installer (or their authorized agent or representative) are exempt from the quoting aspect of this policy when their services are required due to a specific or proprietary type of equipment.

#### **5.5. Sole Source**

- 5.5.1. It is the policy of the NFWB to promote competition in the procurement process, whenever possible. Toward that end, the NFWB will not specify the product of a certain manufacturer to the exclusion of all other comparable products, except where such a designation is required for the public interest, such as where local geographic (e.g. there is only a single source within a reasonable geographical area of the goods or services to be procured), security, public health or other conditions require the use of and only the type of equipment specified.
- 5.5.2. Where NFWB specifies a particular article or type of equipment which it regards as its general standard, it will provide that any other manufacturer of a similar equipment may meet the specifications if his or her product is reasonably equivalent to that mentioned as the standard.
- 5.5.3. Only in those instances where NFWB is required to secure equipment or service from a sole source of reasons of local geographic, security, public health or other conditions, may a purchase of such items or service be made without a competitive procurement process. In such instance, where the procurement exceeds \$20,000 the Board shall by resolution declare the need to purchase the equipment or service from a sole source vendor prior to purchase.

## **5.6. Standardization**

- 5.6.1. Standardization should be utilized only where there are strong reasons of efficiency or economy. It is NFWB's policy and procedure that it will not specify the product of a certain manufacturer to the exclusion of all other comparable products, except where such a designation is required for the public interest.
- 5.6.2. Although NFWB may specify a particular article or type of equipment which it regards as its general standard, it should provide that any other manufacturer of a similar object may meet the specifications if his or her product is reasonably equivalent to that mentioned as the standard.
- 5.6.3. In those instances where the public interest requires that NFWB standardize, such standardization may only occur upon the adoption of a Resolution by the members of the Board stating that, for reasons of efficiency or economy explained in the resolution, there is a need for standardization.
- 5.6.4. Even where NFWB standardizes on a particular article or type of equipment, competitive bids or quotes from all suppliers of that article or type in Western New York or, if necessary, outside the area should be actively solicited to promote competition. In such case, the Executive Director, or designee, shall contract with the lowest responsible bidder, or the party providing the lowest quote, furnishing the required security after any public advertisement as may be required.

## **5.7. Surplus and Second-Hand Supplies**

Surplus and second-hand supplies, material, or equipment may be purchased by NFWB without competitive bidding from the Federal Government, the State of New York or from any other political subdivision, district, or public benefit corporation.

## **5.8. Professional Services**

- 5.8.1. Professional services are those services requiring special or technical skill, training, or expertise. These types of services are routinely provided by attorneys, accountants, engineers, and architects, etc. Bidding is not required when a service is so specialized that it would not be in the NFWB's best interest to do so. The decision not to rely on competitive bidding procedures is based on the nature of the service, qualifications, prior experience, or an existing relationship with the NFWB.
- 5.8.2. An effective way to award contracts for professional services is to solicit requests for proposals ("RFP"). This ensures that qualified firms are given the opportunity to submit proposals and can result in reduced costs as a result of competition.

However, contracts are awarded based on the criteria listed above and not on price alone.

#### **5.9. Lease Arrangements**

- 5.9.1. Leases of equipment shall also be awarded after a competitive process.
- 5.9.2. NFWB staff shall obtain, whenever possible, formal written quotations or proposals from three or more vendors for any lease involving in excess of \$5,000 annually. Such written quotations or proposals shall set forth the particulars as to the equipment to be provided and details as to cost, on an annual and total lease basis, which may be used for evaluation of the proposal. The lease shall also include details as to additional cost beyond the base lease amount necessary properly to evaluate the equipment to be leased prior to award to the successful vendor.
- 5.9.3. For leases involving an annual total lease expense of less than \$5,000, NFWB staff shall secure at least three informal quotes, whenever possible, and perform the same evaluation before making a recommendation to the Executive Director relative to the selection of a lessor for the equipment to be leased.
- 5.9.4. Leases in excess of \$10,000 shall be approved by the NFWB Board.

#### **6. PURCHASE CARDS/NFWB CREDIT CARDS**

- 6.1. Are available to employees authorized by Board of Directors policy.
- 6.2. The Director of Financial Services shall maintain a list of all employees with purchase cards.
- 6.3. All employees shall be required to sign a Purchase Card Policy before being issued a purchase card.
- 6.4. Purchase card transactions shall require appropriate documentation, and shall be reflected by the FMS.
- 6.5. Purchase card transactions shall regularly be audited by the Director of Financial Services or their designee, formally or informally, and any discrepancies shall be reported to the NFWB Board if they cannot be reconciled after investigation.

#### **7. PETTY CASH**

- 7.1. Where cash can be used for small purchases or expenses less than \$50, the Petty Cash system may be utilized

7.2. Written receipts and internal expense codes must accompany all reimbursements.

7.3. Petty Cash purchases are not intended to circumvent the purchasing system.

8. SUPPORT FOR MINORITY, WOMEN-OWNED, AND SMALL BUSINESSES

NFWB supports contracts with minority, women-owned, and small businesses when awarding contracts in purchasing goods, services and equipment, and by statute is subject to Article 15-A of the Executive Law with respect to minority and women owned business enterprise requirements in procurement contracts. NFWB will not discriminate against any person who is qualified and available to perform the work by reason of race, color, creed, gender, or national origin. NFWB will encourage active participation by women-owned, minority-owned and small businesses in its procurement process, including reviewing and referencing any available lists of such vendors and actively and affirmatively soliciting their participation through letter and telephone advisement of the coming procurement, and will fully support equal opportunity and fair treatment of all people in its contracting. NFWB staff involved in the procurement process should be familiar with NFWB's M/WBE procedures and goals.

9. ANNUAL REVIEW

The Board shall annually review this Policy and Procedure. NFWB's Executive Director shall be responsible for assisting NFWB in conducting an annual review of this Procurement Policy and for an evaluation of the internal control structure established to ensure compliance with this Procurement Policy.

Originally Adopted January 29, 2018

Annual Review Completed, and Revisions Made, October 29, 2018

[Significant revisions and annual reviews should be noted here.]

*NIAGARA FALLS WATER BOARD RESOLUTION # 2018-10-012*

**AUTHORIZING ENGINEERING SERVICES AGREEMENT FOR SCUM PUMP, FINE SCREEN TRAVELING BRIDGE, AND ISOLATION PLATE GUIDE IMPROVEMENTS AT WASTEWATER TREATMENT PLANT (PROJECT NO. 1)**

**WHEREAS**, the Niagara Falls Water Board (“Water Board”), through engineering firm Clark Patterson Lee (“CPL”), solicited proposals for design and engineering services for a number of necessary capital upgrades at the wastewater treatment plant (“WWTP”); and

**WHEREAS**, CPL grouped the engineering and design portions of the necessary projects into several requests for proposals (“RFPs”) in order to maximize cost competitiveness and efficiency; and

**WHEREAS**, one such project included scum pump, fine screen traveling bridge, and isolation plate guide improvements, referred to as “Project No. 1”; and

**WHEREAS**, a team of CPL engineers independent from any of the proposers evaluated the multiple proposals received for the Project No. 1 design and engineering services, and the Water Board has received CPL’s recommendations regarding the award of the projects; and

**WHEREAS**, Water Board staff have offered comments on the proposals, and the Board of Directors has reviewed information regarding each proposal received;

\* CONTINUED ON NEXT PAGE \*

**NOW THEREFORE BE IT**

**RESOLVED**, that the Niagara Falls Water Board hereby accepts the design and engineering services proposal of \_\_\_\_\_ for Project No. 1, which includes scum pump, fine screen traveling bridge, and isolation plate guide improvements at the WWTP at a cost not to exceed \_\_\_\_\_ as outlined in the proposal; and

**IT IS FURTHER RESOLVED**, that upon negotiation of an agreement approved as to form by General Counsel, the Water Board's Chairperson is authorized to execute an agreement with \_\_\_\_\_ for the project as described herein.

*Water Board Personnel Responsible for Implementation of this Resolution:*

Executive Director

General Counsel

*Water Board Budget Line or Capital Plan Item with Funds for this Resolution:*

On October 29, 2018, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Board Member Forster	[    ]	[    ]	[    ]	[    ]
Board Member Kimble	[    ]	[    ]	[    ]	[    ]
Board Member Larkin	[    ]	[    ]	[    ]	[    ]
Board Member Leffler	[    ]	[    ]	[    ]	[    ]
Chairman O'Callaghan	[    ]	[    ]	[    ]	[    ]

Signed By:

Vote Witnessed By:

\_\_\_\_\_  
Daniel T. O'Callaghan, Chairperson

\_\_\_\_\_  
Sean W. Costello, Secretary to Board

*NIAGARA FALLS WATER BOARD RESOLUTION # 2018-10-013*

**AUTHORIZING ENGINEERING SERVICES AGREEMENT FOR  
GORGE PUMPING STATION REHABILITATION PROJECT (PROJECT NO. 2)**

**WHEREAS**, the Niagara Falls Water Board (“Water Board”), through engineering firm Clark Patterson Lee (“CPL”), solicited proposals for design and engineering services for a number of necessary capital upgrades at the wastewater treatment plant and its associated structure, the Gorge Pumping Station; and

**WHEREAS**, CPL grouped the engineering and design portions of the necessary projects into several requests for proposals (“RFPs”) in order to maximize cost competitiveness and efficiency; and

**WHEREAS**, one such project was for certain rehabilitation work at the Gorge Pumping Station, referred to as “Project No. 2”; and

**WHEREAS**, a team of CPL engineers independent from any of the proposers evaluated the multiple proposals received for the Project No. 2 design and engineering services, and the Water Board has received CPL’s recommendations regarding the award of the projects; and

**WHEREAS**, Water Board staff have offered comments on the proposals, and the Board of Directors has reviewed information regarding each proposal received;

\* CONTINUED ON NEXT PAGE \*

**NOW THEREFORE BE IT**

**RESOLVED**, that the Niagara Falls Water Board hereby accepts the design and engineering services proposal of \_\_\_\_\_ for Project No. 2, Gorge Pumping Station Rehabilitation, at a cost not to exceed \_\_\_\_\_ as outlined in the proposal; and

**IT IS FURTHER RESOLVED**, that upon negotiation of an agreement approved as to form by General Counsel, the Water Board's Chairperson is authorized to execute an agreement with \_\_\_\_\_ for the project as described herein.

*Water Board Personnel Responsible for Implementation of this Resolution:*

Executive Director

General Counsel

*Water Board Budget Line or Capital Plan Item with Funds for this Resolution:*

On October 29, 2018, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Board Member Forster	[    ]	[    ]	[    ]	[    ]
Board Member Kimble	[    ]	[    ]	[    ]	[    ]
Board Member Larkin	[    ]	[    ]	[    ]	[    ]
Board Member Leffler	[    ]	[    ]	[    ]	[    ]
Chairman O'Callaghan	[    ]	[    ]	[    ]	[    ]

Signed By:

Vote Witnessed By:

\_\_\_\_\_  
Daniel T. O'Callaghan, Chairperson

\_\_\_\_\_  
Sean W. Costello, Secretary to Board



*NIAGARA FALLS WATER BOARD RESOLUTION # 2018-10-014*

**AUTHORIZING ENGINEERING SERVICES AGREEMENT FOR IMPROVEMENTS  
TO SCREENINGS AND GRIT TRANSPORT EQUIPMENT, POLYMER EQUIPMENT,  
AND DEWATERING CONTROLS AT WASTEWATER TREATMENT PLANT  
(PROJECT NO. 3)**

**WHEREAS**, the Niagara Falls Water Board (“Water Board”), through engineering firm Clark Patterson Lee (“CPL”), solicited proposals for design and engineering services for a number of necessary capital upgrades at the wastewater treatment plant (“WWTP”); and

**WHEREAS**, CPL grouped the engineering and design portions of the necessary projects into several requests for proposals (“RFPs”) in order to maximize cost competitiveness and efficiency; and

**WHEREAS**, one such project included improvements to the WWTP’s screenings and grit transport equipment, polymer equipment, and dewatering controls, referred to as “Project No. 3”; and

**WHEREAS**, a team of CPL engineers independent from any of the proposers evaluated the multiple proposals received for the Project No. 3 design and engineering services, and the Water Board has received CPL’s recommendations regarding the award of the projects; and

**WHEREAS**, Water Board staff have offered comments on the proposals, and the Board of Directors has reviewed information regarding each proposal received;

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**NOW THEREFORE BE IT**

**RESOLVED**, that the Niagara Falls Water Board hereby accepts the design and engineering services proposal of \_\_\_\_\_ for Project No. 3, which includes improvements to the WWTP's screenings and grit transport equipment, polymer equipment, and dewatering controls at a cost not to exceed \_\_\_\_\_ as outlined in the proposal; and

**IT IS FURTHER RESOLVED**, that upon negotiation of an agreement approved as to form by General Counsel, the Water Board's Chairperson is authorized to execute an agreement with \_\_\_\_\_ for the project as described herein.

*Water Board Personnel Responsible for Implementation of this Resolution:*

Executive Director

General Counsel

*Water Board Budget Line or Capital Plan Item with Funds for this Resolution:*

On October 29, 2018, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Board Member Forster	[    ]	[    ]	[    ]	[    ]
Board Member Kimble	[    ]	[    ]	[    ]	[    ]
Board Member Larkin	[    ]	[    ]	[    ]	[    ]
Board Member Leffler	[    ]	[    ]	[    ]	[    ]
Chairman O'Callaghan	[    ]	[    ]	[    ]	[    ]

Signed By:

Vote Witnessed By:

\_\_\_\_\_  
Daniel T. O'Callaghan, Chairperson

\_\_\_\_\_  
Sean W. Costello, Secretary to Board

*NIAGARA FALLS WATER BOARD RESOLUTION # 2018-10-015*

**AUTHORIZING ENGINEERING SERVICES AGREEMENT FOR GRANULATED  
ACTIVATED CARBON AND CARBON FILTER SUPPORT GRAVEL  
REPLACEMENT AT WASTEWATER TREATMENT PLANT (PROJECT NO. 4)**

**WHEREAS**, the Niagara Falls Water Board (“Water Board”), through engineering firm Clark Patterson Lee (“CPL”), solicited proposals for design and engineering services for a number of necessary capital upgrades at the wastewater treatment plant (“WWTP”); and

**WHEREAS**, CPL grouped the engineering and design portions of the necessary projects into several requests for proposals (“RFPs”) in order to maximize cost competitiveness and efficiency; and

**WHEREAS**, one such project included granulated activated carbon and carbon filter support gravel replacement, referred to as “Project No. 4”; and

**WHEREAS**, a team of CPL engineers independent from any of the proposers evaluated the multiple proposals received for the Project No. 4 design and engineering services, and the Water Board has received CPL’s recommendations regarding the award of the projects; and

**WHEREAS**, Water Board staff have offered comments on the proposals, and the Board of Directors has reviewed information regarding each proposal received;

\* CONTINUED ON NEXT PAGE \*

**NOW THEREFORE BE IT**

**RESOLVED**, that the Niagara Falls Water Board hereby accepts the design and engineering services proposal of \_\_\_\_\_ for Project No. 4, granulated activated carbon and carbon filter support gravel replacement, at a cost not to exceed \_\_\_\_\_ as outlined in the proposal; and

**IT IS FURTHER RESOLVED**, that upon negotiation of an agreement approved as to form by General Counsel, the Water Board's Chairperson is authorized to execute an agreement with \_\_\_\_\_ for the project as described herein.

*Water Board Personnel Responsible for Implementation of this Resolution:*

Executive Director  
General Counsel

*Water Board Budget Line or Capital Plan Item with Funds for this Resolution:*

On October 29, 2018, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Board Member Forster	[    ]	[    ]	[    ]	[    ]
Board Member Kimble	[    ]	[    ]	[    ]	[    ]
Board Member Larkin	[    ]	[    ]	[    ]	[    ]
Board Member Leffler	[    ]	[    ]	[    ]	[    ]
Chairman O'Callaghan	[    ]	[    ]	[    ]	[    ]

Signed By:

Vote Witnessed By:

\_\_\_\_\_  
Daniel T. O'Callaghan, Chairperson

\_\_\_\_\_  
Sean W. Costello, Secretary to Board

*NIAGARA FALLS WATER BOARD RESOLUTION # 2018-10-016*

**AUTHORIZING ENGINEERING SERVICES AGREEMENT  
FOR ELECTRICAL SYSTEM AND LIGHTING IMPROVEMENTS AT  
WASTEWATER TREATMENT PLANT (PROJECT NO. 5)**

**WHEREAS**, the Niagara Falls Water Board (“Water Board”), through engineering firm Clark Patterson Lee (“CPL”), solicited proposals for design and engineering services for a number of necessary capital upgrades at the wastewater treatment plant (“WWTP”); and

**WHEREAS**, CPL grouped the engineering and design portions of the necessary projects into several requests for proposals (“RFPs”) in order to maximize cost competitiveness and efficiency; and

**WHEREAS**, one such project included electrical system and lighting improvements at the WWTP, referred to as “Project No. 5”; and

**WHEREAS**, a team of CPL engineers independent from any of the proposers evaluated the multiple proposals received for the Project No. 5 design and engineering services, and the Water Board has received CPL’s recommendations regarding the award of the projects; and

**WHEREAS**, Water Board staff have offered comments on the proposals, and the Board of Directors has reviewed information regarding each proposal received;

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**NOW THEREFORE BE IT**

**RESOLVED**, that the Niagara Falls Water Board hereby accepts the design and engineering services proposal of \_\_\_\_\_ for Project No. 5, electrical system and lighting improvements at the WWTP, at a cost not to exceed \_\_\_\_\_ as outlined in the proposal; and

**IT IS FURTHER RESOLVED**, that upon negotiation of an agreement approved as to form by General Counsel, the Water Board's Chairperson is authorized to execute an agreement with \_\_\_\_\_ for the project as described herein.

*Water Board Personnel Responsible for Implementation of this Resolution:*

Executive Director

General Counsel

*Water Board Budget Line or Capital Plan Item with Funds for this Resolution:*

On October 29, 2018, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Board Member Forster	[    ]	[    ]	[    ]	[    ]
Board Member Kimble	[    ]	[    ]	[    ]	[    ]
Board Member Larkin	[    ]	[    ]	[    ]	[    ]
Board Member Leffler	[    ]	[    ]	[    ]	[    ]
Chairman O'Callaghan	[    ]	[    ]	[    ]	[    ]

Signed By:

Vote Witnessed By:

\_\_\_\_\_  
Daniel T. O'Callaghan, Chairperson

\_\_\_\_\_  
Sean W. Costello, Secretary to Board

*NIAGARA FALLS WATER BOARD RESOLUTION # 2018-10-017*

**AUTHORIZING ENGINEERING SERVICES AGREEMENT  
FOR CRITICAL HEATING AND VENTILATION IMPROVEMENTS  
AT WASTEWATER TREATMENT PLANT (PROJECT NO. 7)**

**WHEREAS**, the Niagara Falls Water Board (“Water Board”), through engineering firm Clark Patterson Lee (“CPL”), solicited proposals for design and engineering services for a number of necessary capital upgrades at the wastewater treatment plant (“WWTP”); and

**WHEREAS**, CPL grouped the engineering and design portions of the necessary projects into several requests for proposals (“RFPs”) in order to maximize cost competitiveness and efficiency; and

**WHEREAS**, one such project included critical heating and ventilation improvements at the WWTP, referred to as “Project No. 7”; and

**WHEREAS**, a team of CPL engineers independent from any of the proposers evaluated the multiple proposals received for the Project No. 7 design and engineering services, and the Water Board has received CPL’s recommendations regarding the award of the projects; and

**WHEREAS**, Water Board staff have offered comments on the proposals, and the Board of Directors has reviewed information regarding each proposal received;

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**NOW THEREFORE BE IT**

**RESOLVED**, that the Niagara Falls Water Board hereby accepts the design and engineering services proposal of \_\_\_\_\_ for Project No. 7, critical heating and ventilation improvements at the WWTP, at a cost not to exceed \_\_\_\_\_ as outlined in the proposal; and

**IT IS FURTHER RESOLVED**, that upon negotiation of an agreement approved as to form by General Counsel, the Water Board's Chairperson is authorized to execute an agreement with \_\_\_\_\_ for the project as described herein.

*Water Board Personnel Responsible for Implementation of this Resolution:*

Executive Director  
General Counsel

*Water Board Budget Line or Capital Plan Item with Funds for this Resolution:*

On October 29, 2018, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Board Member Forster	[    ]	[    ]	[    ]	[    ]
Board Member Kimble	[    ]	[    ]	[    ]	[    ]
Board Member Larkin	[    ]	[    ]	[    ]	[    ]
Board Member Leffler	[    ]	[    ]	[    ]	[    ]
Chairman O'Callaghan	[    ]	[    ]	[    ]	[    ]

Signed By:

Vote Witnessed By:

\_\_\_\_\_  
Daniel T. O'Callaghan, Chairperson

\_\_\_\_\_  
Sean W. Costello, Secretary to Board



*NIAGARA FALLS WATER BOARD RESOLUTION # 2018-10-018*

**AUTHORIZING ENGINEERING SERVICES AGREEMENT  
FOR REPLACEMENT OF PLANT WATERLINE,  
PROCESS WATERLINE, AND INTERIOR PROCESS PIPING  
AT WASTEWATER TREATMENT PLANT (PROJECT NO. 9)**

**WHEREAS**, the Niagara Falls Water Board (“Water Board”), through engineering firm Clark Patterson Lee (“CPL”), solicited proposals for design and engineering services for a number of necessary capital upgrades at the wastewater treatment plant (“WWTP”); and

**WHEREAS**, CPL grouped the engineering and design portions of the necessary projects into several requests for proposals (“RFPs”) in order to maximize cost competitiveness and efficiency; and

**WHEREAS**, one such project included replacement of plant waterline, process waterline, and interior process piping at the WWTP, referred to as “Project No. 9”; and

**WHEREAS**, a team of CPL engineers independent from any of the proposers evaluated the multiple proposals received for the Project No. 9 design and engineering services, and the Water Board has received CPL’s recommendations regarding the award of the projects; and

**WHEREAS**, Water Board staff have offered comments on the proposals, and the Board of Directors has reviewed information regarding each proposal received;

\* CONTINUED ON NEXT PAGE \*

**NOW THEREFORE BE IT**

**RESOLVED**, that the Niagara Falls Water Board hereby accepts the design and engineering services proposal of \_\_\_\_\_ for Project No. 9, replacement of WWTP plant waterline, process waterline, and interior process piping, at a cost not to exceed \_\_\_\_\_ as outlined in the proposal; and

**IT IS FURTHER RESOLVED**, that upon negotiation of an agreement approved as to form by General Counsel, the Water Board's Chairperson is authorized to execute an agreement with \_\_\_\_\_ for the project as described herein.

*Water Board Personnel Responsible for Implementation of this Resolution:*

Executive Director

General Counsel

*Water Board Budget Line or Capital Plan Item with Funds for this Resolution:*

On October 29, 2018, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Board Member Forster	[    ]	[    ]	[    ]	[    ]
Board Member Kimble	[    ]	[    ]	[    ]	[    ]
Board Member Larkin	[    ]	[    ]	[    ]	[    ]
Board Member Leffler	[    ]	[    ]	[    ]	[    ]
Chairman O'Callaghan	[    ]	[    ]	[    ]	[    ]

Signed By:

Vote Witnessed By:

\_\_\_\_\_  
Daniel T. O'Callaghan, Chairperson

\_\_\_\_\_  
Sean W. Costello, Secretary to Board

*NIAGARA FALLS WATER BOARD RESOLUTION # 2018-10-019*

**DIRECTING CLARK PATTERSON LEE TO SERVE AS WATER BOARD'S  
REPRESENTATIVE FOR DESIGN AND BIDDING OF CAPITAL PROJECTS  
AT WASTEWATER TREATMENT PLANT**

**WHEREAS**, the Niagara Falls Water Board ("Water Board") Wastewater Treatment Plant (the "WWTP") requires substantial capital project investment in a number of different areas in order to keep the facility operational in the near term; and

**WHEREAS**, on behalf of the Water Board, Clark Patterson Lee ("CPL") managed the capital project design and engineering request for proposals ("RFPs") for certain planned capital upgrade projects; and

**WHEREAS**, pursuant to Board Resolution No. 2018-05-008, CPL also was tasked to develop and maintain a contract management/project management system to track the financial and progress status of each of these projects; and

**WHEREAS**, the Water Board further desires that CPL serve as the Water Board's representative relative to the design and engineering RFPs for the capital improvements at the WWTP through the design, bidding, and project-closeout phases of the work, ensuring that the design meets the Water Boards needs and standards, along with monitoring and reporting on the schedule and costs associated with the improvements;

**NOW THEREFORE BE IT**

**RESOLVED**, that CPL hereby is authorized and directed to serve as the Water Board's representative relative to the capital improvements at the WWTP that were described in Board Resolution No. 2018-05-008 through the design, bidding, and project-closeout phases of the work, ensuring that the design meets the Water Boards needs and standards, along with monitoring and reporting on the schedule and costs associated with the improvements.

On October 29, 2018, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Board Member Forster	[    ]	[    ]	[    ]	[    ]
Board Member Kimble	[    ]	[    ]	[    ]	[    ]
Board Member Larkin	[    ]	[    ]	[    ]	[    ]
Board Member Leffler	[    ]	[    ]	[    ]	[    ]
Chairman O'Callaghan	[    ]	[    ]	[    ]	[    ]

Signed By:

Vote Witnessed By:

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Daniel T. O'Callaghan, Chairperson

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Sean W. Costello, Secretary to Board