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**Regular Session of the
Niagara Falls Water Board
January 27, 2020 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
 - i. DEC Letter Awarding \$100,000 Engineering Planning Grant
 - ii. DEC Letter Approving use of Phase II Funds for Projects
- 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 December 16, 2019

2. Executive Director

- a. CPL – Capital Project Update
- b. CPL – Estimated Construction Schedule

3. Superintendent

4. Engineering

- a. Status of Capital Improvement Plan
- b. Project Updates

5. Personnel Items/Director of Administrative Services

a. Personnel Actions and Reports

- i. Correspondence from Director of Administrative Services regarding Contract Renewal**

6. Information Technology (IT) Dept.

7. Financial Reports – Director of Financial Services

a. Finance Overview Report

b. Payroll-Based Overtime Report

c. 2020 Capital Requisition and CPO Tracking Log

8. Reports

a. Questions Regarding O&M Report for December 2019 (if any)

b. Safety

9. General Counsel and Secretary

a. Annual Confidential Board Evaluation

b. Additional Insurance Products Under Consideration

10. From the Chairman

11. Resolutions

2020-01-001 – LUCITY SOFTWARE SUPPORT AND MAINTENANCE RENEWAL

- a. Invoice dated October 31, 2019**

2020-01-002 – AWARD OF THE HEATING, VENTILATING, AND AIR CONDITIONING SERVICES CONTRACT

a. CPL Award Recommendation Letter

b. Bid Tabulation

2020-01-003 – AWARD OF THE EMERGENCY REPAIR CONTRACT

a. CPL Award Recommendation Letter

b. Comparison Between 2018 and 2020 Unit Prices

2020-01-004 – PROCUREMENT OF STANDARDIZED SUPERNATANT RETURN PUMP

- a. Fluid Kinetics Quote dated January 22, 2020

2020-01-005 – AWARD BID FOR BOLLIER AVENUE WATER MAIN REPLACEMENT

- a. Bid Tabulation

2020-01-006 – EMERGENCY BID FOR 2700 BLOCK INDEPENDENCE AVENUE COMBINED SEWER REPAIR

- a. Bid Tabulation

2020-01-007 – AWARD BID FOR HIGH CALCIUM QUICK LIME

- a. Bid Tabulation

2020-01-008 – AUTHORIZING HIRING OF DEPUTY DIRECTOR OF ADMINISTRATIVE SERVICES

2020-01-009 – AUTHORIZING HIRING OF INVENTORY CONTROL AGENT

2020-01-010 – AUTHORIZING TEMPORARY ASSOCIATE COUNSEL

2020-01-011 – SCHEDULES FOR DIRECTOR-LEVEL EMPLOYEES

2020-01-012 – REQUIRING BI-ANNUAL PERFORMANCE EVALUATIONS FOR ALL EMPLOYEES

2020-01-013 – AMENDING CODE OF CONDUCT TO CLARIFY EMPLOYEE OBLIGATIONS WITH RESPECT TO BOARD OF DIRECTORS

- a. By-Laws and Code of Conduct Red-Lined to Show Proposed Change

2020-01-014 – REQUESTING THE ISSUANCE BY THE NIAGARA FALLS PUBLIC WATER AUTHORITY OF BONDS TO FINANCE CAPITAL IMPROVEMENTS AT WASTEWATER TREATMENT PLANT

- a. Correspondence Explaining Bond Authorizations Needed for Loan Opportunities

2020-01-015 – REQUESTING THE ISSUANCE BY THE NIAGARA FALLS PUBLIC WATER AUTHORITY OF BONDS TO FINANCE WATERMAIN PROJECT

**2020-01-016 – AUTHORIZING THIRD PARTY LABORATORY
ANALYSIS SERVICES FOR WASTEWATER TREATMENT PLANT
LABORATORY**

- a. Test America Quote**

12. Unfinished Business

13. New Business & Additional Items for Discussion

14. Executive Session (if needed)

15. Adjournment of Meeting

**NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION**

625 Broadway
Albany, New York 12233-1010
www.dec.ny.gov

**NEW YORK STATE ENVIRONMENTAL
FACILITIES CORPORATION**

625 Broadway
Albany, New York 12207-2997
www.efc.ny.gov

JAN 03 2020

Mr. Patrick Fama
Executive Director
Niagara Falls Water Board
5815 Buffalo Avenue
Niagara Falls, NY 14304

Re: Engineering Planning Grant Application Number 93794
Niagara Falls Water Board Sanitary Sewer Overflow Abatement Study

Dear Mr. Fama:

In 2011, Governor Cuomo launched the Regional Economic Development Councils and the Consolidated Funding Application (CFA) to provide each region with the tools to create and implement their own roadmap for economic prosperity and job creation. This community-based model uses local assets to drive local economic growth and has resulted in unprecedented partnerships and collaboration that are building a reinvigorated economy.

After eight successful rounds, the 2019 CFA made over \$750 million in economic development resources available from over thirty programs across ten state agencies. The agencies' programs provide resources for projects focused on community development and job creation, tourism, waterfront revitalization, energy and environmental improvements, sustainability, and low-cost financing. The New York State Department of Environmental Conservation and the Environmental Facilities Corporation (EFC) are proud to have contributed over \$3 million to this year's CFA for the Engineering Planning Grant.

We are pleased to inform you that the above-referenced project has been selected to receive up to \$100,000 from the Wastewater Infrastructure Engineering Planning Grant Program through the New York Clean Water State Revolving Fund. The actual amount of funding you will receive will be reflected in your grant agreement. If you applied for funding from other programs or other state agencies, you will receive information from those programs/agencies separately.

We are looking forward to working with you on your project. Please confirm that you are interested in using this funding for your project by sending your confirmation (or declination) and the name and contact information of the authorized project



Department of
Environmental
Conservation

Environmental
Facilities Corporation

representative to EFC at epg@efc.ny.gov within three weeks of the date of this letter. If we do not hear from you within this timeframe, we may withdraw the funding.

For your information, the *Project Checklist of Supporting Documents Needed for Grant Agreement with EFC* is enclosed. It is important to review this information carefully in order for you to remain on schedule and enter into a grant agreement with EFC. There are several steps that must be completed and we suggest that you begin working immediately on the procurement of engineering services for the preparation of the Engineering Report. If you have already procured engineering services, please forward the contract documents to EFC and begin working on the supporting documentation.

Please be aware that the grant requires that you make good faith efforts to obtain thirty percent participation by New York State certified Minority and/or Women Owned Business Enterprises and six percent participation from Service-Disabled Veteran-Owned Business Enterprises for contracted work that exceeds \$25,000. Additionally, this award requires that you provide a minimum twenty percent local match of the grant amount. For more information, visit www.efc.ny.gov/epg.

Upon receipt of your confirmation that you choose to accept this grant, your project coordinator, Willard Earley, will be reaching out to you to assist with completing all the required submittals necessary to execute a grant agreement with EFC. Unless otherwise notified by EFC, please note that the Niagara Falls Water Board must execute a grant agreement with EFC no later than December 31, 2020 or the grant award may be forfeited.

If you should have any questions, please contact EFC at epg@efc.ny.gov or call (518) 402-7396.



Basil Seggos
Commissioner

Sincerely,



Maureen A. Coleman
Acting President & CEO and General Counsel

Enclosure



CWSRF Engineering Planning Grants

Checklist of Supporting Documents Needed for Grant Agreement

<input checked="" type="checkbox"/> <u>Supporting Documentation Submitted to NYSEFC</u>	<u>Date of Document</u>
<input type="checkbox"/> Board Resolutions Board resolutions designating the Authorized Representative, Local Match, and SEQR Determination. See the Sample Resolution Language at www.efc.ny.gov/epg .	
<input type="checkbox"/> Authorized Representative Resolution Board resolution designating an Authorized Representative for the project.	_____
<input type="checkbox"/> Local Match Resolution Board resolution authorizing and obligating local match funds.	_____
<input type="checkbox"/> State Environmental Quality Review (SEQR) Act Resolution Completion of Environmental Quality Review (SEQR) Act requirements and Board resolution declaring SEQR findings or determinations.	_____
<input type="checkbox"/> Executed Engineering Agreement All contracts must be signed by both parties, and must contain the scope of work and fee.	_____
<input type="checkbox"/> Required Contract Language from State Financial Assistance Programs – Non-Construction Bid Packet Inclusion of the "State Financial Assistance Programs – Non-Construction Bid Packet" Required Contract Language for professional service contracts over \$25,000. The Bid Packet can be found at www.efc.ny.gov/bid-packets .	
<input type="checkbox"/> Compliance with New York State Minority/Women-owned Business Enterprises (MWBE), New York State Service-Disabled Veteran-Owned Business (SDVOB), and Equal Employment Opportunity (EEO) Requirements The combined M/WBE goal will be 30%. The SDVOB goal will be 6%.	
<input type="checkbox"/> MWBE-EEO Workplan (For contracts over \$25,000)	_____
<input type="checkbox"/> Approvable MWBE Utilization Plan/Waiver Request (For contracts over \$25,000)	_____
<input type="checkbox"/> Approvable SDVOB Utilization Plan/Waiver Request (For contracts over \$25,000)	_____
<input type="checkbox"/> EEO Policy and EEO Staffing Plan (For all contracts)	_____
<input type="checkbox"/> Lobbying Certification 40 CFR 34 (For contracts over \$100,000)	_____
<input type="checkbox"/> Budget & Plan of Finance Detailed final budget and plan of finance including all third party funding agreements, and satisfaction of the minimum 20% local match requirement. Use the Budget and Plan of Finance Form at www.efc.ny.gov/epg .	_____

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Office of Water Resources, Deputy Commissioner

625 Broadway, 14th Floor, Albany, New York 12233-1010

P: (518) 402-2794 | F: (518) 402-8541

www.dec.ny.gov

DEC 30 2019

Mr. Daniel T. O'Callaghan
Chairman
Niagara Falls Water Board
5815 Buffalo Avenue
Niagara Falls, New York 14304

Dear Mr. O'Callaghan:

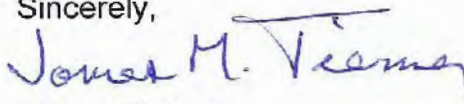
The New York State Department of Environmental Conservation (DEC) has reviewed the Niagara Falls Water Board's December 5, 2019 proposal for two additional wastewater treatment plant improvement project elements for 50/50 cost share funding under the State's \$20M grant. The project elements are: replacement of sludge pipelines between the sludge building and the thickened sludge pump building; and construction of a new sodium hypochlorite pipeline between the primary pump gallery and the scum handling building.

Because of recent failures of three underground sludge pipelines, the Water Board proposes to replace all nine of the pipelines at an estimated cost of \$750,000. The Department approves of this replacement project, and the use of \$375,000 from Phase 2 of the DASNY grants awarded to the Water Board last year.

The Water Board also proposes a new sodium hypochlorite pipeline to maintain the capability to pre-chlorinate primary sedimentation effluent, and to comply with Chemical Bulk Storage regulations. The estimated cost of this work is \$225,000. The Department approves of this project, and the use of \$112,500 from Phase 2 of the DASNY grants awarded to the Water Board last year.

Please contact me if you have any questions.

Sincerely,



James Tierney
Deputy Commissioner
Water Resources

cc: John Kolaga, Esq. (Kolaga@ruppbaase.com)
Maureen Brady, Esq.
Mr. Chad Staniszewski, P.E.
Mr. Jeffrey Konsella, P.E.



Department of
Environmental
Conservation



**Regular Session of the
Niagara Falls Water Board
December 16, 2019 5:00 PM at
Michael C. O’Laughlin Municipal Water Plant**

1. Attendance and Preliminary Matters:

Chairman O’Callaghan called the meeting to order at 5:00 p.m.

Forster P Kimble P Larkin P Leffler P O’Callaghan P

a. Letters and Communications

There were no letters and/or communications to discuss at this time.

b. 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)

Mayor Elect Robert Restaino addressed the Board. He is working on plans for the City to collaborate with other agencies located in the City for the mutual benefit of taxpayers and ratepayers. While recognizing that the Water Board is an independent entity, he would like the opportunity to develop plans for efficiencies by working together. To that end, he would like the opportunity to meet with Executive Director Fama and the new City administration to explore opportunities for economies that would benefit both entities. He asks that our entities have a conversation about how they can help one another before the Water Board makes any personnel changes, as increasing the opportunities to work together would benefit both entities.

c. Presentations (None scheduled)

There were no presentations at this time.

d. Approval of Minutes from November 25, 2019 Meeting

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

Forster Y Kimble Y Larkin Y Leffler Y O’Callaghan Y

Motion carried 5-0.

2. From the Executive Director

Mr. Fama updated the board regarding the NFWB's meeting with the DEC to discuss on-going projects at the WWTP. Updates to the DEC regarding the construction projects at the WWTP now will be incorporated into the quarterly reports. Robert Dunn, Chief Operator at the WWTP, will be scheduling his Grade 4 licensing exam after the holiday.

3. Superintendent

Three potential bidders were present for the walk through on the Bollier Ave. water main replacement project; bids will be opened for award in January.

4. Engineering

Mr. Williamson noted that the LaSalle Sanitary Sewer System Management Plan Year 12 Progress Evaluation draft report has been submitted to DEC and a meeting to discuss the draft report will be scheduled at the DEC's convenience.

5. Director of Administrative Services – Personnel Items

a. Staff Requested:

i. Motion to Approve Personnel Actions and Report dated December 9, 2019.

Mr. Forster states that after hearing the Mayor Elects, Robert Restaino's recommendations regarding personnel matters, he believes moving forward with any hiring or promotions is pre-mature.

Ms. Larkin stated that whatever may be discussed in the future, the Water Board needs to take care of the business before it now.

Ms. Kimble states there are still on-going issues with Civil Service. Ms. Kimble would like to know if the "illegal appointment" has been addressed with Civil Service, as the employee may not be entitled to retirement system credit and the issue is impacting Civil Service certification of the Water Board's payroll.

Mr. Perry states that the appointment was described as "illegal" because it was made without a Civil Service approved job description in place. The job description for the Jr. Human Resources Specialist will be tendered to Civil Service on Thursday, and he will update the board on the status of this submission at next month's meeting.

Mr. O’Callaghan asked if the proposed Human Resources Specialist is a Union job for which the individual will have to meet specific qualifications. Mr. Perry answered yes.

Motion by Ms. Leffler and seconded by Ms. Larkin to approve the Personnel Actions and Report dated December 9, 2019.

Forster __N__ Kimble __N__ Larkin __Y__ Leffler __Y__ O’Callaghan __Y__

Motion carried 3-2.

6. Information Technology (IT)

Mr. Fama explained that our IT staff and electricians have upgraded the cable at the WWTP. A six-figure verbal quote for a contractor to perform that work was based on the cost to perform that work on an expedited, 24/7, schedule, so there is not a direct comparison between that verbal quote and the work as performed. The new cable has increased speeds at the WWTP. Moving forward, the roll-out process for the new phone system, firewall upgrade, and VMware has begun.

7. Director of Financial Services

Ms. Walker distributed to the Board a summary of GHD invoices showing what is outstanding. She explained that prior to 2017, there were about 50 capital account requisitions per year; now there are about three times as many. Invoice handling has improved with a chain of custody procedure. Three persons in the financial department review the requisitions to verify they are correct.

Mr. O’Callaghan requested to see the chain of custody document for invoices. He also requested a column be added to the capital invoice spreadsheet showing when the invoices are paid.

Ms. Walker noted that the chain-of-custody procedure does not involve single document but is a procedure involving emails and spreadsheets, and will provide an example.

Ms. Walker also addressed a question regarding monthly returns on investments. Because of a decline in interest rates, the Water Board’s investments in short-term fixed-income products are being reinvested with lower yields, resulting in lower monthly returns.

Mr. Ocallaghan questioned the budget for undesignated services, noting that \$989,000 is budgeted but this includes the \$700,000 PILOT payment to the City. The remainder does not appear sufficient to pay for ongoing engineering services. Ms. Walker explained that she believed hiring an additional engineering employee would reduce the cost for outside engineering services, and suggested a Finance Committee meeting to discuss budget issues.

8. Other Reports

a. Questions Regarding Monthly O&M Reports (if any)

Mr. Fama has informed his staff of the need for timely and appropriate updates to monthly O&M reports.

b. Safety

Ms. Senia states there were no recordable injuries to report at this time, though an individual did suffer from a minor soft tissue injury on his shoulder. Another individual who reported a man hold cover slammed down on his finger.

Mr. O'Callaghan asked who is responsible for safety on a job site involving excavation. Mr. Wright responded that this is the responsibility of the Crew Leader.

9. General Counsel and Secretary

Mr. Costello advised the Board that he had an attorney-client privileged communication to deliver during executive session.

10. From the Chairman

11. Resolutions

2019-12-001 – [Withdrawn]

2019-12-002 – 2020 MEETINGS

a. Schedule of Meeting Dates

Motion to amend the 2020 meeting schedule to combine the January 2020 work session and board meeting on January 27, 2020.

Motion to amend by Ms. Kimble and seconded by Ms. Leffler

Forster__Y__ Kimble __Y__ Larkin__Y__ Leffler__Y__ O'Callaghan__Y__

Motion carried 5-0

Motion to approve Resolution 2019-12-002 as amended by Ms. Kimble and seconded by Ms. Leffler

Forster__Y__ Kimble __Y__ Larkin__Y__ Leffler__Y__ O'Callaghan__Y__

Motion carried 5-0

2019-12-003 – FUNDS FOR MOLLENBERG-BETZ TO COMPLETE PROJECT 6 MECHANICAL WORK, INCLUDING TO FURNISH AND INSTALL CERTAIN PUMPS, SENSORS, AND MIXERS

a. Mollenberg-Betz November 20, 2019 Proposal

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

Forster__Y__ Kimble __Y__ Larkin__Y__ Leffler__Y__ O'Callaghan__Y__

Motion carried 5-0

2019-12-004 – FUNDS FOR FERGUSON ELECTRIC TO COMPLETE PROJECT 6 DEMOLITION, TEMPORARY WIRING, AND UNDERGROUND DUCT BANK WORK

a. Ferguson October 8, 2019 Quote

Motion to approve by Ms. Leffler and seconded by Ms. Kimble

Forster__Y__ Kimble __Y__ Larkin__Y__ Leffler__Y__ O'Callaghan__Y__

Motion carried 5-0

2019-12-005 – AWARDING BID FOR ANNUAL ELECTRICAL PREVENTATIVE MAINTENANCE

a. Bid Tally

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

Forster__Y__ Kimble __Y__ Larkin__Y__ Leffler__Y__ O'Callaghan__Y__

Motion carried 5-0

2019-12-006 – AUTHORIZING GHD CONSTRUCTION PHASE SERVICES FOR PROJECT 2: GORGE PUMPING STATION REHABILITATION AND OUTFALL 003 REDIRECTION

a. GHD's October 4, 2019 Proposal

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

Forster__Y__ Kimble __Y__ Larkin__Y__ Leffler__Y__ O'Callaghan__Y__

Motion carried 5-0

2019-12-007 – AWARDING BID FOR MONTHLY MAINTENANCE OF ELEVATORS

a. Bid Tally and Award Recommendation Letter

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

Forster__Y__ Kimble __Y__ Larkin__Y__ Leffler__Y__ O'Callaghan__Y__

Motion carried 5-0

2019-12-008 – AUTHORIZING PRO RATA SETTLEMENT OF CLAIM FOR HYDRANT DAMAGE

a. Pro Rata Settlement Proposal

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

Forster__Y__ Kimble __Y__ Larkin__Y__ Leffler__Y__ O’Callaghan__Y__

Motion carried 5-0

2019-12-009 – AUTHORIZING SETTLEMENT OF CLAIM BY HEATHER DOBSON

a. Notice of Claim

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

Forster__Y__ Kimble __Y__ Larkin__Y__ Leffler__Y__ O’Callaghan__Y__

Motion carried 5-0

2019-12-010 – EXERCISING THIRD YEAR OPTION FOR EFPR GROUP LLP TO PERFORM ANNUAL EXTERNAL AUDIT FOR YEAR ENDING DECEMBER 31, 2019

a. EFPR Annual Audit Proposal

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

Forster__Y__ Kimble __Y__ Larkin__Y__ Leffler__Y__ O’Callaghan__Y__

Motion carried 5-0

2019-12-011 – 2020 CLARK PATTERSON LEE PROFESSIONAL SERVICES EXTENSION

a. CPL Proposal

Ms. Larkin is interested in exploring other options for grant writing and asked if the agreement is extended, must the Water Board use CPL for the services described in the agreement. Mr. Costello responded that the Board is not obligated to use CPL; the agreement extension will allow the NFWB to keep paying for those CPL services that CPL is asked to perform. Individual projects or tasks could be subject to RFPs. Ms. Larkin advised that she would vote yes knowing that the NFWB can go to RFP for tasks if desired.

Motion to approve by Ms. Kimble and seconded by Ms. Leffler

Forster__Y__ Kimble __Y__ Larkin__Y__ Leffler__Y__ O’Callaghan__Y__

Motion carried 5-0

2019-12-012 – EXTENSION OF BID FOR PICKUP, HAULING, AND DISPOSAL OF ALUMINUM-BASED RESIDUALS FROM WATER TREATMENT PLANT

a. Modern Disposal Offer of Extension

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

Forster__Y__ Kimble __Y__ Larkin__Y__ Leffler__Y__ O'Callaghan__Y__

Motion carried 5-0

2019-12-013 – COMPENSATION FOR SAFETY SPECIALIST

[Note: The Board agreed to postpone its vote on this resolution until after executive session. The votes for this resolution took place after executive session and are recorded here for clarity.]

Motion by Ms. Larkin and seconded by Ms. Leffler to amend the resolution to provide that Ms. Senia's annual salary will be increased to \$72,958.80

Forster__N__ Kimble __N__ Larkin__Y__ Leffler__Y__ O'Callaghan__Y__

Motion carried 3-2

Motion by Ms. Larkin and seconded by Ms. Leffler to approve Resolution 2019-12-013 as amended

Forster__N__ Kimble __N__ Larkin__Y__ Leffler__Y__ O'Callaghan__Y__

Motion carried 3-2

2019-12-014 – EMPLOYMENT CONTRACT WITH BRIAN MAJCHROWICZ

a. Employment Agreement

[Note: The Board agreed to postpone its vote on this resolution until after executive session. The vote for this resolution took place after executive session and is recorded here for clarity.]

Ms. Kimble stated that she thinks the 10% increase in salary as provided in the new contract is too large of an increase.

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

Forster__N__ Kimble __N__ Larkin__Y__ Leffler__Y__ O'Callaghan__Y__

Motion carried 3-2

2019-12-015 – CHANGE ORDER FOR WATER TREATMENT PLANT CAULKING CONTRACT

a. Change Order

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

Forster__Y__ Kimble __Y__ Larkin__Y__ Leffler__Y__ O'Callaghan__Y__

Motion carried 5-0

2019-12-016 – AUTHORIZING SETTLEMENT OF CLAIM BY RIVERSIDE CONDO. ASSN.

a. Notice of Claim

Motion to approve by Ms. Kimble and seconded by Ms. Leffler

Forster__Y__ Kimble __Y__ Larkin__Y__ Leffler__Y__ O'Callaghan__Y__

Motion carried 5-0

2019-12-017 – GRANTING THE STATE OF NEW YORK AUTHORITY TO PERFORM AN ADJUSTMENT OF NIAGARA FALLS WATER BOARD FACILITIES AND AGREEMENT TO MAINTAIN FACILITIES ADJUSTED VIA THE STATE-LET CONTRACT, PROJECT IDENTIFICATION NO. 5813.59

a. DOT Cover Letter and Agreement Regarding Military Rd. Manhole Elevations

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

Forster__Y__ Kimble __Y__ Larkin__Y__ Leffler__Y__ O'Callaghan__Y__

Motion carried 5-0

12. Unfinished Business

Mr. O'Callaghan requested that General Counsel, Mr. Costello, forward to the Board information regarding the NFWB's policy regarding personal use of NFWB-issued cell phones. Mr. Costello also was requested to forward to the Board a copy of the Capital Asset Policy.

13. New Business & Additional Items for Discussion

14. Executive Session (if needed)

Motion by Ms. Larkin and seconded by Ms. Leffler to enter into Executive Session for the purpose of discussing matters related to the employment of two particular persons and to receive an attorney-client privileged communication at 6:35 p.m.

Forster__Y__ Kimble __Y__ Larkin__Y__ Leffler__Y__ O'Callaghan__Y__

Motion carried 5-0

Motion to exit Executive Session at 7:46 p.m.

Forster__Y__ Kimble __Y__ Larkin__Y__ Leffler__Y__ O'Callaghan__Y__

Motion carried 5-0

[Whereupon the Board voted upon Resolutions 2019-12-013 and 2019-12-014 as noted above.]

15. Adjournment of Meeting

*Motion to adjourn at 7:50 p.m. by Ms. Kimble and seconded by Ms. Larkin
Forster__Y__ Kimble __Y__ Larkin __Y__ Leffler __Y__ O'Callaghan __Y__
Motion carried 5-0*

DRAFT

ESTIMATED CONSTRUCTION INSPECTION SCHEDULE																																																																																																								
NFWB CAPITAL IMPROVEMENT PROJECTS			2019												2020												2021												2022												2023												2024																																									
Updated: (1-20-20)			J F M A M J J A S O N D												J F M A M J J A S O N D												J F M A M J J A S O N D												J F M A M J J A S O N D												J F M A M J J A S O N D												J F M A M J J A S O N D																																									
TASK DESCRIPTION			PLAN START			PLAN END																																																																																																		
Project #1: Sedimentation Basin Upgrades (AECOM) - CA Services Not Approved																																																																																																								
Design and Bidding			5/22/2019			7/1/2020																																																																																																		
Mobilization			8/1/2020			11/30/2020																																																																																																		
Construction (Phase 1)			3/1/2021			11/30/2021																																																																																																		
Construction (Phase 2)			3/1/2022			11/30/2022																																																																																																		
Construction (Phase 3)			3/1/2023			11/30/2023																																																																																																		
Construction (Phase 4)			3/1/2024			11/30/2024																																																																																																		
Project #2 Gorge Pumping Station Rehab (GHD) - CA Services Approved (12-16-19)																																																																																																								
Design and Bidding			6/3/2019			4/27/2020																																																																																																		
Construction			5/1/2020			4/1/2021																																																																																																		
Project #3 Screens and Grit Transport Equipment (Arcadis) - CA Services Not Approved																																																																																																								
Design and Bidding			5/30/2019			4/25/2020																																																																																																		
Construction			5/1/2020			3/1/2021																																																																																																		
Project #4 Activated Carbon Replacement (AECOM) - CA Services Approved (11-25-19)																																																																																																								
Design and Bidding			5/22/2019			3/22/2020																																																																																																		
Construction			4/1/2020			8/1/2020																																																																																																		
Project #5 Electrical System Improvements (EI Team) - CA Services Not Approved																																																																																																								
Design and Bidding			4/25/2019			4/1/2020																																																																																																		
Construction			5/1/2020			8/30/2020																																																																																																		
Project #6 Effluent Disinfection (AECOM) - CA Services Approved (Previously)																																																																																																								
Design and Bidding			4/25/2019			1/1/2020																																																																																																		
Construction			2/1/2020			10/1/2020																																																																																																		
Project #7 HVAC Improvements (EI Team) - CA Services Not Approved																																																																																																								
Design and Bidding			4/25/2019			4/1/2020																																																																																																		
Construction			5/1/2020			8/30/2020																																																																																																		
Project #8 Replacement of Blower Equipment (In House) - CA Services by AECOM and CPL																																																																																																								
Design and Bidding			2/1/2019			6/1/2019																																																																																																		
Construction			7/1/2019			2/1/2020																																																																																																		
Project #9 Replacement of Process Piping (OBG) - CA Services Not Approved																																																																																																								
Design and Bidding			6/26/2019			4/26/2020																																																																																																		
Construction			5/1/2020			10/1/2020																																																																																																		
Project #10 SCADA Improvements (Kaman) - CA Services may not be required																																																																																																								
Design and Bidding			6/1/2019			12/1/2019																																																																																																		
Construction			1/1/2020			11/1/2024																																																																																																		
Project #11 Gorge Elevator Upgrade																																																																																																								
Design and Bidding			3/1/2019			4/9/2020																																																																																																		
Construction			5/1/2020			10/1/2020																																																																																																		
Project #99 WWTP Protective Measures																																																																																																								
Design and Bidding			1/1/2019			1/1/2020																																																																																																		
Construction			2/1/2020			3/1/2021																																																																																																		
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Niagara Falls Water Board (NFWB) Project Status Summaries

Last Updated: 1/22/2020

Project	Scope of Work	Budget	Scope/Vendor	NFWB Authorized Contract	Recent Work Update	% Complete	% Billed	% Paid
1	Sedimentation Basin Upgrades	\$10,390,000	Design/AECOM	\$409,000	AECOM Submitted Preliminary Design report for CPL/ NFWB review. Design review meeting scheduled in next few weeks.	30%	2%	2%
			Const./TBD			0%		
			CA/CI/TBD			0%		
			Running Total	\$409,000				
2	GPS	\$3,800,000	Design/GHD	\$232,000	Conducted 60% Design Review Meeting with GHD.	60%	46%	36%
			Const./TBD			0%		
			CA/CI/GHD	\$217,000		0%		
	Outfall	\$1,700,000	Design/GHD			20%	0%	
			Running Total	\$449,000				
3	Screens and Grit Transportation Equipment Improvements	\$1,920,000	Design/Arcadis	\$167,000	Conducted 30% Design Review Meeting with Arcadis.	30%	12%	12%
			Const./TBD			0%		
			CA/CI/TBD			0%		
			Running Total	\$167,000				
4	Granular Activated Carbon and Filter Support Gravel Replacement	\$2,000,000	Design/AECOM	\$67,000	NFWB Preparing Construction Contract. AECOM will provide construction services.	100%	0%	0%
			Const./Carb. Act.	\$1,799,000		0%		
			CA/CI/AECOM	\$134,000		0%		
			Running Total	\$2,000,000				
5	Electrical System Improvements	\$2,610,000	Design/E.I. Team	\$177,000	Reviewing Design Documents.	50%	18%	10%
			Const./TBD	TBD		0%		
			CA/CI/TBD	TBD		0%		
			Const./Ferguson	\$252,000		10%		
			Running Total	\$429,000				

6	Effluent Disinfection	\$3,650,000	Design/AECOM	\$116,000	AECOM coordinating with contractors in preparation for construction.	90%	0%	0%
			Const./M&B	\$1,366,000		5%		
			Const./Ferguson	\$108,000		5%		
			Const./Ferguson	TBD		0%		
			CA/In-House	N/A				
			CI/AECOM	\$74,000		0%		
			Running Total	\$1,664,000				
7	Replacement of Critical Heating and Ventilation Equipment	\$1,160,000	Design/E.I. Team	\$112,000	Reviewing Design Documents.	90%	86%	86%
			Const./TBD	TBD		0%		
			CA/CI/TBD	TBD		0%		
			Running Total	\$112,000				
8	Replacement of Blower Equipment	\$300,000	Design/In-House	N/A	Construction closeout.	100%	N/A	N/A
			Const./Various	\$100,000		95%		
			CA/CI/In-House	N/A		95%	N/A	N/A
			Running Total	\$100,000				
9	Replacement of Process Piping	\$640,000	Design/Ramboll	\$79,978	Conducted Preliminary Design Report Review Meeting with Arcadis.	40%	37%	17%
			Const./TBD	TBD		0%		
			CA/CI/TBD	TBD		0%		
			Running Total	\$79,978				
10	SCADA Improvements	\$100,000	Design/Kaman	\$352,000	Kaman updating existing screens and coordinating with Capital Project Engineers.	25%	12%	10%
			Const./TBD	TBD		0%		
			CA/CI/In-House	N/A		0%	N/A	N/A
			Running Total	\$352,000				

11	Gorge Elevator Upgrades	\$500,000	Design/In-House	N/A	Currently in construction.	100%	N/A	N/A
			Const./Hohl Ind.	\$448,000		25%	9%	
			CA/CI/In-House	N/A		25%	N/A	N/A
			Running Total	\$448,000				
12	Site Work	TBD	Design/In-House	N/A	Coordinating with Ferguson Electric for temporary site power requirements.	100%	N/A	N/A
			Site/Cerrone	TBD		0%		
			Power/Ferguson	TBD		0%		
			CA/CI/In-House	N/A		0%		
			Gate Guards	TBD		0%		
			Running Total	\$0				
99	WWTP	\$1,550,000	See Below	See Below	See Below			
	Total	\$30,320,000						

Other Projects (Not Included in the Capital Improvement Upgrades)

Project	Scope of Work	Budget	Scope/Vendor	NFWB Authorized Contract	Recent Work Update	% Complete	% Billed	% Paid
99	WWTP	\$5,720,000	Design/GHD	\$208,000	Developing scope for RFP.	100%	100%	100%
			Const./TBD			0%		
			CA/CI/GHD	\$326,000		0%		
			Running Total	\$534,000				

Niagara Falls Water Board
Personnel Actions and Report
Monday, January 27, 2020

Personnel Actions Sheet & Requested of the Board
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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

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

V. OTHER ACTI' OTHER PERSONNEL ACTIVITY FOR BOARD NOTIFICATION				

VI. PERSONNEL ON LONG TERM LOA				
Name	Last Day Worked	Dept.	Return Status	Comments
Jesse Kuwik	Jan. 13 2020	WWTP/Maint.	Aug. 27 2020	Miliatary Deployment
Todd Stopa	Jan. 14 2020	WWTP/Maint.	Unknown at present	Worker's Comp

NFWB

To: Niagara Falls Water Board Executive Staff

From: James Perry, Director of Administrative Services



CC: Pat Fama, Executive Director

Date: January 2020

Re: Notice of Intent

Under the terms of my current employment agreement, which expires on March 31, 2020, if no notification is given to either party at least sixty (60) days prior to the expiration date, the contract automatically extends for an additional period of twelve (12) months. I would like to give my notice of intent to the Board, not to pursue that extension.

To assure a seamless transition, however and have someone replace me that is qualified, I would like to assist in the replacement process. The new Director of Administrative Services should be a person who is technically qualified and who will also work well with our Executive Director, supporting the organizational objectives. I do not want another person to have to walk into what I had to walk into. My goal is to see that the people of Niagara Falls are not short changed.

I would like to thank those of you who supported me over the past three years. I hope that you will continue to make progress and continue in the understanding that our employees are our number one asset. We have made some huge improvements and the cultural is changing, but we have only scratched the surface of change. This process needs to be continued.

NIAGARA FALLS WATER BOARD RESOLUTION # 2020-01-001

LUCITY SOFTWARE SUPPORT AND MAINTENANCE RENEWAL

WHEREAS, the Niagara Falls Water Board utilizes Lucity to help manage and maintain its assets; and

WHEREAS, the Water Board's annual support agreement with Lucity expires on January 31, 2020; and

WHEREAS, the Water Board's IT staff recommend renewing the annual support agreement for Lucity in order to maintain its functionality; and

WHEREAS, the cost to renew the annual support agreement for the period of February 2, 2020 through January 31, 2021 is \$18,108.13;

NOW THEREFORE BE IT

RESOLVED, that the Niagara Falls Water Board hereby authorizes payment to Lucity, Inc., the sum of \$18,108.13 to renew the annual support agreement for the Lucity software system for the period of February 2, 2020 through January 21, 2021.

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

Water Board Budget Line or Capital Plan Item with Funds for this Resolution:
0446.008 Software/Maint Licenses

On January 27, 2020, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	Yes	No	Abstain	Absent
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



Lucity, Inc.
10561 Barkley Street, Suite 100
Overland Park, KS 66212
Phone # 913-341-3105

Invoice

Date	Invoice #
10/31/2019	89426-1

Bill To
Niagara Falls Water Board Erika Schroeder; Kendra Walker Patricia Frederick 5815 Buffalo Avenue Niagara Falls, NY 14304

Ship To
Niagara Falls Water Board Erika Schroeder; Kendra Walker Patricia Frederick 5815 Buffalo Avenue Niagara Falls, NY 14304

			P.O. No.
Description	Qty	Rate	Amount
Constant Connection Program	1	18,108.13	18,108.13
Constant Connection Program Renewal on the following Lucity solutions: <ul style="list-style-type: none"> - 9 seats of Assets - 12 seats of Work - 1 seat of GIS Desktop - 1 site license of GIS Web - 5 seats of Mobile for the period of 02/01/2020 through 01/31/2021.			
Total sales tax calculated by AvaTax		0.00	0.00
Total			\$18,108.13

NIAGARA FALLS WATER BOARD RESOLUTION # 2020-01-002

**AWARD OF THE HEATING, VENTILATING,
AND AIR CONDITIONING SERVICES CONTRACT**

WHEREAS, the Niagara Falls Water Board (NFWB) has the need for heating, ventilating, and air conditioning service work at various NFWB facilities; and

WHEREAS, in order to promote efficiency, avoid delay, and reduce the costs associated with such service work it has found it useful and appropriate to pre-bid its labor and material rates for such work; and

WHEREAS, an invitation to bid for Project No. 20190004, Heating Ventilating and Air Conditioning Services at Various Niagara Falls Water Board Facilities from February 1, 2020 through January 31, 2022, was issued to contractors for the work; and

WHEREAS, the basis for the bids was estimated quantities of work, with the actual expenditure associated with this indefinite delivery / indefinite quantity contract to depend on its utilization; and

WHEREAS, five bids were received, with the low bid from Quackenbush Co., Inc., totaling \$149,955 for the estimated quantities of work; and

WHEREAS, Clark Patterson Lee, the Water Board's engineers for this project, have reviewed the bids and found Quackenbush Co., Inc., to be responsive to the bid and qualified to perform the work;

* CONTINUED ON NEXT PAGE *

NOW THEREFORE BE IT

RESOLVED, that on behalf of the Niagara Falls Water Board, its Executive Director hereby is authorized to contract with Quackenbush Co., Inc., on an indefinite delivery / indefinite quantity basis for Heating Ventilating and Air Conditioning Services at Various Niagara Falls Water Board Facilities from February 1, 2020 through January 31, 2022, with non-emergency procurements in excess of the Executive Director's purchasing authority to be subject to Board approval.

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 January 27, 2020, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	Yes	No	Abstain	Absent
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

January 22, 2020

Patrick Fama, Executive Director
Michael C. O'Laughlin Water Treatment Plant
5815 Buffalo Avenue
Niagara Falls, NY 14304

RE: Heating **Ventilating and Air Conditioning** Services at Various Niagara Falls Water Board Facilities from February 1, **2020 through January 31, 2022.**
Project No. 20190004
BID RECOMMENDATION

Dear Mr. Fama:

We have completed our review of the bids received on January 3, 2020 for the above referenced project, which includes Heating Ventilating and Air Conditioning Services at Various Niagara Falls Water Board Facilities from February 1, 2020 through January 31, 2022. A summary of the bids is provided below and a copy of our bid tabulation is enclosed for your information and review.

Bidder	Total Base Bid Price
Quackenbush Co., Inc.	\$149,955.00
J.W. Danforth Co.	\$153,500.00
Greater Niagara Mechanical, Inc.	\$157,250.00
MLP Plumbing	\$152,750.00
Mollenberg-Betz, Mechanical	\$175,000.00

The apparent low bidder was Quackenbush Co, Inc. with an overall price of \$149,955.

Quackenbush Co., Inc. is an established firm that has worked on many building mechanical installations and service repair projects in Western New York.

Based on our review of submitted Base Bid, we recommend the Niagara Falls Water Board award this indefinite delivery /indefinite quantity contract to Quackenbush Co., Inc., based on a budget **amount of \$149,955**, with the actual cost of the contract to be based upon its utilization.

ARCHITECTURE
ENGINEERING
PLANNING



Per the contract documents, following is a summary of the process from award recommendation:

- Step I - Notice of award, unexecuted agreement, and other supporting documents provided to Contractor.
- Step 2 — Within 15-days, Contractor to provide signed agreement and required bonds & insurance.
- Step 3 — Within 10-days, Owner to provide completed agreement to Contractor.
- Step 4 — Contract time to start immediately after effective date of agreement or if Notice to Proceed is issued at any time up to 30-days beyond effective date of agreement.
- Step 5 — Substantial completion of project to be on or before January 31, 2020.
- Step 6 — Completion of project to be on January 31, 2020.

Clark Patterson Lee looks forward to working with the Niagara Falls Water Board and the Contractor to successfully complete this project. If you have any questions or require any additional information, please contact me at (716)880-1264.

Very truly yours,

Clark Patterson Lee

A handwritten signature in blue ink, reading "Jay F. Meyers".

Jay F. Meyers, P.E.
Civil Engineer

Enclosures

HVAC SERVICE CONTRACT
 NIAGARA FALLS WATER BOARD
 CONTRACT: 20190004
 BID OPENING: JANUAR' 32,020

QUACKENBUSH MECHANICAL, INC.

ITEM	DESCRIPTION	HOURS	COST	TOTAL
1	JOURNEYMAN		500 \$102.50	\$51,250.00
2	APPRENTICE		500 \$47.41	\$23,705.00
3	MATERIALS		1 \$75,000.00	\$75,000.00
	TOTAL			\$149,955.00

GREATER NIAGARA MECHANICAL

ITEM	DESCRIPTION	HOURS	COST	TOTAL
1	JOURNEYMAN		500 \$94.50	\$47,250.00
2	APPRENTICE		500 \$70.00	\$35,000.00
3	MATERIALS		1 \$75,000.00	\$75,000.00
	TOTAL			\$157,250.00

J W DANFORTH

ITEM	DESCRIPTION	HOURS	COST	TOTAL
1	JOURNEYMAN		500 \$97.00	\$48,500.00
2	APPRENTICE		500 \$60.00	\$30,000.00
3	MATERIALS		1 \$75,000.00	\$75,000.00
	TOTAL			\$153,500.00

MOLLENBERG-BETZ

ITEM	DESCRIPTION	HOURS	COST	TOTAL
1	JOURNEYMAN		500 \$110.00	\$55,000.00
2	APPRENTICE		500 \$90.00	\$45,000.00
3	MATERIALS		1 \$75,000.00	\$75,000.00
	TOTAL			\$175,000.00

MLP PLUMBING & MECHANICAL

ITEM	DESCRIPTION	HOURS	COST	TOTAL
1	JOURNEYMAN		500 \$89.00	\$44,500.00
2	APPRENTICE		500 \$66.50	\$33,250.00
3	MATERIALS		1 \$75,000.00	\$75,000.00
	TOTAL			\$152,750.00

RANKING

1	QUACKENBUSH	\$149,955.00
2	DANFORTH	\$153,500.00
3	GREATER NIAGARA	\$157,250.00
4	MLP	\$152,750.00
5	MOLLENBERG-BETZ	\$175,000.00

NIAGARA FALLS WATER BOARD RESOLUTION # 2020-01-003

AWARD OF THE EMERGENCY REPAIR CONTRACT

WHEREAS, the Niagara Falls Water Board (“Water Board”) from time to time encounters an emergency repair project that exceeds the limits of the Water Board’s equipment or workforce; and

WHEREAS, to protect persons and property, promote efficiency, avoid delay, and reduce the costs associated with such emergency work it has found it useful and appropriate to pre-bid its labor and material rates for such work; and

WHEREAS, an invitation to bid for Project No. 20190003, Emergency Repair Contract for the period of February 1, 2020 through January 31, 2022 was issued to contractors for the work; and

WHEREAS, the basis for the bids was estimated quantities of work, with the actual expenditure associated with this indefinite delivery / indefinite quantity contract to depend on its utilization; and

WHEREAS, one bid was received from Mark Cerrone, Inc., in the amount of \$2,089,104 for the estimated quantities of work; and

WHEREAS, Clark Patterson Lee, the Water Board’s engineers for this project, have reviewed the bid and found Mark Cerrone, Inc., to be responsive to the bid and qualified to perform the work;

* CONTINUED ON NEXT PAGE *

NOW THEREFORE BE IT

RESOLVED, that on behalf of the Niagara Falls Water Board, its Executive Director hereby is authorized to contract with Mark Cerrone, Inc., on an indefinite delivery / indefinite quantity basis for Emergency Repairs for the period of February 1, 2020 through January 31, 2022, with non-emergency procurements in excess of the Executive Director's purchasing authority to be subject to Board approval.

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 January 27, 2020, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	Yes	No	Abstain	Absent
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

January 22, 2020

Patrick Fama, Executive Engineer
Michael C. O'Laughlin Water Treatment Plant
5815 Buffalo Avenue
Niagara Falls, NY 14304

**RE: Emergency Repair Contract February 1, 2020 through January 31, 2020
BID RECOMMENDATION
PROJECT No. 20190003**

Dear Mr. Fama:

We have completed our review of the single bid received on January 3, 2020 for the above referenced project, which includes Emergency Repair Work for The Niagara Falls Water Board. A summary of the bids is provided below and a copy of our bid tabulation is enclosed for your information and review.

Bidder	Total Base Bid Price
Mark Cerrone, Inc.	\$2,089,104

The apparent low bidder was Mark Cerrone, Inc. with an overall price of \$2,089,104.

Mark Cerrone, Inc. is an established firm that has worked on many water and sewer line installations and repair projects in Western New York. Upon review of submitted experience and qualifications, CPL deems that they are an acceptable contractor.

Based on our review of submitted Base Bid and the bidder's qualifications, we recommend the Niagara Falls Water Board award this indefinite delivery / indefinite quantity contract to Mark Cerrone, Inc., based on a budget amount of \$2,089,104, with the actual cost of the contract to be based upon its utilization.



Per the contract documents, following is a summary of the process from award recommendation:

- Step 1 - Notice of award, unexecuted agreement, and other supporting documents provided to Contractor.
- Step 2 – Within 15-days, Contractor to provide signed agreement and required bonds & insurance.
- Step 3 – Within 10-days, Owner to provide completed agreement to Contractor.
- Step 4 – Contract time to start 30-days after effective date of agreement or if Notice to Proceed is issued at any time up to 30-days beyond effective date of agreement.
- Step 5 – Substantial completion of project to be on or before January 31, 2022.
- Step 6 – Final completion of project to be on or before January 31, 2022.

Clark Patterson Lee looks forward to working with the Niagara Falls Water Board and the Contractor to successfully complete this project. If you have any questions or require any additional information, please contact me at (716)880-1264.

Very truly yours,

Clark Patterson Lee

Jay F. Meyers, P.E.
Civil Engineer

Enclosures

NIAGARA FALLA WATER BOARD
 EMERGENCY REPAIR CONTRACT
 BID DATE: 3-Jan-20

MARK CERRONE, INC

ITEM					ITEM	2020 RATE	2018 RATE	HOURS	2018 TOTAL	2020 TOTAL
1A-1					1A-1	\$38.00	\$37.50	24	\$900.00	\$ 912.00
1A-2					1A-2	\$86.00	\$86.00	8	\$688.00	\$ 688.00
1A-3					1A-3	\$20.00	\$20.00	16	\$320.00	\$ 320.00
1A-4					1A-4	\$40.00	\$40.00	16	\$640.00	\$ 640.00
1A-5					1A-5	\$76.00	\$75.00	24	\$1,800.00	\$ 1,824.00
1A-6					1A-6	\$95.00	\$94.00	8	\$752.00	\$ 760.00
1A-7					1A-7	\$127.00	\$56.00	300	\$16,800.00	\$ 38,100.00
1A-8					1A-8	\$75.00	\$56.00	8	\$448.00	\$ 600.00
1A-9					1A-9	\$16.00	\$15.00	200	\$3,000.00	\$ 3,200.00
1B-1					1B-1	\$179.00	\$168.00	100	\$16,800.00	\$ 17,900.00
1B-2					1B-2	\$217.00	\$204.00	100	\$20,400.00	\$ 21,700.00
1B-3					1B-3	\$164.00	\$150.00	24	\$3,600.00	\$ 3,936.00
1B-4					1B-4	\$140.00	\$129.00	24	\$3,096.00	\$ 3,360.00
1B-5					1B-5	\$208.00	\$194.00	575	\$111,550.00	\$ 119,600.00
1B-6					1B-6	\$160.00	\$148.00	24	\$3,552.00	\$ 3,840.00
1B-7					1B-7	\$158.00	\$95.00	24	\$2,280.00	\$ 3,792.00
1B-8					1B-8	\$128.00	\$115.00	24	\$2,760.00	\$ 3,072.00
1B-9					1B-9	\$317.00	\$313.00	325	\$101,725.00	\$ 103,025.00
2A-1					2A-1	\$109.00	\$98.00	24	\$2,352.00	\$ 2,616.00
2A-2					2A-2	\$99.00	\$93.00	24	\$2,232.00	\$ 2,376.00
2A-3					2A-3	\$103.00	\$97.00	24	\$2,328.00	\$ 2,472.00
2B-1					2B-1	\$432.00	\$414.50	3500	\$1,450,750.00	\$ 1,512,000.00
2C-1					2C-1	\$252.00	\$237.00	200	\$47,400.00	\$ 50,400.00
3A					3A	\$147.00	\$139.00	250	\$34,750.00	\$ 36,750.00
3B					3B	\$177.00	\$165.00	100	\$16,500.00	\$ 17,700.00
4A					4A	\$2,950.00	\$2,790.00	15	\$41,850.00	\$ 44,250.00
4B					4B	\$2,950.00	\$2,790.00	2	\$5,580.00	\$ 5,900.00
4C					4C	\$98.00	\$92.00	300	\$27,600.00	\$ 29,400.00
5A					5A	\$115.00	\$99.00	50	\$4,950.00	\$ 5,750.00
5B					5B	\$333.00	\$325.00	5	\$1,625.00	\$ 1,665.00
5C-1					5C-1	\$19.00	\$17.00	300	\$5,100.00	\$ 5,700.00
6					6	\$25,000.00	\$25,000.00	1	\$25,000.00	\$ 25,000.00
7					7	\$25,000.00	\$20,000.00	1	\$20,000.00	\$ 25,000.00
TOTAL									\$1,979,128.00	\$ 2,094,248.00

PROCUREMENT OF STANDARDIZED SUPERNATANT RETURN PUMP

WHEREAS, the Niagara Falls Water Board (“Water Board”) water treatment plant (“WTP”) includes a gallery of four supernatant return pumps, all of which are the equivalent model of Weir Floway pump; and

WHEREAS, the Water Board has been replacing these pumps as maintenance staff have noted that the individual pumps are near the end of their service life and require replacement, and now have identified another pump that should be replaced; and

WHEREAS, the Water Board pursuant to Resolution 2019-01-010 standardized Weir Floway supernatant return pumps at the Water Treatment Plant in order to maintain consistent maintenance schedules, to take advantage of interchangeable parts between the pumps, and because an in-kind replacement will not require modifications of the associated piping; and

WHEREAS, Water Board maintenance staff have solicited a quote for the needed pump from Fluid Kinetics, Inc., the sole and exclusive source of Weir Floway Inc. municipal products in the Water Board’s geographic area; and

WHEREAS, the quoted cost for a new pump and head assembly is \$28,753; and

WHEREAS, pursuant to the Water Board’s procurement policy, this procurement may be made on a sole-source basis;

* CONTINUED ON NEXT PAGE *

NOW THEREFORE BE IT

RESOLVED, that Water Board staff may procure a new Weir Floway supernatant return pump and head assembly from the sole source of such a pump in this area, Fluid Kinetics, Inc., at a cost not to exceed \$28,753.

Water Board Personnel Responsible for Implementation of this Resolution:

Executive Director

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

W-31, Water Miscellaneous Improvements

On January 27, 2020, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	Yes	No	Abstain	Absent
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



Fluid Kinetics Inc.

PO Box 655 Orchard Park, NY 14127 (716) 662-7900 Fax (716) 662-7982
11 Barker Road Whitney Point NY 13862 (315) 870-5766 Fax (716) 662-7982

Date: January 22, 2020

Quote No. 20-072

To: Joe Argona
Niagara Falls Water Board

RE Replacement Floway Pump

Dear Joe

Fluid Kinetics is pleased to offer the following Floway Product for your consideration. Our quotation is as follows

- S/N 56347-1
- (1) Floway 11JKM 1 Stage Vertical Turbine pump with cast iron head, 8" column pipe, ductile iron bowl with bronze impeller. To match serial # above. Capacity of 777 GPM at 50' TDH. 20 HP motor to be reused.
- Price \$ 28,753.00

Delivery 16-18 weeks. FOB Factory Freight allowed Freight Included

Terms: 100% due and payable 30 days from date of each invoice, subject to continuing approval of credit. Payment of this invoice is in no way contingent upon payment by others. In the event any amount becomes past due, buyer agrees to pay seller a fee of 1-1/2% of unpaid balance each month until paid, at the highest legal rate allowed by law, whichever is lower, plus all costs of collection including reasonable attorney's fees. Failure to pay in accordance with terms voids all warranties and no service or start-up will be authorized until account is paid in full including service fee and collection costs.

Thank you for the opportunity to quote this project. If you have any questions concerning our quotation, please call our office at 716-662-7900.

Sincerely,

Douglas J Hayes
President

NIAGARA FALLS WATER BOARD RESOLUTION # 2020-01-005

AWARD BID FOR BOLLIER AVENUE WATER MAIN REPLACEMENT

WHEREAS, the Niagara Falls Water Board (“Water Board”) identified a need to replace approximately 1,400 liner feet of 10” water main on Bollier Avenue; and

WHEREAS, on behalf of the Water Board, the City of Niagara Falls Engineering Department prepared specifications and solicited bids for the replacement of the water main; and

WHEREAS, the bids received have been reviewed and tabulated; and

WHEREAS, the verified and qualified low bidder for the project is 4th Generation Construction, Inc., with a total base bid item price of \$534,810; and

WHEREAS, the Water Board previously has received a NYS Water Infrastructure Improvement Act (“WIIA”) grant that will fund up to \$240,000 of the project’s cost;

* CONTINUED ON NEXT PAGE *

NOW THEREFORE BE IT

RESOLVED, that on behalf of the Niagara Falls Water Board, its Executive Director hereby is authorized to contract with 4th Generation Construction, Inc., for the replacement of approximately 1,400 liner feet of 10” water main on Bollier Avenue, for a total amount not to exceed the bid of \$534,810.

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

Water Board Budget Line or Capital Plan Item with Funds for this Resolution:
W-14, Bollier Avenue Main – 82nd Street to Military Road

On January 27, 2020, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	Yes	No	Abstain	Absent
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



City of Niagara Falls, New York

P.O. Box 69, Niagara Falls, NY 14302 0069

ENGINEERING DEPARTMENT

January 14, 2020

Niagara Falls Water Board

Mayor Michael C. O'Laughlin
Niagara Falls Water Treatment Facility
5815 Buffalo Avenue
Niagara Falls, New York 14304

Attention: Mr. Patrick Fama
Executive Director

Mr. Fama:

Attached to this brief letter please find the standard City of Niagara Falls Bid Security Information and the Bid Tabulation Summary Sheets for the following project:

BOLLIER AVENUE WATER MAIN REPLACEMENT PROJECT (W.C. # 884)

Arithmetical and typographical errors (if any) have been corrected and the entire package is offered for your continued review, reference, and ultimate contract award. The verified and qualified low bidder for this project is:

**4TH GENERATION CONSTRUCTION INC.
5650 SIMMONS AVENUE
NIAGARA FALLS, NEW YORK 14304**

at the total base bid item price of: **\$ 534,810.00**

Please contact me at your convenience if questions arise or additional clarification is deemed necessary.

Sincerely,

John Gerlach, P.E.
City Engineer

attachments (2)

cc: file

CONTRACT: BOLLIER AVENUE WATER MAIN REPLACEMENT PROJECT
82nd Street to Military Road
W.C. #884

BID OPENING: JANUARY 14, 2020
BID SECURITY: 5%

TIME: 2:00 p.m.

SHEET 01 OF 01

				ACCADIA SITE CONSTRUCTION		MARK CERRONE, INC.		4th GENERATION CONSTRUCTION, INC.	
#	BID ITEM	QTY.	UNIT	PRICE	AMOUNT	PRICE	AMOUNT	PRICE	AMOUNT
1	PROJECT SURVEY AND STAKEOUT	1	L.S.	20,000.00	20,000.00	27,500.00	27,500.00	18,000.00	18,000.00
2	PAVEMENT SAWCUTTING	4300	L.F.	0.01	43.00	5.54	23,822.00	1.00	4,300.00
3	MISCELLANEOUS SAWCUTTING	500	L.F.	1.00	500.00	3.72	1,860.00	1.00	500.00
4A	NEW 6" DIA. DUCTILE IRON PIPE	20	L.F.	100.00	2,000.00	292.00	5,840.00	50.00	1,000.00
4B	NEW 8" DIA. DUCTILE IRON PIPE	NIC	L.F.						
4C	NEW 10" DIA. DUCTILE IRON PIPE	1380	L.F.	124.00	171,120.00	135.00	186,300.00	55.00	75,900.00
5A	NEW 6" DIA. WATER MAIN VALVE(S)	2	EA.	5,000.00	10,000.00	1,783.00	3,566.00	3,000.00	6,000.00
5B	NEW 8" DIA. WATER MAIN VALVE(S)	NIC	EA.						
5C	NEW 10" DIA. WATER MAIN VALVE(S)	5	EA.	8,000.00	40,000.00	3,400.00	17,000.00	5,000.00	25,000.00
6A	WATER SERVICE LINE REPLACEMENT - 1" CORP STOP & TAP	33	EA.	3,000.00	99,000.00	390.00	12,870.00	1,500.00	49,500.00
6B	WATER SERVICE LINE REPLACEMENT - 1" DIA. COPPER SERVICE PIPING	1000	L.F.	5.00	5,000.00	69.00	69,000.00	4.00	4,000.00
6C	WATER SERVICE LINE REPLACEMENT - 1" DIA. CURB STOP & BOX	33	EA.	300.00	9,900.00	300.00	9,900.00	2,500.00	82,500.00
7	NEW HYDRANT ASSEMBLIES	4	EA.	20,000.00	80,000.00	8,600.00	34,400.00	12,000.00	48,000.00
8	EXISTING HYDRANT REMOVAL	1	EA.	2,000.00	2,000.00	1,650.00	1,650.00	3,000.00	3,000.00
9	EXISTING WATER MAIN ABANDONMENT	1	L.S.	5,000.00	5,000.00	6,355.00	6,355.00	10,000.00	10,000.00
10	FOUR (4") INCH THICK CONCRETE SIDEWALKS	175	S.F.	20.00	3,500.00	28.00	4,900.00	10.00	1,750.00
11	SIX (6") INCH CONCRETE WALKS, APRONS AND RAMPS	500	S.F.	22.00	11,000.00	28.00	14,000.00	12.00	6,000.00
12	LATERAL REPLACEMENT(S) (6" DIA. SDR 35 PVC)	200	L.F.	50.00	10,000.00	135.00	27,000.00	2.00	400.00
13	SUBBASE COURSE TYPE 2 STONE	1120	S.Y.	21.00	23,520.00	50.00	56,000.00	9.00	10,080.00
14	PORTLAND CEMENT CONCRETE BASE COURSE - TYPE F (8" THK.)	NIC	S.Y.						
15	ASPHALT CONCRETE BASE COURSE - TYPE 1 (7" THK.)	1120	S.Y.	65.00	72,800.00	99.00	110,880.00	9.00	10,080.00
16	ASPHALT CONCRETE BINDER COURSE - TYPE 3 (2" THK.)	1120	S.Y.	30.00	33,600.00	29.00	32,480.00	8.00	8,960.00
17	ASPHALT CONCRETE TOP COURSE - TYPE 7 (1-1/2" THK.)	1120	S.Y.	30.00	33,600.00	24.00	26,880.00	7.00	7,840.00
18	EXPLORATORY EXCAVATION	3	EA.	1,000.00	3,000.00	1,000.00	3,000.00	1,000.00	3,000.00
19	MAINTENANCE AND PROTECTION OF TRAFFIC	1	L.S.	40,000.00	40,000.00	53,500.00	53,500.00	75,000.00	75,000.00
20	TOPSOIL AND SEEDING	NIC	S.F.						
21	TEMPORARY WATER SUPPLY SYSTEM	1	L.S.	56,000.00	56,000.00	78,000.00	78,000.00	60,000.00	60,000.00
22	STEEL CASING PIPE (20" NOM. DIA.)	60	L.F.	300.00	18,000.00	350.00	21,000.00	50.00	3,000.00
23	UTILITY ALLOWANCE	1	L.S.	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00
24	MOBILIZATION	1	L.S.	25,000.00	25,000.00	32,000.00	32,000.00	20,000.00	20,000.00

Arithmetic error - amount corrected	\$775,583.00	\$860,703.00	\$534,810.00
	2	3	1

**EMERGENCY BID FOR 2700 BLOCK
INDEPENDENCE AVENUE COMBINED SEWER REPAIR**

WHEREAS, following reports of water backing up into basements, the Niagara Falls Water Board (“Water Board”) discovered that there were two significant collapses on the 12-inch combined sewer main serving a portion of the 2700 block of Independence Avenue; and

WHEREAS, the sewer in that location is 13 feet deep, and approximately 200 feet of main need replacement; and

WHEREAS, in connection with the necessary work, it is necessary to restore lateral sewer connections with at least eight homes and there are at least four water services that need to be supported during the main replacement; and

WHEREAS, the project is beyond the scope of what Water Board crews can complete, though they cleaned the main to the best of their ability which allowed the impacted basements to drain; and

WHEREAS, this situation constituted an emergency because until the main is repaired, homes on the impacted section of Independence Avenue likely will have wastewater back up into their basements again with the next wet weather event, which could have health and property damage consequences; and

WHEREAS, the City of Niagara Falls Engineering Department prepared plans for the needed repair, and recommended that the project be put out for an emergency bid in an effort to have the project completed before the next wet weather event and for the lowest cost possible under the circumstances; and

WHEREAS, pursuant to the Water Board’s procurement policy, the Executive Director has authority to let a contract in an emergency situation like the one described above; and

WHEREAS, the low bid for the emergency 12” combined sewer repair project on the 2700 block of Independence Avenue was submitted by Accadia Site Contracting, Inc., at a total base bid item price of \$141,351; and

WHEREAS, on behalf of the Water Board, the Executive Director exercised his authority to let the contract and pursuant to the Water Board’s procurement policy it now is necessary for the Water Board to ratify the contract award and to authorize payment;

* CONTINUED ON NEXT PAGE *

NOW THEREFORE BE IT

RESOLVED, that the Niagara Falls Water Board hereby approves the contract with Accadia Site Contracting, Inc., for the 12” combined sewer repair project on the 2700 block of Independence Avenue, at a total base bid item price of \$141,351.

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 January 27, 2020, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	Yes	No	Abstain	Absent
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



City of Niagara Falls, New York

P.O. Box 69, Niagara Falls, NY 14302-0069

ENGINEERING DEPARTMENT

January 17, 2020

Niagara Falls Water Board

Mayor Michael C. O'Laughlin
Niagara Falls Water Treatment Facility
5815 Buffalo Avenue
Niagara Falls, New York 14304

Attention: Mr. Patrick Fama
Executive Director

Mr. Fama:

Attached to this brief letter please find the standard City of Niagara Falls Bid Security Information and the Bid Tabulation Summary Sheets for the following project:

EMERGENCY 12" COMBINED SEWER REPAIR PROJECT 2700 BLOCK OF INDEPENDENCE AVENUE

Arithmetical and typographical errors (if any) have been corrected and the entire package is offered for your continued review, reference, and ultimate contract award. The verified and qualified low bidder for this project is:

**ACCADIA SITE CONTRACTING, INC.
5636 TRANSIT ROAD
DEPEW, NEW YORK 14043**

at the total base bid item price of: **\$ 141,351.00**

Please contact me at your convenience if questions arise or additional clarification is deemed necessary.

Sincerely,

John Gerlach, P.E.
City Engineer

attachments (2)

cc: file

**CONTRACT: EMERGENCY - 12" COMBINED SEWER REPAIR PROJECT
INDEPENDENCE AVENUE AND 27TH STREET**

BID OPENING: January 17, 2020

TIME: 1:30 P.M.

SHEET 01 OF 01

BID SECURITY: - N.A. -

#	BID ITEM	QTY.	UNIT	ACCADIA SITE CONTRACTING, INC.		MARK CERRONE, INC.		J.R. SWANSON PLUMBING CO., INC.		4TH GENERATION CONSTRUCTION, INC.	
				PRICE	AMOUNT	PRICE	AMOUNT	PRICE	AMOUNT	PRICE	AMOUNT
1A	NEW 12" DIA. SDR 35 PVC SEWER PIPE	200	L.F.	410.00	82,000.00	201.00	40,200.00			250.00	50,000.00
1B	NEW 8" DIA. SDR 35 PVC SEWER PIPE	20	L.F.	120.00	2,400.00	32.00	640.00			100.00	2,000.00
1C	NEW 6" DIA. SDR 35 PVC SEWER PIPE	80	L.F.	240.00	19,200.00	18.00	1,440.00			50.00	4,000.00
2	PAVEMENT SAWCUTTING	450	L.F.	3.00	1,350.00	3.00	1,350.00			1.00	450.00
3	EXISTING MANHOLE ALTERATIONS	2	EA.	1,500.00	3,000.00	500.00	1,000.00			5,000.00	10,000.00
4	SUBBASE COURSE TYPE 2 STONE (8" THK)	200	S.Y.	10.00	2,000.00	1.00	200.00			1.00	200.00
5	PORTLAND CEMENT CONCRETE BASE COURSE CLASS "F" (3" THK)	200	S.Y.	10.00	2,000.00	47.00	9,400.00			1.00	200.00
6	ASPHALT CONCRETE BINDER COURSE - TYPE 3 (2" THK.)	200	S.Y.	8.00	1,600.00	31.00	6,200.00			1.00	200.00
7	ASPHALT CONCRETE TOP COURSE - TYPE 7 (1-1/2" THK.)	200	S.Y.	8.00	1,600.00	32.00	6,400.00			1.00	200.00
8	TEMPORARY BYPASS PUMPING	NIC	DAYS								
9	NEW CONCRETE CURBING	350	L.F.	50.00	17,500.00	65.00	22,750.00			2.00	700.00
10	TOPSOIL & SEEDING	1700	S.F.	1.00	1,700.00	2.35	3,995.00			1.00	1,700.00
11	TEMPORARY PAVEMENT RESTORATION	1	LS	1.00	1.00	34,000.00	34,000.00			25,000.00	25,000.00
12	MAINTENANCE AND PROTECTION OF TRAFFIC	1	LS	2,000.00	2,000.00	25,000.00	25,000.00			60,000.00	60,000.00
13	MOBILIZATION	1	LS	5,000.00	5,000.00	6,000.00	6,000.00			4,000.00	4,000.00

★ - FIGURE ADJUSTED TO ARITHMETICALLY-CORRECT DOLLAR AMOUNT

\$141,351.00

1

\$158,575.00

2

\$158,650.00

3

TIME: 1:30P.M.

[illegible]

January 2026 - FWD Agents Report Page 00549

NIAGARA FALLS WATER BOARD RESOLUTION # 2020-01-007

AWARD BID FOR HIGH CALCIUM QUICK LIME

WHEREAS, the Niagara Falls Water Board (“Water Board”) was assisted by the City of Niagara Falls Purchasing Department in soliciting bids for high calcium quick lime that is used to stabilize sludge at the wastewater treatment plant; and

WHEREAS, City of Niagara Falls Purchasing has tabulated the results; and

WHEREAS, the low bidder for high calcium quick lime is Carmeuse Lime, Inc., with a bid price of \$169 per ton;

NOW THEREFORE BE IT

RESOLVED, that the Niagara Falls Water Board hereby awards the bid for high calcium quicklime to Carmeuse Lime, Inc., at a bid price of \$169 per ton.

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

Water Board Budget Line or Capital Plan Item with Funds for this Resolution:
GA 0419.018

On January 27, 2020, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	Yes	No	Abstain	Absent
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



TO: The Board

FROM: Patrick Fama
Executive Director

DATE: January 23, 2020

SUBJECT: Bid #W2020-01 High Calcium Quick Lime

We respectfully request you award the above referenced bid as follows:

TO: Carmeuse Lime, Inc.
Attn: Felicia Reid
11 Stanwix Street - 21st Floor
Pittsburgh, Pennsylvania 15222

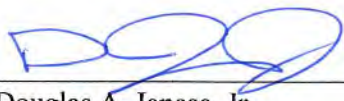
FOR: Item #1: High Calcium Quick Lime \$ 169.00 per ton

The Purchasing Agent certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bid requests were sent to Twelve (12) companies. Two (2) bid responses were received. The above referenced companies submitted the lowest bid prices for each respective item.

Respectfully submitted,

Patrick Fama
Executive Director



Douglas A. Janese, Jr.
Purchasing Agent

DAJ: lkh
Enc.

FORSTER _____ KIMBLE _____ LARKIN _____ LEFFLER _____ O'CALLAGHAN _____

OFFICIAL TALLY SHEET
CITY OF NIAGARA FALLS ON BEHALF OF THE NIAGARA FALLS WATER BOARD

BID # W2020-01 HIGH CALCIUM QUICK LIME
 BID OPENING: JANUARY 22, 2020 11:00 AM

PAGE 1 OF 1
 SET 1 OF 1

ITEM #	QTY (TONS)	DESCRIPTION	Lhoist North America of Virginia, Inc. Attn: Drema Stewart 2093 Big Stony Creek Road Ripplemead, VA 24150	Carmeuse Lime & Stone Attn: Felicia Reid 11 Stanwix Street, 21 st Floor Pittsburgh, PA 15222	XXX	XXX
1.	700	More or less, high calcium quick lime per the attached specifications:	\$326.67 / ton (Minimum 24 tons)	\$169.00 / ton		
		Notes:	Specification exceptions noted.			

BID # W2020-01 HIGH CALCIUM QUICK LIME
 BID OPENING: JANUARY 22, 2020 11:00 AM

PAGE 1 OF 1

ITEM #	QTY (TONS)	DESCRIPTION	XXX	XXX	XXX	XXX
1.	700	More or less, high calcium quick lime per the attached specifications:				
		Notes:				

**AUTHORIZING HIRING OF
DEPUTY DIRECTOR OF ADMINISTRATIVE SERVICES**

WHEREAS, the Niagara Falls Water Board Director of Administrative Services is a key employee with responsibility for the Water Board's human resources, safety program, Minority and Women Business Enterprise program, and other aspects of Water Board operations; and

WHEREAS, the incumbent Director of Administrative Services has given notice to the Water Board that he will not seek to extend his employment contract beyond its March 31, 2020 expiration date, though he has offered to continue to serve until a replacement is identified; and

WHEREAS, the Water Board previously approved the creation of the position of Deputy Director of Administrative Services; and

WHEREAS, staff recommended the hiring of a Human Resources Specialist in lieu of that position, and the creation of the Human Resources Specialist position was authorized by the Water Board in December 2019 before the Director of Administrative Services provided notice that he will not renew his employment contract; and

WHEREAS, the Water Board believes that in order to ensure continuity of operations, it is vital that a qualified individual be available to conduct the duties of the Director of Administrative Services in the event the incumbent is absent or if the position of Director of Administrative Services becomes vacant; and

WHEREAS, the Water Board believes it is important to fill the position of Deputy Director of Administrative Services without delay to permit the Deputy Director to learn the duties of the Director of Administrative Services while the Director remains under contract; and

WHEREAS, the Director of Administrative services reports to the Executive Director;

NOW, THEREFORE BE IT

RESOLVED, that the Water Board hereby revokes its authorization to hire a Human Resources Specialist; and

IT IS FURTHER RESOLVED, that the Executive Director shall immediately post the position of Deputy Director of Administrative Services on the Water Board's website and shall hire the individual that he deems best qualified for the position without delay; and

IT IS FURTHER RESOLVED, that the salary for the exempt position of Deputy Director of Administrative Services shall be set at \$51,500, and the Deputy Director shall be granted 14 days' vacation per year plus the health insurance, sick leave, and paid holiday benefits that the Water Board provides to hourly employees hired after December 31, 2007, commonly referred to as "Tier II" employees; and

* CONTINUED ON NEXT PAGE *

IT IS FURTHER RESOLVED, that nothing in this Resolution authorizes an employment contract for the Deputy Director of Administrative Services without further Board action.

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 January 27, 2020, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	Yes	No	Abstain	Absent
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 # 2020-01-009

AUTHORIZING HIRING OF INVENTORY CONTROL AGENT

WHEREAS, the Niagara Falls Water Board lacks a functioning asset control program, which puts Water Board property at risk of waste, loss, or theft; and

WHEREAS, the Water Board's failure to maintain a functional warehouse of parts and supplies results in inefficiencies and delays, as orders may not receive bulk discounts, individuals who should focus on production must arrange for orders, and jobs are delayed by the need to purchase needed parts at retail or specialty stores; and

WHEREAS, the Water Board desires to hire an individual to develop the position of inventory control agent, with the duties of said position to include, but not be limited to, ensuring that materials, equipment, and supplies are timely ordered and delivered to promote efficient Water Board operations; negotiating prices with vendors where permissible; maintaining records; coordinating delivery times to maintain appropriate inventory; and

WHEREAS, the inventory control agent will assist in the procurement process and the development of bid specifications, including preparing necessary lists or specifications, requesting quotes, researching vendors, and making recommendations to improve efficiencies; and

WHEREAS, the inventory control agent will develop and implement an inventory and asset tracking database and inventory tag program; and

WHEREAS, the inventory control agent will be tasked with preventing, detecting, and reporting theft and pilferage; and

WHEREAS, the Water Board desires that the inventory control agent will explore opportunities for cooperation with other municipal agencies in order to promote efficiencies and shared services;

NOW, THEREFORE BE IT

RESOLVED, that the Executive Director shall immediately post the position of Inventory Control Agent on the Water Board's website and shall hire the individual that he deems best qualified for the position without delay; and

IT IS FURTHER RESOLVED, that the salary for the exempt position of Inventory Control Agent shall be set at \$51,500, and the Inventory Control Agent shall be granted 14 days' vacation per year plus the health insurance, sick leave, and paid holiday benefits that the Water Board provides to hourly employees hired after December 31, 2007, commonly referred to as "Tier II" employees; and

* CONTINUED ON NEXT PAGE *

IT IS FURTHER RESOLVED, that nothing in this Resolution authorizes an employment contract for the Inventory Control Agent without further Board action.

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 January 27, 2020, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	Yes	No	Abstain	Absent
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 # 2020-01-010

AUTHORIZING TEMPORARY ASSOCIATE COUNSEL

WHEREAS, the Niagara Falls Water Board previously employed an associate counsel on a part-time basis to assist with the handling of general legal matters, to provide backup for General Counsel, and assist in the development of policies; and

WHEREAS, the Water Board's current projects require substantial legal resources, and resorting to outside counsel is more costly than having an employee perform the work;

NOW THEREFORE BE IT

RESOLVED, that the Niagara Falls Water Board hereby authorizes a temporary part-time Associate Counsel in the Legal Department, at an hourly rate of not more than \$65 per hour, without benefits, and at a 2020 cost not to exceed \$30,000.

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 January 27, 2020, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	Yes	No	Abstain	Absent
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 # 2020-01-011

SCHEDULES FOR DIRECTOR-LEVEL EMPLOYEES

WHEREAS, the Niagara Falls Water Board (“Water Board”) Board of Directors has a duty and obligation to exercise fiduciary oversight over Water Board operations; and

WHEREAS, the Water Board’s senior staff are responsible for day-to-day operations; and

WHEREAS, in order to be certain that the Water Board’s operations are adequately staffed and that employees are properly supervised, director-level staff must be present during the hours when the bulk of the employees that report to them are working; and

WHEREAS, employees reporting to director-level staff generally have work hours between 7:00 a.m. and 5:00 p.m.;

NOW THEREFORE BE IT

RESOLVED, the unless conducting Water Board business that requires their presence elsewhere, the following director-level staff shall be on site during regularly scheduled work days for at least seven of the working hours during which the majority of the employees reporting to them are scheduled to work, in order properly to supervise those employees:

- Executive Director;
- Director of Administrative Services;
- Director of Financial Services;
- Director of Technical and Regulatory Services;
- Superintendent; and

IT IS FURTHER RESOLVED, that the director-level staff shall agree with the Executive Director regarding the working hours best suited to the proper supervision of the employees that report to them; and

IT IS FURTHER RESOLVED, that director-level staff are afforded significant discretion in how they conduct their duties and may deviate from the schedule that they agree upon with the Executive Director, provided that they advise the Executive Director in writing each time the hours they work will deviate from the agreed-on schedule no later than one business day after the deviation occurs; and

IT IS FURTHER RESOLVED, that director-level staff are exempt employees and their pay shall not be docked for failure to be present during their agreed-on working hours, but their hours may be used as a factor in the evaluation of their performance; and

* CONTINUED ON NEXT PAGE *

IT IS FURTHER RESOLVED, that director-level staff who fail to agree with the Executive Director regarding their schedule or fail to provide the written notice to the Executive Director of deviations in their schedule that is required by this Resolution may be subject to disciplinary action.

Water Board Personnel Responsible for Implementation of this Resolution:

Executive Director
Director of Administrative Services
Director of Financial Services
Director of Technical and Regulatory Services
Superintendent

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

Not applicable

On January 27, 2020, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	Yes	No	Abstain	Absent
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 # 2020-01-012

REQUIRING BI-ANNUAL PERFORMANCE EVALUATIONS FOR ALL EMPLOYEES

WHEREAS, the Niagara Falls Water Board (“Water Board”) Board of Directors has a duty and obligation to exercise fiduciary oversight over Water Board operations; and

WHEREAS, the Water Board desires that in order to develop and improve the workforce, the performance of all of its employees be evaluated by their supervisor no less than twice per year; and

WHEREAS, the purposes of employee performance evaluations are to promote communication and provide useful feedback about job performance, to facilitate better working relationships, to provide a historical record of performance, and to contribute to professional development;

NOW THEREFORE BE IT

RESOLVED, that the Executive Director shall promulgate a policy whereby the performance of all Water Board employees is evaluated by a person who supervises the employee; and

IT IS FURTHER RESOLVED, that the Executive Director shall complete performance evaluations for the Director of Administrative Services, Director of Financial Services, Director of Technical and Regulatory Services, and Superintendent; and

IT IS FURTHER RESOLVED, that the Board of Directors shall complete performance evaluations for the Executive Director and General Counsel; and

IT IS FURTHER RESOLVED, that the Director of Administrative services shall develop forms for the objective evaluation of each employee’s performance; and

IT IS FURTHER RESOLVED, that all of the evaluations required by this Resolution shall be completed twice annually, and are to be provided to the Director of Administrative Services no later than March 31 and September 30; and

IT IS FURTHER RESOLVED, that more frequent employee evaluations as desired or required may be completed, particularly evaluations of probationary employees; and

* CONTINUED ON NEXT PAGE *

IT IS FURTHER RESOLVED, that no merit-based promotion and no contract extension shall be authorized without appropriate review of performance evaluations.

Water Board Personnel Responsible for Implementation of this Resolution:

Executive Director

Director of Administrative Services

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

Not applicable

On January 27, 2020, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	Yes	No	Abstain	Absent
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

**AMENDING CODE OF CONDUCT TO CLARIFY EMPLOYEE OBLIGATIONS
WITH RESPECT TO BOARD OF DIRECTORS**

WHEREAS, the Niagara Falls Water Board (“Water Board”) Board of Directors has adopted a Code of Conduct that provides in part as follows:

2. In the event that a member has any complaints, questions or issues, concerning board operations, such complaints, questions or issues are to be directed to the executive director. If an employee of the board raises a complaint, question or issue regarding board operations to a covered person, the employee should be instructed to first bring such complaint, question or issue to their immediate supervisor and ultimately to the executive director's office or his or her designee. Members shall not become involved in the day to day operations of the board; and

WHEREAS, in 2017 the Water Board removed from its Code of Conduct a provision that prohibited Board members from contacting employees; and

WHEREAS, in their zeal for promoting the proper operation of the Water Board, members of the Board of Directors who now speak with employees in order to obtain relevant information occasionally direct employees to pursue a particular course of action; and

WHEREAS, individual members of the Board of Directors are not authorized to direct the activities of staff unless otherwise authorized by Board resolution, as the day-to-day operations of the Water Board are to be conducted under the direction and supervision of the Executive Director; and

WHEREAS, to eliminate confusion over the chain of command for employees who have been directed by a Board Member to pursue a particular course of action the Code of Conduct may be amended to clarify that employees should receive authorization from the Executive Director prior to acting upon a Board Member’s directive;

* CONTINUED ON NEXT PAGE *

NOW THEREFORE BE IT

RESOLVED, that the following new section shall be added to the Water Board's Code of Conduct and appropriately numbered:

Water Board Members shall not direct employees to take actions except through duly-enacted Board motions or resolutions at properly noticed meetings, as individual Members are without authority unilaterally to direct employee activities. The day-to-day operations of the Water Board are to be conducted under the direction and supervision of the Executive Director, and employees under the Executive Director who are directed to take an action by an individual Board Member must receive the Executive Director's approval before carrying out the individual Member's directive.

Water Board Personnel Responsible for Implementation of this Resolution:

All persons governed by the Code of Conduct.

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

Not applicable

On January 27, 2020, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	Yes	No	Abstain	Absent
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

BY-LAWS
OF
NIAGARA FALLS WATER BOARD

Pursuant to the authority contained in section 1231-a of Title 10-C of Article 5 of the Public Authorities Law, as set out in chapter three hundred twenty five of the Laws of Two Thousand Two of the State of New York, and Sections 1230-a through 1230-aa of Title 10-B of Article 5 of the Public Authorities Law, as set out in chapter two hundred seventy-five of the Laws of Two Thousand Two of the State of New York, collectively referred to as the “Authority Act”, the Niagara Falls Water Board (the “Board”) hereby approves the following By-Laws for the regulation of its activities:

ARTICLE I
SEAL

The official seal of the Board shall be in the design circular in form bearing the words and dates as follows: Niagara Falls Water Board 2002.

ARTICLE II
OFFICE OF THE BOARD

The principal office of the Board shall be in the County of Niagara.

ARTICLE III
FISCAL YEAR

The fiscal year of the Board shall commence on January 1st of each calendar year and conclude at the close of business on December 31st of each calendar year. The fiscal year may be changed by resolution adopted at a regular or special meeting of the Board.

ARTICLE IV
MEMBERS OF THE BOARD

SECTION 1. *Number.* The number of Members constituting the Board shall be five (5).

SECTION 2. *Appointment.* One (1) Member shall serve by appointment of the Governor of the State of New York; one (1) Member shall serve by appointment of Mayor of the City of Niagara Falls; one (1) Member shall serve by appointment of the Temporary President of the Senate at the recommendation of the Senator(s) representing all or a portion of the City of Niagara Falls; one (1) Member shall serve by appointment of the Speaker of the Assembly at the recommendation of the Assembly member(s) representing all or a portion of the City of Niagara

Falls; and one (1) Member shall serve by appointment of the majority vote of the City Council of the City of Niagara Falls.

SECTION 3. *Term.* The Member who shall serve by appointment of the Governor shall be appointed for a term of office ending on December 31 of the first year following the year in which the Authority Act became law. The Member who shall serve by appointment of the Temporary President of the Senate, shall be appointed for a term ending on the thirty-first day of December of the second year following the year in which the Authority Act became law. The Member who shall serve by appointment of the Speaker of the Assembly, shall be appointed for a term ending on the thirty-first day of December of the third year following the year in which the Authority Act became law. The Member who shall serve by appointment of the Mayor of the City of Niagara Falls, shall be appointed for a term of office ending on December thirty-first of the fourth year following the year in which the Authority Act became law. The Member who shall serve by appointment of the City Council shall be appointed for a term ending on the thirty-first day of December of the fifth year following the year in which the Authority Act became law.

Subsequent appointments of Members shall be made for a term of three (3) years ending in each instance on December thirty-first of the last year of such term. Members shall continue to hold office until their successors are appointed and qualified. No Member of the Board shall be a member of the governing body of the Niagara Falls Public Water Authority.

SECTION 4. *Qualifications.* All Members shall hold at a minimum, a bachelor's degree from an accredited college or university with concentration or a degree in one of the following areas of study and at least five (5) years of professional experience therein, or without such degree, such Member shall have at least ten (10) years of professional experience in one of the following fields: legal, environmental, financial, management, engineering, human resources or science.

SECTION 5. *Residency.* At all times, at least three (3) Members of the Board shall be a resident of the City of Niagara Falls. Any Member fulfilling such requirement shall forfeit his/her membership upon termination of residency in the City of Niagara Falls, which forfeiture shall create a vacancy. When a vacancy occurs that reduces the number of Members who fulfill such requirement, to less than three (3), the appointment to fill that vacancy must be a City resident.

SECTION 6. *Vacancies.* Vacancies on the Board, created for any reason, shall be filled in the manner provided for original appointment of Members. Any vacancy occurring other than by expiration of the term of office shall be filled by appointment for the unexpired term. Successor Members appointed under this Section shall hold office until their successors have been duly appointed and qualified.

SECTION 7. *Removal.* Members may be removed from office by the public officer or public body which is empowered by the Authority Act to appoint such Member only for inefficiency, neglect of duty or misconduct in office, provided however, that such Member shall be given a copy of the charges against him/her and given an opportunity to be heard in person or by counsel, in his/her defense upon not less than ten (10) days notice.

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SECTION 8. *Compensation.* Members shall receive no compensation for their services, but shall be reimbursed for their actual and necessary expenses incurred in connection with the carrying out of their duties on behalf of the Board and the purposes of the Authority Act; provided however, that no Member shall be reimbursed for any expense of attending ordinary Board meetings or any other expense exceeding one thousand dollars (\$1,000) incurred with respect to any individual purpose, unless the Board at a meeting duly called and held when three (3) Members are present, shall have authorized such expenditure by such Member.

ARTICLE V **MEETINGS OF MEMBERS**

SECTION 1. *Annual Meeting.* The annual meeting of the Members shall be held on the first day of March of each fiscal year, or if a legal holiday, on the next secular day, or on such date and at such time as may be fixed by the Members for the transaction of business as may properly be brought before such meeting.

SECTION 2. *Regular Meetings.* Regular meetings of the Members shall be held at such times as the Members may from time to time determine. Each Member in each fiscal year shall attend at least seventy-five percent (75%) of all meetings of the Board.

SECTION 3. *Special Meetings.* Special meetings of the Members shall be held at any time, upon call by the Chair or of at least two-thirds (2/3rds) of the total number of Members.

SECTION 4. *Place of Meetings.* The annual, regularly scheduled and special meetings of the Members shall be held at the principal office of the Board or at such other place, within or without the State of New York, as the Members may from time to time determine.

SECTION 5. *Notice of Meeting.* Written or electronic notice of the place, day and hour of every regular and special meeting shall be given to each Member by delivering the same to such Member personally, or via facsimile, e-mail or other like transmission, at his/her residence or usual place of business, at least one (1) day before the meeting, or shall be sent regular or overnight to each Member, postage prepaid, and addressed to him/her at the last known Post Office address according to the records of the Board, at least three (3) days before the meeting. No notice of any adjourned meeting of the Board need be given other than by announcement at the meeting. All notices for special meetings shall state the purpose of the meeting and no business other than that stated in such notice shall be transacted at any special meeting, unless every qualified Member is present and it is unanimously agreed to consider matters other than those specifically provided for in notice of such special meeting.

SECTION 6. *Waiver of Notice.* Notice of a meeting need not be given to any Member who submits a signed written waiver thereof whether before, during or after the meeting nor to any Member who attends the meeting without protesting, prior thereto or at its commencement, the lack of notice to such Member.

SECTION 7. *Personal Attendance by Conference Communication Equipment.* Anyone or more Members or any committee thereof may participate in a meeting of such Members by means of a conference telephone or similar communications equipment allowing all persons participating in the meeting to hear, or see and hear each other at the same time. Participation by such means shall constitute presence in person at the meeting.

SECTION 8. *Conduct of Meetings.* Meetings of the Members shall be presided over by the Chair of the Board or in the absence of the Chair, by the Vice Chair and in the absence of both a chair to be chosen at the meeting. The Secretary of the Board shall act as Secretary of the meeting, if present.

SECTION 9. *Voting.* At all meetings of Members, each Member entitled to vote thereat shall have one (1) vote. The powers of the Board shall be exercised by a favorable vote of at least three (3) Members present at any meeting.

SECTION 10. *Proxies.* There shall be no voting by proxy.

SECTION 11. *Quorum.* A majority of the duly appointed Members shall be necessary to constitute a quorum for the transaction of business at each meeting of the Board; but if at any meeting there be less than a quorum present, a majority of those present may adjourn the meeting from time to time without notice other than by announcement at the meeting, until a quorum shall attend. At any adjournment, at which a quorum shall be present, any business may be transacted which might have been transacted at the meeting as originally called.

SECTION 12. *Committees.* The Board may, in its discretion, by an affirmative vote of a majority of all Members appoint a Member or Members to serve as a Special Purpose Committee for the purpose of exploring and reviewing any issue as prescribed by the Chair. Any such committee shall consist of as many Members as the Chair shall determine.

ARTICLE VI **OFFICERS OF THE BOARD**

SECTION 1. *Appointment of Officers.* The Officers of the Board shall consist of a chair, a vice-chair, and a treasurer, who shall be Members of the Board and a secretary, who need not be a Member of the Board. Such officers shall be appointed by the Members of the Board and shall serve in such capacities at the pleasure of the Board. In addition to the secretary, the Members may appoint and at their pleasure remove such additional officers and employees as it may deem necessary for the performance of the powers and duties of the Board and fix and determine their qualifications, duties and compensation, subject to the Civil Service Commission of the City of Niagara Falls and the laws of the State of New York.

SECTION 2. *Tenure of Office.* All officers of the Board shall hold office until their successors are chosen and qualify in their stead.

SECTION 3. *Removal.* Any Officer of the Board may be removed with or without cause by a vote of the majority of the Members of the Board at a meeting called for that purpose or whenever in the Member's judgment, the best interests of the Board may be served thereby.

ARTICLE VII **DUTIES OF OFFICERS**

SECTION 1. *Chair of the Board.* The Chair shall preside at all meetings of the Board. The Chair shall be responsible for the discharge of the executive functions and powers of the Board, but shall be empowered to delegate any one or more of such functions or powers, including, without limitation, that of appointment, discipline and removal of officers or employees, to one or more officers appointed by the Board and shall perform such other duties as the Board may direct. The Chair shall sign and execute, on behalf of the Board, all contracts, instruments or other required documentation when so authorized by resolution of the Board.

SECTION 2. *Vice Chair of the Board.* The Vice Chair shall perform the duties of the Chair in the event the office of Chair is vacant, or in the event the Chair is unable to perform such duties by reason of illness, disability or absence and shall perform such other duties as may be designated by the Board.

Section 3. *Secretary.* The Secretary shall attend and keep full minutes of all meetings of the Members in books provided for that purpose. He/she shall see that all notices are duly given in accordance with the provisions of these By-Laws or as required by law. He/she shall be the custodian of the records and of the Seal of the Board. He/she shall affix the Seal to all documents, the execution of which on behalf of the Board, under the Seal, is duly authorized by the Members and when so affixed may attest the same. He/she shall have such other powers and duties as may be properly designated by the Board. The absence of the Board seal on a document, however, shall not invalidate such document.

SECTION 4. *Treasurer.* The Treasurer shall keep correct and complete books and records of account for the Board. Subject to the control and supervision of the Board, the Treasurer shall maintain banking arrangements to receive, have custody of and disburse the Board's moneys and securities. He/she shall invest the Board's funds as required, establish and coordinate policies for investment in pension and other similar trusts, and provide insurance coverage as required. He/she shall direct the granting of credit and the collection of accounts due the Board. He/she shall have such other powers and duties as may be properly designated by the Board. The Treasurer shall execute a bond, conditioned upon the faithful performance of the duties of his/her office. The amount and sufficiency of such bond shall be approved by the Board and the premium therefor shall be paid for by the Board.

SECTION 5. *Insurance.* The Board may maintain insurance, at its expense, to protect itself, any officer, employee or agent of the Board against any expense, liability or loss, whether or not the Board would have the power to indemnify such person against such expense, liability or loss under this Article or applicable law.

ARTICLE VIII

DEFENSE AND INDEMNIFICATION OF OFFICERS AND MEMBERS

All of the Members and officers of the Board are entitled to defense and indemnification from the Board pursuant to and in accordance with section 18 of the New York Public Officers Law, and shall not have personal liability resulting from the ownership, construction, maintenance or operation of any of the projects or properties of either the Niagara Falls Public Water Authority or the Board, or the carrying out of any of the powers of the Authority Act.

ARTICLE IX **AMENDMENTS**

SECTION 1. *Power to Amend.* The Members shall have the power to adopt, amend or repeal the By-Laws of the Board by a majority vote of the total number of Members, notwithstanding any vacancies.

Adopted: April __, 2003

Name:

Title: Secretary

NIAGARA FALLS WATER BOARD'S
CODE OF ETHICS,
CODE OF CONDUCT
&
THE RULES AND REGULATIONS
REGARDING ALLEGED VIOLATIONS OF
THE CODE OF ETHICS
OR
CODE OF CONDUCT

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I.

NIAGARA FALLS WATER BOARD CODE OF ETHICS

The Niagara Falls Water Board's ("Board") Code of Ethics ("Code of Ethics") is codified in New York Public Authorities Law§ 1230-v and is set forth in full below:

1. As used in this section the term "employee" shall mean any member, officer, agent or employee of the authority or the water board.
2. No employee shall have any interest financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his or her duties in the public interest.
3. Standards for such code of ethics shall be as follows:
 - a. No employee shall accept other employment which will impair his or her independence of judgment in the exercise of his or her official duties.
 - b. No employee shall accept employment or engage in any business or professional activity which will require the employee to disclose confidential information which he or she has gained by reason of his or her official position or authority.
 - c. No employee shall disclose confidential information acquired by the employee in the course of his or her official duties nor use such information to further his or her personal interests.
 - d. No employee shall use or attempt to use his or her official position to secure unwarranted privileges or exemptions for himself or herself or others.
 - e. No employee shall engage in any transaction as representative or agent of the authority or water board with any person or business entity in which he or she has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his or her official duties.
 - f. An employee shall not by his or her conduct give reasonable basis for the impression that any person can improperly influence such employee or unduly enjoy his or her favor in the performance of his or her official duties, or that he or she is affected by the kinship, rank, position or influence of any party or person.
 - g. An employee shall abstain from making personal investments in enterprises which he or she has reason to believe may be directly involved in decisions to be made by the employee or which will otherwise create substantial conflict between his or her duty in the public interest and his or her private interest.

- h. An employee shall endeavor to pursue a course of conduct which will not raise suspicion among the public that he or she is likely to be engaged in acts that are in violation of his or her trust.
- i. No employee employed on a full-time basis nor any person, firm or association of which such an employee is a member, nor corporation a substantial portion of the stock of which is owned or controlled directly or indirectly by such employee, shall sell goods or services to any person, firm, corporation or association which is licensed or whose rates are fixed by the water board in which such employee serves or is employed.
- j. If any employee shall have a financial interest, direct or indirect, having a value often thousand dollars or more, in any activity which is subject to the jurisdiction of a regulatory agency, he or she shall file with the secretary of state and secretary of the water board a written statement that he or she has such a financial interest in such activity which statement shall be open to public inspection.
- k. In addition to any penalty contained in any other provision of law, any such employee who shall knowingly and intentionally violate any of the provisions of this section may be fined, suspended or removed from office or employment in accordance with the rules and regulations of the water board. It shall be misdemeanor for any such employee to be in any way or manner Interested, directly or indirectly, in the furnishing of work, materials, supplies or labor, in any contract therefore which the authority or the water board is empowered to make by this title.

II.

NIAGARA FALLS WATER BOARD CODE OF CONDUCT

In addition to the Code of Ethics codified in New York Public Authorities Law §1230-v, which the Board hereby adopts and reaffirms, the Board hereby adopts the following Code of Conduct ("Code of Conduct") pursuant to New York Public Authorities Law § 1230-f(28). The Code of Conduct shall apply to all Board Members ("Members"); Officers of the Board; and any and all employees of the Board who have exempt status under New York Civil Service Law (collectively "Covered Persons"). This Code of Conduct is intended to guide and enhance the ethical and professional performance of Covered Persons and to preserve public confidence in the Board's mission and activities.

Conduct of Covered Persons

- 1. Covered persons shall not interfere with, or otherwise act in a manner inconsistent with the implementation of any official policy, procedure, direction or strategy of the board.
- 2. In the event that a member has any complaints, questions or issues, concerning board operations, such complaints, questions or issues are to be directed to the executive director. If an employee of the board raises a complaint, question or issue regarding board operations to a covered person, the employee

should be instructed to first bring such complaint, question or issue to their immediate supervisor and ultimately to the executive director's office or his or her designee. Members shall not become involved in the day to day operations of the board.

3. Water Board Members shall not direct employees to take actions except through duly-enacted Board motions or resolutions at properly noticed meetings, as individual Members are without authority unilaterally to direct employee activities. The day-to-day operations of the Water Board are to be conducted under the direction and supervision of the Executive Director, and employees under the Executive Director who are directed to take an action by an individual Board Member must receive the Executive Director's approval before carrying out the individual Member's directive.
4. Members must acknowledge that they do not speak on behalf of the entire board. Precaution must be realized before an individual member makes public comments regarding board issues and operations. If at all possible, public statements should be issued through the executive director's office.
5. This code of conduct shall be provided to all covered persons upon commencement of appointment or employment.

Amended January 26, 2017

III.

NIAGARA FALLS WATER BOARD RULES AND REGULATIONS FOR THE BOARD'S CODE OF ETHICS AND CODE OF CONDUCT

A. Scope

The following Rules and Regulations shall apply where a violation of the Code of Ethics or Code of Conduct is alleged against a Covered Person and shall only apply to Covered Persons. These Rules and Regulations shall not apply to unionized employees of the Board.

B. Procedure Upon Allegation of Violation

1. Complaints and allegations of violations by a Covered Person of the Code of Ethics and/or Code of Conduct shall be directed to the Board.
2. All Upon receiving a complaint regarding a Covered Person's alleged violation of the Code of Ethics or Code of Conduct, the Board may designate a committee of three members to investigate the complaint or alternatively may appoint an Investigative Officer who shall not be a Member, Officer or other employee of the Board ("Investigative Officer"), to conduct an investigation.
3. The Board committee or Investigative Officer shall investigate the alleged violation in such manner as deemed appropriate.
4. A Covered Person who is alleged to have violated the Code of Ethics and/or the Code of Conduct shall receive a written notice of the complaint against him or her and shall be allowed twenty (20) days to provide a written response thereto. A Covered Person who is the subject of an

investigation and who is questioned during any such investigation shall be entitled to representation by private counsel, selected by such Covered Person and paid for at his or her sole expense.

5. Upon completion of the investigation, the Board Committee Investigative Officer shall prepare a report to the full Board containing the findings of the investigation.
6. The report shall contain findings of fact, a conclusion as to whether a violation occurred, and recommendations regarding further action and discipline.
7. If the report concludes that the Covered Person has not violated the Code of Ethics and/or Code of Conduct, then the Board shall dismiss the complaint and shall take no further action with regard to said complaint.
8. If, however, the Investigative Officer's report concludes that the Covered Person has violated the Code of Ethics and/or Code of Conduct, then the Board may upon a majority vote issue a Notice of Potential Board Action ("Notice") to such Covered Person along with a copy of the Investigative Officer's report. The Notice shall include the charges and inform the subject Covered Person that they may be subject to the penalties provided herein.
9. The Covered Person shall then have ten (10) days to respond to the Notice in writing and shall also have the right to appear before the Board to offer his or her verbal response to the Notice and submit such other evidence as desired. The Board may also conduct such further investigation and receive such other evidence as it deems relevant.
10. After concluding its investigation the Board may impose, by a two-thirds vote, a penalty or act as provided herein or otherwise provided by law.
11. In addition to any penalty contained in any other provision of law, such penalty may consist of a reprimand, a fine not to exceed \$1,000, which in the case of an Officer or employee, may be deducted from such Officer's or employee's wages, suspension without pay for no more than three months, or removal from employment with the Board. In the case of a Member who has violated the Code of Ethics, the Board may also, by a two-thirds vote, remove the Member from the Board as authorized therein.

Adopted October 18, 2007

Residency & Qualifications

Upon appointment to the Niagara Falls Water Board, the appointee will submit a resume detailing the appropriate education and professional experience to the Niagara Falls Public Water Authority, and proof of City residency where applicable within 15 days of such appointment. This will insure that all appointees meet the statutory minimum qualifications.

Adopted October 18, 2007

NIAGARA FALLS WATER BOARD RESOLUTION # 2020-01-014

**REQUESTING THE ISSUANCE BY THE NIAGARA FALLS PUBLIC WATER
AUTHORITY OF BONDS TO FINANCE CAPITAL IMPROVEMENTS AT
WASTEWATER TREATMENT PLANT**

WHEREAS, the Title 10-C of the Public Authorities Law of the State of New York, as amended (“the Act”) created the Niagara Falls Water Board (“Water Board”) with the authority and power to undertake the planning, developing, acquiring, and construction of any facility (as defined in the Act); and

WHEREAS, to fund improvements to the wastewater treatment plant, the Water Board previously requested, and the Niagara Falls Public Water Authority (the “Authority”) authorized, a bond issuance in the amount of \$13,500,000 for improvements to the wastewater treatment plant, which was intended to cover the Water Board’s share of \$27,000,000 of improvements, with the other \$13,500,000 to be funded with grant monies; and

WHEREAS, the \$13,500,000 portion of the wastewater treatment plant improvements cost that is to be funded with grant monies may not be payable to the Water Board until the projects are complete, which would mean the Water Board would have to cover the full \$27,000,000 in project costs for a period of time; and

WHEREAS, the Water Board has learned that the Environmental Facilities Corporation will provide a short term loan for the full \$27,000,000 which will prevent the Water Board from needing to carry the half of the project costs that will be funded by grant monies until the work is completed, and then will provide hardship financing for the Water Board’s \$13,500,000 share of the project costs; and

WHEREAS, in order to obtain the short-term loan of \$27,000,000 and hardship financing for the Water Board’s \$13,500,000 share of the project costs, the Authority will need to authorize the issuance of bonds totaling \$27,000,000; and

WHEREAS, this means the Authority’s authorization of an additional \$13,500,000 in bonds is needed;

* CONTINUED ON NEXT PAGE *

NOW THEREFORE BE IT

RESOLVED, that the Water Board hereby requests that the Authority authorize the issuance of bonds to finance an additional \$13,500,000 of improvements to the System to be performed at the wastewater treatment plant, bringing the total bonds authorized for this work to \$27,000,000, and also to finance any reserve required and costs of issuance associated therewith; and

IT IS FURTHER RESOLVED, that this resolution takes effect immediately and the Authority hereby is requested to take action upon this request within 30 days.

On January 27, 2020, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	Yes	No	Abstain	Absent
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

Sean Costello

From: Seth Krull <SKrull@CPLteam.com>
Sent: Wednesday, January 22, 2020 3:45 PM
To: Sean Costello
Cc: Pat Fama; Kendra Walker
Subject: Sewer and Water Bond Resolutions
Attachments: NFWB Resolution 2019-05-011 Requesting Authority Issue Bonds - 13.5 million.pdf; Signed NFPWA Bond Resolution - June 2019.pdf; CWSRF_2020_FINAL IUP_complete 61.pdf

Hi Sean,

As discussed, EFC will require bond resolutions for entire project amounts in order for them to issue short term loans at full amount. Resolutions are needed for the two below projects. EFC is willing to discuss on conference call if needed. Let me know if you can move forward on these items. Call with any questions.

CWSRF #C9-6603-12-00 sewer plant phase 1 improvements

Last year a bond resolution was processed for \$13.5 million half of sewer project (see attached items). Per EFC below, a bond resolution is needed to cover the remaining half. As EFC has noted that they are able to provide short term loan of \$27 million, additional bond resolution is needed to obtain this full amount. This project qualifies for hardship financing with EFC which means they would loan money at 0%. EFC informed me that a letter confirming this will be sent in near future, they could not give exact date. I've attached page from the State Intended Use Plan that shows this project on State award list. Under note column, an H is listed which means project is eligible for hardship financing.

- 1) For \$27 million project, \$13.5 million awarded in DASNY grant and \$13.5 to be in EFC long term loans.
- 2) Water board already passed bond resolution for long term amount of \$13.5 million.
- 3) Bond resolution needed for remaining \$13.5 million in order to get full short term loan amount of \$27 million.

DWSRF 18588 watermain project (awarded in fall 2018)

- 1) For \$5.495 million project, \$3 million awarded in grants and \$2.495 to be in EFC long term loans.
- 2) I initially thought NFWB would self-finance long term loan portion. Now that NFWB wants long term loan, we should also obtain full short term loan from EFC.
- 3) In order to receive short term loan for full project amount, bond resolution needed for full amount of project at \$5,495,000
- 4) Resolution needed by EFC for this project by end of April so they can process agreement.



Seth Krull, P.E.

Direct: 716.880.1256

ARCHITECTURE. ENGINEERING. PLANNING.

CPLteam.com

From: Sellman, Derek (EFC) <Derek.Sellman@efc.ny.gov>
Sent: Monday, January 13, 2020 3:02 PM
To: Adams, Nicholas (EFC) <Nichlaus.Adams@efc.ny.gov>
Cc: Seth Krull <SKrull@CPLteam.com>; Sean Costello <scostello@NFWB.org>
Subject: RE: Niagara Falls PWA C9-6603-12-00

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Hi Everyone,

For CWSRF #C9-6603-12-00 EFC will need a bond resolution for the full amount being borrowed (\$27MM). I have no opinion on the form this takes (that will be up to the authority's bond counsel). The Authority could amend the current resolution or adopt an additional resolution for the delta. Perhaps we could arrange a call with the authority's bond counsel to discuss what is needed. Moreover, there are additional items required that I will need to review prior to or contemporaneous with the closing. I believe EFC will need the below items:

1. Copy of OSC approval - per Section 5 of bond resolution (at closing).
2. Copy of Supplemental Resolution referenced in bond resolution (at closing).
3. Various General Resolution conditions precedent need to be met: see generally Section 3.2 of the General Revenue Bond Resolution dated May 1, 2003.

Please let me know if you would like to discuss.

Regards,

Derek D. Sellman

Deputy Counsel

NYS Environmental Facilities Corporation

625 Broadway, Albany, New York 12207-2997

518.402.6924 (p) | 518.402.6927 (f) | Derek.Sellman@efc.ny.gov

www.efc.ny.gov

From: Adams, Nichlaus (EFC) <Nichlaus.Adams@efc.ny.gov>
Sent: Monday, January 13, 2020 2:06 PM
To: Sellman, Derek (EFC) <Derek.Sellman@efc.ny.gov>
Cc: Seth Krull <SKrull@CPLteam.com>; Sean Costello <scostello@NFWB.org>
Subject: FW: Niagara Falls PWA C9-6603-12-00

Derek – can you please answer the Authority's questions below regarding resolutions for their C9-6603-12-00 financing?

Thank you.

Nick

From: Seth Krull <SKrull@CPLteam.com>
Sent: Thursday, January 9, 2020 12:13 PM
To: Adams, Nichlaus (EFC) <Nichlaus.Adams@efc.ny.gov>; Hale, Michael (EFC) <Michael.Hale@efc.ny.gov>
Cc: Sean Costello <scostello@NFWB.org>
Subject: RE: Niagara Falls PWA 18588

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Mike, Nick,

My prior email may have been a bit confusing as I was discussing two projects. Although my question was mainly for the CWSRF project, it applies to the DRSWF project. For bond resolutions that are to be prepared by applicant, does bonding

amount only need to be for the long term value or also include short term amount? I think it only would be for long term amount. The Water Board will soon be getting bond resolution for the DWSRF project. Would like to do this once for whatever is needed and not keep going back to bond counsel.

Also, what is needed for water board to access the CWSRF short term loan? Design work is underway and reimbursement of these costs in near future would be helpful.

DWSRF 18588 watermain project

- 1) For \$5.495 million project, \$3 million awarded in grants and \$2.495 to be in EFC long term loans.
- 2) Water Board seeking short term loan to cover entire project and also long term loan to cover costs beyond grant.
- 3) Water Board needs to pass bond resolution for loan amount. Just for long term amount or also short term amount?

CWSRF #C9-6603-12-00 sewer plant phase 1 improvements

- 1) For \$27 million project, \$13.5 million awarded in DASNY grant and \$13.5 to be in EFC long term loans.
- 2) Water board already passed bond resolution for long term amount of \$13.5 million.
- 3) Water board seeking short term loan for \$27 million to cover entire project. Is bond resolution needed for short term amount?



Seth Krull, P.E.

Direct: 716.880.1256

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From: Adams, Nichlaus (EFC) <Nichlaus.Adams@efc.ny.gov>
Sent: Tuesday, December 24, 2019 1:59 PM
To: Hale, Michael (EFC) <Michael.Hale@efc.ny.gov>
Cc: Seth Krull <SKrull@CPLteam.com>; Sean Costello <scostello@NFWB.org>
Subject: Niagara Falls PWA 18588

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Mike – can you please let the Authority know what is needed in order to proceed to our loan committee regarding a plan of finance / bond resolution for the 18588?

Thank you

Nick

From: Seth Krull <SKrull@CPLteam.com>
Sent: Friday, December 20, 2019 3:55 PM
To: Adams, Nichlaus (EFC) <Nichlaus.Adams@efc.ny.gov>
Cc: Sean Costello <scostello@NFWB.org>
Subject: RE: EFC's Missing Items Letter - CWSRF #C9-6603-12-00

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Nick, I was speaking with Sean Costello today about the water board getting bond resolution for water project DWSRF #18588. The Board will get a bond resolution for water project. However, we were curious if we also need an additional bond resolution for this CWSRF project. Water Board previously submitted the attached bond resolution for \$13.5 million long term financing. Would another bond resolution be needed for \$27 million short term financing?

Thank you,



Seth Krull, P.E.

Direct: 716.880.1256

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From: Seth Krull

Sent: Thursday, December 19, 2019 3:44 PM

To: Adams, Nicholas (EFC) <Nichlaus.Adams@efc.ny.gov>

Cc: LaPan, Kristopher (EFC) <Kristopher.LaPan@efc.ny.gov>; Lisa.McCullough@efc.ny.gov; Pat Fama <Pfama@NFWB.org>; Kendra Walker <kwalker@NFWB.org>; Sean Costello <scostello@NFWB.org>; Theodore Donner <TDonner@CPLteam.com>

Subject: RE: EFC's Missing Items Letter - CWSRF #C9-6603-12-00

Hi Nick,

Per your request, below is download link to a zip file that contains pdf's of executed agreements and fee proposals for the 10 contracts that are part of the Phase 1 Sewer Plant Improvements. Nothing is included for Contract 8 (blower repairs) as it was done in house by maintenance crews. Financing is being sought for these contracts. The agreements reference fee schedules that were submitted by each consultant prior to preparation of agreements. That is why you will see separate documents in zip file. Proposals were received first, then awarded by Water Board with executed agreements following later.

Please let us know if you need anything else to process the \$27 million short term and \$13.5 million long term loan.
Thank you,

<https://drive.google.com/open?id=1YozRrbMEPVuk5OgFUvkl5-2OPZDkHKVS>



Seth Krull, P.E.

Direct: 716.880.1256

ARCHITECTURE. ENGINEERING. PLANNING.

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From: Adams, Nicholas (EFC) <Nichlaus.Adams@efc.ny.gov>

Sent: Wednesday, December 18, 2019 1:42 PM

To: Seth Krull <SKrull@CPLteam.com>

Subject: RE: EFC's Missing Items Letter - CWSRF #C9-6603-12-00

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Afternoon Seth,

Have you been able to get a fee per sub-task breakdown for all the engineering agreements on the Authority's C9-6603-12-00 financing?

I don't need it for AECOM's project #6 – they provided that in their agreement.

Also, I don't have an engineering agreement for project #8 – wasn't sure if there is one or not. If there is, please send me the executed agreement.

Thanks

Nick

NIAGARA FALLS WATER BOARD RESOLUTION # 2020-01-015

**REQUESTING THE ISSUANCE BY THE NIAGARA FALLS PUBLIC WATER
AUTHORITY OF BONDS TO FINANCE WATERMAIN PROJECT**

WHEREAS, the Title 10-C of the Public Authorities Law of the State of New York, as amended (“the Act”) created the Niagara Falls Water Board (“Water Board”) with the authority and power to undertake the planning, developing, acquiring, and construction of any facility (as defined in the Act), with the Niagara Falls Public Water Authority (the “Authority”) empowered to issue debt in order to fund improvements to the System; and

WHEREAS, to fund improvements to watermain located in the System, the Water Board has secured a grant through the Drinking Water State Revolving Fund in the amount of \$3,000,000, with the Water Board to pay the balance of the \$5,495,000 project’s costs; and

WHEREAS, the grant-funded share of the project may not be payable to the Water Board until the project is complete, which would mean the Water Board would have to cover the full \$5,495,000 in project costs for a period of time; and

WHEREAS, the Water Board has learned that the Environmental Facilities Corporation will provide a short term loan for the full \$5,495,000 which will prevent the Water Board from needing to carry the project costs that will be funded by grant monies until the work is completed, and then will provide a long-term loan for the Water Board’s \$2,495,000 share of the project costs; and

WHEREAS, in order to obtain the short-term loan of \$5,495,000 and a long-term loan through EFC of the Water Board’s \$2,495,000 share of the project costs, the Authority will need to authorize the issuance of bonds totaling that amount;

* CONTINUED ON NEXT PAGE *

NOW THEREFORE BE IT

RESOLVED, that the Water Board hereby requests that the Authority authorize the issuance of bonds to finance \$5,495,000 of improvements to watermain that are part the System, and also to finance any reserve required and costs of issuance associated therewith; and

IT IS FURTHER RESOLVED, that this resolution takes effect immediately and the Authority hereby is requested to take action upon this request within 30 days.

On January 27, 2020, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	Yes	No	Abstain	Absent
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 # 2020-01-016

**AUTHORIZING THIRD PARTY LABORATORY ANALYSIS SERVICES FOR
WASTEWATER TREATMENT PLANT LABORATORY**

WHEREAS, the Niagara Falls Water Board (“Water Board”) maintains a laboratory at its wastewater treatment plant which tests samples from the wastewater treatment plant and significant industrial users for compliance with SPEDES permit requirements; and

WHEREAS, the in-house analysis of certain parameters is not economically feasible;
and

WHEREAS, the wastewater treatment plant laboratory has secured a quote in the amount of \$29,665.50 from Test America that includes all samples that the laboratory currently knows will need third-party analysis in 2020; and

WHEREAS, the wastewater treatment plant laboratory occasionally must send additional samples for testing based on unforeseen events, and therefore requests authorization to spend up to \$35,000 on third-party sampling with Test America during 2020; and

WHEREAS, funds are budgeted for this sampling in the 2020 Operations and Maintenance Budget;

* CONTINUED ON NEXT PAGE *

NOW THEREFORE BE IT

RESOLVED, that the Water Board hereby authorizes the wastewater treatment plant laboratory to procure third-party laboratory testing of samples through Test America, for a total 2020 cost not to exceed \$35,000.

Water Board Personnel Responsible for Implementation of this Resolution:
Laboratory Director, Wastewater Treatment Plant Laboratory

Water Board Budget Line with Funds for this Resolution:
GA 8145.5220.0449.599

On January 27, 2020, the question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	Yes	No	Abstain	Absent
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

Tel: (716) 691-2600
Fax: (716) 691-7991
www.testamericainc.com

January 22, 2020

Brian Eldridge
Niagara Falls Water Board
5815 Buffalo Avenue
Niagara Falls, NY 14304-3832
beldridge@NFWB.org
Tel: (716) 283-9770 ext 105Subject: Analytical Services Proposal - NFWB Analytical Pricing - 2020
Eurofins TestAmerica Quotation Number 48021582

Dear Mr. Eldridge:

We appreciate the opportunity to provide your company with a quotation for your NFWB Analytical Pricing - 2020 project. Eurofins TestAmerica has a unique combination of full service capabilities, technical expertise, local service options, and online resources necessary to ensure successful project outcomes.

At Eurofins TestAmerica, quality is the hallmark of our business. To ensure your project's data quality objectives are met, we offer experienced personnel who are trained and committed to completing your analytical project on time, a fully documented QA/QC program, and state-of-the-art laboratory equipment and facilities. In addition to being a full service laboratory, we are part of the nation's largest environmental laboratory network. This provides access to an unparalleled spectrum of capabilities and turnaround time options, all through a single point of contact. Judy Stone has been assigned as your Project Manager for this work and can be reached by phone at 484 685-0868 or via email at judy.stone@testamericainc.com.

- **Total Access:** a web portal offering you customizable, real time access to data. With 24 hour access you can perform data trending, compare data to industry or project limits, track CoCs, invoices, reports and much more.
- **Level IV Deliverables/Customizable EDDs:** high resolution, text searchable reports, available in virtually any format.
- **Extensive Experience:** Project Managers with in-depth knowledge of regulatory protocols and procedures.
- **Nationwide Logistical Support:** bringing you an extensive courier network, service centers and shipping options throughout the U.S. and abroad.
- **PFAS, Dioxins/Furans, Air, Radiochemistry, IH** and other specialty analyses are offered alongside routine soil and water methods with seamless reports and consolidated EDDs.

The following quotation includes a detailed price breakdown, as well as any notes and clarifications pertaining to your project, and is subject to Eurofins TestAmerica's Standard Terms and Conditions, unless otherwise agreed upon in writing.

We thank you for choosing Eurofins TestAmerica, and we look forward to working with you on this project.

Sincerely,

Anthony Massa
(315) 431-0171
Client Relations Manager
anthony.massa@testamericainc.com

cc: Judy Stone

Eurofins TestAmerica, Buffalo
10 Hazelwood Drive
Amherst, NY 14228-2298

Prepared for:

Brian Eldridge
Niagara Falls Water Board
5815 Buffalo Avenue
Niagara Falls, NY 14304-3832
beldridge@NFWB.org
Tel: (716) 283-9770 ext 105

Prepared by Massa, Anthony J
Date 1/22/2020
Expiration Date 4/20/2020
Est. Start Date

Project: NFWB Analytical Pricing - 2020

Quote Number: 48021582 - 0

Industrial Verification Samples

TAT: 10_Days (Business Days)

Matrix	Method	Test Description	Quantity	Unit Price	Extended Price
Water	624	Priority Pollutant VOCs	40	\$ 100.00	\$ 4,000.00
Water	625	Priority Pollutant SVOCs	40	\$ 225.00	\$ 9,000.00
Water	608	Priority Pollutant PCBs	40	\$ 65.00	\$ 2,600.00
Water	200.7 Rev 4.4	Priority Pollutant Metals ICP	40	\$ 90.00	\$ 3,600.00
Water	245.1	Mercury (CVAA)	40	\$ 30.00	\$ 1,200.00
Water	335.4	Cyanide, Total	40	\$ 30.00	\$ 1,200.00
Water	1664A	Oil & Grease	5	\$ 30.00	\$ 150.00
Total Industrial Verification Samples					\$ 21,750.00

LL Hg 1631 Plant & Outside Sewer Samples TAT: 10_Days (Business Days)

(to be analyzed by Eurofins TestAmerica, Canton)

Matrix	Method	Test Description	Quantity	Unit Price	Extended Price
Water	1631E	Mercury, Low Level	85	\$ 75.00	\$ 6,375.00
Total LL Hg 1631 Plant & Outside Sewer Samples					\$ 6,375.00

Influent & Effluent Plant Samples

TAT: 10_Days (Business Days)

Matrix	Method	Test Description	Quantity	Unit Price	Extended Price
Water	624	Priority Pollutant VOCs	2	\$ 100.00	\$ 200.00
Water	625	Priority Pollutant SVOCs	2	\$ 225.00	\$ 450.00
Water	608	Priority Pollutant PCBs	2	\$ 65.00	\$ 130.00
Water	608	Priority Pollutant Pesticide	2	\$ 71.50	\$ 143.00
Water	200.7 Rev 4.4	Priority Pollutant Metals ICP	2	\$ 90.00	\$ 180.00
Water	245.1	Mercury (CVAA)	2	\$ 30.00	\$ 60.00
Water	335.4	Cyanide, Total	2	\$ 30.00	\$ 60.00
Total Influent & Effluent Plant Samples					\$ 1,223.00

Quote Other Charges

Description	Quantity	Unit Price	Extended Price
Safe and Environmentally Responsible Waste Management (per sample)	127	\$ 2.50	\$ 317.50
Minimum Total Invoice per analytical receipt (for details see T&Cs)	0	\$ 150.00	\$ 0.00
Total Other Charge			\$317.50

Eurofins TestAmerica, Buffalo
10 Hazelwood Drive
Amherst, NY 14228-2298

Prepared for:

Brian Eldridge
Niagara Falls Water Board
5815 Buffalo Avenue
Niagara Falls, NY 14304-3832
beldridge@NFWB.org
Tel: (716) 283-9770 ext 105

Prepared by Massa, Anthony J
Date 1/22/2020
Expiration Date 4/20/2020
Est. Start Date

Project: NFWB Analytical Pricing - 2020

Quote Number: 48021582 - 0

Total Other Charges	\$ 317.50
Total Analysis Charges	\$ 29,348.00
Grand Total for Quote 48021582	\$ 29,665.50

***Quoted charges do not include sales tax. Applicable sales tax will be added to invoices where required by law.*

Eurofins TestAmerica, Buffalo
10 Hazelwood Drive
Amherst, NY 14228-2298

Prepared for:

Brian Eldridge
Niagara Falls Water Board
5815 Buffalo Avenue
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Prepared by Massa, Anthony J
Date 1/22/2020
Expiration Date 4/20/2020
Est. Start Date

Project: NFWB Analytical Pricing - 2020

Quote Number: 48021582 - 0

PROJECT DETAILS

Quote Comments

Protocol: SW846, 4th Edition

Turnaround Time: 10 Business Days

Certification: NYSDOH

Unit rates include a digital copy (.pdf) of a Level II report with batch QA/QC.

Project specific QA/QC (MS, MSD, Trip Blanks, etc) are charged at unit rates.

This quotation is based on Eurofins TestAmerica's standard detection and reporting limits. If project specific limits are required, please contact your Project Manager.

Expedited Turnaround Time: Expedited turnaround times may be available and must be pre-approved by the laboratory. Expedited turnaround delivery is contingent upon meeting the agreed upon delivery date/time and number of samples. Samples received after 11 AM will be considered received the next business day. Results will be provided via e-mail or TotalAccess by close of business in the lab's time zone unless another time has been agreed to in advance.

Expedited turnaround time surcharges for standard analyses are:

- 5 Business Days TAT = 25%
- 4 Business Days TAT = 35%
- 3 Business Days TAT = 50%
- 2 Business Days TAT = 75%
- 1 Business Day TAT = 100%

Different surcharges may apply for specialty analyses. These will be provided in your quotation. Weekend TAT can be arranged on a project-specific basis at an additional cost. Please contact your PM to inquire about availability and cost.

**Eurofins TestAmerica Business
T&Cs**

Confidentiality -

This quote has been prepared by TestAmerica Laboratories, Inc. dba Eurofins TestAmerica (Eurofins TestAmerica), solely for the use of the customer to whom it is addressed in evaluating Eurofins TestAmerica's qualifications and capabilities in connection with a particular project. The user of this document agrees by its acceptance to return it to Eurofins TestAmerica upon request and not to reproduce, copy, lend, or otherwise disclose its contents, directly or indirectly, and not to use it for any purpose other than that for which it was specifically provided. The user also agrees that where consultants or other outside parties are involved in the evaluation process, access to this document shall not be given to said parties unless those parties also specifically agree to these conditions. In the absence of signed acceptance, submittal of samples will indicate acceptance of this quotation.

Terms and Conditions -

This quotation is based solely upon Eurofins TestAmerica's standard product (routine QA/QC, detection limits, deliverables and standard turnaround times) and noted exceptions herein. The discounts incorporated into the pricing are based upon the sample quantity, test method, and

Eurofins TestAmerica, Buffalo
10 Hazelwood Drive
Amherst, NY 14228-2298

Prepared for:

Brian Eldridge
Niagara Falls Water Board
5815 Buffalo Avenue
Niagara Falls, NY 14304-3832
beldridge@NFWB.org
Tel: (716) 283-9770 ext 105

Prepared by Massa, Anthony J
Date 1/22/2020
Expiration Date 4/20/2020
Est. Start Date

Project: NFWB Analytical Pricing - 2020

Quote Number: 48021582 - 0

schedule quoted. Any deviations may impact pricing and/or the acceptance of work. Final acceptance of this work is contingent upon a mutually agreed Sample Delivery Schedule. All sales are subject to Eurofins TestAmerica's Terms and Conditions **unless alternative terms have been agreed to in writing**. Submittal of samples will indicate acceptance of this quotation.

Quote Expiration -

Pricing listed in the proposal will expire **90 days** from the quote date unless the project is awarded/confirmed within that time period. Unless otherwise set forth in this quotation, Eurofins TestAmerica reserves the right to re-evaluate pricing for extended length projects on an annual basis.

SERWM -

A fee, notated as Safe and Environmentally Responsible Waste Management (SERWM), will be applied to all invoices for each sample processed by the laboratory.

PROJECT SETUP

Field Sampling Products -

Eurofins TestAmerica can provide field sampling products upon request and these products are billable to the client at the time of shipment.

Field sampling products may include, but are not limited to:

- VOA sampling devices, preservation kits, ISM supplies, tubing and filters
- Industrial Hygiene media, surface sampling wipes, source sampling traps

The cost of the soil sampling devices is not included in the quoted rates for volatile analysis.

Core Samplers

- 5 gram Core N' One and EnCore samplers are available at \$10 each (three required per sample).
- Disposable Core N' One T-Handles are available at \$15 each.
- Eurofins TestAmerica does not supply EnCore T-Handles.

Field Preservation

- TerraCore Kits (varied) - quoted based on client required configurations
- Disposable Lock N' Load Handles are available at \$12 each.

If any sampling supplies for soil VOCs are requested, they will be included in the quote under Other Charges.

Coolers and Sampling Supplies -

- Sampling Supplies: Eurofins TestAmerica will provide sample containers and coolers to support the sampling of water and soil samples. Extra bottles may be provided (up to 10%) in case of breakage. Eurofins TestAmerica expects that samples and supplies will be returned to the lab, including empty coolers and a reasonable percentage of the projected sample load - 70% or higher of the expected/quoted sample number. Coolers not received back by the projected deadline or as agreed with the PM may be charged at \$30 per cooler. Similarly, if the sample containers received as samples are less than 90% of the containers provided, the sample containers not received as samples will be charged at a flat rate of \$1 per container.
- Sample Container Shipping: The containers and preservatives required by the project shall be delivered via ground transportation. A minimum of **5 business days** advance notice is required in order to achieve shipment by ground transportation. Supply shipments requiring priority delivery due to insufficient lead time for ground transportation shall be

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charged to the client at Eurofins TestAmerica's cost. Alternatively, Eurofins TestAmerica can ship the supplies via carrier of choice by the client using the client's shipping account.

Eurofins TestAmerica does not supply wet ice or blue ice for shipments. If shipping containers are not returned within 60 days, a charge for the containers will be billed at the current market rate. Please contact your PM for the current charges.

Courier Services and Sample Pick-Up -

Courier Services are offered by some Eurofins TestAmerica facilities. Where offered, the cost of the services will vary based on the distance traveled, the scope of the project being supported, and whether sufficient notice (typically 48 hours) is provided to facilitate efficient scheduling. If no details are described in this quotation and you are interested in learning more about courier options, please contact your Client Relations Manager or Project Manager to inquire about availability and cost.

Minimum Log-In Charges -

Eurofins TestAmerica's minimum charge is **\$150** for a group of samples received together for analysis. Our minimum invoice value is \$150.

QC Limit Disclaimer -

The laboratory's reporting limits, detection limits, and control limits are subject to change as these values are updated periodically to reflect analytical sensitivity and capability.

Turnaround Time -

- Quoted Turnaround Time - Data will be delivered at the proposed turnaround time in Business Days from Sample Receipt unless otherwise agreed upon. TAT begins the day the laboratory performing analyses receives the samples (day of lab receipt = day zero).

Samples received after 11 AM will be considered received the next business day.

- Expedited Turnaround Time: Expedited turnaround times may be available and must be pre-approved by the laboratory. Expedited turnaround delivery is contingent upon meeting the agreed upon delivery date/time and number of samples. Samples received after 11 AM will be considered received the next business day. Results will be provided via e-mail or TotalAccess by close of business in the lab's time zone unless another time has been agreed to in advance.

Expedited turnaround time surcharges for standard analyses are:

- 5 Business Days TAT = 25%
- 4 Business Days TAT = 35%
- 3 Business Days TAT = 50%
- 2 Business Days TAT = 75%
- 1 Business Day TAT = 100%

Different surcharges may apply for specialty analyses. These will be provided in your quotation. Weekend TAT can be arranged on a project-specific basis at an additional cost. Please contact your PM to inquire about availability and cost.

PROJECT DELIVERABLES

Eurofins TestAmerica will provide two analytical report formats, a final report in PDF format and a standard Eurofins TestAmerica EDD. Both electronic report formats will be delivered via email or web portal. If additional formats or retroactive deliverables are requested, costs of report generation will be billable. Charges will be based on labor and materials cost of report generation and data retrieval. Please contact your PM to inquire about availability and the price

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of additional deliverables.

- Report Format: Unless a level III or IV deliverable is specifically listed on the pricing page, this quotation includes delivery of a Level I or II report. Level III or IV reports are available at an additional charge.
- Electronic Data Deliverable Format: Eurofins TestAmerica has many EDD formats available to our clients including the most widely used commercial formats. Eurofins TestAmerica offers data using a standard EDD. Other EDD formats are available for a minimal cost of \$25 per format (if not included as part of the report options listed in the quotation). The development of EDD formats that are not already available, including modification to existing formats to fit client specific needs, can be provided for a fee starting at \$100. Additional fees will be estimated by the lab and approved by the client. Additional programming fees are billed at \$50/hour.

PROJECT SPECIFICATIONS

Cancellation Fee -

A fee will be charged for cancellation of samples/analyses after a project is received in the laboratory. The fee will be based on the status of analysis at the time of cancellation in accordance with the following categories:

- Received - 35%
- Prepped - 50%
- Analyzed - 95%

Changes in Scope and Work Revisions -

Project requirements must be agreed upon prior to sample receipt. Samples will be logged according to the chain of custody received with the samples. Changes after initiation of the project will be subject to additional charges, including labor time required to reset project, communicate changes to laboratory staff, and rework data. Turnaround time will be reset or rush surcharges will be assessed where applicable. Analyses added with less than 1/2 of the analytical hold time remaining will incur rush turnaround charges. Your project manager will evaluate project specific charges at the time a change order is received.

Held Samples -

- Held samples not analyzed: Samples submitted on hold will be billed at 35% of the analysis fee (minimum \$10/sample). If samples are later analyzed, the handling fee will be waived and only the analysis price will be charged. Samples taken off hold with less than 1/2 of the analytical hold time remaining may incur rush turnaround charges. Samples will be disposed of 30 days after the report for analyzed samples in the same job is issued, unless alternate archival arrangements are made in advance.
- Extracted/Prepped and Held samples: Samples submitted for prep and hold will be billed at 60% of the analysis fee for each prepped sample (minimum \$30/sample). Samples taken off hold with less than 1/2 of the analytical hold time remaining may incur rush turnaround charges. Samples will be disposed of 30 days after the report for analyzed samples in the same job is issued, unless alternate archival arrangements are made in advance.
- Extended archival of samples: Extended archival of samples (including held samples) may be available for a fee starting at \$2 per container per month (minimum \$10/sample). This fee will be billed in advance on a quarterly basis for every quarter after the standard sample retention time of 30 days after the report is issued. Fees for larger volumes, non-standard matrices or cold storage will be negotiated on a case-by-case basis. Please contact your

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PM to inquire about availability and pricing for samples that are sent to the lab and archived.

Matrix Spike/Spike Duplication (MS/MSD) Samples -

When MS/MSDs are not specifically requested, Eurofins TestAmerica will strive to perform the required QC using whatever sample is available but will not report the QC results unless the client requests it. The reporting of client requested MS/MSD results will be charged at applicable unit rates. If MS/MSDs are specifically required or requested, the client must provide additional sample volume.

Multiple Dilutions Analyzed -

Eurofins TestAmerica strives to analyze samples without dilution or with the minimum dilution required. Samples are diluted to bring the primary analyte within the calibration range of the instrument, to compensate for matrix co-extractives, or to prevent instrument contamination. Eurofins TestAmerica will report the analytical run containing the highest concentration component/analyte in the sample within the calibrated (quantifiable) range of the method. Analytical screening runs are not reported. If project specific data quality objectives require additional runs, analyses will be billable unless otherwise noted in this quote. Please contact your PM to inquire about the availability of this service for your project.

Sample Disposal -

Eurofins TestAmerica will dispose of non-hazardous samples, sample extracts and digestates 30 days after the final report is issued. Charges for disposal of non-routine or uniquely hazardous samples will be billed to the client. Alternatively, samples can be returned to the client for disposal. Cost of return shipping will be billable to the client.

Special Sample Handling Fees -

Unit prices assume that samples are a single-phase matrix and that analyses can be performed in accordance with the laboratory's standard analytical procedures. If additional handling is required, additional fees may apply. Examples of special handling include (but are not limited to):

- Matrices requiring additional dilutions or special clean up steps
- Multiphasic samples requiring separate preparations and/or analyses
- Particle size reduction or special sub-sampling procedures
- Extra disposal costs for unique waste streams

Trip Blanks -

Eurofins TestAmerica typically provides trip blanks with our sample kits containing volatile analysis. When samples are received at the laboratory with trip blanks, the lab will analyze, report and charge the unit rate for the analysis. Please add this sample to your chain of custody. If you do not want the trip blank analyzed, please note this on the COC.

ADDITIONAL BUSINESS TERMS AND CONDITIONS

Environmental Management Fee

If this fee is included in the Other Charges section of the pricing page, a fee equal to the listed percentage of the total invoice amount will be applied to all work done under this quotation. The Fee will appear as a separate line item on each invoice. In the absence of any other firm pricing agreements, your sending work to us under this quotation will signify your acceptance of responsibility for payment of the Fee.

Field Parameters -

pH, Temperature, and Dissolved Oxygen analyses, along with Residual Chlorine screening, are properly performed and treated in the field at the time of sample collection. Laboratory

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analysis may result in a holding time exceedance qualifier.

Network or Subcontract Labs -

- Networking: Eurofins TestAmerica reserves the right to perform the services at any laboratory in the Eurofins TestAmerica network, unless the Client has required a particular location for the work.
- Subcontracting: Eurofins TestAmerica reserves the right to subcontract services ordered by the Client to another laboratory or laboratories, if, in Eurofins TestAmerica's sole judgment, it is reasonably necessary, appropriate or advisable to do so. Eurofins TestAmerica will make every effort to notify the client prior to delivering samples to an out-of-network laboratory. Eurofins TestAmerica will in no way be liable for any subcontracted services (outside the Eurofins TestAmerica network) except for work performed at laboratories which have been audited and approved by Eurofins TestAmerica.

Price Surcharge Due To Sample Volume -

Unless dictated by contract, this quotation is based on the scope of work defined in the quote request. If the volume of samples submitted is less than 70% of the projected volume, a surcharge of 10% of the total project cost may be assessed.

Professional and Administrative Services -

A variety of professional and administrative services are available. Prices for services not specifically detailed in this quotation will be billed in accordance with Eurofins TestAmerica's Professional Rate Schedule.

Taxes -

Where reports are issued in or delivered to a state which assesses sales tax on Eurofins TestAmerica's services, applicable sales taxes will be added to the invoice as required by law, unless an appropriate sales tax exemption form is on file with Eurofins TestAmerica.

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Industrial Verification Samples

Matrix	Method	Test Description	Analyte	RL	MDL	Units
Water	624	Priority Pollutant VOCs	1,1,1-Trichloroethane CAS#: 71-55-6	5.00	0.385	ug/L
			1,1,2,2-Tetrachloroethane CAS#: 79-34-5	5.00	0.259	ug/L
			1,1,2-Trichloroethane CAS#: 79-00-5	5.00	0.482	ug/L
			1,1-Dichloroethane CAS#: 75-34-3	5.00	0.589	ug/L
			1,1-Dichloroethene CAS#: 75-35-4	5.00	0.855	ug/L
			1,2,3-Trichlorobenzene CAS#: 87-61-6	5.00	0.414	ug/L
			1,2-Dichlorobenzene CAS#: 95-50-1	5.00	0.445	ug/L
			1,2-Dichloroethane CAS#: 107-06-2	5.00	0.603	ug/L
			1,2-Dichloropropane CAS#: 78-87-5	5.00	0.612	ug/L
			1,3-Dichlorobenzene CAS#: 541-73-1	5.00	0.543	ug/L
			1,4-Dichlorobenzene CAS#: 106-46-7	5.00	0.508	ug/L
			2-Chloroethyl vinyl ether CAS#: 110-75-8	25.0	1.85	ug/L
			2-Chlorotoluene CAS#: 95-49-8	5.00	0.328	ug/L
			4-Chlorotoluene CAS#: 106-43-4	5.00	0.273	ug/L
			Acrolein CAS#: 107-02-8	100	17.4	ug/L
			Acrylonitrile CAS#: 107-13-1	50.0	1.90	ug/L
			Benzene CAS#: 71-43-2	5.00	0.597	ug/L
			Bromodichloromethane CAS#: 75-27-4	5.00	0.537	ug/L
			Bromoform CAS#: 75-25-2	5.00	0.469	ug/L
			Bromomethane CAS#: 74-83-9	5.00	1.19	ug/L
			Carbon tetrachloride CAS#: 56-23-5	5.00	0.511	ug/L
			Chlorobenzene CAS#: 108-90-7	5.00	0.476	ug/L

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Matrix	Method	Test Description	Analyte			
Continued				RL	MDL	Units
			Chlorodibromomethane	5.00	0.414	ug/L
			CAS#: 124-48-1			
			Chloroethane	5.00	0.873	ug/L
			CAS#: 75-00-3			
			Chloroform	5.00	0.542	ug/L
			CAS#: 67-66-3			
			Chloromethane	5.00	0.636	ug/L
			CAS#: 74-87-3			
			cis-1,2-Dichloroethene	5.00	0.573	ug/L
			CAS#: 156-59-2			
			cis-1,3-Dichloropropene	5.00	0.331	ug/L
			CAS#: 10061-01-5			
			Dibromomethane	5.00	0.534	ug/L
			CAS#: 74-95-3			
			Ethylbenzene	5.00	0.465	ug/L
			CAS#: 100-41-4			
			Methylene Chloride	5.00	0.815	ug/L
			CAS#: 75-09-2			
			p-Monochlorobenzotrifluoride	5.00	0.482	ug/L
			CAS#: 98-56-6			
			Tetrachloroethene	5.00	0.339	ug/L
			CAS#: 127-18-4			
			Toluene	5.00	0.454	ug/L
			CAS#: 108-88-3			
			trans-1,2-Dichloroethene	5.00	0.589	ug/L
			CAS#: 156-60-5			
			trans-1,3-Dichloropropene	5.00	0.442	ug/L
			CAS#: 10061-02-6			
			Trichloroethene	5.00	0.597	ug/L
			CAS#: 79-01-6			
			Vinyl chloride	5.00	0.747	ug/L
CAS#: 75-01-4						
Surrogate Cpnd						
			1,2-Dichloroethane-d4 (Surr)			
			CAS#: 17060-07-0			
			4-Bromofluorobenzene (Surr)			
			CAS#: 460-00-4			
			Toluene-d8 (Surr)			
			CAS#: 2037-26-5			
Water	625	Priority Pollutant SVOCs		RL	MDL	Units
			1,2,4-Trichlorobenzene	10.0	0.820	ug/L
			CAS#: 120-82-1			
			1,2-Diphenylhydrazine	10.0	0.780	ug/L

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Matrix	Method	Test Description	Analyte	RL	MDL	Units
Continued			CAS#: 122-66-7			
			1,3,5-Trichlorobenzene	5.00	0.563	ug/L
			CAS#: 108-70-3			
			2,4,5-Trichlorophenol	5.00	1.40	ug/L
			CAS#: 95-95-4			
			2,4,6-Trichlorophenol	5.00	1.00	ug/L
			CAS#: 88-06-2			
			2,4-Dichlorophenol	5.00	0.770	ug/L
			CAS#: 120-83-2			
			2,4-Dichlorotoluene	10.0	1.56	ug/L
			CAS#: 95-73-8			
			2,4-Dimethylphenol	5.00	1.40	ug/L
			CAS#: 105-67-9			
			2,4-Dinitrophenol	10.0	5.00	ug/L
			CAS#: 51-28-5			
			2,4-Dinitrotoluene	10.0	5.00	ug/L
			CAS#: 121-14-2			
			2,6-Dichlorophenol	5.00	1.00	ug/L
			CAS#: 87-65-0			
			2,6-Dinitrotoluene	5.00	1.00	ug/L
			CAS#: 606-20-2			
			2-Chloronaphthalene	5.00	0.910	ug/L
			CAS#: 91-58-7			
			2-Chlorophenol	5.00	0.660	ug/L
			CAS#: 95-57-8			
			2-Nitrophenol	5.00	0.700	ug/L
			CAS#: 88-75-5			
			3,3'-Dichlorobenzidine	5.00	0.822	ug/L
			CAS#: 91-94-1			
			4,6-Dinitro-2-methylphenol	10.0	0.660	ug/L
			CAS#: 534-52-1			
			4-Bromophenyl phenyl ether	5.00	1.40	ug/L
			CAS#: 101-55-3			
			4-Chloro-3-methylphenol	5.00	1.10	ug/L
			CAS#: 59-50-7			
			4-Chlorophenol	10.0	1.01	ug/L
			CAS#: 106-48-9			
			4-Chlorophenyl phenyl ether	5.00	1.30	ug/L
			CAS#: 7005-72-3			
			4-Nitrophenol	15.0	10.0	ug/L
			CAS#: 100-02-7			
			Acenaphthene	5.00	0.810	ug/L
			CAS#: 83-32-9			
			Acenaphthylene	5.00	0.870	ug/L
			CAS#: 208-96-8			
			Anthracene	5.00	1.40	ug/L

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Matrix	Method	Test Description	Analyte	RL	MDL	Units
Continued			CAS#: 120-12-7			
			Benzidine	80.0	35.0	ug/L
			CAS#: 92-87-5			
			Benzo[a]anthracene	5.00	1.10	ug/L
			CAS#: 56-55-3			
			Benzo[a]pyrene	5.00	1.30	ug/L
			CAS#: 50-32-8			
			Benzo[b]fluoranthene	5.00	1.20	ug/L
			CAS#: 205-99-2			
			Benzo[g,h,i]perylene	5.00	1.50	ug/L
			CAS#: 191-24-2			
			Benzo[k]fluoranthene	5.00	1.30	ug/L
			CAS#: 207-08-9			
			bis (2-chloroisopropyl) ether	5.00	0.840	ug/L
			CAS#: 108-60-1			
			Bis(2-chloroethoxy)methane	5.00	0.750	ug/L
			CAS#: 111-91-1			
			Bis(2-chloroethyl)ether	5.00	0.930	ug/L
			CAS#: 111-44-4			
			Bis(2-ethylhexyl) phthalate	10.0	1.20	ug/L
			CAS#: 117-81-7			
			Butyl benzyl phthalate	5.00	1.10	ug/L
			CAS#: 85-68-7			
			Chrysene	5.00	1.00	ug/L
			CAS#: 218-01-9			
			Dibenz(a,h)anthracene	5.00	1.50	ug/L
			CAS#: 53-70-3			
			Diethyl phthalate	5.00	1.00	ug/L
			CAS#: 84-66-2			
			Dimethyl phthalate	5.00	0.910	ug/L
			CAS#: 131-11-3			
			Di-n-butyl phthalate	5.00	1.60	ug/L
			CAS#: 84-74-2			
			Di-n-octyl phthalate	5.00	1.20	ug/L
			CAS#: 117-84-0			
			Fluoranthene	5.00	1.60	ug/L
			CAS#: 206-44-0			
			Fluorene	5.00	1.00	ug/L
			CAS#: 86-73-7			
			Hexachlorobenzene	5.00	1.00	ug/L
			CAS#: 118-74-1			
			Hexachlorobutadiene	5.00	1.00	ug/L
			CAS#: 87-68-3			
			Hexachlorocyclopentadiene	10.0	5.00	ug/L
			CAS#: 77-47-4			
			Hexachloroethane	5.00	0.600	ug/L

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Matrix	Method	Test Description	Analyte			
Continued				RL	MDL	Units
			CAS#: 67-72-1			
			Indeno[1,2,3-cd]pyrene	5.00	1.50	ug/L
			CAS#: 193-39-5			
			Isophorone	5.00	0.740	ug/L
			CAS#: 78-59-1			
			Naphthalene	5.00	0.860	ug/L
			CAS#: 91-20-3			
			Nitrobenzene	5.00	0.810	ug/L
			CAS#: 98-95-3			
			N-Nitrosodimethylamine	10.0	5.00	ug/L
			CAS#: 62-75-9			
			N-Nitrosodi-n-propylamine	5.00	0.890	ug/L
			CAS#: 621-64-7			
			N-Nitrosodiphenylamine	5.00	0.396	ug/L
			CAS#: 86-30-6			
			Pentachlorophenol	10.0	1.60	ug/L
			CAS#: 87-86-5			
			Phenanthrene	5.00	1.20	ug/L
			CAS#: 85-01-8			
			Phenol	5.00	0.350	ug/L
			CAS#: 108-95-2			
			Pyrene	5.00	1.40	ug/L
			CAS#: 129-00-0			
			Surrogate Cpnd			

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Matrix	Method	Test Description	Analyte	RL	MDL	Units
Water	335.4	Cyanide, Total	Cyanide CAS#: 57-12-5	0.0100	0.00500	mg/L
Water	1664A	Oil & Grease	Oil & Grease CAS#: STL00181	5.00	1.40	mg/L

LL Hg 1631 Plant & Outside Sewer Samples

Matrix	Method	Test Description	Analyte	RL	MDL	Units
Water	1631E	Mercury, Low Level	Mercury CAS#: 7439-97-6	0.500	0.140	ng/L

Influent & Effluent Plant Samples

Matrix	Method	Test Description	Analyte	RL	MDL	Units
Water	624	Priority Pollutant VOCs	1,1,1-Trichloroethane CAS#: 71-55-6	5.00	0.385	ug/L
			1,1,2,2-Tetrachloroethane CAS#: 79-34-5	5.00	0.259	ug/L
			1,1,2-Trichloroethane CAS#: 79-00-5	5.00	0.482	ug/L
			1,1-Dichloroethane CAS#: 75-34-3	5.00	0.589	ug/L
			1,1-Dichloroethene CAS#: 75-35-4	5.00	0.855	ug/L
			1,2,3-Trichlorobenzene CAS#: 87-61-6	5.00	0.414	ug/L
			1,2-Dichlorobenzene CAS#: 95-50-1	5.00	0.445	ug/L
			1,2-Dichloroethane CAS#: 107-06-2	5.00	0.603	ug/L
			1,2-Dichloropropane CAS#: 78-87-5	5.00	0.612	ug/L
			1,3-Dichlorobenzene CAS#: 541-73-1	5.00	0.543	ug/L
			1,4-Dichlorobenzene CAS#: 106-46-7	5.00	0.508	ug/L
			2-Chloroethyl vinyl ether CAS#: 110-75-8	25.0	1.85	ug/L

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Prepared by Massa, Anthony J
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Expiration Date 4/20/2020
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Influent & Effluent Plant Samples

Matrix	Method	Test Description	Analyte	RL	MDL	Units
Continued						
			2-Chlorotoluene	5.00	0.328	ug/L
			CAS#: 95-49-8			
			4-Chlorotoluene	5.00	0.273	ug/L
			CAS#: 106-43-4			
			Acrolein	100	17.4	ug/L
			CAS#: 107-02-8			
			Acrylonitrile	50.0	1.90	ug/L
			CAS#: 107-13-1			
			Benzene	5.00	0.597	ug/L
			CAS#: 71-43-2			
			Bromodichloromethane	5.00	0.537	ug/L
			CAS#: 75-27-4			
			Bromoform	5.00	0.469	ug/L
			CAS#: 75-25-2			
			Bromomethane	5.00	1.19	ug/L
			CAS#: 74-83-9			
			Carbon tetrachloride	5.00	0.511	ug/L
			CAS#: 56-23-5			
			Chlorobenzene	5.00	0.476	ug/L
			CAS#: 108-90-7			
			Chlorodibromomethane	5.00	0.414	ug/L
			CAS#: 124-48-1			
			Chloroethane	5.00	0.873	ug/L
			CAS#: 75-00-3			
			Chloroform	5.00	0.542	ug/L
			CAS#: 67-66-3			
			Chloromethane	5.00	0.636	ug/L
			CAS#: 74-87-3			
			cis-1,2-Dichloroethene	5.00	0.573	ug/L
			CAS#: 156-59-2			
			cis-1,3-Dichloropropene	5.00	0.331	ug/L
			CAS#: 10061-01-5			
			Dibromomethane	5.00	0.534	ug/L
			CAS#: 74-95-3			
			Ethylbenzene	5.00	0.465	ug/L
			CAS#: 100-41-4			
			Methylene Chloride	5.00	0.815	ug/L
			CAS#: 75-09-2			
			p-Monochlorobenzotrifluoride	5.00	0.482	ug/L
			CAS#: 98-56-6			
			Tetrachloroethene	5.00	0.339	ug/L
			CAS#: 127-18-4			
			Toluene	5.00	0.454	ug/L
			CAS#: 108-88-3			
			trans-1,2-Dichloroethene	5.00	0.589	ug/L
			CAS#: 156-60-5			

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Matrix	Method	Test Description	Analyte	RL	MDL	Units
Continued			CAS#: 88-75-5			
			3,3'-Dichlorobenzidine	5.00	0.822	ug/L
			CAS#: 91-94-1			
			4,6-Dinitro-2-methylphenol	10.0	0.660	ug/L
			CAS#: 534-52-1			
			4-Bromophenyl phenyl ether	5.00	1.40	ug/L
			CAS#: 101-55-3			
			4-Chloro-3-methylphenol	5.00	1.10	ug/L
			CAS#: 59-50-7			
			4-Chlorophenol	10.0	1.01	ug/L
			CAS#: 106-48-9			
			4-Chlorophenyl phenyl ether	5.00	1.30	ug/L
			CAS#: 7005-72-3			
			4-Nitrophenol	15.0	10.0	ug/L
			CAS#: 100-02-7			
			Acenaphthene	5.00	0.810	ug/L
			CAS#: 83-32-9			
			Acenaphthylene	5.00	0.870	ug/L
			CAS#: 208-96-8			
			Anthracene	5.00	1.40	ug/L
			CAS#: 120-12-7			
			Benzidine	80.0	35.0	ug/L
			CAS#: 92-87-5			
			Benzo[a]anthracene	5.00	1.10	ug/L
			CAS#: 56-55-3			
			Benzo[a]pyrene	5.00	1.30	ug/L
			CAS#: 50-32-8			
			Benzo[b]fluoranthene	5.00	1.20	ug/L
			CAS#: 205-99-2			
			Benzo[g,h,i]perylene	5.00	1.50	ug/L
			CAS#: 191-24-2			
			Benzo[k]fluoranthene	5.00	1.30	ug/L
			CAS#: 207-08-9			
			bis (2-chloroisopropyl) ether	5.00	0.840	ug/L
			CAS#: 108-60-1			
			Bis(2-chloroethoxy)methane	5.00	0.750	ug/L
			CAS#: 111-91-1			
			Bis(2-chloroethyl)ether	5.00	0.930	ug/L
			CAS#: 111-44-4			
			Bis(2-ethylhexyl) phthalate	10.0	1.20	ug/L
			CAS#: 117-81-7			
			Butyl benzyl phthalate	5.00	1.10	ug/L
			CAS#: 85-68-7			
			Chrysene	5.00	1.00	ug/L
			CAS#: 218-01-9			
			Dibenz(a,h)anthracene	5.00	1.50	ug/L

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Continued			CAS#: 53-70-3			
			Diethyl phthalate	5.00	1.00	ug/L
			CAS#: 84-66-2			
			Dimethyl phthalate	5.00	0.910	ug/L
			CAS#: 131-11-3			
			Di-n-butyl phthalate	5.00	1.60	ug/L
			CAS#: 84-74-2			
			Di-n-octyl phthalate	5.00	1.20	ug/L
			CAS#: 117-84-0			
			Fluoranthene	5.00	1.60	ug/L
			CAS#: 206-44-0			
			Fluorene	5.00	1.00	ug/L
			CAS#: 86-73-7			
			Hexachlorobenzene	5.00	1.00	ug/L
			CAS#: 118-74-1			
			Hexachlorobutadiene	5.00	1.00	ug/L
			CAS#: 87-68-3			
			Hexachlorocyclopentadiene	10.0	5.00	ug/L
			CAS#: 77-47-4			
			Hexachloroethane	5.00	0.600	ug/L
			CAS#: 67-72-1			
			Indeno[1,2,3-cd]pyrene	5.00	1.50	ug/L
			CAS#: 193-39-5			
			Isophorone	5.00	0.740	ug/L
			CAS#: 78-59-1			
			Naphthalene	5.00	0.860	ug/L
			CAS#: 91-20-3			
			Nitrobenzene	5.00	0.810	ug/L
			CAS#: 98-95-3			
			N-Nitrosodimethylamine	10.0	5.00	ug/L
			CAS#: 62-75-9			
			N-Nitrosodi-n-propylamine	5.00	0.890	ug/L
			CAS#: 621-64-7			
			N-Nitrosodiphenylamine	5.00	0.396	ug/L
			CAS#: 86-30-6			
			Pentachlorophenol	10.0	1.60	ug/L
			CAS#: 87-86-5			
			Phenanthrene	5.00	1.20	ug/L
			CAS#: 85-01-8			
			Phenol	5.00	0.350	ug/L
			CAS#: 108-95-2			
			Pyrene	5.00	1.40	ug/L
			CAS#: 129-00-0			
		Surrogate Cpnd				
			2,4,6-Tribromophenol			

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Matrix	Method	Test Description	Analyte			
Continued		Surrogate Cpnd				
			CAS#: 118-79-6			
			2-Fluorobiphenyl			
			CAS#: 321-60-8			
			2-Fluorophenol			
			CAS#: 367-12-4			
			Nitrobenzene-d5			
			CAS#: 4165-60-0			
			Phenol-d5			
			CAS#: 4165-62-2			
			p-Terphenyl-d14			
			CAS#: 1718-51-0			
	</					

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Matrix	Method	Test Description	Analyte	RL	MDL	Units
Continued			Chlordane (technical) CAS#: 12789-03-6	0.500	0.290	ug/L
			4,4'-DDD CAS#: 72-54-8	0.0500	0.00920	ug/L
			4,4'-DDE CAS#: 72-55-9	0.0500	0.0116	ug/L
			4,4'-DDT CAS#: 50-29-3	0.0500	0.0110	ug/L
			Dieldrin CAS#: 60-57-1	0.0500	0.00980	ug/L
			Endosulfan I CAS#: 959-98-8	0.0500	0.0110	ug/L
			Endosulfan II CAS#: 33213-65-9	0.0500	0.0120	ug/L
			Endosulfan sulfate CAS#: 1031-07-8	0.0500	0.0157	ug/L
			Endrin CAS#: 72-20-8	0.0500	0.0138	ug/L
			Endrin aldehyde CAS#: 7421-93-4	0.0500	0.0163	ug/L
			Heptachlor CAS#: 76-44-8	0.0500	0.00850	ug/L
			Heptachlor epoxide CAS#: 1024-57-3	0.0500	0.00740	ug/L
			Toxaphene CAS#: 8001-35-2	0.500	0.120	ug/L

Surrogate Cpnd

DCB Decachlorobiphenyl
CAS#: 2051-24-3
Tetrachloro-m-xylene
CAS#: 877-09-8

Matrix	Method	Test Description	Analyte	RL	MDL	Units
Water	200.7 Rev 4.4	Priority Pollutant Metals ICP	Antimony CAS#: 7440-36-0	0.0200	0.00679	mg/L
			Arsenic CAS#: 7440-38-2	0.0150	0.00555	mg/L
			Beryllium CAS#: 7440-41-7	0.00200	0.000300	mg/L
			Cadmium CAS#: 7440-43-9	0.00200	0.000500	mg/L
			Chromium CAS#: 7440-47-3	0.00400	0.00100	mg/L
			Copper	0.0100	0.00160	mg/L

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Matrix	Method	Test Description	Analyte	RL	MDL	Units
Continued						
			CAS#: 7440-50-8			
			Lead	0.0100	0.00300	mg/L
			CAS#: 7439-92-1			
			Nickel	0.0100	0.00126	mg/L
			CAS#: 7440-02-0			
			Selenium	0.0250	0.00870	mg/L
			CAS#: 7782-49-2			
			Silver	0.00600	0.00170	mg/L
			CAS#: 7440-22-4			
			Thallium	0.0200	0.0102	mg/L
			CAS#: 7440-28-0			
			Zinc	0.0100	0.00150	mg/L
			CAS#: 7440-66-6			
				RL	MDL	Units
Water	245.1	Mercury (CVAA)	Mercury	0.000200	0.000120	mg/L
			CAS#: 7439-97-6			
				RL	MDL	Units
Water	335.4	Cyanide, Total	Cyanide	0.0100	0.00500	mg/L
			CAS#: 57-12-5			

EUROFINS TESTAMERICA TERMS AND CONDITIONS OF SALE (Short Form)

When a purchaser (Client) places an order for laboratory, consulting or sampling services from TestAmerica Laboratories, Inc., a Delaware corporation (Eurofins TestAmerica), Eurofins TestAmerica shall provide the ordered services pursuant to these Terms and Conditions and the related Quotation or Price Schedule, or as agreed in a negotiated contract. In the absence of a written agreement to the contrary, a client order constitutes an acceptance by the Client of Eurofins TestAmerica's offer to do business under these Terms and Conditions, and an agreement to be bound by these Terms and Conditions. Receipt of a Client's samples at a Eurofins TestAmerica laboratory constitutes acceptance of these Terms and Conditions (in the absence of any other negotiated contract). No contrary or additional terms and conditions expressed in a Client's document shall be deemed to become a part of the contract created upon acceptance of these Terms and Conditions, unless accepted by Eurofins TestAmerica in writing.

1. ORDERS AND RECEIPT OF SAMPLES

1.1 A Client may place an order (i.e., specify a Scope of Work) either by submitting a purchase order to Eurofins TestAmerica in writing or by telephone subsequently confirmed in writing, or by negotiated contract. Whichever option the Client selects for placing an order, the order shall not be valid unless it contains sufficient specification to enable Eurofins TestAmerica to carry out the Client's requirements. In particular, samples must be accompanied by: a) adequate instruction on type of analysis requested, and b) complete written disclosure of the known or suspected presence of any hazardous substances, as defined by applicable federal or state law. If a Client fails to provide these required disclosures accompanying the submission of samples, and such failure results in an interruption in the lab's ability to process work due to contamination of instruments or work areas, the Client will be responsible for the costs of clean-up and recovery.

1.2 The Client shall provide one week's advance notice of the sample delivery schedule, or any changes to the schedule, whenever possible. Upon timely delivery of samples, Eurofins TestAmerica will use its best efforts to meet mutually agreed turnaround times. All turnaround times will be calculated from the point in time when Eurofins TestAmerica has determined that it can proceed with defined work following receipt, inspection of samples, and resolution of any discrepancies in Chain-of-Custody forms and project guidance regarding work to be done (Sample Delivery Acceptance). Rush turnaround times not requested in advance of the delivery of samples and specifically agreed to by the lab are not guaranteed. If the Client changes the sample delivery schedule prior to Sample Delivery Acceptance, Eurofins TestAmerica reserves its rights to modify its turnaround time commitment, change the date upon which Eurofins TestAmerica will accept samples, or refuse Sample Delivery Acceptance for the affected samples.

1.3 Eurofins TestAmerica reserves the right, exercisable at any time, to refuse or revoke Sample Delivery Acceptance for any sample which in the sole judgment of Eurofins TestAmerica: a) is of unsuitable volume; b) may pose a risk or become unsuitable for handling, transport, or processing for any health, safety, environmental or other reason, whether or not due to the presence of any hazardous substance in the sample and whether or not such presence has been disclosed to Eurofins TestAmerica by the Client; or c) holding times cannot be met, due to passage of more than 48 hours from the time of sampling or 1/2 the holding time for the requested test, whichever is less.

1.4 Prior to Sample Delivery Acceptance, the entire risk of loss or damage to samples remains with the Client, except where Eurofins TestAmerica provides courier services. In no event will Eurofins TestAmerica have any responsibility or liability for the action or inaction of any carrier shipping or delivering any sample to or from Eurofins TestAmerica's premises. Client is responsible for assuring that any sample that contains or may contain any hazardous substance to be delivered to Eurofins TestAmerica's premises is properly packaged, labeled, transported and delivered, all in accordance with applicable laws.

1.5 Eurofins TestAmerica reserves the right to begin processing samples upon receipt, unless the Client specifically notifies Eurofins TestAmerica in writing prior to sample receipt that the samples are to be held without preparation or other processing or pending receipt of a purchase order. Eurofins TestAmerica shall under no circumstances be responsible for missed holding times or turnaround times or for re-sampling costs if samples

are released from hold with less than 48 hours or 1/2 the holding time for the requested test remaining, whichever is less.

2. PAYMENT TERMS

2.1 Services performed by Eurofins TestAmerica will be in accordance with prices quoted and later confirmed in writing or as stated in the Price Schedule. Quoted prices do not include sales tax. Applicable sales tax will be added to invoices where required by law.

2.2 Invoices may be submitted to Client upon completion of any sample delivery group. Billing corrections must be requested within 30 days of invoice date. Payment in advance is required for all clients except those whose credit has been established with Eurofins TestAmerica. For clients with approved credit, payment terms are net 30 days from the date of invoice by Eurofins TestAmerica, unless alternative terms have been agreed in a separate written agreement. Payment shall be made without retainage, and shall not be contingent upon the receipt of funds from third parties. All overdue payments are subject to an additional interest and service charge of one and one half percent (1.5%) (or the maximum rate permissible by law, whichever is less) per month or portion thereof from the due date until the date of payment. All fees are charged or billed directly to the Client. The billing of a third party will not be accepted without a statement, signed by the third party, acknowledging and accepting payment responsibility in accordance with these payment terms.

2.3 If Client fails to make timely payment of its invoices, Eurofins TestAmerica reserves the right to pursue all appropriate remedies, including withdrawing certifications, suspending work and withholding delivery of data under this order without recourse. Client shall be responsible for all reasonable fees, expenses, and costs of collection including but not limited to arbitrator's and attorney's fees. Eurofins TestAmerica reserves the right to refuse to proceed with work at any time based upon an unfavorable Client credit report.

3. CHANGE ORDERS, TERMINATION

3.1 Changes to the Scope of Work, price, or result delivery date may be initiated by Eurofins TestAmerica after Sample Delivery Acceptance due to any condition which conflicts with analytical, QA or other protocols warranted in these Terms and Conditions. Eurofins TestAmerica will not proceed with such changes until an agreement with the Client is reached on the amount of any cost, schedule change or technical change to the Scope of Work, and such agreement is documented in writing.

3.2 Changes to the Scope of Work, including but not limited to increasing or decreasing the work, changing test and analysis specification, or acceleration in the performance of the work may be initiated by the Client after Sample Delivery Acceptance. Such change must be documented in writing and may result in a change in cost and turnaround time commitment. Eurofins TestAmerica's acceptance of such changes is contingent upon technical feasibility and operational capacity.

3.3 Suspension or termination of all or any part of the work may be initiated by the Client. Eurofins TestAmerica will be compensated consistent with Section 2 of these Terms and Conditions. Eurofins TestAmerica will complete all work in progress and be paid in full for all work completed.

4. WARRANTIES AND LIABILITY

4.1 Where applicable, Eurofins TestAmerica will use appropriate and approved analytical test methods. Eurofins TestAmerica has referenced these methods in its Laboratory Quality Manuals and has documented them in Standard Operating Procedures. Eurofins TestAmerica reserves the right based on its reasonable judgment to deviate from these methodologies as necessary or appropriate to the extent required by the nature or composition of the sample, which deviations, if any, will be made on a basis consistent with recognized standards of the industry and/or Eurofins TestAmerica's Laboratory Quality Manuals. Client may request that Eurofins TestAmerica perform according to a mutually agreed Quality Assurance Project Plan (QAPP). If samples arrive prior to agreement on a QAPP, Eurofins TestAmerica will proceed with analyses under its standard Quality Manuals then in effect. Eurofins TestAmerica will not be responsible for any resampling or other charges if work must be repeated to comply with a subsequently finalized QAPP.

4.2 Eurofins TestAmerica shall start preparation and/or analysis within holding times provided that Sample Delivery Acceptance occurs within 48 hours of sampling or 1/2 of the holding time for the test, whichever is less, unless the Client has specifically requested that Eurofins TestAmerica hold the samples without preparation or other processing or pending receipt of a purchase order. Where resolution of inconsistencies leading to Sample Delivery Acceptance does not occur within this period, Eurofins TestAmerica will use its best efforts to meet holding times and will proceed with the work provided that, in Eurofins TestAmerica's judgment, the chain-of-custody or definition of the Scope of Work provide sufficient guidance. Reanalysis of samples to comply with Eurofins TestAmerica's Quality Manuals will be deemed to have met holding times provided the initial analysis was performed within the applicable holding time. Where reanalysis demonstrates that sample matrix interference is the cause of failure to meet any Quality Manual requirements, the warranty will be deemed to have been met.

4.3 Eurofins TestAmerica warrants that it possesses and maintains all licenses and certifications that are required to perform services under these Terms and Conditions provided that such requirements are specified in writing to Eurofins TestAmerica prior to Sample Delivery Acceptance. Eurofins TestAmerica will notify the Client in writing of any decertification or revocation of any license, or notice of either, that affects work in progress.

4.4 The warranty obligations set forth in Sections 4.1, 4.2 and 4.3 are the sole and exclusive warranties given by Eurofins TestAmerica in connection with any services performed by Eurofins TestAmerica or any results generated from such services, and Eurofins TestAmerica gives and makes NO OTHER REPRESENTATION OR WARRANTY OF ANY KIND, EXPRESS OR IMPLIED. No representative of Eurofins TestAmerica is authorized to give or make any other representation or warranty or modify this warranty in any way.

4.5 Client's sole and exclusive remedy for breach of warranty in connection with any services performed by Eurofins TestAmerica will be limited to repeating any services performed, contingent on the Client's providing, at the request of Eurofins TestAmerica and at the Client's expense, additional sample(s) if necessary. Any reanalysis requested by the Client generating results consistent with the original results will be at the Client's expense. If resampling is necessary, Eurofins TestAmerica's liability for resampling costs will be limited to actual cost or one hundred and fifty dollars (\$150) per sample, whichever is less.

4.6 Eurofins TestAmerica's liability for any and all causes of action arising hereunder, whether based in contract, tort, warranty, negligence or otherwise, shall be limited to the lesser amount of compensation for the services performed or \$100,000. All claims, including those for negligence, shall be deemed waived unless suit thereon is filed within one year after Eurofins TestAmerica's completion of the services. Under no circumstances, whether arising in contract, tort (including negligence), or otherwise, shall Eurofins TestAmerica be responsible for loss of use, loss of profits, or for any special, indirect, incidental or consequential damages occasioned by the services performed or by application or use of the reports prepared.

4.7 In no event shall Eurofins TestAmerica have any responsibility or liability to the Client for any failure or delay in performance by Eurofins TestAmerica that results, directly or indirectly, in whole or in part, from any cause or circumstance beyond the reasonable control of Eurofins TestAmerica. Such causes and circumstances include, but are not limited to, acts of God, acts of Client, acts or orders of any governmental authority, strikes or other labor disputes, natural disasters, accidents, wars, civil disturbances, equipment breakdown, matrix interference or unknown highly contaminated samples that impact instrument operation, unavailability of supplies from usual suppliers, difficulties or delays in transportation, mail or delivery services, or any other cause beyond Eurofins TestAmerica's reasonable control.

5. RESULTS, WORK PRODUCT

5.1 Data or information provided to Eurofins TestAmerica or generated by services performed under this agreement shall only become the property of the Client upon receipt in full by Eurofins TestAmerica of payment for the entire order. Ownership of any analytical method, QA/QC protocols, software programs or equipment developed by Eurofins TestAmerica for performance of work will be retained by Eurofins TestAmerica. Client shall

not disclose such information to any third party without Eurofins TestAmerica's express prior consent.

5.2 Data and sample materials provided by Client or at Client's request, and the result obtained by Eurofins TestAmerica shall be held in confidence (unless such information is generally available to the public or is in the public domain or Client has failed to pay Eurofins TestAmerica for all services rendered or is otherwise in breach of these Terms and Conditions), subject to any disclosure required by law or legal process.

5.3 Should the results delivered by Eurofins TestAmerica be used by the Client or Client's client, even though subsequently determined not to meet the warranties described in these Terms and Conditions, then the compensation will be adjusted based upon mutual agreement. In no case shall the Client unreasonably withhold Eurofins TestAmerica's right to independently defend its data.

5.4 Eurofins TestAmerica reserves the right to perform the services at any laboratory in the Eurofins TestAmerica network. If a Client has requested a particular location for the work, Eurofins TestAmerica will inform the Client when operational constraints require the work to be performed at another Eurofins TestAmerica location. In addition, Eurofins TestAmerica reserves the right to subcontract services ordered by the Client to another laboratory or laboratories, if, in Eurofins TestAmerica's sole judgment, it is reasonably necessary, appropriate or advisable to do so. Eurofins TestAmerica will in no way be liable for any subcontracted services (outside the Eurofins TestAmerica network) except for work performed at laboratories which have been audited and approved by Eurofins TestAmerica.

5.5 Eurofins TestAmerica will dispose of non-hazardous samples, sample extracts and digestates 30 days after the final analytical report is issued, unless instructed to store them for an alternate period of time or to return such samples to the Client, in a manner consistent with U.S. Environmental Protection Agency regulations or other applicable federal, state or local requirements. Charges for disposal will be billed to the client. Alternatively, samples can be returned to the client for disposal. Cost of return shipping will be billable to the client. Air samples in Summa canisters and tedlar bags are used and the containers cleaned immediately after testing, such that those samples are not retained. Longer storage periods may be requested and may be accommodated if space allows, and for an additional charge. Any samples for projects that are canceled or not accepted, or for which return was requested, will be returned to the Client at its own expense. Eurofins TestAmerica reserves the right to return to the Client any sample or unused portion of a sample that is not within Eurofins TestAmerica's permitted capability or the capabilities of Eurofins TestAmerica's designated waste disposal vendor(s). ALL DIOXIN, MIXED WASTE, AND RADIOACTIVE SAMPLES WILL BE RETURNED TO THE CLIENT, unless prior arrangements for disposal are made.

5.6 Unless a different time period is agreed to in an order under these Terms and Conditions, Eurofins TestAmerica agrees to retain all records for five (5) years.

5.7 If Eurofins TestAmerica is required to respond to legal process related to services for Client, Client agrees to reimburse Eurofins TestAmerica for hourly charges for personnel involved in the response and attorney's fees reasonably incurred in obtaining advice concerning the response, preparation to testify, and appearances related to the legal process, travel and all reasonable expenses associated with the litigation. Additional consulting beyond that normally associated with lab reports will be billed at Eurofins TestAmerica's current published rates.

6. INSURANCE

6.1 During the performance of services under these Terms and Conditions, Eurofins TestAmerica shall maintain in force Workers' Compensation and Employer's Liability Insurance in accordance with the laws of the states having jurisdiction over Eurofins TestAmerica's employees who are engaged in the performance of the work. Eurofins TestAmerica shall also maintain during such period Comprehensive General and Contractual Liability (limit of \$1,000,000 per occurrence/ \$2,000,000 aggregate), Comprehensive Automobile Liability, owned and hired, (\$1,000,000 combined single limit), Professional Liability Insurance (limit of \$5,000,000 per claim/ aggregate and Pollution Liability insurance (limit of \$5,000,000 per claim/aggregate).

7. MISCELLANEOUS PROVISIONS

7.1 These Terms and Conditions, together with any additions or revisions which may be agreed to in writing by Eurofins TestAmerica, embody the whole agreement of the parties and provide the only remedies available. There are no promises, terms, conditions, understandings, obligations or agreements other than those contained herein, and these Terms and Conditions shall supersede all previous communications, representations, or agreements, either verbal or written, between the Client and Eurofins TestAmerica. These Terms and Conditions, and any transactions or agreements to which they apply, shall be governed both as to interpretation and performance by the laws of the state where Eurofins TestAmerica's services are performed.

7.2 The invalidity or unenforceability, in whole or in part, of any provision, term or condition hereof shall not affect in any way the validity or enforceability of the remainder of these Terms and Conditions, the intent of the parties being that the provisions be severable. The section headings of these Terms and Conditions are intended solely for convenient reference and shall not define, limit or affect in any way these Terms and Conditions or their interpretations. No waiver by either party of any provision, term or condition hereof or of any obligation of the other party hereunder shall constitute a waiver of any subsequent breach or other obligation.

7.3 The obligations, liabilities, and remedies of the parties, as provided herein, are exclusive and in lieu of any others available at law or in equity. Indemnifications, releases from liability and limitations of liability shall apply, notwithstanding the fault, negligence or strict liability of the party to be indemnified, released, or whose liability is limited, except to the extent of sole negligence or willful misconduct.