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AGENDA

Annual Business Meeting of the Niagara Falls Water Board March 27, 2023 at 5:00 p.m.

**Water Treatment Plant Conference Room
5815 Buffalo Avenue, Niagara Falls New York 14304**

**Meeting may be attended in person
or via videoconference – visit NFWB.org for details.**

1. Preliminary Matters

a. Attendance:

Asklar (Board Member/Chairman of Finance/Member Exec. Staff Review Cmte.) _____

Kimble (Board Member) _____

**Larkin (Board Member/Vice Chairwoman/Governance Chairwoman/
Chairwoman Exec. Staff Review Cmte.) _____**

Leffler (Board Member/Member Exec. Staff Review Cmte.) _____

Forster (Chairman) _____

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

c. Comments from Chairman Forster

i. 2023 Budgeted Expenses - Expenditures of User Rates, Fees, and Charges Less Debt Service

- d. Presentations (none scheduled for this meeting – presentation noted was delivered at March 20, 2023 work session)**
 - i. Discussion of 2022 Audit –
The Bonadio Group, Randall R. Shepard, CPA**

- e. Letters and Communications**
 - i. 2023-02-13 – COVID Wastewater Surveillance Update Memorandum**

- f. Prior Meeting Minutes**
 - i. Draft January 30, 2023 Meeting Minutes**

- 2. Executive Director – Dr. Abderrahman Zehraoui**
 - a. WWTP Project Budget Tracker (CPL)**
 - b. WWTP Construction Schedule Tracker (CPL)**
 - c. Financial Award Summary (CPL)**

- 3. System Infrastructure and Operations – Russell DeFranco**

- 4. Outside Infrastructure Updates – Michael Eagler**

- 5. Engineering – Douglas Williamson**

- 6. Personnel Items – David San Lorenzo**
 - a. March 27, 2023 Personnel Actions**

- 7. Information Technology (IT) – Dr. Abderrahman Zehraoui**

8. Finance – Brian Majchrowicz

- a. Key Bank and Bank on Buffalo Balance Report**
- b. Wilmington Trust Balance Report**
- c. Treasury Account Balance Report**
- e. February 2023 Capital Payments**

9. Questions Regarding February 2023 Operations and Maintenance Report

10. Safety – John Accardo

11. General Counsel and Secretary – Sean Costello

12. From the Chairman

13. Resolutions

2023-03-001 – ELECTION OF OFFICERS

2023-03-002 – FINANCE AND AUDIT COMMITTEE MEMBERSHIP AND MEETINGS

2023-03-003 – GOVERNANCE COMMITTEE MEMBERSHIP AND MEETINGS

2023-03-004 – EXECUTIVE STAFF REVIEW COMMITTEE CHAIRPERSON

2023-03-005 – CLARIFYING BY-LAWS REGARDING OFFICER TERMS

- a. Current By-Laws, Code of Ethics, and Code of Conduct**

***2023-03-06 – APPROVING AND ACCEPTING INDEPENDENT AUDIT AND INVESTMENT REPORTS**

- a. Niagara Falls Water Board 2022 Financial Statement (Draft)**
- b. NFWB Investment Compliance Report (Draft)**
- c. NFWB Management Letter (Draft)**
- d. NFWB Required Communications Letter (Draft)**

***Note: Omitted from packet – although otherwise complete, audit cannot be certified until GASB Statement 75 analysis returned by actuary.**

2023-03-007 – AUTHORIZING PROCUREMENT OF MAIN PUMP VARIABLE FREQUENCY DRIVE

- a. 2023-03-14 – Rexel Quote for Main Pump Variable Frequency Drive
- b. 2023-01-09 - Rexel Sole Source Letter for Allen-Bradley VFDs

2023-03-008 - ACCEPTING PROPOSAL FOR WWTP LOCAL LIMITS REEVALUATION

- a. 2023-03-13 – AECOM Proposal for Local Limits Reevaluation

2023-03-009 – EXTENSION OF AGREEMENT WITH RATE CONSULTANT

- a. 2023-02-24 – Drescher and Malecki Rate Consultant Extension Proposal

2023-03-010 – EXTENDING AGREEMENT WITH CONSULTING ENGINEER

- a. 2023-02-27 – AECOM Consulting Engineer Extension Proposal

2023-03-011 – AWARD OF THE HIGH VOLTAGE, SWITCHGEAR INSPECTION, AND EMERGENCY WORK CONTRACT

- a. Award Recommendation and Bid Tabulation - High-Voltage, Switchgear, and Emergency Electrical

2023-03-012 – AWARD BID FOR IN-PLANT MECHANICAL MAINTENANCE

- a. Award Recommendation and Bid Tabulation - In Plant Mechanical Maintenance

2023-03-013 – AWARD BID FOR HEATING, VENTILATION, AND AIR CONDITIONING SERVICES

- a. Award Recommendation and Bid Tabulation - HVAC Services

2023-03-014 – ACCEPTING CPL PROPOSAL FOR PROFESSIONAL ENGINEERING SERVICES FOR WEST RIVERSHORE DRIVE WATERMAIN REPLACEMENT

- a. 2023-03-02 - CPL Proposal for Engineering Services - West Rivershore Drive Watermain Replacement

2023-03-015 – ACCEPTING CPL PROPOSAL FOR PROFESSIONAL ENGINEERING SERVICES FOR BEECH AVENUE WATER STORAGE TANK DEMOLITION

- a. 2023-03-02 - CPL Proposal for Engineering Services – Beech Avenue Water Storage Tank Demolition

2023-03-016 – PROCUREMENT OF DOORS FOR GORGE PUMPING STATION

- a. 2023-03-14 - Door Specialties Inc. Quote for Gorge Pump Station Doors

2023-03-017 – CLEANING AND INSPECTION OF CHLORINE SCRUBBER

- a. 2023-03-06 - Applied Inspection Services Quotation

14. Unfinished/Old Business

1) WWTP Sodium Hypochlorite Tank Replacement

- 7/14/22: The 2021 WIIA Sewer (WWTP) Grant of \$1,125,000 was awarded on April 19, 2022 that included the some of the funds necessary to complete the WWTP tank removal and replacement work. We may be able to utilize some of the remaining balance of the WWTP Phase II grant to assist with this work, as well. We need approval from the NYSDEC to include some of the WWTP tank replacement work under this WWTP Phase II grant. The draft WWTP Tank Replacement RFP that was created needs to be finalized to show the grant funding sources that have been approved for the project, before we can proceed.
- 9/22/22: Next step is requesting approval to use Phase II grant funds (will be packaged with other projects).
- 12/15/22: DEC preliminary comments on use of Phase II grant funds being reviewed and addressed.
- 1/19/23: CPL revising memorandum regarding Phase II projects for re-submission to DEC.
- 2/23/23: CPL working to revise projects to include more in Phase I, which impacts funds available and projects to be included for Phase II.

2) Whitney Ave. Water Main Replacement

- 9/22/22: Design documents to be submitted to DOH for approval by 10/1.
- 11/11/22: Received comments from NYS. Preparing response letter for submission.
- 1/19/23: Waiting for DOH reply to comment response letter.
- 2/8/23: Received DOH approval, now preparing bid documents for project, anticipated documents available late March.

3) WTP Perimeter Fence Replacement Update

- 7/14/22: The 2021 WIIA Water Grant application of \$3 million was awarded on April 19, 2022 that included some funds that can be used for the WTP perimeter fence replacement work. On 7/13/22, the capital purchase order for the \$8,000 brush hog was completed to assist with the work in-house. WTP maintenance to schedule and coordinate the fencing work.
- 9/22/22: Brush hog delivered, Outside Maintenance has used it to clear along the fence line.
- 11/10/22: Obtaining quotes related to fence and other security needs, meeting OGS-listed contractor 11/17.
- 1/19/23: Project to be attempted in Spring with outside maintenance installing posts.
- 2/23/23: South side fence break repairs in progress. Ground elevation improvements and security wire on top of south side fence scheduled for Spring when ground has hardened.

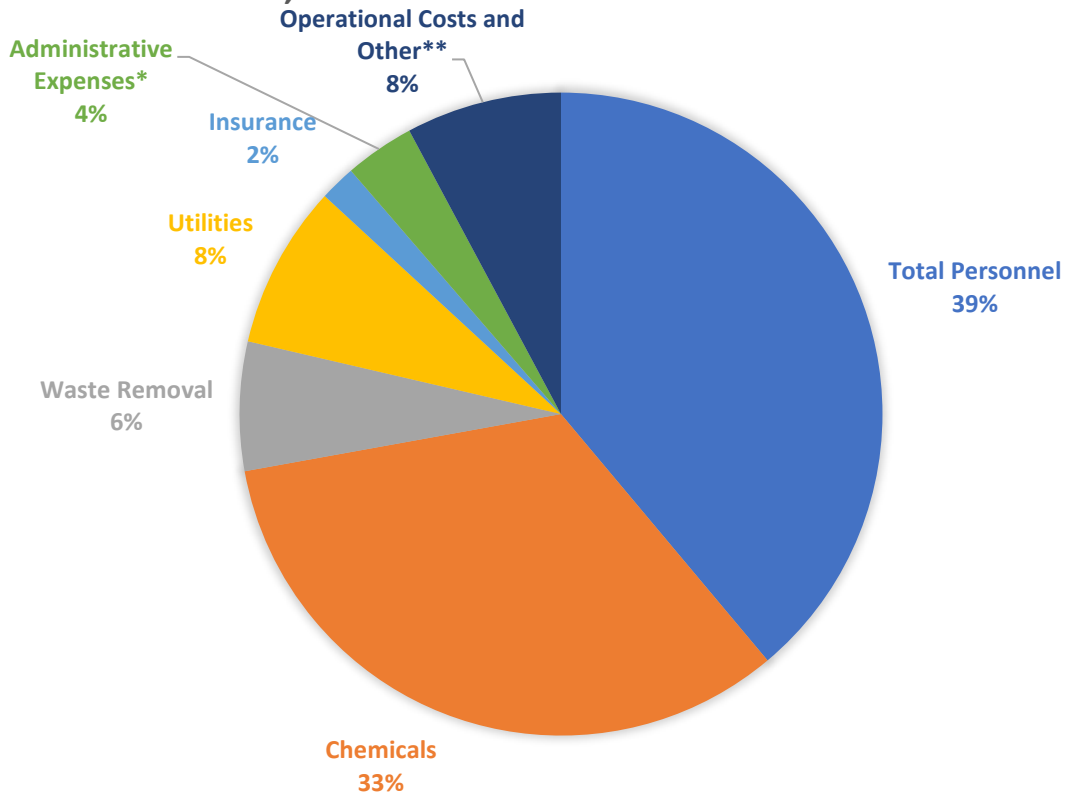
- 3/13/23: Soft ground conditions, will complete above work when possible. Also will use fill already on the property to widen the driveway around the freeze-thaw beds.

15. New Business & Additional Items for Discussion

16. Executive Session (if needed)

17. Adjournment of Meeting

2023 BUDGETED EXPENSES-EXPENDITURES OF USER RATES, FEES & CHARGES LESS DEBT SERVICE



	<u>2023</u>	<u>Percentage of Total</u>
-	-	
Total Personnel	\$ 12,599,986	39%
Chemicals	\$ 10,775,000	33%
Waste Removal	\$ 2,100,500	6%
Utilities	\$ 2,664,500	8%
Insurance	\$ 585,000	2%
Administrative Expenses*	\$ 1,137,191	4%
Operational Costs and Other**	\$ 2,534,190	8%
Total	\$ 32,396,367	100%

* Includes Office Supplies, Training, Computer Services & Software, and Professional Services

** Includes Rentals, Auto Expenses, Leases, Tools & Small Equipment, Machinery, Materials, and Undesignated Services



MINUTES

Business Meeting of the Niagara Falls Water Board February 27, 2023

Water Treatment Plant Conference Room
5815 Buffalo Avenue, Niagara Falls New York 14304

Board Member Technology Training at 4:30 p.m.
Business Meeting at 5:00 p.m.

Meeting may be attended in person
or via videoconference – visit NFWB.org for details.

1. Preliminary Matters

Chairman Forster called the meeting to order at 5:00 p.m.

a. Attendance:

Asklar (Board Member/Chairman of Finance/Member Exec. Staff Review Cmte.) *Present*

Kimble (Board Member) *Present via Videoconference*

Larkin (Board Member/Vice Chairwoman/Governance Chairwoman/
Chairwoman Exec. Staff Review Cmte.) *Present*

Leffler (Board Member/Member Exec. Staff Review Cmte.) *Absent*

Forster (Chairman) *Present*

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

Joseph Kempa, Senior WTP Operator, presented a letter of resignation and explained that he was leaving for other employment for reasons including the WTP Operations schedule and staffing, the amount of raises, and opportunity for advancement.

c. Comments from Chairman Forster

Chairman Forster noted that with respect to the issues raised by Mr. Kempa, matters such as the WTP Operations schedule and the amount of raises are not the sole decision of the Board but are what was negotiated between the Union representing the operators and the Water Board.

Chairman Forster noted that the conference room project started 13 months ago. He read the names and titles of all of the employees who were involved in the project. In the past year the WWTP has started to become a regional training hub and the WTP conference room will help expand on that success. The prior conference room was small and had various limitations, but the new conference room is large enough to host substantial meetings and trainings is equipped with technology to offer the public a better chance to see and hear Water Board business. He noted that the conference room work was performed largely by in-house staff, including USW employees in the maintenance and IT departments, and by Union Carpenters, Painter, and Bricklayer. Even the conference room desk and tables were made locally.

d. Presentations (none scheduled)

e. Letters and Communications

i. 2023-02-13 – COVID Wastewater Surveillance Update Memorandum

f. Prior Meeting Minutes

i. Draft January 30, 2023 Meeting Minutes

Motion by Board Member Larkin and seconded by Board Member Asklar to approve the January 30, 2023 meeting minutes.

Asklar Y Forster Y Kimble abstain Larkin Y Leffler absent

Motion carried, 3-0, with 1 abstention.

2. Executive Director – Dr. Abderrahman Zehraoui

- a. WWTP Project Budget Tracker (CPL)**
- b. WWTP Construction Schedule Tracker (CPL)**
- c. Financial Award Summary (CPL)**

Dr. Zehraoui thanks the Board members for supporting the new conference room and states it will be used for generations to come.

Staff is working to schedule an in-person meeting with the DEC and the President of EFC.

Dr. Zehraoui noted that over the past couple of weeks there has been a routine EPA audit of the pretreatment program. Last week there was a kickoff meeting for the LaSalle sanitary sewer evaluation survey project, and there will be smoke testing in designated areas in March.

3. System Infrastructure and Operations – Russell DeFranco

Mr. DeFranco was absent. Mr. Accardo provided updates to the Board on his behalf. The Emergency Action Plan has been updated to reflect current phone numbers. For his Safety report, Mr. Accardo noted that electrical, respiratory, and other safety plans have been updated, fire extinguishers have been mapped, defibrillator batteries have been replaced, and some emergency exit signs have been replaced.

4. Outside Infrastructure Updates – Michael Eagler

The 18th St. watermain replacement project will begin on March 6, 2023, and is projected to be completed by the end of June 2023.

The Whitney Ave. project is now in the hands of the Department of Health and is projected to be awarded in Summer 2023.

Chairman Forster questioned whether the old waterline on Beech Ave. that runs through 18th St. is going to be part of the 18th St. project. Mr. Eagler stated that a previous Chairman requested that the 18th St. project and the Beech Ave. project remain separate.

Board Member Asklar thanked Mr. Eagler for his assistance with aspects of the conference room project.

5. Engineering – Douglas Williamson

There has been discussion about re-allocating grant funds to address West Rivershore. Mr. Williamson will address this, and there now are to be quarterly meetings with EFC to better coordinate grant projects. He needs to provide a cost estimate for the West Rivershore project. Mr. Williamson also noted that flow meters are being installed for the semi-annual Town of Niagara flow measurements and that the fluoride room engineering work will start soon.

Chairman Forster states the Beech Ave. water tower has not been utilized in over 25 years. He would like to implement an above ground tank with a separate pumping station – will increase water flow and provide fire protection services.

6. Personnel Items – David San Lorenzo

a. February 27, 2023 Personnel Actions

Chairman Forster asked that the Board enter into a brief executive session to discuss matters related to hiring, firing, promotion, or employment of specific persons.

Motion by Board Member Larkin and seconded by Board Member Asklar to enter into Executive Session at 5:32 p.m.

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __Y__ Leffler __absent__

Motion carried, 4-0.

Motion by Board Member Larkin and seconded by Board Member Kimble to exit executive session and enter into the open meeting at 5:43 p.m.

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __Y__ Leffler __absent__

Motion carried, 4-0.

Motion by Board Member Larkin and seconded by Board Member Kimble to amend the Personnel Actions sheet to add hiring two WTP operator trainees at \$19.96 per hour and hiring a painter.

Asklar __Y__ Forster __Y__ Kimble __absent__ Larkin __Y__ Leffler __Y__

Motion carried, 4-0

Motion by Board Member Kimble and seconded by Board Member Larkin to approve the February 27, 2023, Personnel Actions.

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __Y__ Leffler __absent__

Motion carried, 4-0

7. Information Technology (IT) – Dr. Abderrahman Zehraoui

Dr. Zehraoui asked Jonathan Joyce from the IT Department, who was present, to provide the Board with an update. Mr. Joyce noted that IT is deploying remote management and upgrade tools to better maintain individual computers, is developing an improved network, working on an improved disaster recovery plan, and working on replacing costly Verizon desk phones with a Voice Over Internet Protocol system that would include a paging function. All employees now have been issued email addresses.

8. Finance – Brian Majchrowicz

- a. Audit Update**
- b. Shutoff Program**
- c. Revenue Budget Performance Report through 12/31/2022**
- d. Sewer Fund Expense Budget Performance Report through 12/31/2022**
- c. Water Fund Expense Budget Performance Report through 12/31/2022**
- d. Board Fund Expense Budget Performance Report through 12/31/2022**
- e. Key Bank and Bank on Buffalo Balance Report**
- f. Wilmington Trust Balance Report**
- g. Treasury Account Balance Report**
- h. Budget Amendments Report**
- i. January 2023 Capital Payments**

Mr. Majchrowicz states that Bonadio & Co. have been on-site conducting the 2022 Audit and will remain on-site for the rest of the week. No issues have arisen so far.

Mr. Majchrowicz is seeking approval from the Board members regarding the reinstatement of the shut-off program. This program has not been active in 2 years.

Chairman Forster proposed some questions to Mr. Majchrowicz regarding recent payments issued by the Water Board and their budget lines:

- 8940 – Lift Station Services – Gas or Electric?*
- 8966 – Tires – T106*
- 8972 – Weather Proofing/Sealing Windows*
- 8984 – Diesel Rental*
- 8985 – Pro-Guard Hand Cream*
- 9004 – WTP Generator Service Call*

Chairman Forster also questioned payments for massages and about the payment of a premium for a crime insurance policy. Mr. Majchrowicz noted that there are some massage benefits as part of the Tier I healthcare. He will provide the Board with the crime insurance policy.

9. Questions Regarding January 2023 Operations and Maintenance Report

10. Safety – John Accardo

Mr. Accardo noted in addition to the safety update provided earlier in the meeting, no vehicle damages have been reported since January 2023.

11. General Counsel and Secretary – Sean Costello

a. NYPA Solar Update

Mr. Costello stated that he participated in a meeting with NYPA’s solar advisory team earlier in the month. The NFWB has sites and conditions that are very favorable for a solar project that could save more than \$300,000 in annual utility bills, based on preliminary figures. The next step is to authorize NYPA to proceed with developing a RFP for solar development on the site, but NYPA is not yet ready to move forward with that step. NYPA recently became aware of a Niagara County law that includes requirements for manufacturer solar panel recycling programs that NYPA needs more time to analyze.

12. From the Chairman

13. Resolutions

2023-02-001 – AWARD BID FOR WASTEWATER TREATMENT PLANT SLUDGE HAULING AND DISPOSAL

a. WWTP Sludge Hauling and Disposal Bid Award Recommendation and Bid Tabulation

Chairman Forster noted that in light of continued increases in the cost of sludge disposal, he was invited to a meeting where information about sludge drying was discussed.

Motion by Board Member Larkin and seconded by Board Member Asklar to approve.

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __Y__ Leffler __absent__

Motion carried, 4-0.

2023-02-002 – AWARD BID FOR HAULING AND DISPOSAL OF ALUMINUM-BASED RESIDUALS FROM WATER TREATMENT PLANT

a. WTP Residual Sludge Hauling and Disposal Award Recommendation and Bid Tally

Motion by Board Member Kimble and seconded by Board Member Larkin to approve.

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __Y__ Leffler __absent__

Motion carried, 4-0.

2023-02-003 - WATER TREATMENT PLANT GENERATOR CONTROL UPGRADE

- a. Milton CAT Generator and Switchgear Control Proposal**
- b. Ferguson Quote for Generator Control Upgrade Work**

Motion by Board Member Larkin and seconded by Board Member Kimble to approve.

Asklar Y Forster Y Kimble Y Larkin Y Leffler absent

Motion carried, 4-0.

2023-02-004 - ENGINEERING SERVICES FOR 18TH STREET WATER MAIN REPLACEMENT BETWEEN WHITNEY AND ONTARIO AVENUES

- a. CPL Proposal for Construction Phase Engineering Services**
- b. CPL Proposed Construction Phase Engineering Services Budget**

Motion by Board Member Asklar and seconded by Board Member Larkin to approve.

Asklar Y Forster Y Kimble Y Larkin Y Leffler absent

Motion carried, 4-0.

14. Unfinished/Old Business

1) WWTP Sodium Hypochlorite Tank Replacement

- 7/14/22: The 2021 WIIA Sewer (WWTP) Grant of \$1,125,000 was awarded on April 19, 2022 that included the some of the funds necessary to complete the WWTP tank removal and replacement work. We may be able to utilize some of the remaining balance of the WWTP Phase II grant to assist with this work, as well. We need approval from the NYSDEC to include some of the WWTP tank replacement work under this WWTP Phase II grant. The draft WWTP Tank Replacement RFP that was created needs to be finalized to show the grant funding sources that have been approved for the project, before we can proceed.
- 9/22/22: Next step is requesting approval to use Phase II grant funds (will be packaged with other projects).
- 12/15/22: DEC preliminary comments on use of Phase II grant funds being reviewed and addressed.
- 1/19/23: CPL revising memorandum regarding Phase II projects for re-submission to DEC.
- 2/23/23: CPL working to revise projects to include more in Phase I, which impacts funds available and projects to be included for Phase II.

2) Whitney Ave. Water Main Replacement

- 9/22/22: Design documents to be submitted to DOH for approval by 10/1.
- 11/11/22: Received comments from NYS. Preparing response letter for submission.
- 1/19/23: Waiting for DOH reply to comment response letter.
- 2/8/23: Received DOH approval, now preparing bid documents for project, anticipated documents available late March.

3) 18th Street Water Main Replacement

- 7/14/22: 4th Generation was awarded bid at June 2022 Board meeting. 30-week lead time for material delivery.
- 9/22/22: Construction planned to commence in Spring 2023.
- 1/19/22: Still on target for Spring 2023 construction.
- 2/23/23: Received Preliminary Schedule from 4th Generation, Construction to begin late March. CPL is going to provide a proposal for Construction Administration and Inspection services soon.

4) WTP Perimeter Fence Replacement Update

- 7/14/22: The 2021 WIIA Water Grant application of \$3 million was awarded on April 19, 2022 that included some funds that can be used for the WTP perimeter fence replacement work. On 7/13/22, the capital purchase order for the \$8,000 brush hog was completed to assist with the work in-house. WTP maintenance to schedule and coordinate the fencing work.
- 9/22/22: Brush hog delivered, Outside Maintenance has used it to clear along the fence line.
- 11/10/22: Obtaining quotes related to fence and other security needs, meeting OGS-listed contractor 11/17.
- 1/19/23: Project to be attempted in Spring with outside maintenance installing posts.
- 2/23/23: South side fence break repairs in progress. Ground elevation improvements and security wire on top of south side fence scheduled for Spring when ground has hardened.

5) Paychex Payroll System Update

- 01/09/23: System is live for payroll, HR staff is currently reviewing each employee's accrued time for 2023 to ensure it was added correctly.
- 01/17/23: Downloaded, printed, and distributed 2022 W-2's.
- 02/19/23: System is live for payroll, HR staff has reviewed each employee's accrued time for 2023 to ensure it was added correctly.

15. New Business & Additional Items for Discussion

16. Executive Session (if needed)

17. Adjournment of Meeting

Motion by Board Member Larkin and seconded by Board Member Asklar to adjourn the meeting at 6:14 p.m.

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __Y__ Leffler __absent__

Motion carried, 4-0.

**Niagara Falls Water Board
Personnel Actions and Report
Monday, March 27, 2023**

**Personnel Actions Sheet & Requested of the Board.
All appointments are subject to the appointee meeting the minimum qualifications and all applicable civil service conditions.**

A. PERSONNEL ACTIONS RECOMMEND TO HIRE

Line Item Number	Position	Department/Location	Pay Rate or Grade	ADDITIONAL INFORMATION
1	Secretary	WTP Admin	\$18 - \$20/hr	Recommended by Director of Financial Services

B. RECOMMENDED PROMOTION / MOVE / APPOINTMENT

Line Item Number	Name and Position	Type of labor move	Change in pay rate or grade	ADDITIONAL INFORMATION

C. PREVIOUSLY TABLED PERSONNEL ACTIONS (From 2021)

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

D. OTHER PERSONNEL ACTIVITY FOR BOARD NOTIFICATION

Name	Position	Department/Location	Pay Rate	ADDITIONAL INFORMATION
Anthony Brunetta	Mechanic	WWTP - Maintenance	\$24.57/hr \$51,102/annually	Resignation effective 3/24/2023

E. PERSONNEL ON LONG TERM LEAVE OF ABSENCE

Name	Last Day Worked	Dept.	Return Status	Comments
Syverson, Jean	5/18/2022	Admin WWTP	Unknown	Workers Comp.
Milne, Robert	1/3/2023	SOS - WWTP	Unknown	FMLA
Virtuoso, Vince	1/19/2023	Meter Maint WTP	Unknown	Workers Comp.
Gratto, Timothy	2/15/2023	Outside Infrastructure	Unknown	FMLA

NIAGARA FALLS WATER BOARD RESOLUTION # 2023-03-001

ELECTION OF OFFICERS

WHEREAS, Article VI, Section 1 of the Niagara Falls Water Board By-Laws states: “The Officers of the Board shall consist of a Chair, Vice-Chair, and a Treasurer, who shall be Members of the Board and a Secretary, who need not be a Member of the Board.”; and

WHEREAS, the following individuals have been nominated to the following offices:

- Chairperson:
- Vice-Chairperson:
- Treasurer:
- Secretary:

WHEREAS, nominations having been duly made and closed;

NOW THEREFORE BE IT

RESOLVED, that the following individuals are hereby elected and appointed as officers:

- Chairperson:
- Vice-Chairperson:
- Treasurer:
- Secretary:

On March 27, 2023, 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 Asklar	[]	[]	[]	[]
Board Member Kimble	[]	[]	[]	[]
Board Member Larkin	[]	[]	[]	[]
Board Member Leffler	[]	[]	[]	[]
Chairman Forster	[]	[]	[]	[]

Signed By:

Vote Witnessed By:

Nicholas J. Forster, Chairman

Sean W. Costello, Secretary to Board

NIAGARA FALLS WATER BOARD RESOLUTION # 2023-03-002

FINANCE AND AUDIT COMMITTEE MEMBERSHIP AND MEETINGS

WHEREAS, the Niagara Falls Water Board has a Finance and Audit Committee; and

WHEREAS, the Chairperson opened the floor for nominations, and _____ was nominated as Chairperson of the Finance and Audit Committee; and

WHEREAS, the Chairperson of the Water Board recommends that the Finance and Audit Committee be a committee of the whole, comprised of each member of the Niagara Falls Water Board, with the Executive Director and Director of Financial Services serving as ex-officio members of the Committee;

NOW THEREFORE BE IT

RESOLVED, that

- (1) _____ hereby is appointed Chairperson of the Finance and Audit Committee, to serve until the 2025 Annual Meeting or until replaced by a majority vote of the Board;
- (2) Until the Water Board's next annual meeting, the Finance and Audit Committee shall be a committee of the whole, whose membership will be each member of the Niagara Falls Water Board, with the Executive Director and Director of Financial Services serving as ex-officio members of the Committee;
- (3) Meetings of the Finance and Audit Committee will be called by that Committee's Chairperson, with said meetings:
 - a. Held in compliance with the Open Meetings Law, including proper public notice;
 - b. Conducted pursuant to agendas, and recorded with minutes, both of which shall be posted to the Water Board's website; and
 - c. When possible, conducted before or after work sessions or other meetings of the Water Board, to avoid a multiplicity of meetings for Board members.

* CONTINUED ON NEXT PAGE *

(4) The Chairperson of the Finance and Audit Committee also shall be tasked with scheduling regular meetings with Water Board staff for the coordination of information and execution of Finance and Audit Committee objectives, to be referred to as Finance Team Meetings. The Chairperson will be responsible to report to the Finance and Audit Committee appropriate information from Finance Team Meetings.

On March 27, 2023, 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 Asklar	[]	[]	[]	[]
Board Member Kimble	[]	[]	[]	[]
Board Member Larkin	[]	[]	[]	[]
Board Member Leffler	[]	[]	[]	[]
Chairman Forster	[]	[]	[]	[]

Signed By:

Vote Witnessed By:

Nicholas J. Forster, Chairman

Sean W. Costello, Secretary to Board

GOVERNANCE COMMITTEE MEMBERSHIP AND MEETINGS

WHEREAS, the Niagara Falls Water Board has a Governance Committee; and

WHEREAS, the Chairperson opened the floor for nominations, and _____ was nominated as Chairperson of the Governance Committee; and

WHEREAS, the Chairperson of the Water Board recommends that the Governance Committee be a committee of the whole, comprised of each member of the Niagara Falls Water Board, with the Executive Director and General Counsel and Secretary serving as ex-officio members of the Committee;

NOW THEREFORE BE IT

RESOLVED, that

- (1) _____ hereby is appointed Chairperson of the Governance Committee, to serve until the 2025 Annual Meeting or until replaced by a majority vote of the Board;
- (2) Until the Water Board's 2025 annual meeting, the Governance Committee shall be a committee of the whole, whose membership will be each member of the Niagara Falls Water Board, with the Executive Director and General Counsel and Secretary serving as ex-officio members of the Committee;
- (3) Meetings of the Governance Committee will be called by that Committee's Chairperson, with said meetings:
 - a. Held in compliance with the Open Meetings Law, including proper public notice;
 - b. Conducted pursuant to agendas, and recorded with minutes, both of which shall be posted to the Water Board's website; and
 - c. When possible, conducted before or after work sessions or other meetings of the Water Board, to avoid a multiplicity of meetings for Board members.

* CONTINUED ON NEXT PAGE *

(4) The Chairperson of the Governance Committee also shall be tasked with scheduling regular meetings with Water Board staff for the coordination of information and execution of Governance Committee objectives, to be referred to as Governance Team Meetings. The Chairperson will be responsible to report to the Governance Committee meeting appropriate information from Governance Team Meetings.

On March 27, 2023, 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 Asklar	[]	[]	[]	[]
Board Member Kimble	[]	[]	[]	[]
Board Member Larkin	[]	[]	[]	[]
Board Member Leffler	[]	[]	[]	[]
Chairman Forster	[]	[]	[]	[]

Signed By:

Vote Witnessed By:

Nicholas J. Forster, Chairman

Sean W. Costello, Secretary to Board

NIAGARA FALLS WATER BOARD RESOLUTION # 2023-03-004

EXECUTIVE STAFF REVIEW COMMITTEE CHAIRPERSON

WHEREAS, the Niagara Falls Water Board established an executive staff review committee in 2021, consisting of a chairperson to be appointed by the Board of Directors and two Board members appointed by the Committee’s chairperson; and

WHEREAS, the Chairperson opened the floor for nominations, and _____ was nominated as Chairperson of the Executive Staff Review Committee;

NOW THEREFORE BE IT

RESOLVED, that the Niagara Falls Water Board hereby appoints _____ Chairperson of the Executive Staff Review Committee, to serve until the 2025 Annual Meeting or until replaced by a majority vote of the Board.

Water Board Personnel Responsible for Implementation of this Resolution:

Not applicable.

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

Not applicable.

On March 27, 2023, 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 Asklar	[]	[]	[]	[]
Board Member Kimble	[]	[]	[]	[]
Board Member Larkin	[]	[]	[]	[]
Board Member Leffler	[]	[]	[]	[]
Chairman Forster	[]	[]	[]	[]

Signed By:

Vote Witnessed By:

Nicholas J. Forster, Chairman

Sean W. Costello, Secretary to Board

NIAGARA FALLS WATER BOARD RESOLUTION # 2023-03-005

CLARIFYING BY-LAWS REGARDING OFFICER TERMS

WHEREAS, Article VI, Section 1, of the Niagara Falls Water Board By-Laws states: “The Officers of the Board shall consist of a Chair, 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,” and

WHEREAS, on February 23, 2017, the Water Board amended Article VI, Section 2 of its by-laws to eliminate language providing that “All officers of the Board shall hold office until their successors are chosen and qualify in their stead;” and

WHEREAS, the aforementioned language of Article VI, Section 2, was replaced by language providing that “All officers of the Board shall hold office for a term of two (2) years;” and

WHEREAS, the February 23, 2017 by-law amendment eliminated a provision that the officers shall hold office until their successors are chosen and qualify in their stead; and

WHEREAS, the February 23, 2017 by-law amendment to Article VI, Section 2 conflicts with Article VI, Section 1, of the by-laws that provides officers “serve at the pleasure of the Board” and raises the possibility of vacancies if a meeting to appoint a successor officer is not held promptly at the expiration of the officer’s two-year term, which also is not currently set in the by-laws; and

WHEREAS, the Board has, in practice, elected its officers annually at its business meeting despite the February 23, 2017 amendment; and

WHEREAS, minor amendments to the by-laws would resolve the aforementioned issues and establish the term of officers to be two years;

* CONTINUED ON NEXT PAGE *

NOW THEREFORE BE IT

RESOLVED, that Article VI of the Niagara Falls Water Board's by-laws are amended as follows, with language struck through eliminated and language underlined added:

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.* Officers shall be elected at the Board's annual business meeting in odd-numbered years. All officers of the Board shall hold office for a term of two (2) years, until the next annual business meeting to be conducted in an odd-numbered year. In the event of a vacancy, the Board may elect an officer to serve the remainder of the term of office until the next annual business meeting conducted in an odd-numbered year.

* CONTINUED ON NEXT PAGE *

SECTION 3. Removal. ~~Any Officer of the Board~~ The chair, vice-chair, or treasurer may be removed ~~with or without~~ for cause by a vote of the majority of the Members of the Board at a meeting called for that purpose. The secretary and any other officers appointed by the Board may be removed ~~or~~ whenever in the Member's' judgment, the best interests of the Board may be served thereby.

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

Water Board Budget Line or Capital Plan Item with Funds for this Resolution:
 Not applicable.

On March 27, 2023, 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 Asklar	[]	[]	[]	[]
Board Member Kimble	[]	[]	[]	[]
Board Member Larkin	[]	[]	[]	[]
Board Member Leffler	[]	[]	[]	[]
Chairman Forster	[]	[]	[]	[]

Signed By:

Vote Witnessed By:

 Nicholas J. Forster, Chairman

 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 for a term of two (2) years.

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 Water Board.
2. In the event that a Board 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 or Water Board contractors 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 or contractor 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 or contractors 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. During declared Local States of Emergency, Members shall direct all communications regarding Water Board matters that otherwise would be sent to the Executive Director pursuant to this Code to the Board Chairperson, who shall address any urgent issues with the Executive Director. The purpose of this provision is to coordinate information and reduce the burden on the Executive Director during a state of emergency. This provision shall not apply to a Member communicating to the Executive Director to alert the Executive Director to an urgent situation, such as a water main break or other circumstance that may jeopardize health, life, or property, during a state of emergency.

6. This code of conduct shall be provided to all covered persons upon commencement of appointment or employment.

Amended January 26, 2017; Amended May 18, 2020

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

**AUTHORIZING PROCUREMENT OF
MAIN PUMP VARIABLE FREQUENCY DRIVE**

WHEREAS, the main pumps at the Niagara Falls Water Board’s wastewater treatment plant (“WWTP”) are operated using Allen-Bradley variable frequency drives (“VFDs”); and

WHEREAS, in the past year there have been multiple failures of those VFDs, and the environment where the VFDs operate may be a contributing factor; and

WHEREAS, procurement of a backup VFD was authorized in January 2023, but based on the condition of the existing VFDs and the lead time to obtain another VFD, staff recommend ordering a second VFD at this time which it is estimated will be delivered in November 2023, as the “backup” VFD recently ordered may be put into service sooner than originally anticipated; and

WHEREAS, Water Board staff believe it prudent to obtain backup VFDs to minimize pump downtime and avoid substantial rental fees when a main pump VFD fails; and

WHEREAS, Rexel, the sole source for Allen-Bradley VFDs in this area, has presented a quote in the amount of \$28,592.43 for the VFD;

* CONTINUED ON NEXT PAGE *

NOW THEREFORE BE IT

RESOLVED, that on behalf of the Niagara Falls Water Board, the Executive Director is hereby authorized to pay Rexel up to \$28,592.43 to procure a second backup main pump variable frequency drive.

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

Water Board Budget Line or Capital Plan Item with Funds for this Resolution:
Capital Line: WWTP-17 WWTP Miscellaneous
Capital Line Supplied by: D. Williamson
Available Funds Confirmed by: B. Majchrowicz

On March 27, 2023, 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 Asklar	[]	[]	[]	[]
Board Member Kimble	[]	[]	[]	[]
Board Member Larkin	[]	[]	[]	[]
Board Member Leffler	[]	[]	[]	[]
Chairman Forster	[]	[]	[]	[]

Signed By:

Vote Witnessed By:

Nicholas J. Forster, Chairman

Sean W. Costello, Secretary to Board



Quotation

Rexel - Cheektowaga
 505 DUKE ROAD, #400
 CHEEKTOWAGA, NY 14225-5142
 716-893-3030
 Fax 716-706-0491

QUOTE DATE	QUOTE NUMBER	PAGE NO.
03/14/2023	S136080113	1 of 1
CUST PO#:		
JOB/REL#:		

QUOTE TO:

NIAGARA FALLS WATER BOARD
 5815 BUFFALO AVE
 NIAGARA FALLS, NY 14304-3832

SHIP TO:

NIAGARA FALLS WATER BOARD
 5815 BUFFALO AVE
 NIAGARA FALLS, NY 14304-3832

CUSTOMER NUMBER	CUSTOMER PHONE#	ORDERED BY	OUTSIDE SALESPERSON
15056			Jeffery Glenn (3903)
WRITER	WRITER PHONE#	WRITER EMAIL	
Jeffery Glenn (3903)	716 903 8853	Jeffrey.Glenn@Rexelusa.com	
INSIDE SALESPERSON	SHIP VIA	TERMS	SHIP DATE
Michael Canaday	CHEEKTOWAGA N	PROX 25th	11/21/2023
ORDER QTY	DESCRIPTION	UNIT PRICE	EXT PRICE
1EA	AB 20F1AND361AN0NNNNN POWERFLEX AIR COOLED 753 AC DRIVE Pn: 148107 UPC: 88495116798	27745.000/EA	27745.00
1EA	AB 20-COMM-E POWERFLEX ETHERNET/IP Pn: 67369 UPC: 82091901962	847.430/EA	847.43

Prices are subject to change at any time prior to shipment unless agreed to otherwise in writing signed by an authorized Seller representative. Orders related to this quotation must be received, accepted and released by Seller within 48 hours of issuance of the quotation and are subject to availability. Many of Seller's manufacturing partners have advised that until further notice they reserve the right to amend the delivery date, price, scope and quantity of supply and/or other terms and conditions set out in their offer or quotation and Seller equally reserves the right to pass through any such changes from its manufacturing partners to the Buyer. Delivery dates are estimated only. Seller shall not be liable for failure to meet such dates resulting from product shortages or manufacturing delays. Be advised that Seller considers any changes imposed by its manufacturing partners and other vendors outside of Seller's reasonable control and therefore subject to Force Majeure provisions or similar common law doctrines such as "frustration" or "impossibility".
 Seller's Standard Terms and Conditions of Sale are incorporated by reference into this quotation. A copy of the most current version of Seller's Standard Terms and Conditions of Sale is available at <https://www.rexelusainc.com/terms/terms.html>
 Full phone support at (888) 739-3577

Subtotal	28592.43
S&H Charges	0.00
Sales Tax	0.00
Total	28592.43



Date: 1/09/2023

Niagara Falls Water Board

5815 Buffalo Ave

Niagara Falls, NY 14304

Attn: Sean Costello

Re: Rexel Automation

Dear Mr. Costello:

This is to confirm that Rexel Automation currently is the only distributor appointed and authorized to sell Allen-Bradley Standard Controls, Drives, PLC/MMI, Rockwell Software products and all services offerings in the geographic area in which Niagara Falls, NY is located. As a matter of Company policy, full factory product and sales support is made available only to the local authorized distributor, and it is Rockwell Automation's practice and policy to always promote and recommend the use of that distributor to customers in that geographic area. Rockwell Automation discourages the use of other non-authorized sources, including distributors who may hold an Allen-Bradley appointment in another locale.

Should you have any questions regarding the above, please do not hesitate to contact either Rexel Automation or Rockwell Automation.

Respectfully,

Lee Eye

Lee Eye

Territory Sales Manager

leye@ra.rockwell.com

NIAGARA FALLS WATER BOARD RESOLUTION # 2023-03-008

ACCEPTING PROPOSAL FOR WWTP LOCAL LIMITS REEVALUATION

WHEREAS, the Niagara Falls Water Board (“NFWB”) issued request for proposals (“RFP”) No. 2023-02, Local Limits Reevaluation, seeking a qualified engineering consultant to reevaluate its local limits for pollutants in accordance with the NFWB’s Industrial Pretreatment Program and applicable EPA Regulations; and

WHEREAS, the EPA recommends that local limits be reevaluated every five years, and the Water Board last completed a comprehensive local limits reevaluation in 2010; and

WHEREAS, one proposal was received, a March 13, 2023 proposal from AECOM, for a total fee not to exceed \$77,059; and

* CONTINUED ON NEXT PAGE *

NOW THEREFORE BE IT

RESOLVED, that the Niagara Falls Water Board hereby accepts the proposal by AECOM to complete the Local Limits Reevaluation for a total fee not to exceed \$77,059.

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

Water Board Budget Line or Capital Plan Item with Funds for this Resolution:
Budget Line: GA.8110.0001.0451.000-Consultants
Budget Line Supplied by: B. Majchrowicz
Available Funds Confirmed by: Will need a budget transfer to fully fund.

On March 27, 2023, 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 Asklar	[]	[]	[]	[]
Board Member Kimble	[]	[]	[]	[]
Board Member Larkin	[]	[]	[]	[]
Board Member Leffler	[]	[]	[]	[]
Chairman Forster	[]	[]	[]	[]

Signed By:

Vote Witnessed By:

Nicholas J. Forster, Chairman

Sean W. Costello, Secretary to Board



AECOM

Local Limits Reevaluation

Niagara Fall Water Board

RFP NO. 2023-02

March 13, 2023

March 13, 2023

Mr. Douglas Williamson, PE
Director of Technical & Regulatory Services
Niagara Falls Water Board
5815 Buffalo Avenue
Niagara Falls, NY 14304

RE: RFP No. 2023-02 Local Limits Reevaluation

Dear Mr. Williamson:

AECOM is pleased to submit our attached proposal for the Local Limits Reevaluation project. Our proposal has been prepared in accordance with the Niagara Falls Water Board's (NFWB) request for proposal dated February 10, 2023 (RFP No. 2023-02) and our understanding of the NFWB's needs.

The project is necessary because the NFWB has not performed a comprehensive review and update of its local limits since 1993. Further, the United States Environmental Protection Agency (USEPA) Region 2 has indicated in its audit of the NFWB Industrial Wastewater Pretreatment Program that the NFWB needs to perform a comprehensive review of its local limits and update them.

Our proposal is based upon our thorough understanding of the NFWB WWTP and its Industrial Wastewater Pretreatment Program. AECOM has a unique familiarity with the NFWB WWTP unit processes. Since 2017, AECOM has been monitoring and improving process operations including providing technical support and design and construction phase services. AECOM also is assisting the NFWB with negotiating revised SPDES permit limits for this facility. Most recently AECOM has been assisting the NFWB with a number of pretreatment issues including SIU site visits, Cascades/Greenpac evaluations, and revising local limits and significant industrial user (SIU) permit limits for hexachlorocyclohexanes (BHC). All of this experience puts AECOM in a unique position that presents opportunities for efficiency and technical excellence.

AECOM is fully committed to support the NFWB on this project and we look forward to discussing our proposal and approach. Our proposal is contingent upon negotiation of a mutually agreeable contract with terms and conditions consistent with past agreements between AECOM and Niagara Falls Water Board. Please contact Jeff Tudini at 716-868-4306 or jeffrey.tudini@aecom.com if you have any questions or need additional information. Thank you for your consideration.

Sincerely,

AECOM USA, Inc.



Jeff Tudini
Project Manager



Douglas Gove Jr.
Vice President

Situation Understanding

In its two most recent audits of the NFWB's Industrial Wastewater Pretreatment Program (IWWPP), the USEPA Region 2 has indicated that the NFWB has not undertaken a local limits evaluation since 2010 (USEPA Audits 2017, 2023). The regulations pertaining to local limits require that POTW's provide a written technical evaluation of the need to revise local limits following permit issuance or re-issuance. Further, the USEPA recommends more detailed reviews be conducted on an as-needed basis, for example new industrial users, POTW permit violations, etc. The 2017 audit report states that the NFWB needs to undertake a local limits evaluation. Therefore, there is a strong regulatory driver to perform this evaluation. In addition to the findings from the USEPA audit, AECOM understands that the NFWB local limits history is as follows:

- Original local limits were developed in January 1984 by Malcolm Pirnie in a report titled Industrial Pretreatment Program Report. At the time the facility's carbon filters were offline due to major carbon filter failures at startup and, as a result, the carbon filter treatment process was simulated with two small scale carbon columns.
- A Review and Update of Local Limits Report was prepared by Malcolm Pirnie in November 1993 after the facility's carbon filters were placed back on-line. This study utilized performance data for the full-scale filters and considered the facility's recently revised SPDES permit limits. The 1993 review is the most recent comprehensive local limits review.
- A May 1995 Local Limits Review and Update Report was prepared by Malcolm Pirnie to address potential deficiencies in prior efforts that did not address worker safety associated with toxic and reactive gasses and vapors. The study looked at a select list of volatile organic compounds including benzene, carbon tetrachloride, chloroform, hexachlorobenzene, hexachlorobutadiene, methylene chloride, tetrachloroethene, toluene, trichloroethene, and vinyl chloride. Although the study did not appear to identify any required changes in the local limits, it did provide a number of recommendations for routine monitoring and improved worker safety.
- An April 2010 report titled PBTs Local Limits Re-Evaluation by O'Brien and Gere evaluated seven (7) persistent, bioaccumulative and toxic (i.e., PBT) compounds that needed to be included in local limits as a result of their presence in NFWB's influent wastewater. As a result, local limits for these substances were revised. Only PBTs were evaluated during the 2010 local limits evaluation. Compounds considered were hexachlorobenzene, mercury, PCBs (as 1248), Mirex, and 4,4-DDD, 4-4-DDE, 4-4-DDT. It is believed that this is the last time the NFWB's local limits (as published in the NFWB's Part 1960 Sewer Use Ordinance) were updated and hence is consistent with the EPA findings. However, it should be pointed out that this study only included these specific PBT compounds and the last time a comprehensive local limits evaluation was performed that included all parameters was in the 1993 document cited above.
- For completeness in the chronology of local limits development, AECOM is also aware that an ongoing re-evaluation is being conducted for hexachlorocyclohexanes (BHCs) and that revised BHC local limits will result from that effort. AECOM is currently under contract to develop the BHC local limits. Local limits developed as part of this separate study will be incorporated into the limits being developed in this proposal. If selected to perform the current study, we will seamlessly integrate the BHC limits into the current project report.

Based upon the above discussion, it is appropriate that the NFWB conduct a comprehensive review of its local limits and that the review include all current and potentially applicable pollutants of concern.

Understanding of Applicable Regulations and Standards

In December of 1970, the United States Environmental Protection Agency (USEPA) was established to deal with a number of developing environmental issues including water pollution. The basis for the current effort stems from the Clean Water Act (CWA) which in 1972 established a program to restore and maintain the integrity of the nation's waters. The CWA included legislation and programs to construct publicly owned treatment works (POTWs) that would treat domestic and industrial wastewaters. As part of this effort, the CWA also regulated industrial dischargers by developing treatment standards for industrial users. The CWA also required that POTWs develop programs to regulate and monitor industrial dischargers to POTWs, and those programs should be consistent with federal regulations. The main components of this industrial wastewater pretreatment program include the following:

- Developing a Sewer Use Ordinance (SUO) that regulates domestic and industrial users and incorporates the various requirements of the CWA as it applies to industrial users.
- Establishment of Local Limits to enforce the general and specific discharge prohibitions (126 priority pollutants) contained in the CWA and its enabling legislation.

Specifically, the NFWB, as the Control Authority, is obligated to develop Local Limits in accordance with 40 CFR 403.5 (c) and 40 CFR 403.8 (f)(4). The local limits apply to all users including both residential and industrial users and should provide

site specific protection for a POTW and its workers. Requirements for reevaluation of the local limits are specified at 40 CFR 122.44(j)(2)(ii) as follows:

Provide a written technical evaluation of the need to revise local limits under 40 CFR 403.5(c)(1), following permit issuance or reissuance.

Practically speaking, since SPDES permits are issued every five years and are valid for a five-year period, the local limits should be reevaluated concurrent with issuance of a new permit, which should be every five years. The NFWBs most recent and current SPDES permit was last modified October 29, 2018. Given the recent modification to the NFWB SPDES permit and potential changes to SIUs, this comprehensive reevaluation of local limits is warranted.

Project Approach, Scope, and Project Organization

Project Approach

AECOM's approach to this project will be similar to the approach that is being used with the current BHC local limits project that AECOM is executing for the NFWB. We will work closely with the NFWB to address relevant issues and we will communicate routinely with the NFWB staff and management. Dr. Goeddertz will serve as the point of contact for the project work. Because AECOM is so familiar with the NFWB staff, the NFWB WWTP, and the work scope; we will be able to efficiently execute the current project. Our project approach offers the following benefits to the NFWB:

- The NFWB knows the AECOM project team and you can be confident that we will perform efficiently and accurately.
- Data acquisition and review will be seamless as we are familiar with the NFWB's sampling and analysis programs.
- The local limits analysis will be comprehensive and will include a review of SIU permit limits to determine if there are any parameters in the SIU permits that warrant review.

Scope

The anticipated AECOM Scope for this project is presented in this section.

Task 1: Review Relevant Documents and Regulations

AECOM already has obtained and reviewed the following relevant documents pertaining to the NFWB WWTP:

- SPDES Permit NY0026336, October 29, 2018
- Industrial Pretreatment Program Report, Malcolm Pirnie, January 1984
- Review and Update of Local Limits Report, Malcolm Pirnie, November 1993
- Local Limits Review and Update Report, Malcolm Pirnie, May 1995.
- Pollutant Minimization Plan, O'Brien and Gere, May 2006 (approved February 28, 2008)
- PBTs Local Limits Re-Evaluation, O'Brien and Gere, April 2010
- BHC Pollutant Minimization Plan, O'Brien and Gere, July 2014
- Pollutant Minimization Plan Annual Reports prepared and submitted by NFWB to NYSDEC for each of the above PMPs, annually
- Industrial Pretreatment Program, Malcolm Pirnie, January 1984
- NFWB Pretreatment Program Administrative Procedures, various dates
- 2017 EPA Pretreatment Program Audit Report and NFWB response
- NFWB 2021 Pretreatment Compliance Report, February 10, 2022
- NFWB SUO Significant Industrial User (SIU) discharge permits

In addition, AECOM has already obtained and reviewed the following regulations and Guidance Documents that pertain to the development of local limits and the proper administration of an industrial wastewater pretreatment program:

- Introduction to the National Pretreatment Program, USEPA, EPA-833-B-98-002, February 1999
- Local Limits Development Guidance. USEPA, EPA 800-R-04-002A, July 2004
 - 40 CFR Subchapter N - Effluent Guidelines and Standards which contain the following applicable sections:
 - 40 CFR Part 401 - General Provisions

- 40 CFR Part 403 - General Pretreatment Regulations for Existing and New Sources of Pollution
- 40 CFR Parts 405 to 471 i.e., the Categorical Standards

The only documents that AECOM needs to obtain and review for this project are listed below:

- 2023 EPA Pretreatment Program Audit Report and NFWB response (review was conducted in February 2023, the report should be available when this project is executed)
- NFWB 2022 Pretreatment Compliance Report, unknown date should be available when project is executed
- DMR reports showing any SPDES permit violations for the past 5 years exclusive of BHC SPDES permit violations

AECOM already has obtained and reviewed the majority of the above listed materials therefore we have allotted minimal resources for this task.

Task 1 - NFWB Responsibilities

NFWB will provide the following information at the start of the project:

- SIU permit revisions made within the past year as the versions AECOM has are approximately 1 year old
- 2022 NFWB Pretreatment Compliance Report
- 2023 EPA Pretreatment Program Audit Report and NFWB response
- DMR reports showing any SPDES permit violations for the past 5 years exclusive of BHC SPDES permit violations

Task 1 - Deliverables

None

Task 1 - Assumptions

Information will be provided by the NFWB in electronic format.

Task 2: Conduct Data Analysis

The local limits analysis must consider Pollutants of Concern (POC) which are defined as any pollutant that might reasonably be expected to be discharged to the POTW in sufficient amounts to pass through or interfere with the treatment works, contaminate its sludge, cause problems in its collection system, or jeopardize its workers. Based upon the past local limits studies performed at this facility, and our understanding of the current plant operations, AECOM will consider the following in our selection of POCs:

- AECOM will consider all compounds currently contained in the NFWB's local limits.
- AECOM will evaluate sludge disposal limitations, if any.
- AECOM will review the facility's 2018 SPDES permit to determine any revised discharge limits that may impact POC selection.
- AECOM will consider that the current mode of operation of the facility's activated carbon filters is very different from the way that the local limits were developed in the past. Past analyses assumed that filters were operated continuously for either a 4- or 6-month period before being regenerated. This translates to either 2,880 or 4,320 operating hours before regeneration. Current operational practices change carbon filters' carbon on a much more limited basis, with some carbon filters being in service for 7 years (calendar time – not operating time). Given current operating practices of using approximately 10 filters at a time treating an average daily flow of 24 million gallons per day (MGD) and assuming all filters are rotated equally; the 4-month regeneration cycle is equivalent to approximately 288 calendar days and the 6-month regeneration is equivalent to 432 calendar days. For comparison a filter with 7-year-old carbon is at 2,555 calendar days.
- Based upon past studies and AECOM's extensive plant operations experience at the NFWB WWTP, a preliminary review indicates that POCs causing collection system issues or jeopardizing worker safety will be unlikely.
- BHCs are the subject of an ongoing local limits evaluation being conducted by AECOM. Therefore, AECOM will not include scope or effort in this project to evaluate BHC local limits, but we will incorporate the BHC local limits findings into the current effort so that a complete local limits assessment will be included in one report.

Given the above discussion on POC selection, AECOM will focus our data evaluation on existing POC data collected within the past 5-years at a maximum and within the past 2 years as a minimum. Reasons for this time frame are as follows:

- The NFWB WWTP has been operated very differently in the past 5 years, compared to prior years. As a result, data older than 5 years will not be considered.

- There have been considerable changes in the industrial composition of Niagara Falls sewer users in recent years as demonstrated by several plant closures (Oxy, Olin, etc.) and several plant expansions (Covanta, Cascades/Greenpac). As a result, AECOM will review each SIU with the industrial wastewater pretreatment program personnel to discuss their status and determine the most applicable time period to use for data analysis, for each SIU. The intent here is to use data that is most representative of current discharge conditions.

AECOM believes that there is sufficient available data that it will not be necessary to perform additional sampling or analysis, and only existing pollutant specific data will be utilized for this evaluation. AECOM will obtain the following data from the NFWB WWTP for evaluation:

- WWTP Data:
 - Influent and effluent data for the past 5 years including priority pollutant data that is collected for purposes of SPDES permit sampling
 - Influent and effluent data used for SPDES permit renewal submission in 2021
 - Influent, effluent, in-process, and collection system data generated as a result of Pollutant Minimization Plan sampling and analysis for the past 5 years
 - Sludge chemical composition data for the past 5 years and the receiving landfill requirements
- SIU Data
 - Effluent compliance sampling data for the past 5 years generated and submitted by SIUs
 - SIU effluent verification sampling data for the past 5 years generated by the NFWB,
 - Any other SIU data generated by the NFWB associated with special sampling programs in the past 5 years.

AECOM's analysis will include statistical evaluation along with evaluating the best method for handling data that is below the laboratory detection limits; for both the WWTP and the SIU data. Methods presented in Appendix Q of the 2004 Local Limits Development Guidance (EPA 833-R-04-002A) document (Methods for Handling Data Below Detection Level) will be followed. Similar to the BHC local limits analysis, AECOM proposes to use ProUCL software made available by the USEPA for data analysis of data that is reported to be less than the detection limit.

WWTP influent and effluent loadings of each compound will be evaluated to determine treatment efficiency across the WWTP. AECOM will attempt to consider the impact of activated carbon replacement upon percent removal by looking at data from mid-2021 when a number of carbon filters received new activated carbon. Individual SIU loadings of each compound will be developed and compared to the WWTP influent loadings to estimate the relative contributions of each SIU.

In addition to the above, AECOM will review available analytical data for the NFWB WWTP sludge materials to determine compounds that may impact sludge disposal.

Task 2 - NFWB Responsibilities

Provide requested data as outlined above for WWTP, SIUs, and sludge.

Task 2 - Deliverables

Tabulated summary of data

Task 2 - Assumptions

Testing data will be provided in electronic (i.e., Excel) format with necessary nomenclature including, at a minimum testing parameter, test result units, date sampled, and sample location.

No sampling or analysis is included in the current project scope because, AECOM believes and it is assumed that sufficient data exists to perform the necessary evaluation.

Task 3: Prepare Local Limits Re-Evaluation

For each POC, AECOM will determine the maximum allowable headworks loading (MAHL) using the procedures described in the Local Limits Development Guidance document Chapter 5 – Calculation of Maximum Allowable Headworks Loading. Criteria that will be considered include effluent based criteria (SPDES permit) and sludge disposal criteria. There are no other applicable state or federal water quality or resource protection (ground water/aquifer) criteria that are not currently considered in the facility's SPDES permit. Since the WWTP does not utilize biological treatment, inhibition criteria are not applicable, and neither are air quality/worker hazard criteria as that has been considered previously and found to be not applicable.

As part of this current effort, AECOM will perform the recommended reviews/re-evaluations as specified in Local Limits Development Guidance document Chapter 7 -Local Limits Reviews and Detailed Re-Evaluations, including the following:

- Compare current pollutant headworks loadings and MAHLs with prior MAHLs from the 1993 and 2010 local limits evaluations
- Determine the current “percentage of MAHL” that each pollutants’ current loading represents
- For those pollutants with established local limits, the EPA recommends revising local limits if current loadings exceed 60 percent for metals and 80 percent for non-toxic organics and conventional pollutants
- For those pollutants without established local limits, the EPA guidance manual referenced above offers guidance on how to proceed depending upon the pollutant loading relative to the MAHL
- Review SPDES permit violations during the past 5-years exclusive of BHCs

Once the MAHL is determined, NFWB Administrative Procedure No. 6 will be used for establishment of the local limit. Administrative Procedure No. 6 states that the local limit for each substance shall be 0.2 percent of the Maximum Allowable Influent Load (i.e., the MAHL). In theory, once the MAHL is established, the local limit becomes a simple calculation as specified above. To fully allow protection of the WWTP and the receiving water, it is necessary to perform an additional step (i.e. review industrial loadings to make sure that assigned permitted loadings do not exceed the MAHL). In doing so AECOM will calculate a maximum allowable industrial loading (MAIL) and will review MAIL allocation (i.e., SIU permits). Therefore, AECOM will also review SIU permit limits and provide an opinion on any POCs that should be reallocated based upon a consideration of the MAHL and MAIL.

It should be noted that the NFWB’s Combined Sewer Overflow Long Term Control Plan (CSO LTCP) was provided as part of the request for proposal reference materials. Following AECOM’s review of Section 6.4 of the CSO LTCP titled “Industrial Pretreatment” it is our belief there are no CSO considerations that need to be addressed as part of the local limits development process. Reasons stated in Section 6.4 of the CSO LTCP include industrial flows are captured prior to domestic flows during wet weather, and during dry weather the regulators are operated so that all industrial wastewater is conveyed to the WWTP.

The report prepared for this task will need to be submitted to the USEPA and NYSDEC for review and approval. AECOM will respond to any comments provided by either regulatory agency and will revise the document as needed to address the comment resolution.

Task 3 - NFWB Responsibilities

- Review the Draft and Final Local Limits Re-Evaluation Report

Task 3 - Deliverables

- Report of Local Limits Re-Evaluation, Draft and Final (incorporating regulatory comments)

Task 3 – Assumptions

- NFWB will provide comments within two weeks of receiving the draft report. The comments will be minor requiring minimal work on AECOM’s part.

Project Organization

The project will be staffed and managed out of the AECOM Buffalo, New York Office. Jeff Tudini will serve as Project Manager and will be the primary contact for project status, budget, and lead our project team. John Goeddert, Ph.D. will serve as the main technical contact and guide the technical approach. Assisting Dr. Goeddert with data analysis will be engineers from our Buffalo, New York office. In addition, Ms. Joyce O’Donnell will serve as the technical lead for the local limits analysis. A resume for Ms. O’Donnell is included in Attachment A. Ms. O’Donnell is located in our Chelmsford, Massachusetts office. No travel is anticipated for Ms. O’Donnell as all work can be performed remotely via computer and telephone. QA/QC will be performed by Joella Posey, a Principal Engineer located in our Conshohocken, PA office who has extensive qualifications and experience with the development of local limits.

Demonstrated Experience on Similar Projects

NFWB - AECOM is currently reviewing the local limits established for BHC compounds. The current loading to the treatment plant has resulted in chronic violations of a newly issued SPDES permit. AECOM reviewed data to establish the removal efficiency of BHC isomers by the POTW as well as the overall loading by individual SIUs. It was determined that more than 98 percent of the loading of these compounds was contributed by three SIUs, and that individual permit limits issued to these SIUs are higher than the MAHL that the plant can receive and maintain compliance with the new SPDES permit. Recommendations are being implemented to revise the individual permit limits to reduce the loading to the POTW.

Washington County Local Limits Study, Maryland – AECOM successfully prepared a sampling program to direct the field sampling activities and data analysis associated with the development of local limits for the pretreatment program. The data from the sampling program was then analyzed to determine the local limits for all pollutants of concern to be implemented into the pretreatment program.

Confidential Municipality, Hawaii – AECOM prepared a local limits evaluation for a municipality in Hawaii. The EPA Guidance Document was used to prepare the list of Pollutants of Concern (POC). Operating data from the treatment plant and compliance monitoring data was used to determine the percent removal and contributions from the SIUs. The maximum allowable headworks loading was then determined, followed by a review of the existing local limits.

Veolia, Westborough, MA – AECOM performed a detailed review of the existing Industrial Pretreatment Program (IPP) implemented at the POTW located in Westborough, MA and operated by Veolia. The initial task was to conduct an unofficial audit of the IPP, which revealed that the program was antiquated and not being implemented as written. Follow on work included the development of an updated Rules and Regulation document and updated Enforcement Response Plan that meets regulatory requirements and accurately reflects how the IPP is implemented. Additional, follow on work included the re-evaluation of local limits after an updated NPDES Permit was issued. The re-evaluation was conducted in accordance with the EPA Guidance Document and revealed that the current local limits were adequate.

NFWB Permit Renewal Assistance - The NYSDEC has provided the NFWB with a preliminary draft permit with multiple changes that present challenges for future effluent discharge compliance. Ultimately, these permit changes may result in significant process and/or technology modifications such as more frequent carbon changes and an effluent dechlorination process. Since Spring 2021, AECOM has assisted the NFWB with review of the permit renewal including technical and historical basis for negotiations with the NYDEC and technical review of the proposed mixing zoning. This project is still ongoing with the initial mixing zone review that found multiple issues with the proposed mixing zone and has put the ball back in the hands of the regulatory agency for review and updates.

Alberta Environment and Parks – AECOM prepared a report for AEP to support and inform development of Technically Based Effluent Limits (TBELs) for oil sands wastewater. The work included a review of publicly available literature to examine how TBELs are developed in Australia; Canada and the Canadian provinces of British Columbia, Saskatchewan, Ontario, Quebec; the United States and the US states of California, Colorado, Pennsylvania, and Texas; and the European Union (EU), and member state Germany and Norway. Regulations for specific industries were targeted based on industrial categories producing wastewater with characteristics similar to that of wastewater generated by industries of interest in Alberta.

Specific Experience of Key Project Professionals

Jeff Tudini – Mr. Tudini is a process engineer and project manager with over 16-years of experience serving industrial and municipal clients with environmental compliance, treatment evaluation and design, and system operating and startup. Jeff has a master's degree in Environmental Engineering and a Bachelor's degree in Civil Engineering. Jeff is familiar with the NFWB leadership team and WWTP staff with his continued management of various projects ongoing with the NFWB. Jeff served as the lead engineer for the NFWB biological treatment, and capital improvement design Project 1 (Sedimentation Basin and Scum Collection Modifications) and is currently serving as the project manager for the BHC local limits evaluation. In addition to his experience with the NFWB WWTP, Jeff served as Project Manager and lead process engineer to develop local limits for industrial discharges to the South Columbus Water Reclamation Facility (SCWRF). Similar to the scope proposed for this effort, the SCWRF defined the maximum loads available for the current industrial users discharging to the SCWRF and served as a basis to determine if/what limits need to be set on the industrial sources and/or what improvements or adjustments should be made to the SCWRF to maintain effluent compliance.

John Goeddertz – Dr. Goeddertz is a wastewater and stormwater process evaluation and NPDES permitting expert. He has worked extensively in the evaluation, concept design, detailed design, permitting, construction, operation, and troubleshooting of stormwater/wastewater management and treatment facilities for both municipal and industrial clients. Has performed extensive bench and pilot testing work and developed numerous basis of design reports that led to detailed design and construction of biological and physical/chemical treatment facilities. Specific to the NFWB WWTP, Dr. Goeddertz has provided technical oversight and served as the lead engineer for multiple projects including the current BHC local limits evaluation, capital improvement design projects for the sedimentation basins, scum removal, and the effluent disinfection upgrades, and is currently acting as the On-site Environmental Monitor.

Joyce O'Donnell – Ms. O'Donnell is a registered professional engineer with more than 25 years of process engineering experience in the environmental field. She holds a master's degree in Environmental Engineering and a Bachelor's degree in Chemical Engineering. Her experience has spanned numerous industries including municipal water and wastewater treatment, petrochemicals, pulp and paper, chemical weapon demilitarization, electroplating, metal finishing, among others. She has performed troubleshooting of water treatment and industrial wastewater treatment systems. She has participated

in regulatory audits and prepared permitting documentation making her familiar with a variety of environmental regulations and compliance issues. She served as Project Manager for recent work for Veolia evaluating their Industrial Pretreatment Program and re-evaluating the industrial local limits and is serving as the local limits expert for the development of the NFWB BHC local limits project.

Joella Posey – Ms. Posey is a licensed Pennsylvania Professional Engineer with extensive experience in water and wastewater permitting and design projects in numerous states including Pennsylvania and New Jersey. She is based in AECOM’s Conshohocken, PA office. Ms. Posey has over twenty-three years of experience in conceptual design and detailed design, and permitting of water and wastewater treatment facilities and equipment. Her experience includes water/wastewater permitting and regulatory compliance, and the detailed civil design of industrial and municipal waste collection and treatment systems, water distribution systems, groundwater treatment systems, concrete storage structures, disinfection equipment and pumping, piping, and sampling systems.

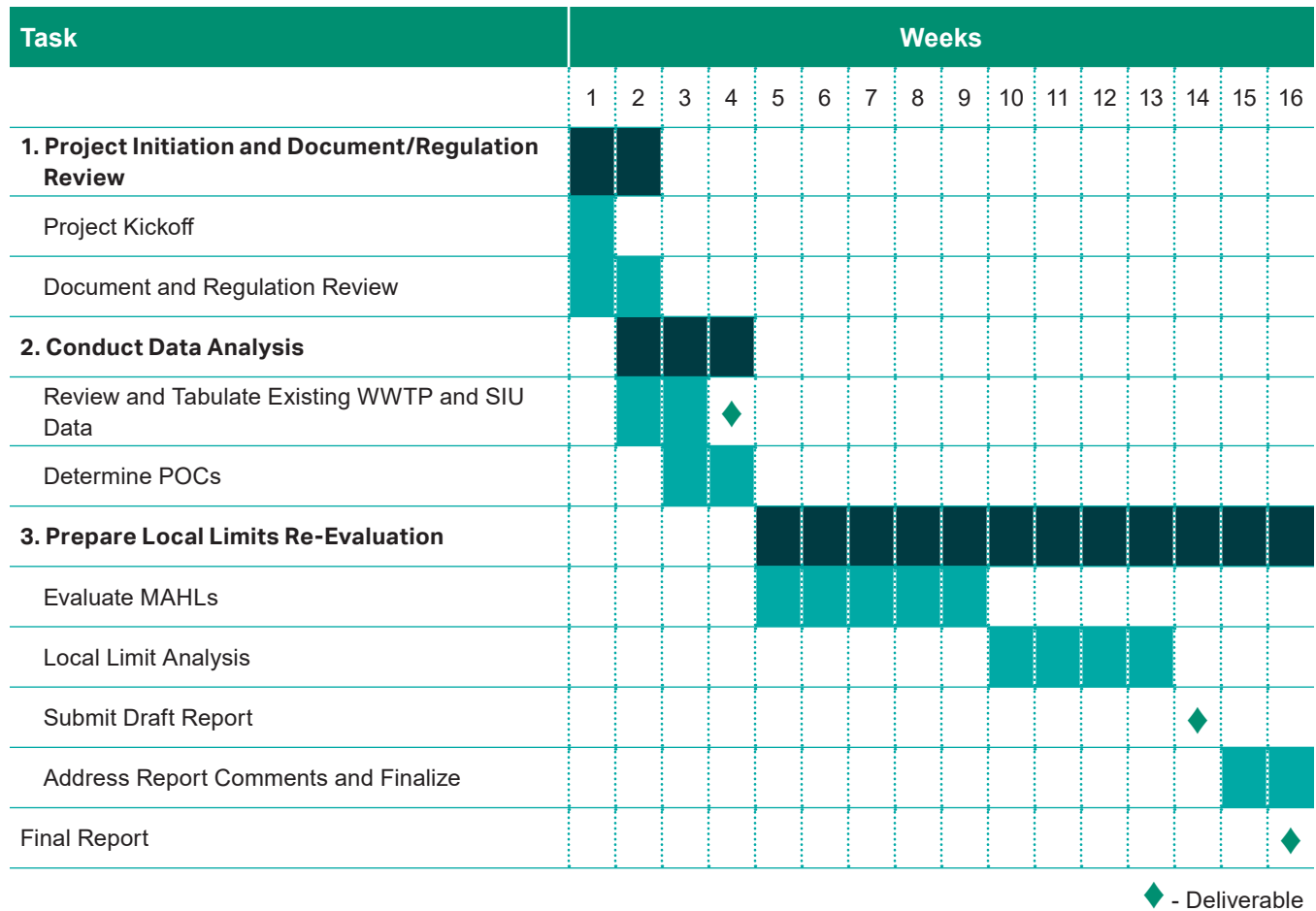
Experience & Qualifications of Subconsultants

AECOM is submitting an M/WBE waiver with this proposal. It is included with the required forms in Appendix A.

Schedule, Effort, and Budget Breakdown

Schedule

A project schedule in bar chart format is provided in Figure 1. AECOM will initiate this project immediately and anticipates completing the project within 4 months.



Effort and Budget

AECOM’s proposed time and materials not-to-exceed budget is presented in the attached Table 1.

Table 1. Niagara Falls Water Board - AECOM - Cost Proposal Summary Form Local Limits Re-Evaluation Proposal

Item	Labor Hours						Other Direct Costs (Vehicle Mileage, Printing, Supplies, Subcontractor Markup, Shipping,) All at COST plus 5%	Total Cost (Labor + ODCs)
	QA/QC Joella Posey	Project Manager Jeff Tudini	Senior Project Engineer I John Goeddertz	Senior Project Engineer (Local Limits) Joyce O'Donnell	Staff Engineer Dan Casper	Total		
	\$219	\$168	\$219	\$171	\$82			
Task 1 – Review Relevant Documents and Regulations								
Review Documents	0	2	4	4	0	10	\$0	\$1,897
Subtotal Hours	0	2	4	4	0	10		
Subtotal Cost	\$0	\$336	\$876	\$685	\$0	\$1,897	\$0	\$1,897
Task 2 – Conduct Data Analysis								
Review and Tabulate Existing WWTP and SIU Data	4	2	24	40	160	230	\$0	\$26,454
Determine POCs	2	0	12	16	0	30	\$0	\$5,807
Subtotal Hours	6	2	36	56	160	260		
Subtotal Cost	\$1,316	\$336	\$7,888	\$9,586	\$13,135	\$32,261	\$0	\$32,261
Task 3 – Prepare Local Limits Re-Evaluation								
Evaluate MAHLs	4	2	12	80	40	138	\$0	\$20,820
Local Limits Analysis	4	2	24	72	40	142	\$0	\$22,080
Subtotal Hours	8	4	36	152	80	280		
Subtotal Cost	\$1,755	\$672	\$7,888	\$26,018	\$6,567	\$42,901	\$0	\$42,901
TOTAL HOURS	14	8	76	212	240	550	\$0	\$77,059
TOTAL COST	\$3,071	\$1,345	\$16,653	\$36,288	\$19,702	\$77,059		



Required Forms

Required Information

1. Any other names under which proposer has done business in the past 10 years:

URS Corporation became part of AECOM in 2014.
URS Corporation has worked for The City of Niagara Falls and the Niagara Falls Water Board since 1995.

2. List all subsidiary and parent companies:

AECOM Technical Services, Inc. owns AECOM USA, Inc. at 100%. AECOM USA, Inc. is a direct whollyowned subsidiary of AECOM Technical Services, Inc. and an indirect wholly-owned subsidiary of AECOM (parent) company.

Subsidiaries:

AECOM Architects & Engineers (NJ), Inc.
AECOM INGENIERIA S.A. de C.V.
AECOM Libya Housing and Infrastructure, Inc.
AECOM Pacific, Inc.
AECOM Recovery
AECOM USA of Massachusetts, Inc.
AECOM USA of Michigan, Inc.
ATC Architecture, Inc.
Consoer Townsend Envirodyne Engineers of Indiana, Inc
DIT-Harris, S.A.
DMJM Aviation, Inc.
DMJM, Inc.
DMJM+HARRIS CANADA INC.
Egis-Semaly, Inc.
Envirodyne Engineers, Inc.
Envirodyne Engineers, Inc.
Envirodyne Engineers, Inc.
ESCY Consultants Limited
Frederic R. Harris, Inc.
Lim & Nascimento Engineering Corporation
Material Testing Services, Inc.
Maunsell Harris Consulting Engineers Pvt. Ltd.
Metcalf & Eddy de Panama, S.A.
Metcalf & Eddy of New York, Inc.
Metcalf & Eddy of Ohio, Inc.
P&D Consultants, Inc.
Planeacion de Recursos Cientificos S.A. DE C.V.
The Ellerbe Becket Company, LLC
Urbitran Architectural/Engineering Group, Inc.
Urbitran Architectural/Engineering Group, PLLC

3. State whether proposer ever has been:

Debarred or suspended by any government entity from entering contracts with it: No

Found not responsible by any government entity: No

Declared in default or terminated for cause from any contract, or had any contract cancelled for cause:

AECOM USA, Inc. ("AECOM") performs thousands of contracts each year. From time to time, occasions arise when AECOM does not complete the performance of an awarded contract. These situations include (i) where a client terminates the contract for its convenience; e.g. where the client is unable to secure continued funding

for the underlying project and, as a result, terminates the associated contract, (ii) where AECOM ceases performance under the contract in accordance with the applicable terms of the contract in response to the client's nonpayment or other breach, and the contract is ultimately terminated; and (iii) where one of the contracting parties terminates the contract for default.

Upon knowledge and belief, formed after reasonable inquiry, during the past five years, AECOM (i) has not failed to complete a contract where the other party to such contract was not in breach unless the contract afforded AECOM that right and (ii) AECOM has not had a contract terminated by a client wherein that termination was ultimately determined to be other than for convenience.

Required to pay liquidated damages on a contract: No

4. State whether proposer has filed for bankruptcy or been the subject of an involuntary bankruptcy proceeding: No

5. State whether proposer has been a party to any legal action or government investigation related to proposer's business practices, or alleging that any of proposer's agents or employees committed:

On June 3, 2020, a whistleblower qui tam suit against various AECOM entities, related to AECOM's work for FEMA after Hurricane Katrina, was unsealed, and DOJ filed a notice indicating their intent to intervene in the case under the False Claims Act. DOJ filed their complaint against AECOM alleging violations of the False Claims Act on July 28, 2020. The allegations in the complaint primarily focus on the conduct of one AECOM employee who was terminated by AECOM in 2010 and focus on conduct largely, although not exclusively, between 2009 and 2011. We do not believe these allegations reflect on our present responsibility as a contractor. Please contact Howard Cohen, Vice President, Assistant General Counsel, Ethics & Compliance, howard.cohen@aecom.com, for additional details or questions. If proposer, any of proposer's principals, or any of proposer's agents has pleaded guilty or entered into a consent order in connection with respect to any of these, provide details.

APPENDIX A, FORM No. 1

ACKNOWLEDGEMENT OF ADDENDA

RFP TITLE: RFP NO. 2023-02 Local Limits Reevaluation
(Write the RFP No. and Title on the Line Above)

DIRECTIONS: Complete Part I or Part II, whichever is applicable.

PART I: LISTED BELOW ARE THE DATES OF ISSUE FOR EACH
ADDENDUM RECEIVED IN CONNECTION WITH THIS RFP:

ADDENDUM # 1: DATED _____, 20__

ADDENDUM # 2: DATED _____, 20__

ADDENDUM # 3: DATED _____, 20__

ADDENDUM # 4: DATED _____, 20__

ADDENDUM # 5: DATED _____, 20__

ADDENDUM # 6: DATED _____, 20__

PART II: DG INITIAL HERE IF NO ADDENDUM WAS RECEIVED
IN CONNECTION WITH THIS RFP INITIAL HERE

DATE: 03 / 13 / 2023

PROPOSER (SIGNATURE):  _____

PROPOSER (NAME): Douglas Gove Jr.

PROPOSER (FIRM): AECOM USA, Inc.

APPENDIX A, FORM No. 2

CERTIFICATE OF NON-COLLUSION

Pursuant to New York State Public Authorities Law, Article 9, Title 4, Section 2878, the undersigned proposer hereby subscribes and affirms as true, under the penalties of perjury, the following statement of non-collusion:

By submission of this proposal, each proposer and each person signing on behalf of any proposer certifies, and in the case of a joint proposal each party thereto certifies as to its own organization, under penalty of perjury, that to the best of his/her knowledge and belief:

- (1) The prices in this proposal have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other proposer or with any competitor;
- (2) Unless otherwise required by law, the prices which have been quoted in this proposal have not been knowingly disclosed by the proposer and will not knowingly be disclosed by the proposer prior to opening, directly or indirectly, to any other proposer or to any competitor; and,
- (3) No attempt has been made or will be made by the proposer to induce any other person, partnership, or corporation to submit or not to submit a proposal for the purpose of restricting competition.

DATE: 3 / 2 / 23

PROPOSER (SIGNATURE):

[Signature]

PROPOSER (NAME):

Douglas Gove Jr.

PROPOSER (FIRM):

AECOM USA, Inc.

STATE OF Massachusetts)

COUNTY OF Middlesex) ss.:

On the 2 day of March, 2023, before me, the undersigned, a Notary Public in and for said state, personally appeared Douglas Gove Jr. as a representative of AECOM USA, Inc., personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the entity on behalf of which the individual acted executed the instrument.

Lisa M. Shanahan
Notary Public Lisa M. Shanahan

Expiration Date: 04/20/2029



APPENDIX A, FORM No. 3

NEW YORK STATE FINANCE LAW SECTIONS 139-j AND 139-k ("LOBBYING LAW") – DISCLOSURE STATEMENT

General Information

All procurements by the Niagara Falls Water Board ("NFWB") in excess of \$15,000 annually, are subject to New York State's State Finance Law Sections 139-j and 139-k, effective January 1, 2006 ("Lobbying Law").

Pursuant to the Lobbying Law, all "contacts" (defined as oral, written or electronic communications with the NFWB intended to influence a procurement) during a procurement - from the earliest notice of intent to solicit bids/proposals through final award and approval - must be made with one or more designated Point(s) of Contact only. Exceptions to this rule include written questions during the bid/proposal process, communications with regard to protests, contract negotiations, and RFP conference participation. Nothing in the Lobbying Law inhibits any rights to make an appeal, protest, or complaint under existing administrative or judicial procedures.

Violations of the policy regarding permissible contacts must be reported to the appropriate NFWB officer and investigated accordingly. The first violation may result in a determination of non-responsibility and ineligibility for award to the violator and its subsidiaries, affiliates and related entities. The penalty for a second violation within four (4) years is ineligibility for bidding/proposing on a procurement and/or ineligibility from being awarded any contract for a period of four (4) years. The NFWB will notify the New York State Office of General Services ("OGS") of any determinations of non-responsibility or debarments due to violations of the Lobbying Law. Violations found to be "knowing and willful" must be reported to the NFWB Executive Director and OGS.

Moreover, the statutes require the NFWB to obtain certain affirmations and certifications from bidders and proposers. This Disclosure Statement contains the forms with which offerors are required to comply, together with additional information and instructions.

Instructions

New York State Finance Law §139-k(2) obligates the NFWB to obtain specific information regarding prior non-responsibility determinations. In accordance with New York State Finance Law §139-k, an offerer must be asked to disclose whether there has been a finding of non-responsibility made within the previous four (4) years by any governmental entity due to: (a) a violation of New York State Finance Law §139-j or (b) the intentional provision of false or incomplete information to a governmental entity.

As part of its responsibility determination, New York State Finance Law §139-k(3) mandates consideration of whether an offerer fails to timely disclose accurate or complete information regarding the above non-responsibility determination. In accordance with law, no procurement contract shall be awarded to any offerer that fails to timely disclose accurate or complete information under this section, unless the factual elements of the limited waiver provision can be satisfied on the written record.

Disclosure of Prior Non-Responsibility Determinations

Name of Bidder/Proposer: AECOM USA, Inc.

Address: 1 John James Audubon, Amherst, NY 14228

Name and Title of Person

Submitting this Form: Douglas Gove Jr., Vice President

Has any governmental entity¹ made a finding of non-responsibility regarding the Bidder/Proposer in the previous four years?

Yes No

If yes: Was the basis for the finding of the Bidder's/Proposer's non-responsibility due to a violation of State Finance Law §139-j?

Yes No

Was the basis for the finding of Bidder's/Proposer's non-responsibility due to the intentional provision of false or incomplete information to a governmental entity?

Yes No

If yes to any of the above questions, provide details regarding the finding of non-responsibility below:

Governmental Entity: _____

Year of Finding of Non-responsibility: _____

Basis of Finding of Non-Responsibility (attach additional pages if necessary): _____

Has any governmental entity terminated or withheld a procurement contract with the Bidder/ Proposer due to the intentional provision of false or incomplete information?

Yes No

If yes, provide details regarding the termination/withholding below:

Governmental Entity: _____

Year of Termination/Withholding: _____

Basis for Termination/Withholding (attach additional pages if necessary):

NOTICE OF NFWB'S RIGHT TO TERMINATE

The NFWB reserves the right to terminate a Contract (including any lease, license, entry permit, or sale documents) in the event it is found that the certification filed by the Proposer, in accordance with New York State Finance Law §139-k, was intentionally false or intentionally incomplete. Upon such finding, the NFWB may exercise its termination right by providing written notification to the Bidder/Proposer in accordance with the written notification terms of the Contract.

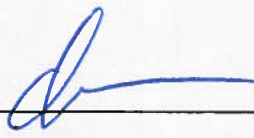
Proposer's Affirmation and Certification

By signing below, the Proposer:

- a) Affirms that the Proposer understands and agrees to comply with the policy regarding permissible contacts in accordance with New York State Finance Law Sections 139-j and 139-k.
- b) Certifies that all information provided to the NFWB with respect to New York State Finance Law §139-j and §139-k is complete, true and accurate.

DATE: 3 / 2 / 23

PROPOSER (SIGNATURE):



PROPOSER (NAME):

Douglas Gove Jr.

PROPOSER (FIRM):

AECOM USA, Inc.

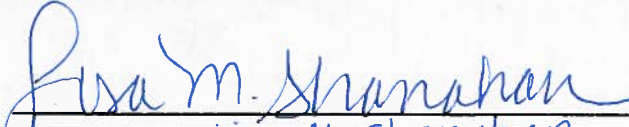
STATE OF Massachusetts)

) ss.:

COUNTY OF Middlesex)

On the 2 day of March, 2023, before me, the undersigned, a Notary Public in and for said state, personally appeared Douglas Gove Jr as a representative of AECOM USA, Inc., personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the entity on behalf of which the individual acted executed the instrument.




Notary Public Lisa M. Shanahan
Expiration Date: 04/20/2029

APPENDIX A, FORM No. 4

**EQUAL EMPLOYMENT OPPORTUNITY (“EEO”)
POLICY STATEMENT AND AGREEMENT**

Proposer hereby agrees to the following EEO policy with respect to its work on any contract awarded in connection with this RFP:

- a) This organization will not discriminate against any employee or applicant for employment because of race, creed, color, national origin, sex, age, disability or marital status, will undertake or continue existing programs of affirmative action to ensure that minority group members are afforded equal employment opportunities without discrimination, and shall make and document its conscientious and active efforts to employ and utilize minority group members and women in its work force on Niagara Falls Water Board (“Water Board”) contracts.
- b) This organization shall state in all solicitations or advertisements for employees that in the performance of the Water Board contract all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, disability or marital status.
- c) At the request of the Water Board, this organization shall request each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding, to furnish a written statement that such employment agency, labor union, or representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will affirmatively cooperate in the implementation of this organization’s obligations herein.
- d) This organization shall comply with the provisions of the Human Rights Law, all other State and Federal statutory and constitutional non-discrimination provisions. Proposer and subcontractors shall not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, pregnancy or pregnancy-related conditions, gender identity, familial status, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.
- e) This organization will include the provisions of section (a) through (d) of this agreement in every subcontract in such a manner that the requirements of the subdivisions will be binding upon each subcontractor as to work in connection with the Water Board contract.

ACCEPTED AND AGREED:

DATE: 3 / 2 / 23

PROPOSER (SIGNATURE):



PROPOSER (NAME):

Douglas Gove Jr.

PROPOSER (FIRM):

AECOM USA, Inc.

APPENDIX A, FORM No. 5

STATEMENT ON SEXUAL HARASSMENT
PURSUANT TO STATE FINANCE LAW § 139-1

By submission of this proposal, proposer(s) and each person signing on behalf of any proposer certifies, and in the case of a joint proposal each party thereto certifies as to its own organization, under penalty of perjury, that the proposer has and has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all of its employees. Such policy shall, at a minimum, meet the requirements of section two hundred one-g of the labor law.

DATE: 3 / 2 / 23

PROPOSER (SIGNATURE):

[Signature]

PROPOSER (NAME):

Douglas Gove Jr.

PROPOSER (FIRM):

AECOM USA, Inc.

STATE OF Massachusetts)

COUNTY OF Middlesex) ss.:

On the 2 day of March, 2023, before me, the undersigned, a Notary Public in and for said state, personally appeared Douglas Gove Jr. as a representative of AECOM USA, Inc., personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the entity on behalf of which the individual acted executed the instrument.

Lisa M. Shanahan
Notary Public Lisa M. Shanahan
Expiration Date: 04/20/2029



APPENDIX A, FORM No. 6

**REQUEST FOR PROPOSALS
ACKNOWLEDGEMENT AND CERTIFICATION**

As a duly-authorized representative of the proposer indicated below, I hereby acknowledge that by submitting a proposal in connection with

RFP NO. 2023-02 Local Limits Reevaluation
(write RFP Number and Title)

proposer has made a firm offer and agrees to be bound by its terms. Proposer has carefully read the RFP and all addenda, and in submitting this proposal acknowledges proposer understands and agrees to be bound by the requirements set forth in the RFP, except as explicitly stated on a separate sheet attached to this proposal and entitled "Exceptions." Proposer agrees and understands that the terms and conditions set forth in the RFP addenda shall be incorporated into any contract or agreement awarded in connection with this RFP, and agrees to be bound by those terms and conditions.

I recognize that all information submitted is for the express purpose of inducing the Water Board to enter a contract with the submitting business entity. I affirm, under the penalties of perjury, that to the best of my knowledge the information contained in the proposal is full, complete, and truthful.

DATE: 3 / 2 / 23

PROPOSER (SIGNATURE):

[Signature]

PROPOSER (NAME):

Douglas Gove, Jr.

PROPOSER (FIRM):

AECOM USA, Inc.

STATE OF Massachusetts)
COUNTY OF Middlesex) ss.:

On the 2 day of March, 2023, before me, the undersigned, a Notary Public in and for said state, personally appeared Douglas Gove Jr. as a representative of AECOM USA, Inc., personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the entity on behalf of which the individual acted executed the instrument.



Lisa M. Shanahan
Notary Public
Lisa M. Shanahan
Expiration Date: 04/20/2029

MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES – EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT

M/WBE AND EEO POLICY STATEMENT

I, Douglas Gove Jr., the (awardee/contractor) contractor agree to adopt the following policies with respect to the project being developed or services rendered at Niagara Falls Water Board

M/WBE

This organization will and will cause its contractors and subcontractors to take good faith actions to

achieve the M/WBE contract participations goals set by the State for that area in which the State-funded project is located, by taking the following steps:

- (1) Actively and affirmatively solicit bids for contracts and subcontracts from qualified State certified MBEs or WBEs, including solicitations to M/WBE contractor associations.
- (2) Request a list of State-certified M/WBEs from AGENCY and solicit bids from them directly.
- (3) Ensure that plans, specifications, request for proposals and other documents used to secure bids will be made available in sufficient time for review by prospective M/WBEs.
- (4) Where feasible, divide the work into smaller portions to enhanced participations by M/WBEs and encourage the formation of joint venture and other partnerships among M/WBE contractors to enhance their participation.
- (5) Document and maintain records of bid solicitation, including those to M/WBEs and the results thereof. The Contractor will also maintain records of actions that its subcontractors have taken toward meeting M/WBE contract participation goals.
- (6) Ensure that progress payments to M/WBEs are made on a timely basis so that undue financial hardship is avoided, and that bonding and other credit requirements are waived or appropriate alternatives developed to encourage M/WBE participation.

EEO

(a) This organization will not discriminate against any employee or applicant for employment because of race, creed, color, national origin, sex, age, disability or marital status, will undertake or continue existing programs of affirmative action to ensure that minority group members are afforded equal employment opportunities without discrimination, and shall make and document its conscientious and active efforts to employ and utilize minority group members and women in its work force on state contracts.


(b) This organization shall state in all solicitation or advertisements for employees that in the performance of the State contract all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex disability or marital status.

(c) At the request of the contracting agency, this organization shall request each employment agency, labor union, or authorized representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will affirmatively cooperate in the implementation of this organization's obligations herein.

(d) The Contractor shall comply with the provisions of the Human Rights Law, all other State and Federal statutory and constitutional non-discrimination provisions. The Contractor and subcontractors shall not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

(e) This organization will include the provisions of sections (a) through (d) of this agreement in every subcontract in such a manner that the requirements of the subdivisions will be binding upon each subcontractor as to work in connection with the State contract

Agreed to this 10 day of March, 2023

By 

Print: Douglas Gove Jr. Title: Vice President

_____Shawn Ralston_____ is designated as the Minority Business Enterprise Liaison
(Name of Designated Liaison)

responsible for administering the Minority and Women-Owned Business Enterprises- Equal Employment Opportunity (M/WBE-EEO) program.

M/WBE Contract Goals

30 % Minority and Women's Business Enterprise Participation

10 % Minority Business Enterprise Participation

20 % Women's Business Enterprise Participation



(Authorized Representative)

Title: Vice President

Date: March 13, 2023



REQUEST FOR WAIVER

FORM B

Niagara Falls Water Board
 Michael C. O' Laughlin Municipal Water Plant
 Attention: Executive Director
 5815 Buffalo Ave.
 Niagara Falls, NY 14304

INSTRUCTIONS: See page 2 of this attachment for requirements and document submission instructions.								
Contractor's Name, Address and Telephone No. 1 John James Audubon Parkway, Suite 210 Buffalo, NY 14228 716.923.1215 Federal Identification No. 13-5511947	Contract No.: 2023-02 Contract Description (Construction, Construction Consultant, Commodities or Services/Technologies) & Location (Region): Services/Technologies, Buffalo, NY	MWBE/SDVOB Goals In Contract <table> <tr> <td>MBE</td> <td>10 %</td> </tr> <tr> <td>WBE</td> <td>20 %</td> </tr> <tr> <td>SDOV</td> <td>0 %</td> </tr> </table>	MBE	10 %	WBE	20 %	SDOV	0 %
MBE	10 %							
WBE	20 %							
SDOV	0 %							

Contractor is requesting a:

MBE Waiver – A waiver of the MBE Goal for this procurement is requested. **Total** **Partial**

WBE Waiver – A waiver of the WBE Goal for this procurement is requested. **Total** **Partial**

SDVOB Waiver – A waiver of the SDVOB Goal for this procurement is requested. **Total** **Partial**

IF UNABLE TO FULLY MEET THE MBE AND WBE GOALS SET FORTH IN THE CONTRACT, CONTRACTOR MUST SUBMIT GOOD FAITH EFFORTS (GFE) DOCUMENTATION and A REQUEST FOR WAIVER FORM C UPON COMPLETION OF CONTRACT.

Submission of this form constitutes the contractor's acknowledgement and agreement to comply with the M/WBE requirements set forth under NYS Executive Law, Article 15-A and 5 NYCRR Part 142. Failure to submit complete and accurate information may result in a finding of noncompliance or rejection of the bid/proposal and/or suspension or termination of the contract.

Prepared By (Signature)	Email Address Doug.Gove@aecom.com
Name and Title of Preparer (Print or Type) Douglas Gove Jr.	Telephone No. 978 905-2981
	Date March 13, 2023

FOR AGENCY USE ONLY

Reviewed By	Date
Waiver Granted: <input type="checkbox"/> Yes <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> SDOV <input type="checkbox"/> No	Date
* Comments:	

3/13/2023

Douglas Williamson, PE
Director of Technical & Regulatory Services
Niagara Falls Water Board
5815 Buffalo Avenue
Niagara Falls, NY 14304


Minority and Women Business Enterprises, and Services Disabled Veteran-Owned Businesses Utilization Waiver

Dear Mr. Williamson,

Pursuant to the Request for Proposal (RFP) No. 2023-02, we have reviewed the scope of work associated with AECOM's proposal for a NFWB Local Limits Re-Evaluation to assess whether there are any subcontracting opportunities. We understand that the NFWB encourages subcontracting to Minority and Women Business Enterprises (MWBE), and Service-Disabled Veteran-Owned Businesses (SDVOB), where possible, and that the NFWB has MWBE and SDVOB utilization goals. With respect to the work to be performed pursuant to AECOM's proposal, no subcontracting opportunities exist. The work to be performed is technical work with aspects that do not allow for segregation of tasks for consistency and efficiency reasons. The evaluation to be performed will be by AECOM engineering and scientific staff only.

Per Appendix B of RFP No. 2023-02, attached is the supporting information/document(s) as it pertains to this waiver request. Should you have any further questions or concerns, please contact us.

Sincerely,
AECOM USA, Inc.



Jeff Tudini
Project Manager

Solicitation Log

SEARCH #	Company Name	MBE or WBE	Scope of Work	Contact Name	Contact Info	Contact 1 - Date	Contact 1 - Type	M/WBE Response
1	Popli Design Group (Popli)	MBE	civil/site engineering, land surveying, architecture, and	Jeffrey M. Fick	JFick@popligroup.com	2/20/2023	Email	Cannot provide services <i>*Refer to Attachment A</i>
2	JM Davidson (JMD)	WBE	Water and wastewater engineering, water resources, transportation and railroad design services.	Jamie M. Davidson	jdavidson@jmdavidsoneng.com	2/16/2023	Email	Dividing up the scope will be a challenge. <i>*Refer to Attachment A</i>
3	Advanced Design Group (ADG)	WBE	water distribution & sanitary sewer design; stormwater pollution prevention plans (SWPPP); NYSDEC SPDES compliant Grading and drainage designs.	Becky Romanow & Kristin Savard	rebecca.romanow@adgenineers.com Kristin.savard@adgenineers.com	2/20/2023	Email	No Response <i>*Refer to Attachment A</i>
4	Watts Engineering (Watts)	MBE	wastewater collection, pumping and treatment; water supply, storage, and distribution; site demolition; stormwater collection, storage, and treatment.	Bradley Sendlak	bsendlak@watts-ae.com	2/22/2023	Phone Call	Cannot provide services <i>*Refer to Attachment A</i>

Notes:

- The NFWB RFP No. 2023-02 was sent/shared with the M/WBE companies contacted.

ATTACHMENT A

Proof of Solicitation

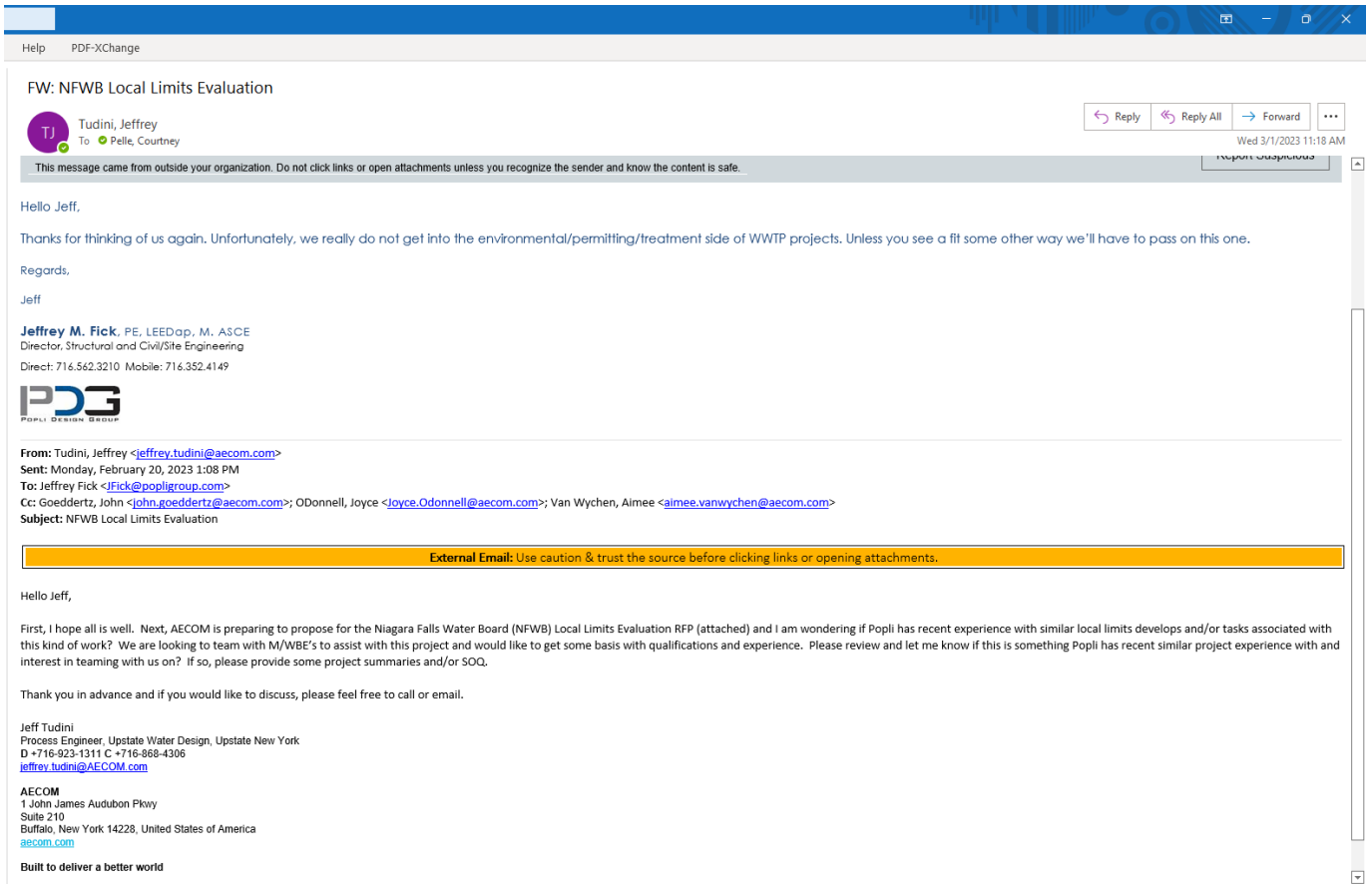


Figure 1. AECOM communication with Popli via email to inquire about their ability to assist with the local limit's evaluation. Popli indicated that they have limited background with environmental/permitting/treatment side of WWTP projects and declined to participate in this effort.

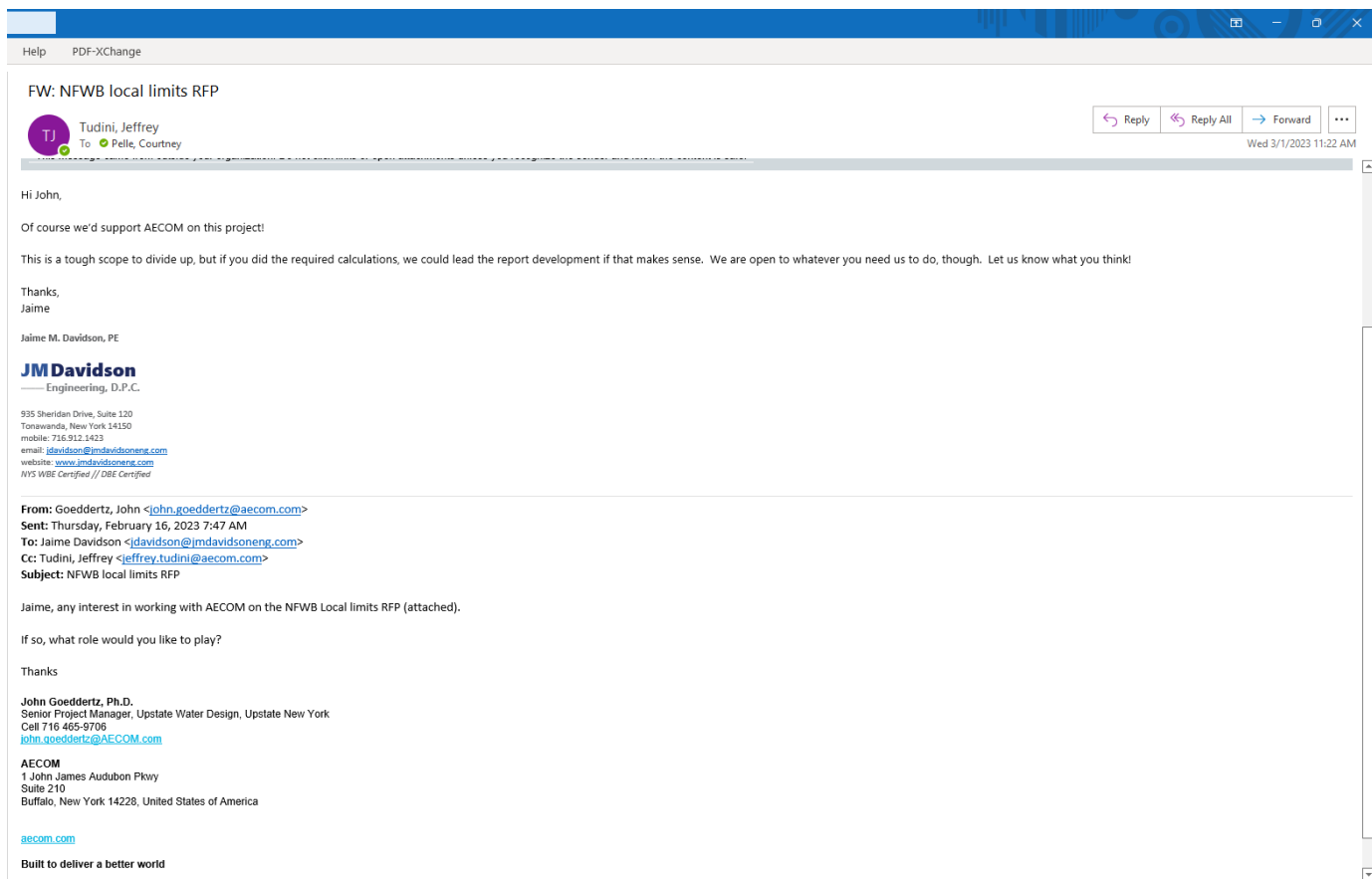


Figure 2. AECOM communication with JMD via email to inquire about their ability to assist with the local limit's evaluation. JMD indicated they could support AECOM, but the ability to divide up the scope and provide an accurate and consistent deliverable would be challenging.

**The best approach may be to have the engineering from working on the calculation also do the write up for the report.*

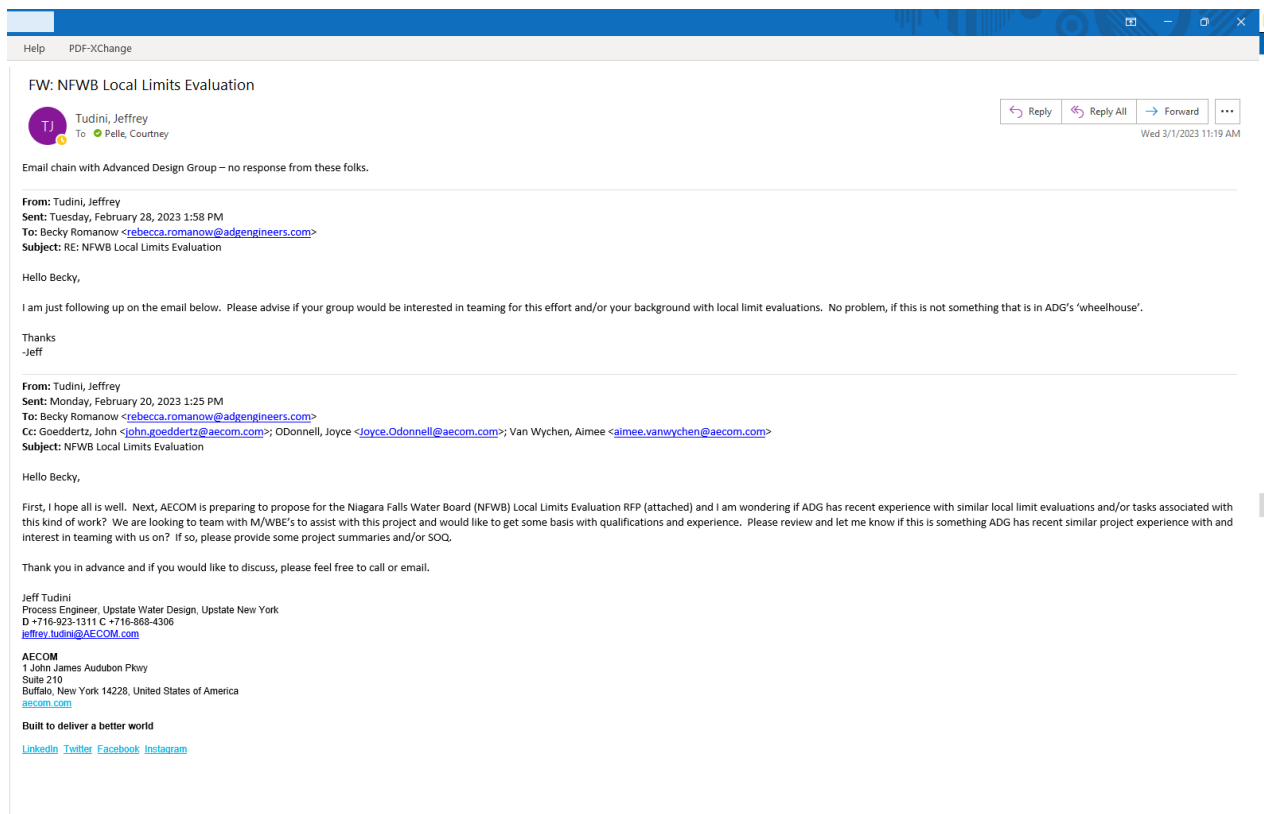


Figure 3. AECOM communication with ADG via email to inquire about their ability to assist with the local limit's evaluation. There has been no response from ADG on whether or not they can assist with the project.

Item 4. A voice-to-voice phone call conversation was had with Watts to discuss their ability to assist with the local limit's evaluation. The contact (Brad Sendlak) indicated that they have limited experience with WWTP local limit evaluations and cannot provide their assistance for the NFWB local limit's evaluation project.



STAFFING PLAN

FORM C

Niagara Falls Water Board
 Michael C. O' Laughlin Municipal Water Plant
 Attention: Executive Director
 5815 Buffalo Ave.
 Niagara Falls, NY 14304

Submit with Bid or Proposal- Instructions on page 2.		
Solicitation No. 2023-02 Offeror's Name: Niagara Falls Water Board	Reporting Entity: AECOM USA, Inc.	Report includes Contractor's/Subcontractor's: Workforce to be utilized on this contract <input checked="" type="checkbox"/> Total workforce <input type="checkbox"/> Offeror <input type="checkbox"/> Subcontractor Subcontractor's name _____

Enter the total number of employees for each classification in each of the EEO-Job Categories identified

EEO-Job Category	Total Work Force	Workforce by Gender		Workforce by Race/Ethnic Identification												
		Male (M)	Female (F)	White (M) (F)	Black (M) (F)	Hispanic (M) (F)	Asian (M) (F)	Native American (M) (F)	Disabled (M) (F)	Veteran (M) (F)						
Officials/Administrators	21	17	4	17	4											
Professionals	8	7	1	7	1											
Technicians	60	39	21	36	20	2	1									
Sales Workers																
Office/Clerical	4		4	4												
Craft Workers																
Laborers																
Service Workers																
Temporary/Apprentices																
Totals	93	63	30	60	29	2	1									

Prepared By (Signature)	Email Address doug.gove@aecom.com
Name and Title of Preparer (Print or Type) Douglas Gove Jr, Vice President	Telephone No. 978 905-2981
Date March 13, 2023	



WORK FORCE EMPLOYMENT UTILIZATION FORM D

Contract No.: 2023-02	Reporting Entity: <input checked="" type="checkbox"/> Contractor <input type="checkbox"/> Subcontractor	Reporting Period: <input checked="" type="checkbox"/> January 1, 20 <u>23</u> - March 31, 20 <u>23</u> <input type="checkbox"/> April 1, 20__ - June 30, 20__ <input type="checkbox"/> July 1, 20__ - September 30, 20__ <input type="checkbox"/> October 1, 20__ - December 31, 20__
Contractor's Name: AECOM USA, Inc.		Report includes: <input checked="" type="checkbox"/> Work force to be utilized on this contract <input type="checkbox"/> Contractor/Subcontractor's total work force
Contractor's Address: 1 John James Audubon Parkway, Suite 210 Buffalo, NY 14228		

Enter the total number of employees in each classification in each of the EEO-Job Categories identified.

EEO-Job Category	Total Work force	Work force by Gender		Work force by Race/Ethnic Identification								Disabled		Veteran	
		Male (M)	Female (F)	White (M) (F)	Black (M) (F)	Hispanic (M) (F)	Asian (M) (F)	Native American (M) (F)	Disabled (M) (F)	Veteran (M) (F)					
Officials/Administrators															
Professionals	2		2		2										
Technicians	3	3		3											
Sales Workers															
Office/Clerical															
Craft Workers															
Laborers															
Service Workers															
Temporary /Apprentices															
Totals	5	3	2	3	2										

PREPARED BY (Signature): 	TELEPHONE NO.: 978 905-2981 EMAIL ADDRESS: doug.gove@aecom.com	DATE: March 13, 2023
NAME AND TITLE OF PREPARER (Print or Type): Douglas Gove Jr, Vice President		Submit completed form to: NYS (add Agency name) Niagara Falls Water Board

B

Resumes

Jeffrey Tudini

Project Manager

Education

MS, Civil/Environmental, New York State University (SUNY), 2007

BS, Civil/Environmental, New York State University (SUNY), 2005

Years of Experience

With AECOM: 16
With Other Firms: 16

Jeffrey is an environmental engineer and project manager with the water/wastewater design group of AECOM. The wide range of projects that he has assisted with and managed has given him a solid foundation for various consulting projects, including, but not limited to, system design and alternative evaluations, system startup/commissioning and operation, hazardous waste management, water resource analysis, laboratory testing and groundwater engineering.

RELATED EXPERIENCE

Niagara Falls Water Board (NFWB), WWTP Effluent Disinfection Upgrades, NY. Process Engineer.

Responsible for the design of the capital improvement project to upgrade the WWTP effluent disinfection system. The design was developed to improve the WWTP control and monitoring of the WWTP effluent disinfection process using sodium hypochlorite. This system presents multiple design considerations given the plants' variability of chlorine demand from sulfide generation in their secondary treatment process. This system is designed with a robust control and monitoring system to allow for consistent effluent disinfection.

Niagara Falls Water Board (NFWB), WWTP Sedimentation Basin and Scum Removal Upgrades, NY. Process Engineer/Project Manager.

Responsible for designing the capital improvement project to upgrade the WWTP primary treatment system and scum removal process. The design included multiple unit upgrades with major systems, including an increased basin weir length with the addition of effluent finger weir troughs, chain and flight sludge scrapper units, and a full upgrade of the scum removal system, including the use of fine screen scum separation units.

Niagara Falls Water Board (NFWB), WWTP Optimization, NY. Lead Process Engineer.

Responsible for developing physical/chemical treatment system alternative evaluations to improve the performance of the existing WWTP. Evaluations included improvements to the effluent disinfection process; physical/chemical treatment optimization (i.e., treatment chemicals); and chemical use (i.e., oxidant) at the GAC filters. Additional responsibilities included developing test plans and treatment systems to evaluate optimization conditions and providing engineering reports and recommendations for improved system operations.

Niagara Falls Water Board (NFWB), WWTP Biological Treatment Evaluation, NY. Lead Process Engineer.

Responsible for developing and testing pilot-scale biological treatment systems to evaluate if a future conversion of the existing WWTP is an alternative. The technologies tested included a membrane biological reactor (MBR) system and an attached growth moving bed biological reactor (MBBR) system. Pilot testing was conducted over 8 months to evaluate multiple test conditions and evaluate the wastewater treatability using different biological systems.

Buffalo Sewer Authority (BSA), WWTP Co-Digestion Alternatives Evaluation, NY.

Responsible for the concept design for accepting high-strength waste (i.e., food waste) at the Buffalo Sewer Authority's Bird Island WWTP. Conducted a holistic evaluation for incremental acceptance ranging from 100,000 to 400,000 lbs. VSS/day of high-strength food waste for treatment and co-digestion at the WWTP. System evaluation included multiple alternatives, including traffic modifications to improve the hauled waste program, unit process upgrades for the receiving station, digestion process, dewatering process, and digestion gas facilities. Ultimately, this evaluation provides the basis for accepting high-strength food waste at the WWTP and the road map for capital improvements that align with the incremental acceptance of the high-strength waste stream.

Erie County Department of Environment and Planning (ECDEP), Lackawanna WRRF, NY. Lead Process Engineer/Project Manager.

Responsible for evaluating the Lackawanna WRRF solids handling systems, including the gravity thickener, digesters, and the dewatering process. This evaluation assessed the primary and secondary solid wasting processes, digester operation, including inspections, and overall system conditions. Multiple alternatives were developed to improve the current solids handling process, including different digester covers (i.e., fixed, floating, gas holding, and membrane), digester sizes, digester mixing systems, and process monitoring and redundancy equipment. The system evaluation was advanced to a detailed design that includes rehabilitation of both digesters with new gas-holding floating covers, mixing systems, and redundancy equipment (i.e., conveyance pumping and heat exchangers).

John Goeddertz, PhD

Wastewater Engineer

Education

PhD, Civil Engineering, State University of New York, 1990

MS, Civil Engineering, State University of New York, 1986

BS, Civil Engineering, State University of New York, 1984

Years of Experience

With AECOM: 16

With Other Firms: 36

Affiliations

Chi Epsilon Civil Engineering Honor Society

Water Environment Federation

Dr. Goeddertz is a wastewater and stormwater process evaluation and NPDES permitting expert. He has worked extensively in the evaluation, concept design, detailed design, permitting, construction, operation, and troubleshooting of stormwater/wastewater management and treatment facilities for both municipal and industrial clients. Has performed extensive bench and pilot testing work and developed numerous basis of design reports that led to detailed design and construction of biological and physical/chemical treatment facilities.

RELATED EXPERIENCE

Niagara Falls Water Board (NFWB), WWTP Sedimentation Basin and Scum Removal Upgrades, NY. Project Manager. Responsible for the design of the capital improvement project to upgrade the WWTP primary treatment system and scum removal process. The design includes multiple unit upgrades with major systems including increased basin weir length with the addition of effluent finger weir troughs, chain and flight sludge scrapper units, and full upgrade of the scum removal system including the use of fine screen scum separation units.

Niagara Falls Water Board (NFWB), WWTP Effluent Disinfection Upgrades, Niagara, NY. Project Manager. Responsible for the design of the capital improvement project to upgrade the WWTP effluent disinfection system. The design was developed to improve the WWTP control and monitoring of the WWTP effluent disinfection process using sodium hypochlorite. This system presents multiple design considerations given the plants variability of chlorine demand from sulfide generation in their secondary treatment process. This system is designed with a robust control and monitoring system to allow for consistent effluent disinfection.

Niagara Falls Water Board (NFWB), WWTP Biological Treatment Evaluation Niagara, NY. Project Manager. Responsible to develop and test pilot-scale biological treatment systems to evaluate if a future conversion of the existing WWTP is an alternative. The technologies tested included a membrane biological reactor (MBR) system and an attached growth moving bed biological reactor (MBBR) system. Pilot testing was conducted over an 8-month period to evaluate multiple test conditions and evaluated the wastewater treatability using different biological systems.

Niagara Falls Water Board (NFWB), Wastewater Treatment Plant Capital Improvements Program Management, Niagara Falls, NY. Program Manager. Responsible for the implementation \$7M worth of capital upgrades to the Niagara Falls WWTP. Work included project scoping and preparation of engineering RFPs for bidding by consulting firms. Important aspect was preparation of accurate cost estimates that would determine how much work could be performed and stay within the allotted budget. AECOM reviewed engineering proposals and recommended award. During design AECOM was responsible for review of project deliverables.

Niagara Falls Water Board (NFWB), WWTP Optimization, Niagara Falls, NY. Project Manager. Responsible to develop physical/chemical treatment system alternative evaluations to improve the performance of the existing WWTP. Evaluations included improvement to the effluent disinfection process; physical/chemical treatment optimization (i.e., treatment chemicals); and chemical use (i.e., oxidant) at the GAC filters.

Niagara Falls Water Board (NFWB), WWTP Mercury Reduction Evaluation, Niagara Falls, NY. Project Manager. Performed a study of the NFWB WWTP that included sampling and analysis for mercury at various locations in the treatment process; that was then followed by a detailed process evaluation. A work plan was developed and executed with 13 locations being sampled for low and/or high level mercury concentrations over the course of two days, on two separate occasions (warm weather event/cold weather event). Speciation was also considered (total, dissolved, methyl Hg) at each location. The results along with a process analysis determined that mercury is present predominately in the WWTP's solids and was not present in a dissolved or methyl Hg state. Process evaluation provided recommendations for process management that will minimize the concentration of mercury present in the outfall by improving solids management throughout the WWTP.

Joyce O'Donnell, PE

Environmental Engineer

Education

MS, Environmental Engineering,
Worcester Polytechnic Institute

BS, Chemical Engineering,
Worcester Polytechnic Institute

Years of Experience

With AECOM: 12
With Other Firms: 20

Professional Registrations

Professional Engineer: MA, RI

Ms. O'Donnell is a registered professional engineer with more than 25 years of process engineering experience in the environmental field. She holds a Master's degree in Environmental Engineering and a Bachelor's degree in Chemical Engineering. She has worked on environmental projects requiring expertise in air, water, and industrial wastewater design and permitting. Her experience has spanned numerous industries including petrochemicals, electric power generation, pulp and paper, chemical weapon demilitarization, electroplating, metal finishing, lead/acid battery recovery, printing, polystyrene manufacturing, and pharmaceutical manufacturing, among others.

RELATED EXPERIENCE

Wastewater Treatment Plant, Westboro, MA. Ms.

O'Donnell audited the Industrial Pretreatment Program (IPP) elements for controlling and regulating the industrial discharges to the municipal sewer system. The audit required the investigation of the authority of the program and determining whether all of the elements of 40 CFR Part 403 were in place. As a result of the audit, the facility chose to upgrade their program to reflect current practices and to review their surcharge practices for compatible pollutants. As a result, the EPA audit found very few audit findings for the new Rules and Regulations (R&R) plan. Follow on work included the development of an Enforcement Response Plan (ERP) and a review of local limits in anticipation of a new NPDES permit.

General Electric, Lynn, MA. Developed detailed design documents for this Massachusetts facility including plans and specifications for an industrial wastewater treatment system. The system consisted of wastewater equalization and oil/water separation. Ms. O'Donnell coordinated the designs of all disciplines to produce specification packages to allow bids on contracts including civil/site work, electrical, instrumentation and control, mechanical, and demolition of existing facilities.

Deputy Project Manager and Process Lead, US Forest Service. Ms. O'Donnell is serving as both Deputy Project Manager and Lead Process Engineer in the selection and design of a passive treatment system for Acid Mine Drainage (AMD) generated from an abandoned coal mine located in Kentucky. Ms. O'Donnell reviewed the characteristics of the drainage and assisted in selecting the unit processes necessary for treatment. The challenges for this project

include high acidity, high metals content, difficult terrain, and the need to be completely passive. The design includes the use of a vertical flow pond using compost under anoxic conditions to reduce acidity and metals. The vertical flow pond is to be flushed using a flushing siphon, followed by limestone neutralization and solids settling.

HAZOP Analysis. Ms. O'Donnell has participated in several HAZOP sessions including a liquid ammonia storage and vapor supply system for an SCR and electrostatic precipitator for a large power plant in Pennsylvania. In addition, she has conducted HAZOP analysis sessions for wastewater treatment systems in the oil and gas industry and for an engine test cell facility. As a licensed user of PHA Pro and PHA Leader, she has served as both Scribe and as a process engineering resource for these sessions and has assisted the HAZOP facilitator preparing the required documentation.

NASA Ames Research Center. Ms. O'Donnell is serving as a safety analyst and Process Engineer for several projects at NASA's Ames Research Center. These projects include review of caustic scrubbing for removal of nitrogen oxides from exhaust gases, review of process design of the anhydrous ammonia feed system for the SCR for a new boiler, review of control scheme for the new boiler. In addition, Ms. O'Donnell is supporting the safety reviews of other miscellaneous projects such as replacement of a heat exchanger, replacement of a rectifier, replacement of high pressure DI water cooling water systems, Continuous Emissions Monitoring System (CEMS), and other confidential projects that support NASA's mission.

Alberta Environment and Parks (AEP). Lead engineer completing research on how Technology Based Effluent Limits (TBELS) were developed in Australia, Canada, United States, European Union and select individual US states. TBEL development was reviewed for specific industrial sectors that have similarities to the oil sands industry including oil and gas extraction, oil refining, mining, and pulp and paper. The goal of the project was to advise AEP on this process to support development of TBELS for the oil sands industry.

Joella Posey

Water Engineer

Education

BS, Civil Engineering, Arizona State University, 1992

Years of Experience

With AECOM: 16
With Other Firms: 8

Professional Registrations

Professional Engineer: PA

Ms. Posey is a licensed Pennsylvania Professional Engineer with extensive experience in water and wastewater permitting and design projects in numerous states including Pennsylvania and New Jersey. She is based in AECOM's Conshohocken, PA office. Ms. Posey has over twenty-three years of experience in conceptual design and detailed design, and permitting of water and wastewater treatment facilities and equipment. Her experience includes water/wastewater permitting and regulatory compliance, and the detailed civil design of industrial and municipal waste collection and treatment systems, water distribution systems, groundwater treatment systems, concrete storage structures, disinfection equipment and pumping, piping, and sampling systems.

RELATED EXPERIENCE

Environmental Water Permitting Support. Project Manager and Senior Project Consultant. Provided engineering consulting services for NJPDES Permit Renewal, DRBC Docket Renewal, and Water Allocation Permit Renewal, for Power Station in Pennsville, New Jersey. Responsibilities included negotiations with Regulators regarding facility modifications, and preparation of NJPDES permit renewal application package, DRBC docket renewal application, and water allocation permit renewal application for modified Facility.

Evaluation of Proposed Existing Facilities CWA 316(b)

Rule. Project Manager and Senior Project Consultant. Provided engineering and consulting services for evaluation of Proposed Existing Facilities CWA 316(b) Rule (Published April 20, 2011) on Ten Nuclear Power Facilities in Pennsylvania, New Jersey, and Illinois. Project Manager responsible for preparing a summary of implications of the proposed regulations for each station, an initial screening of the most likely technologies potentially feasible and their relative effectiveness for impingement mortality and entrainment mortality control, identifying and developing potential comments to the proposed Rule, evaluating potential cost and schedule implications, and preparation of a summary presentation and prioritized action recommendations.

Environmental Impact Evaluation. Senior Project Consultant. Provided engineering consulting services for the Electric Power Research Institute (EPRI) project to quantify environmental impacts associated with retrofit of closed-

cycle condenser cooling to power plants with open cycle operation. Responsibilities included preparation of baseline information of plant location and region, megawatt rating, fuel type, source water body type and plant area, developing selection criteria for representative sites, selection of representative plants, and conceptual design of cooling tower for representative plants.

Environmental Water Permitting Support. Project Manager and Senior Project Consultant. Provided engineering consulting services for Consumptive Use Mitigation Plan and Susquehanna River Basin Commission (SRBC) Docket Modification Request for nuclear power facility in Pennsylvania. Project Manager responsible for consumptive loss calculations, developing water balance diagram, evaluation of mitigation options and sources, negotiations with SRBC and other regulatory agencies, and preparation of Consumptive Use Mitigation Plan and preparation of docket modification request application package.

NPDES Permit Renewal Support. Project Manager and Senior Project Consultant. Provided engineering consulting services for an NPDES Permit Renewal and DRBC Docket Modification for nuclear power facility in Pennsylvania. Responsibilities included negotiations with regulatory agencies, and evaluation of discharge requirements and impacts for specific constituents.

Environmental Report Consultation. Project Manager and Senior Project Consultant. Provided engineering consulting services for the development of a Database of Requirements to Prepare an Environmental Report (ER) for a Next Generation Nuclear Plant (NGNP). Responsibilities included collection, review, and compilation of source information for data to be used in the compliance with the Environmental Standard Review Plan. These data provide the bases for environmental impacts of the NGNP project.

Environmental Report Consultation. Project Manager and Senior Project Consultant. Provided engineering consulting services for the Preparation of Aquatic Impacts sections of the ER to Support the License Amendment Request (LAR) for a proposed Extended Power Uprate (EPU) for a nuclear power facility in Pennsylvania. Responsibilities included the evaluation of surface water hydrology effects and related regulatory issues regarding the EPU, and preparation of aquatic impact sections of ER.

About AECOM

AECOM is the world's trusted infrastructure consulting firm, delivering professional services throughout the project lifecycle – from advisory, planning, design and engineering to program and construction management. On projects spanning transportation, buildings, water, new energy and the environment, our public- and private-sector clients trust us to solve their most complex challenges. Our teams are driven by a common purpose to deliver a better world through our unrivaled technical and digital expertise, a culture of equity, diversity and inclusion, and a commitment to environmental, social and governance priorities. AECOM is a *Fortune 500* firm and its Professional Services business had revenue of \$13.1 billion in fiscal year 2022. See how we are delivering sustainable legacies for generations to come at aecom.com and [@AECOM](https://twitter.com/AECOM).

Contact

Jeff Tudini
Project Manager
+1 716-923-1311
jeffrey.tudini@aecom.com

NIAGARA FALLS WATER BOARD RESOLUTION # 2023-03-009

EXTENSION OF AGREEMENT WITH RATE CONSULTANT

WHEREAS, in 2021 the Niagara Falls Water Board issued RFP No. 2021-02 seeking proposals for rate consulting and consulting engineer services with the initial term of the engagement to be from the date of acceptance through May 31, 2022 and providing for up to three optional renewals; and

WHEREAS, by way of Resolution 2021-09-012 the Water Board accepted the September 15, 2021 proposal by Drescher & Malecki, LLP for rate consultant services; and

WHEREAS, Drescher & Malecki has presented a proposal dated February 24, 2023 to extend the agreement to provide rate consultant services for the 2023 and 2024 calendar years;

NOW THEREFORE BE IT

RESOLVED that on behalf of the Niagara Falls Water Board, the Executive Director hereby is authorized to accept the February 24, 2023 proposal by Drescher & Malecki LLP to provide rate consultant services through December 31, 2023, on an hourly basis and with fees not to exceed \$35,190 without further Water Board resolution, and rate consultant services through December 31, 2024, on an hourly basis and with fees not to exceed \$35,891 without further Water Board resolution.

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

Water Board Budget Line or Capital Plan Item with Funds for this Resolution:
Budget Line: FGB.8000.0000.0451.000
Budget Line Provided by: B. Majchrowicz
Available Funds Confirmed by: B. Majchrowicz

On March 27, 2023, 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 Asklar	[]	[]	[]	[]
Board Member Kimble	[]	[]	[]	[]
Board Member Larkin	[]	[]	[]	[]
Board Member Leffler	[]	[]	[]	[]
Chairman Forster	[]	[]	[]	[]

Signed By:

Vote Witnessed By:

Nicholas J. Forster, Chairman

Sean W. Costello, Secretary to Board



Certified Public Accountants

February 24, 2023

Mr. Sean W. Costello, General Counsel
 Niagara Falls Water Board
 5815 Buffalo Avenue
 Niagara Falls, New York 14304

Dear Mr. Costello:

We take great pride in serving the Niagara Falls Water Board (the “Board”) and are formally requesting the Board to extend our rate consulting services through December 31, 2024. As indicated in our September 15, 2021 proposal to serve the Board under RFP No. 2021-02, the annual estimated cost of our services will increase by 2% per year.

Please find a detailed breakdown of our estimated hours and estimated cost over the next two year for each task below.

Task	Task Description	Hours	2023	2024
			Total	Total
1	Operating Budget & Rate Setting	100	\$ 11,730	\$11,965
2	Financial Services during the Fiscal Year	60	7,030	7,171
3	CIP Development Support	30	3,520	3,590
4	Services Related to Financing	70	8,210	8,375
5	Continuing Disclosure Report	40	4,700	4,790

For any other additional services requested by the Board our discounted hourly rates are as follows: Partner \$200; Manager \$175; Supervisory Staff \$125; and Professional Staff \$100.

We hope this offer adequately reflects how much we value our relationship with the Board. If the terms within this letter are acceptable to the Board, please sign this letter in the space provided and return it to us.

I thank you in advance for your consideration in this matter.

Yours truly,

Drescher & Malecki LLP

Accepted and agreed to by the
 Niagara Falls Water Board

By: _____,

Date: _____

NIAGARA FALLS WATER BOARD RESOLUTION # 2023-03-010

EXTENDING AGREEMENT WITH CONSULTING ENGINEER

WHEREAS, in 2021 the Niagara Falls Water Board issued RFP No. 2021-02 seeking proposals for rate consulting and consulting engineer services with the initial term of the engagement to be from the date of acceptance through May 31, 2022 and providing for up to three optional renewals; and

WHEREAS, by way of Resolution 2021-09-013 the Water Board accepted the September 15, 2021 proposal by AECOM USA, Inc., for consulting engineer services; and

WHEREAS, AECOM has presented a proposal dated February 27, 2023 to extend the agreement to provide rate consultant services through May 2024 using the \$18,000 remaining of the \$29,584 budget approved in 2021;

NOW THEREFORE BE IT

RESOLVED that on behalf of the Niagara Falls Water Board, the Executive Director hereby is authorized to accept the February 27, 2023 proposal by AECOM to provide consulting engineer services through May 2024, to be billed on an hourly basis and not to exceed \$18,000 without further Board resolution.

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

Water Board Budget Line or Capital Plan Item with Funds for this Resolution:
Budget Line: FGB.8000.0000.0451.000
Budget Line Provided by: B. Majchrowicz
Available Funds Confirmed by: B. Majchrowicz

On March 27, 2023, 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 Asklar	[]	[]	[]	[]
Board Member Kimble	[]	[]	[]	[]
Board Member Larkin	[]	[]	[]	[]
Board Member Leffler	[]	[]	[]	[]
Chairman Forster	[]	[]	[]	[]

Signed By:

Vote Witnessed By:

Nicholas J. Forster, Chairman

Sean W. Costello, Secretary to Board

February 27, 2023

Mr. Sean Costello
General Counsel and Secretary
Niagara Falls Water Board
5815 Buffalo Avenue
Niagara Falls, NY 14304

Subject: Proposal for 2023 Consulting Engineer Services

Dear Mr. Costello:

AECOM USA, Inc. (AECOM) is pleased to provide the Niagara Falls Water Board (NFWB) with this proposal for the extension of the Consulting Engineer services at the wastewater treatment plant (WWTP) and water treatment plant (WTP) for 2023. These services are currently being provided by AECOM, as part the 2021/2022 Consulting Engineer Services projects that was awarded on September 27, 2021 (Resolution 2021-09-013).

PROJECT UNDERSTANDING

AECOM has been providing Consulting Engineering services for the NFWB WWTP and WTP since 2021. In general, these services have aided with developing a five-year Capital Improvement Plan (CIP) and longer-horizon list of potential capital projects and provided support, as needed, for the assigned Rate Consultant for preparation of Feasibility Reports or Continuing Disclosure Reports.


To date, AECOM has completed the scope of work per the executed contract with an approximate \$18,000 budget remaining. Per the request of the NFWB, AECOM is submitting this letter proposal to extend the Consulting Engineering services for March 2023 through May 2024 to use this remaining budget and provide the same/similar services as defined in the September 27, 2021 contract.

SCOPE OF SERVICES

AECOM will provide the services as outlined in the attached executed contract for the 2021-2022 Consulting Engineer project until the remaining budget is spent. AECOM will notify the NFWB as the project budget approaches being completely spent and verify the status of remaining tasks relative to budget.

AECOM is committed to support the NFWB and continue to provide this important service. This proposal is conditioned upon using the current executed terms from the 2021-2022 Consulting Engineers contract (attached). Please contact Jeff Tudini at 716-868-4306 or jeffrey.tudini@aecom.com if you have any questions or need additional information. Thank you for your consideration

Sincerely yours,
AECOM USA, Inc.



Jeff Tudini
Project Manager



Doug Gove
Vice President

ATTACHMENTS:

2021-11-22 Fully Executed Short Form Agreement AECOM Consulting Engineer

NIAGARA FALLS WATER BOARD RESOLUTION # 2023-03-011

**AWARD OF THE HIGH VOLTAGE, SWITCHGEAR INSPECTION, AND
EMERGENCY WORK CONTRACT**

WHEREAS, from time to time, the Niagara Falls Water Board has the need for High Voltage, Service, Switchgear Inspection, and Emergency Work at its 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 the necessary services 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 Ferguson Electric Co., Inc., totaling \$895,450 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 Ferguson Electric 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 Ferguson Electric Co., Inc., on an indefinite delivery / indefinite quantity basis for High Voltage, Service, Switchgear Inspection, and Emergency Work at Niagara Falls Water Board Facilities from April 1, 2023 through March 31, 2025, 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:
O&M or Capital Plan Item Determined Based on Specific Project

On March 27, 2023, 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 Asklar	[]	[]	[]	[]
Board Member Kimble	[]	[]	[]	[]
Board Member Larkin	[]	[]	[]	[]
Board Member Leffler	[]	[]	[]	[]
Chairman Forster	[]	[]	[]	[]

Signed By:

Vote Witnessed By:

Nicholas J. Forster, Chairman

Sean W. Costello, Secretary to Board



March 13, 2023

Dr. Abderrahman Zehraoui, Executive Director
Michael C. O’Laughlin Water Treatment Plant
5815 Buffalo Avenue
Niagara Falls, NY 14304

**RE: High Voltage, Service, Switchgear Inspection, and Emergency Work within the
Niagara Falls Water Board Facilities from April 1, 2023 through March 31, 2025.
Project No. 2023005
BID RECOMMENDATION**

Dear Dr. Zehraoui:

We have completed our review of the bids received on March 3, 2023, for the above referenced project, which includes High Voltage, Service, Switchgear Inspection, and Emergency Work within the Niagara Falls Water Board Facilities from April 1, 2023, through March 31, 2025. 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
Ferguson Electric, Co.	\$895,450.00

The apparent low bidder was Ferguson Electric Co. Inc. with an overall price of \$895,450.00.

Ferguson Electric 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 the contract to Ferguson Electric Co., Inc. in the amount of \$895,450.00.



Dr. Abderrahman Zehraoui, Executive Director
Michael C. O'Laughlin Water Treatment Plant
March 13, 2023
Page 2 of 2

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

- 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 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 March 31, 2023.
- Step 6 – Completion of project to be on March 31, 2023.

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,

Jay F. Meyers, P.E.
Civil Engineer

Enclosures

ELECTRICAL SERVICE CONTRACT
NIAGARA FALLS WATER BOARD
CONTRACT: 20230005
BID OPENING MARCH 3, 2023

FERGUSON ELECTRIC CO.

ITEM	DESCRIPTION	HOURS	COST	TOTAL
1	JOURNEYMAN ELECTRICIAN	2500	\$97.00	\$242,500.00
2	APPRENTICE ELECTRICIAN	2000	\$55.00	\$110,000.00
3	SWITCHGEAR INSPECTION	3600	\$138.00	\$496,800.00
4	SCADA TECHNICIAN	250	\$115.00	\$28,750.00
5	ARC FLASH ENGINEER	300	\$50.00	\$15,000.00
6	BUCKET TRUCK	80	\$30.00	\$2,400.00
	TOTAL			\$895,450.00

NIAGARA FALLS WATER BOARD RESOLUTION # 2023-03-012

AWARD BID FOR IN-PLANT MECHANICAL MAINTENANCE

WHEREAS, in order to promote efficiency, avoid delay, and reduce the costs associated with such service work the Niagara Falls Water Board (NFWB) has found it useful and appropriate to pre-bid its labor and material rates for In-Plant Mechanical Services at its facilities; and

WHEREAS, an invitation to bid for the necessary services for the period from April 1, 2023 through March 31, 2025 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 Mollenberg-Betz Mechanical Co., Inc., totaling \$237,500 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 Mollenberg-Betz Mechanical 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 Mollenberg-Betz Mechanical Co., Inc., on an indefinite delivery / indefinite quantity basis for In-Plant Mechanical Services at Water Board Facilities from April 1, 2023 through March 31, 2025, 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:
O&M or Capital Plan Item Determined Based on Specific Project

On March 27, 2023, 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 Asklar	[]	[]	[]	[]
Board Member Kimble	[]	[]	[]	[]
Board Member Larkin	[]	[]	[]	[]
Board Member Leffler	[]	[]	[]	[]
Chairman Forster	[]	[]	[]	[]

Signed By:

Vote Witnessed By:

Nicholas J. Forster, Chairman

Sean W. Costello, Secretary to Board



March 13,2023

Dr. Abderrahman Zehraoui, Executive Director
Michael C. O’Laughlin Water Treatment Plant
5815 Buffalo Avenue
Niagara Falls, NY 14304

**RE: In-Plant Mechanical Maintenance Services at Various Niagara Falls Water Board Facilities from April 1, 2023, through March 31, 2025.
Project No. 2023004
BID RECOMMENDATION**

Dear Dr., Zehraoui:

We have completed our review of the bids received on March 3, 2023 for the above referenced project, which includes In-Plant Mechanical Maintenance Services at Various Niagara Falls Water Board Facilities from April,1 2023 through March 31, 2025. 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
Mollenberg-Betz Mechanical	\$237,500.00

The apparent low bidder was Mollenberg-Betz Mechanical Co. Inc. with an overall price of \$237,500.00.

Mollenberg-Betz Mechanical 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 the contract to Mollenberg-Betz Mechanical Co., Inc. in the amount of \$237,500.00.

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

- 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 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 March 31, 2025.
- Step 6 – Completion of project to be on March 31, 2025.



Dr. Abderrahman Zehraoui, Executive Director
Michael C. O'Laughlin Water Treatment Plant
March 13, 2023
Page 2 of 2

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,

Jay F. Meyers, P.E.
Civil Engineer

Enclosures

IN PLANT MECHANICAL MAINTENANCE SERVICE CONTRACT
NIAGARA FALLS WATER BOARD
CONTRACT: 2023004
BID OPEN:MARCH 3, 2023

MOLLENBERG-BETZ

ITEM	DESCRIPTION	HOURS	COST	TOTAL
1	JOURNEYMAN PIPEFITEER	500	\$122.00	\$61,000.00
2	APPRENTICE PIPEFITTER	500	\$44.00	\$22,000.00
3	JOURNEYMAN SHEETMETAL	500	\$116.00	\$58,000.00
4	APPRENTICE SHEETMETAL	500	\$43.00	\$21,500.00
5	MATERIALS	1	\$75,000.00	\$75,000.00
	TOTAL			\$237,500.00

AWARD BID FOR HEATING, VENTILATION, AND AIR CONDITIONING SERVICES

WHEREAS, in order to promote efficiency, avoid delay, and reduce the costs associated with such service work the Niagara Falls Water Board has found it useful and appropriate to pre-bid its labor and material rates for Heating, Ventilation, and Air Conditioning (“HVAC”) Services at its facilities; and

WHEREAS, an invitation to bid for the necessary services for the period from April 1, 2023 through March 31, 2025 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 Mollenberg-Betz Mechanical Co., Inc., totaling \$158,000 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 Mollenberg-Betz Mechanical 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 Mollenberg-Betz Mechanical Co., Inc., on an indefinite delivery / indefinite quantity basis for Heating, Ventilation, and Air Conditioning Services at Water Board Facilities from April 1, 2023 through March 31, 2025, 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:
O&M or Capital Plan Item Determined Based on Specific Project

On March 27, 2023, 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 Asklar	[]	[]	[]	[]
Board Member Kimble	[]	[]	[]	[]
Board Member Larkin	[]	[]	[]	[]
Board Member Leffler	[]	[]	[]	[]
Chairman Forster	[]	[]	[]	[]

Signed By:

Vote Witnessed By:

Nicholas J. Forster, Chairman

Sean W. Costello, Secretary to Board



March 13, 2023

Dr. Abderrahman Zehraoui, 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 April 1, 2023, through
March 31, 2025.
Project No. 20230003
BID RECOMMENDATION**

Dear: Dr. Zehraoui,

We have completed our review of the bids received on March 3, 2023, for the above referenced project, which includes Heating Ventilating and Air Conditioning Services at Various Niagara Falls Water Board Facilities from April 1, 2023, through March 31, 2025. 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
Mollenberg-Betz, Mechanical	\$158,000.00

The apparent low bidder was Mollenberg-Betz Mechanical Co., Inc., with an overall price of \$158,000.00.

Mollenberg-Betz Mechanical 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 the contract to Mollenberg-Betz Mechanical Co., Inc., in the **amount of \$158,000.00.**



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

- 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 March 31, 2025.
- Step 6 — Completion of project to be on March 31, 2025.

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,

Jay F. Meyers, P.E.
Civil Engineer

Enclosures

HVAC SERVICE CONTRACT
NIAGARA FALLS WATER BOARD
CONTRACT: 2023003
BID OPENING: MARCH 3, 2023

MOLLENBERG-BETZ

ITEM	DESCRIPTION	HOURS	COST	TOTAL
1	JOURNEYMAN	500	\$122.00	\$61,000.00
2	APPRENTICE	500	\$44.00	\$22,000.00
3	MATERIALS	1	\$75,000.00	\$75,000.00
	TOTAL			\$158,000.00

**ACCEPTING CPL PROPOSAL FOR PROFESSIONAL ENGINEERING SERVICES
FOR WEST RIVERSHORE DRIVE WATERMAIN REPLACEMENT**

WHEREAS, Niagara Falls Water Board staff have identified approximately 3,000 feet of watermain on West Rivershore Drive as appropriate for replacement in order to ensure continued reliable service; and

WHEREAS, CPL has presented a proposal dated March 2, 2023 to provide the professional engineering services necessary for that project, including design, bid documents, bidding assistance, construction administration, and construction inspection for a total fee of \$177,200; and

WHEREAS, Water Board staff are working to determine if any grant funding previously awarded to the Water Board may be applied to the construction portion of this project; and

WHEREAS, pursuant to Water Board Procurement Policy Section 5.8.4, this professional services agreement (1) was not the subject of an RFP because of the Water Board's experience with CPL and CPL's familiarity with the water distribution system from prior projects; (2) no other firms informally were solicited for proposals; and (3) the procurement is not being postponed to permit an RFP because the Water Board deems it necessary to proceed with this watermain as soon as practicable to maintain system reliability and because prompt action may be required if it is to be possible to apply previously-awarded grant funding to this project;

* CONTINUED ON NEXT PAGE *

NOW THEREFORE BE IT

RESOLVED, that the Niagara Falls Water Board hereby authorizes the Executive Director to enter into an agreement with CPL consistent with that firm's March 2, 2023 proposal to provide the professional engineering services necessary for replacement of approximately 3,000 feet of watermain on West Rivershore Drive, including preparing the design and bid documents, bidding assistance, construction administration, and construction inspection, for a total fee not to exceed \$177,200.

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

Water Board Budget Line or Capital Plan Item with Funds for this Resolution:
Capital Plan Line: W-24, West Rivershore Drive Watermain Replacement
Capital Line Supplied by: D. Williamson
Available Funds Confirmed by: B. Majchrowicz

On March 27, 2023, 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 Asklar	[]	[]	[]	[]
Board Member Kimble	[]	[]	[]	[]
Board Member Larkin	[]	[]	[]	[]
Board Member Leffler	[]	[]	[]	[]
Chairman Forster	[]	[]	[]	[]

Signed By:

Vote Witnessed By:

Nicholas J. Forster, Chairman

Sean W. Costello, Secretary to Board



March 2, 2023

Chairman Nicholas Forster
Niagara Falls Water Board
5815 Buffalo Avenue
Niagara Falls, NY 14304

**RE: Proposal for Professional Engineering Services
West Rivershore Drive Watermain Replacement**

Dear Chairman Forster:

We are pleased to submit our proposal to provide professional engineering services for the replacement of the watermain along West Rivershore Drive in the City of Niagara Falls. The work includes approximately 3,000 linear feet of watermain and associated appurtenances. As you review our proposal please consider our firm's strengths, which include:

Firsthand Knowledge: CPL has successfully completed water infrastructure projects throughout New York State. This work includes complete municipal water system design, source water development, water treatment, storage and distribution. We are knowledgeable on the latest construction techniques, AWWA guidelines, NYSDOH regulations, and OSHA standards.

Full-Service Capabilities: We are a full-service engineering and architecture firm with nearly 40 licensed professional engineers on staff and over 450 employees. We have the in-house capability to fully support every phase of your project including civil design, bidding, construction management, construction administration and construction inspection. We offer a hands-on approach that ensures each project is as completed as designed.

Responsiveness/Proximity: With our office in downtown Buffalo, we can respond efficiently and immediately to project demands and issues as they arise.

It is our understanding based on information provided to us that the NFWB would like to replace the existing main along West Rivershore Drive. Our proposal includes survey, soil borings, full design and permitting, bidding, construction administration and construction inspection. All survey data will be field checked during a site visit prior to designing the work. We will utilize the knowledge gained from the site visit to prepare bid documents necessary for the proposed watermain replacement. Our drawings for this work will be completed utilizing available tax map and geospatial data combined with a full survey from right of way to right away along the roadway. We will obtain necessary permits from the Department of Health for the proposed improvements.



Furthermore, funding may be provided by grants and loans from the NYS Environmental Facilities Corporation (EFC). CPL will comply with the EFC design and construction requirements. Please note this does not include coordination with EFC for financial reimbursements. We would anticipate that this would be a type 2 action under SEQR as a replacement project and would not require a coordinated review. This would entail the NFWB to pass a resolution indicating the project as a type 2 action and no further action under SEQR would be required. Should a coordinated review be required, CPL can provide assistance as additional services.

Once the design is complete, we will work with the NFWB to advertise the project for bid, attend the bid opening and make a recommendation after reviewing each contractors' bid. Once the project enters the construction phase, we will review contractor applications for payment and make recommendations to the NFWB for payment.

During construction we will have a full-time construction inspector on site to ensure the project is constructed in substantial conformance with our contract documents.

Our fee is as follows:

West Rivershore Water Main Replacement

Task 1:	Design and Develop Bid Documents	\$ 77,500.00
Task 2:	Bidding Assistance	\$ 13,500.00
Task 3:	Construction Administration	\$ 18,000.00
Task 4:	Construction Inspection	\$ 68,200.00**
	Total	\$177,200.00**

** Note that Construction Inspection work will be billed hourly at \$110 per hour. We will bill for actual hours worked plus mileage at the federally accepted rate and miscellaneous inspection equipment that will be required.

Thank you for the opportunity to submit our qualifications. I am deeply proud of our ability to provide you with quality service at a fair rate. This is what we do, and we do it well. If you have any questions or require any additional information, please feel free to contact me via email at rhenry@cplteam.com or by phone at 716.852.2100, extension 1048.

Very truly yours,
CPL

Richard B. Henry III, P.E.
President

**ACCEPTING CPL PROPOSAL FOR PROFESSIONAL ENGINEERING SERVICES
FOR BEECH AVENUE WATER STORAGE TANK DEMOLITION**

WHEREAS, the Niagara Falls Water Board for several years has considered a potential project to demolish the existing Beech Avenue Water Tank, which has been empty and unusable for water system purposes since approximately 1997, and to erect in its place a new water storage tank with pump station for improving water distribution system within the City; and

WHEREAS, one of the first steps for the contemplated project is the demolition of the existing empty Beech Avenue storage tank, and CPL has presented a proposal dated March 2, 2023 to provide the professional engineering services necessary for that project, including design, bid documents, bidding assistance, construction administration, and construction inspection for a total fee of \$40,000; and

WHEREAS, pursuant to Water Board Procurement Policy Section 5.8.4, this professional services agreement (1) was not the subject of an RFP because of the Water Board's experience with CPL and CPL's familiarity with the water distribution system from prior projects, including its work on the hydraulic model for the water distribution system that is directly relevant to the water tank project; (2) no other firms informally were solicited for proposals; and (3) the procurement is not being postponed to permit an RFP because doing so may require use of an engineering firm to prepare the proper RFP specifications, an expense not reasonable in light of the fee associated with this project, and because this work represents a continuation of CPL's prior work on the water distribution system;

* CONTINUED ON NEXT PAGE *

NOW THEREFORE BE IT

RESOLVED, that the Niagara Falls Water Board hereby authorizes the Executive Director to enter into an agreement with CPL consistent with that firm's March 2, 2023 proposal to provide the professional engineering services necessary for demolition of the Beech Avenue Water Storage Tank, including preparing the design and bid documents, bidding assistance, construction administration, and construction inspection, for a total fee not to exceed \$40,000.

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

Water Board Budget Line or Capital Plan Item with Funds for this Resolution:
Capital Plan Line: W-2.1, Beech Avenue Water Storage Tank Replacement
Capital Line Supplied by: D. Williamson
Available Funds Confirmed by: B. Majchrowicz

On March 27, 2023, 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 Asklar	[]	[]	[]	[]
Board Member Kimble	[]	[]	[]	[]
Board Member Larkin	[]	[]	[]	[]
Board Member Leffler	[]	[]	[]	[]
Chairman Forster	[]	[]	[]	[]

Signed By:

Vote Witnessed By:

Nicholas J. Forster, Chairman

Sean W. Costello, Secretary to Board



March 2, 2023

Chairman Nicholas Forster
Niagara Falls Water Board
5815 Buffalo Avenue
Niagara Falls, NY 14304

**RE: Proposal for Professional Engineering Services
Beech Avenue Tank Demolition Project**

Dear Chairman Forster:

We are pleased to submit our proposal to provide professional engineering services for the demolition of the Beech Avenue Water Storage Tank. In 2018 we performed preliminary assessment work for this project. The tank paint was tested for asbestos and lead based materials. Lead-based materials were found to be present during that investigation, therefore special considerations will need to be made, such as tenting of the structure, during demolition. We also completed a State Historic Preservation Office (SHPO) review and have a determination of non-significance. Our proposal is to provide technical specifications and bidding documents for the demolition of the existing tank, provide bidding assistance and complete review of contractors payment applications and make recommendations for payment as part of our construction administration duties. Due to the unknown scope and contractual obligations relative to communications or other equipment attached to the tank, we do not include the design of a new structure for attachment of the antennas or other provisions necessary to comply with existing commitments the NFWB or the City has made relative to equipment currently connected to the tank.

Firsthand Knowledge: CPL has successfully completed water infrastructure projects, including water storage tank demolition projects throughout New York State. This work includes complete municipal water system design, source water development, water treatment, storage and distribution. We are knowledgeable on the latest construction techniques, AWWA guidelines, NYSDOH regulations, and OSHA standards.

Full-Service Capabilities: We are a full-service engineering and architecture firm with nearly 40 licensed professional engineers on staff and over 450 employees. We have the in-house capability to fully support every phase of your project including civil design, bidding, construction management, construction administration and construction inspection. We offer a hands-on approach that ensures each project is as completed as designed.

Responsiveness/Proximity: With our office in downtown Buffalo, we can respond efficiently and immediately to project demands and issues as they arise.



We recommend that SEQR be completed for this project and we consider it will be an unlisted action with a coordinated review with the Niagara County Department of Health and the City of Niagara Falls. Our fee includes performing the coordinated review for an unlisted action but does not include an Environmental Impact statement as that is not anticipated.

Once the design is complete, we will work with the NFWB to advertise the project for bid, attend the bid opening and make a recommendation after reviewing each contractors' bid. Once the project enters the construction phase, we will review contractor applications for payment and make recommendations to the NFWB for payment.

During construction we will have a part-time construction inspector on site to ensure the project is completed in substantial conformance with our contract documents. Given the type of work, we feel that 10-12 hours per week of inspection will be required to ensure that the work is carried out in accordance with contract documents.

Our fee is as follows:

Beech Avenue Tank Demolition Project

Task 1:	Design and Develop Bid Documents	\$ 15,000.00
Task 2:	Bidding Assistance	\$ 5,000.00
Task 3:	Construction Administration	\$ 5,000.00
Task 4:	Construction Inspection	\$ 15,000.00**
	Total	\$ 40,000.00**

** Note that Construction Inspection work will be billed hourly at \$110 per hour. We will bill for actual hours worked plus mileage at the federally accepted rate and miscellaneous inspection equipment that will be required.

Thank you for the opportunity to submit our qualifications. I am deeply proud of our ability to provide you with quality service at a fair rate. This is what we do, and we do it well. If you have any questions or require any additional information, please feel free to contact me via email at rhenry@cplteam.com or by phone at 716.852.2100, extension 1048.

Very truly yours,
CPL

Richard B. Henry III, P.E.
President

PROCUREMENT OF DOORS FOR GORGE PUMPING STATION

WHEREAS, Gorge Pumping Station is an essential component of the wastewater treatment system, but is located in the Niagara River Gorge and is not routinely staffed by Water Board personnel, who monitor the equipment located there remotely; and

WHEREAS, to properly secure the building and to replace a number of doors that have failed due to corrosion resulting from environmental conditions at the Gorge Pumping Station, Water Board staff procured a quotation from Door Specialties, Inc., and staff have not been able to secure additional quotations from other door contractors within a reasonable timeframe from seeking those quotations; and

WHEREAS, Door Specialties is believed to have been the original contractor for installing certain doors at the Gorge Pumping Station, is familiar with the Water Board's unique facilities and needs, and is able to supply doors with a special chemical-resistant coating that should have an extended service life compared to comparable doors purchased from another vendor; and

WHEREAS, the price for Door Specialties to provide six doors, frames, hardware, and chemical coating as needed is \$19,135;

* CONTINUED ON NEXT PAGE *

NOW THEREFORE BE IT

RESOLVED, that on behalf of the Niagara Falls Water Board, the Executive Director is hereby authorized to procure doors for the Gorge Pumping Station from Door Specialties, Inc., for a total amount not to exceed \$19,135, and consistent with that company’s March 14, 2023 quote.

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

Water Board Budget Line or Capital Plan Item with Funds for this Resolution:
Capital Line: S-8 Gorge Pump Station Projects-Miscellaneous
Budget Line Supplied by: B. Majchrowicz
Available Funds Confirmed by: B. Majchrowicz

On March 27, 2023, 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 Asklar	[]	[]	[]	[]
Board Member Kimble	[]	[]	[]	[]
Board Member Larkin	[]	[]	[]	[]
Board Member Leffler	[]	[]	[]	[]
Chairman Forster	[]	[]	[]	[]

Signed By:

Vote Witnessed By:

Nicholas J. Forster, Chairman

Sean W. Costello, Secretary to Board



Door Specialties Inc.

530 Fillmore Avenue | Tonawanda, NY 14150
Phone: 716.895.6155 | Fax: 716.895.0208 | www.doorspec.com

Quote No. 2K19-2847

Niagara Falls Water Board
5815 Buffalo Ave
Niagara Falls, NY 14304-3832

Tuesday, March 14, 2023

Gorge Dock Door

- 1-HM Flush Door
 - 1-HM Frame
 - 3- Hinges
 - 1-Deadbolt
 - 1-Sweep, Threshold, Weatherstripping
- For the sum of \$1,055.00

Bottom Level Double Door – South Side

- 2- Hollow metal doors to fit existing frame
 - 6- Hinges
 - 2- Exit Devices x exit only
 - 1- Removable Mullion
- For the sum of \$2,560.00

Rest Room

- 1- Hollow Metal Door to fit existing frame
 - 1- Mortise passage set
 - 1- Closer
- For the sum of \$1,295.00

Exterior Rest Room

- 1- Hollow Metal Door to fit existing frame
 - 1- Exit device with exterior trim
 - 1- Closer
 - 1- Threshold
- For the sum of \$1,590.00

Pair in fenced area. One Required

2- Chem Pruf FRP Doors

1- Chem Pruf transom frame

1- FRP Panel

2- Continuous Hinges

2-Exit Devices

1- Removable Mullion

2- Sweeps

1- Threshold

1- Weatherstripping

For the Sum of \$12,560.00

For the total sum of \$19,135.00

Kevin M. Dikeman

President



Door Specialties Inc.

CLEANING AND INSPECTION OF CHLORINE SCRUBBER

WHEREAS, part of the process that the Niagara Falls Water Board's Water Treatment Plant uses to produce safe drinking water is disinfection using gaseous chlorine which is received and stored in one-ton cylinders; and

WHEREAS, the Water Treatment Plant is equipped with an emergency scrubber system that is designed to contain and neutralize chlorine vapors in response to a gas leak or catastrophic cylinder failure; and

WHEREAS, the chlorine scrubber system requires cleaning, inspection, and recharging of the sodium hydroxide solution it uses to neutralize chlorine vapors; and

WHEREAS, Applied Inspection Services, Inc. ("AIS"), has provided a quotation to provide the professional services required for the chlorine scrubber cleaning and inspection, including services provided by subcontractors which will be supervised by AIS, which totals \$30,828.98; and

WHEREAS, pursuant to Water Board Procurement Policy Section 5.8.4, this professional services agreement (1) was not the subject of an RFP because it is believed that AIS is one of the few local companies that performs the type of work required and Water Board staff solicited quotations from other companies to perform the required work, but no other quotations were received; (2) two other firms were contacted by telephone and requested to solicit proposals; and (3) the procurement is not being postponed to permit an RFP because the work must be completed as expeditiously as possible so that the chlorine scrubber is ready for emergency use;

* CONTINUED ON NEXT PAGE *

NOW THEREFORE BE IT

RESOLVED, that on behalf of the Niagara Falls Water Board, the Executive Director is hereby authorized to contract with Applied Inspection Services, Inc., to clean and inspect the Water Treatment Plant Chlorine Scrubber, for an amount not exceeding \$30,828.98.

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

Water Board Budget Line or Capital Plan Item with Funds for this Resolution:
Capital Line: WTP-6.1, WTP Chlorine System Upgrades
Budget Line Supplied by: D. Williamson
Available Funds Confirmed by: B. Majchrowicz

On March 27, 2023, 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 Asklar	[]	[]	[]	[]
Board Member Kimble	[]	[]	[]	[]
Board Member Larkin	[]	[]	[]	[]
Board Member Leffler	[]	[]	[]	[]
Chairman Forster	[]	[]	[]	[]

Signed By:

Vote Witnessed By:

Nicholas J. Forster, Chairman

Sean W. Costello, Secretary to Board



APPLIED INSPECTION SERVICES, INC.

153 WALES AVENUE
 TONAWANDA, NEW YORK 14150
 716-260-2927
 WWW.AI-SER.COM

PROPOSAL

DATE: 3/6/2023
 PROPOSAL #: EST 1104 r2
 P.O. NO.

Bill To:

Niagara Falls Water Board
 5815 Buffalo Avenue
 Niagara Falls, NY 14304

Ship To

Niagara Falls Water Board
 c/o Russell DeFranco
 5815 Buffalo Avenue
 Niagara Falls, NY 14304

TERMS

Net 30

DESCRIPTION	HRS/QTY	RATE	TOTAL
AIS LABOR - API INSPECTION - SITE (2 DAYS) FRP CHLORINE SCRUBBER INSPECTION SUPPORT AND NFWB MAINTENANCE DEPARTMENT INTERFACE WITH OEM TO SUPPLY PROPER GASKETS, EXCETERA.	16	100.00	1,600.00
AIS LABOR - INSPECTOR/CONFINED SPACE SUPPORT INSPECTOR - SITE (1 DAY) FRP CHLORINE SCRUBBER INSPECTION SUPPORT AND NFWB MAINTENANCE DEPARTMENT INTERFACE WITH OEM TO SUPPLY PROPER GASKETS, EXCETERA.	8	90.00	720.00
AIS LABOR - INSPECTION DATA REVIEW AND REPORT GENERATION - AIS OFFICES (1 DAY)	8	100.00	800.00
Service Related - ENVIRONMENTAL SERVICES GROUP OF NY, INC. + 15% Lump sum Transportation and Disposal of contents of caustic tank. Does not Include any valves. see attached - Est. Quote ID: 29444	1	8,145.48	8,145.48T
Service Related - ENVIRONMENTAL SERVICES GROUP OF NY, INC. + 15% Lump sum Caustic tank Cleaning. Does not Include any valves. see attached - Est. Quote ID: 29408	1	18,935.50	18,935.50T
EQUIPMENT: FRP Hardness Gauge	2	50.00	100.00
CONSUMABLES: Service Related - SAFETY - CONFINED SPACE / PPE	3	150.00	450.00T
BILLABLE AT COST PLUS 10% - THIS IS NOT EXPECTED TO BE REQUIRED UNLESS THE TANK CANNOT BE THOROUGHLY CLEANED - (ANY RESIDUAL CHLORINE OR CAUSTIC THAT CANNOT BE REMOVED)			
MILEAGE: Roundtrip Mileage - PORTAL TO PORTAL is 26 Miles (est 3 trips)	78	1.00 0.00%	78.00 0.00

TOTAL \$30,828.98

*ALL ESTIMATES ARE GOOD FOR THIRTY (30) DAYS
 UNLESS OTHERWISE AGREED TO BY AIS MANAGEMENT IN WRITING AND STATED WITHIN - ANY WORK THAT DEVELOPS OR IS REQUESTED, THAT FALLS OUTSIDE THE SCOPE OF THIS QUOTE, *INCLUDING ANY COVID-19 COSTS/TIME*, SHALL BE BILLED AT T&M RATES
 ** AIS ADDENDUM TERMS & CONDITIONS APPLY***

Pursuant to ISO 17025, The decision rule employed for all statements of conformity are based on simple acceptance. Not all testing listed above may be included in our A2LA Scope of Accreditation. Please consult A2LA Certificate #5906.01 & 5906.02; for a listing of accredited tests.





APPLIED INSPECTION SERVICES, INC.

QA/QC-NON DESTRUCTIVE INSPECTION
BRINGING SOLUTIONS TOGETHER

153 WALES AVENUE - TONAWANDA - NEW YORK - 14150

P: (716) 260-2927 C: (716) 940-0949 F: (716) 264-4105

E-Mail: info@ai-ser.com

ADDENDUM TO AIS ESTIMATES / PROPOSALS / CALLOUT INSPECTIONS

✦ TRAVEL & PROJECT RELATED EXPENSES:

Per Diem..... Governmental (GSA) rates plus 15%, or as negotiated.

✦ Other miscellaneous travel and project related expenses will be at cost, plus 15%. ✦

✦ ✦ All rate quotes are hourly or otherwise rated; overtime is 1.5x, double-time is 2x, hourly rate, unless otherwise specified by the Company. ✦

✦ ✦ ✦ Please see following Field Service Rate Schedule Terms and Conditions. ✦

✦ FIELD SERVICE RATE SCHEDULE:

TERMS and CONDITIONS

Unless **expressly** stated otherwise in Our Quotation, the following conditions apply:

ACCESS:

Access to areas or items to be inspected and material handling is deemed to be the responsibility of the Client.

CONFINED SPACE:

The Client is responsible for providing confirmation of air quality and entry permits.

CANCELLATION:

When a scheduled shift is cancelled with less than 24 hours' notice, a minimum charge of 4 hours of the previously stated T&M rates will be applied.

SCHEDULING:

Work that is scheduled with less than 24 hours' notice may be subject to premium charges.

*** PRICING:**

- 1.) Applicable labor rates will be applied to all travel time, **AIS callouts are billed in 4 or 8 hour minimums**, Portal to Portal.
- 2.) F.O.B., Tonawanda, New York.
- 3.) Any service **not** scheduled 24 hours in advance for working hours prior to 6:00a.m. or after 5:00 p.m., Monday through Friday, will be subject to a shift premium.
- 4.) Saturday, Sunday and Holiday shifts shall bill at an 8-hour minimum.
- 5.) **Applied Inspection Services, Payment Terms are NET 30 days from date of Invoice. Late payments will incur a 2% per month fee, from the date of Invoice. Customer is to pay all costs associated with Collection. These costs include, but are not limited to legal fees, filing fees, court fees and AIS Internal time and expenses.**

RADIOGRAPHY:

Weld inspection of piping is based upon standard butt welds. Due to radiation hazards, radiography requires that the area be clear of Personnel, per applicable laws. Note that some level sensors and other items such as photographic film may be affected by radiation.

REPAIRS:

Inspection finding or repairs, when required, will be charged additionally to the Client at the applicable T&M rate.

SURFACE PREPARATION / CONDITION:

The Client is responsible for ensuring that the items are sufficiently clean to conduct the required inspection. (e.g. slag, rust, and residual product must be removed from welds prior to magnetic particle inspection).

STANDBY TIME:

When inspection is delayed due to circumstances beyond the control of Applied Inspection Services, Inc. (AIS), additional time will be charged at the applicable rate.



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ADDENDUM TO AIS ESTIMATES / PROPOSALS / CALLOUT INSPECTIONS

EFFECT In the event that Applied Inspection Services agrees to perform Work which is described in any written bid, proposal, quotation, schedule, budget, offer, acceptance, contract or any other writing, these Terms and Conditions shall be deemed incorporated therein by reference and made a part thereof. In the event that Company orally requests Applied Inspection Services to perform services, such request shall be deemed to include all of these Terms and Conditions.

PERFORMANCE Applied Inspection Services shall promptly commence performance of the Work and shall complete the Work within a reasonable period of time but in any event within any deadline established by Company. Applied Inspection Services shall cooperate with any other contractors also on the worksite so that each may reasonably complete its respective work by any established deadline. Applied Inspection Services shall in any event complete the Work within such time that will allow any other contractor whose work depends upon the completion of Applied Inspection Services' Work to also timely complete its work. Applied Inspection Services shall perform the Work in a professional manner and in compliance with any and all pertinent Federal, State and local laws codes, regulations and ordinances.

INDEPENDENT CONTRACTOR The parties agree that Applied Inspection Services is an independent contractor for the performance of the Work, and that these Terms and Conditions shall not be construed to create a relationship of principal and agent, master and servant, employer and employee, joint venture, partnership nor any other relationship. Neither Applied Inspection Services nor its employees shall be in any manner considered or deemed to be employees of Company. Applied Inspection Services shall have full and exclusive liability for the withholding and payment of any and all taxes and contributions for unemployment insurance, retirement benefits, life insurance, pensions, annuities and similar benefits which may now or hereafter be imposed by law or collective bargaining for the benefit of Applied Inspection Services' employees engaged in the performance of the Work.

AUDIT AND RECORDS Applied Inspection Services shall keep and maintain accurate books and records of account that show all costs, charges and expenses incurred by Applied Inspection Services in the performance of the Work. Company shall have the right, upon reasonable notice, to audit at any time within one year after completion of the Work, the direct costs, expenses and disbursements made or incurred in the performance of the Work.

TITLE TO PROPERTY All studies, drawings, plans, specifications, test results, reports, computer software, inventions, patent rights, copyrights and any other data in whatever form or state of completion prepared by Applied Inspection Services shall be the property of Applied Inspection Services, which shall have the right to use the same for any purpose.

CONFIDENTIALITY All plans, drawings, design and specifications furnished by Applied Inspection Services to Company shall remain the property of Applied Inspection Services, and any information derived therefrom shall be regarded as confidential by Company and shall not be disclosed to any third party without the prior written consent of Applied Inspection Services.

INDEMNIFICATION Company agrees to protect, defend, hold harmless and indemnify Applied Inspection Services, its subsidiaries and affiliates, shareholders, directors, officers employees, agents, invitees, partners, successors and assigns (hereinafter collectively "Indemnities") from and against any and all claims, demands, liabilities losses, expenses (including reasonable attorney's fees), fines, suits and actions for or on account of any injury to any person or any damage to any property which may arise, or which may be alleged to have arisen out of or related to the Work, including the actual or alleged acts or omissions of Company, its employees, servants, suppliers or subcontractors, even though such injury or damage may be or may be alleged to be attributable in part to the negligence or fault of any Indemnity, provided, however, that Company's obligation hereunder shall not apply to any injury or damage established by arbitration or judicial proceeding to be the result of the sole negligence or fault of an Indemnity and not in any manner or part attributable to Company. This paragraph shall survive the completion and acceptance of the Work.

TERMINATION Applied Inspection Services may, without prejudice to any other rights or remedies provided for hereunder, terminate its performance of any Work for cause, by giving written notice thereof to Company; and Applied Inspection Services shall be relieved of all further obligations; and Company shall be liable to Applied Inspection Services for all costs incurred by Applied Inspection Services in completing the Work in excess of the agreed compensation for the Work.

FORCE MAJURE The term "force majeure" as used herein shall mean any cause beyond the reasonable control of the party affected thereby, including, but not limited to acts of God, acts of a public enemy, insurrections, riots, strikes, lockouts, labor disputes, fires, explosions, floods, and orders or acts of civil or military authority. If, because of force majeure, either party is unable to perform any of its obligations under this Agreement other than an obligation to pay compensation, and if such party shall promptly give to the other written notice of such force majeure, the obligations of the party giving such notice shall be suspended during its continuance to the extent made reasonably necessary, provided that the party giving such notice shall use its best efforts to cure such force majeure insofar as possible. Upon cessation of the force majeure, the party giving the original notice shall promptly give notice of the cessation to the other.

WAIVERS AND APPROVALS A waiver of any breach of any covenant or condition shall not be construed as a waiver of any succeeding breach of the same or any other covenant or condition.

APPLICABLE LAW All matters pertaining to these Terms and Conditions, any agreement, and the performance of the Work shall be construed in accordance with the laws of the State of New York.

INSPECTION – TESTING – TRAINING – CONSULTING

NFWB Mar. 27, 2023 Agenda Packet - Page 121



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"Recycling today for a better tomorrow."

Quote ID: 29408

Salesman: Justin Rainville

Quote Date 03/06/2023

Billing Name: AIS
 Address: 153 Wales
 Tonawanda, NY 14150
 Phone: 260-2927
 Fax:
 BillingContact: Ron Kinz
 Terms: Net 30

Generator: Niagara Falls Water Board
 Address: 5815 Buffalo Ave
 Niagara Falls, NY 14304
 Phone: 716-283-9770
 Fax:
 Gen EPAID:
 Gen Contact

Project:

Project Description:

Qty	Type	Detail	Price	Unit	Taxable	Total
1	Technical Services	Miscellaneous <i>Insurance and Security Fee 10% of Invoice</i>	\$1,720.50	Lump Sum	<input type="checkbox"/>	\$1,720.50
48	Technical Services	Labor <i>2 Chemical Confined Space Employees (Labor Hours)</i>	\$145.00	\$ per Hour	<input type="checkbox"/>	\$6,960.00
8	Materials	PD OH 55 G <i>55 Gal Poly Drum Open Head NEW</i>	\$65.00	\$ per Drum	<input type="checkbox"/>	\$520.00
3	Const - Remediat	Materials <i>Chemical PPE, Confined Space Equipment, Caustic Hand Tools, PID Meter, PowerWasher, Drum Head Vac, Poly, Etc.</i>	\$1,150.00	\$ per Day	<input type="checkbox"/>	\$3,450.00
3	Const - Remediat	Equipment <i>Utility Truck With Confined Space Trailer</i>	\$775.00	\$ per Day	<input type="checkbox"/>	\$2,325.00
24	Const - Remediat	Supervisor <i>Confined Space Supervisor</i>	\$165.00	\$ per Hour	<input type="checkbox"/>	\$3,960.00

PAYABLE IN US FUNDS ONLY - IF PAID BY CREDIT CARD, A 4% FEE APPLIES - IF TAX EXEMPT, PLEASE ADVISE. TAX FEES CANNOT BE REMOVED ONCE APPLIED - IF OTHER THAN 30 DAY PAYMENT TERMS, APPROVAL MUST BE OBTAINED

SubTotal: \$18,935.50
 Tax Rate: 8 Sales Tax: \$0.00
 Total: \$18,935.50

ESG Customer Rep: _____

Customer acceptance subject to attached ESG terms and conditions. Customer accepts payment terms above. A 1.5 % per month fee will be incurred on overdue balances. Customer will also pay any and all collection costs.

PLEASE SIGN AND RETURN PROMPTLY - PLEASE NOTE: IF A PO IS REQUIRED, IT MUST BE SUPPLIED AT THE TIME OF SCHEDULING

By: _____

Please Note: All Off-Specs will be billed at cost plus 20%

Date: _____

Quote Notes: This is a time and material quote. All quantites are estimated only. The actual amount will be reflected on the invoice.

These are PW Rates

This job is estimated for 3 confined space employees, 3 (8) hour work days. ESG will clean one caustic AST. The caustic AST has been drained by the NFWB. ESG will remove the sludge/solids. ESG will power wash the AST and neutraliz the rinse water. ESG will collect all sludge/solids/rinse water in approved DOT shippable drums.



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"Recycling today for a better tomorrow."

THE ENVIRONMENTAL SERVICE GROUP (NY), INC. TERMS AND CONDITIONS

D.O.T. EMERGENCY RESPONSE FEE: All shippers of hazardous materials and hazardous wastes are required (per CFR Part 172) to include on the hazardous manifest an Emergency Response Telephone Number. A person knowledgeable about the materials must be available 24 hours a day, seven days a week, and be able to provide information needed to assist in the event of a chemical emergency. If your company does not have this capability, we can provide it as an additional service.

TRANSPORTATION DEMURRAGE CHARGES: One hour free loading and unloading time is included in freight charges for box vans and straight trucks. No free time is applicable to tanker or vac tanker units **Demurrage time will be billed at the rate of \$22.00 per quarter hour.**

TRANSPORTATION DEMURRAGE CHARGES: All containers used for shipment must be Department of Transportation approved and suitable for the materials they contain. **The Environmental Service Group (NY), Inc. (ESG)** The Environmental Service Group (NY), Inc. (ESG) will provide completed shipping manifests, container labels and bills of lading and will attach the required shipping labels and/or ID numbers to any containers which are signed by the generator at the time of pickup.

OFF-SPECIFICATION OF WASTE CHARGES: Additional charges may be incurred for additional treatment required for any material which deviates from its approved characterization and results in additional processing and/or transportation costs.

TRANSPORTATION COSTS: Transportation and disposal pricing for bulk solid shipments is based upon a fifteen (15) ton minimum, unless otherwise stated. Overweight charges for bulk solids are the responsibility of the generator and will be invoiced as applicable. Drums larger than 55 gallons in size may be subject to additional charges.

SCHEDULING: When pick-ups or deliveries are required, please call our **Customer Service Coordinator at (716) 695-6720.**

SALES TAX: Customers invoiced for Sales Tax unless we are provided with the appropriate direct pay or exemption certificate.

ENVIRONMENTAL TAXES OR FEES: Customers will be charged for all federal, state or local environmental taxes or fees imposed for waste disposal.

ATTORNEY'S FEES: In the event of a breach of the Agreement, the breaching party shall pay all reasonable attorney's fees, collection fees and costs of the other party incident to any action brought to enforce the Agreement.

INDEMNIFICATION:

ESG shall indemnify, defend, and hold harmless the Customer from and against all claims, damages, losses, judgments and expenses, to the extent caused by ESG's negligent performance of Services under this Agreement or the negligent or culpable act or omission of any subcontractor of ESG. To the extent that the claims, damages, losses, judgments and expenses are caused by the Customer's negligence, the Customer shall fully indemnify, defend, and hold harmless ESG. If the claims, damages, losses, judgments and expenses are the result of the negligence of both the Customer and ESG, the Customer and ESG shall be liable to the extent or degree of their respective negligence, as determined by mutual agreement of the Customer and ESG or, in the absence thereof, by adjudication of comparative negligence. The Customer agrees to indemnify, defend, and hold harmless ESG, its officers, directors, employees, servants and agents, from and against any and all losses, liabilities, expenses, fines, penalties, damages, and other detriments of every nature and description (including but not limited to attorneys' fees), to which ESG may be subjected as a result of claims, actions, proceedings (whether legal or administrative), or suits concerning the same. Neither party shall be held liable to the other for special, incidental or consequential damages, including but not limited to, loss of use and loss of profit. The provisions of this Article shall survive the termination of this Agreement.

PAYMENTS: Payable in US Funds Only.

MINIMUM BILLING: All invoices shall be subject to a minimum billing of \$350.00 including all fees, environmental taxes, supplies, etc.

MISCELLANEOUS: The Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and permitted assigns. The Agreement shall be governed by and construed in accordance with the laws of New York. A faxed signature of any party shall have the same legal binding effects as an original signature.

FINANCE AND COLLECTION CHARGES: A finance charge of 1.5 percent per month will be assessed on any unpaid balances. Customer agrees to pay for the cost of all collection fees incurred for overdue payments.

FUEL SURCHARGE: A fuel surcharge will be invoiced in the event the cost of fuel changes more than the rate of inflation from the time of first pick-up. The fuel surcharge shall be adjusted on a routine basis.



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"Recycling today for a better tomorrow."

Quote ID: 29444

Salesman: Justin Rainville

Quote Date 03/09/2023

Billing Name: AIS
 Address: 153 Wales
 Tonawanda, NY 14150
 Phone: 260-2927
 Fax:
 BillingContact: Ron Kinz
 Terms: Net 30

Generator: Niagara Falls Water Board
 Address: 5815 Buffalo Ave
 Niagara Falls, NY 14304
 Phone: 716-283-9770
 Fax:
 Gen EPAID:
 Gen Contact

Project:

Project Description:

Qty	Type	Detail	Price	Unit	Taxable	Total
1	Technical Services	Miscellaneous Security and Insurance Fee 10% of Invoice	\$385.70	Lump Sum	<input type="checkbox"/>	\$385.70
5	Disposal Only	Haz Disposal Hazardous Waste Disposal Only - Caustic Sludge/Solids	\$625.00	\$ per Drum	<input type="checkbox"/>	\$3,125.00
2	Disposal Only	Non-Haz Disposal Non-Hazardous Waste Disposal Only - Caustic Neutralized Rinse Water	\$150.00	\$ per Drum	<input type="checkbox"/>	\$300.00
1	Trans Only	Fuel Surcharge Fuel Surcharge Current Rate 44%	\$132.00	\$ per Pickup	<input type="checkbox"/>	\$132.00
1	Trans Only	Pickup Charge Pickup Charge (Includes Document Preparation)	\$300.00	\$ per Pickup	<input type="checkbox"/>	\$300.00

PAYABLE IN US FUNDS ONLY - IF PAID BY CREDIT CARD, A 4% FEE APPLIES - IF TAX EXEMPT, PLEASE ADVISE. TAX FEES CANNOT BE REMOVED ONCE APPLIED - IF OTHER THAN 30 DAY PAYMENT TERMS, APPROVAL MUST BE OBTAINED

SubTotal: \$4,242.70
 Tax Rate: 8
 Sales Tax: \$0.00
 Total: \$4,242.70

ESG Customer Rep: _____

Customer acceptance subject to attached ESG terms and conditions. Customer accepts payment terms above. A 1.5 % per month fee will be incurred on overdue balances. Customer will also pay any and all collection costs.

PLEASE SIGN AND RETURN PROMPTLY - PLEASE NOTE: IF A PO IS REQUIRED, IT MUST BE SUPPLIED AT THE TIME OF SCHEDULING

By: _____

Please Note: All Off-Specs will be billed at cost plus 20%

Date: _____

Quote Notes: The quantities are estimated only the actual amount will be reflected on the job.

This is a transportation and disposal quote only.



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"Recycling today for a better tomorrow."

THE ENVIRONMENTAL SERVICE GROUP (NY), INC. TERMS AND CONDITIONS

D.O.T. EMERGENCY RESPONSE FEE: All shippers of hazardous materials and hazardous wastes are required (per CFR Part 172) to include on the hazardous manifest an Emergency Response Telephone Number. A person knowledgeable about the materials must be available 24 hours a day, seven days a week, and be able to provide information needed to assist in the event of a chemical emergency. If your company does not have this capability, we can provide it as an additional service.

TRANSPORTATION DEMURRAGE CHARGES: One hour free loading and unloading time is included in freight charges for box vans and straight trucks. No free time is applicable to tanker or vac tanker units **Demurrage time will be billed at the rate of \$22.00 per quarter hour.**

TRANSPORTATION DEMURRAGE CHARGES: All containers used for shipment must be Department of Transportation approved and suitable for the materials they contain. **The Environmental Service Group (NY), Inc. (ESG)** The Environmental Service Group (NY), Inc. (ESG) will provide completed shipping manifests, container labels and bills of lading and will attach the required shipping labels and/or ID numbers to any containers which are signed by the generator at the time of pickup.

OFF-SPECIFICATION OF WASTE CHARGES: Additional charges may be incurred for additional treatment required for any material which deviates from its approved characterization and results in additional processing and/or transportation costs.

TRANSPORTATION COSTS: Transportation and disposal pricing for bulk solid shipments is based upon a fifteen (15) ton minimum, unless otherwise stated. Overweight charges for bulk solids are the responsibility of the generator and will be invoiced as applicable. Drums larger than 55 gallons in size may be subject to additional charges.

SCHEDULING: When pick-ups or deliveries are required, please call our **Customer Service Coordinator at (716) 695-6720.**

SALES TAX: Customers invoiced for Sales Tax unless we are provided with the appropriate direct pay or exemption certificate.

ENVIRONMENTAL TAXES OR FEES: Customers will be charged for all federal, state or local environmental taxes or fees imposed for waste disposal.

ATTORNEY'S FEES: In the event of a breach of the Agreement, the breaching party shall pay all reasonable attorney's fees, collection fees and costs of the other party incident to any action brought to enforce the Agreement.

INDEMNIFICATION:

ESG shall indemnify, defend, and hold harmless the Customer from and against all claims, damages, losses, judgments and expenses, to the extent caused by ESG's negligent performance of Services under this Agreement or the negligent or culpable act or omission of any subcontractor of ESG. To the extent that the claims, damages, losses, judgments and expenses are caused by the Customer's negligence, the Customer shall fully indemnify, defend, and hold harmless ESG. If the claims, damages, losses, judgments and expenses are the result of the negligence of both the Customer and ESG, the Customer and ESG shall be liable to the extent or degree of their respective negligence, as determined by mutual agreement of the Customer and ESG or, in the absence thereof, by adjudication of comparative negligence. The Customer agrees to indemnify, defend, and hold harmless ESG, its officers, directors, employees, servants and agents, from and against any and all losses, liabilities, expenses, fines, penalties, damages, and other detriments of every nature and description (including but not limited to attorneys' fees), to which ESG may be subjected as a result of claims, actions, proceedings (whether legal or administrative), or suits concerning the same. Neither party shall be held liable to the other for special, incidental or consequential damages, including but not limited to, loss of use and loss of profit. The provisions of this Article shall survive the termination of this Agreement.

PAYMENTS: Payable in US Funds Only.

MINIMUM BILLING: All invoices shall be subject to a minimum billing of \$350.00 including all fees, environmental taxes, supplies, etc.

MISCELLANEOUS: The Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and permitted assigns. The Agreement shall be governed by and construed in accordance with the laws of New York. A faxed signature of any party shall have the same legal binding effects as an original signature.

FINANCE AND COLLECTION CHARGES: A finance charge of 1.5 percent per month will be assessed on any unpaid balances. Customer agrees to pay for the cost of all collection fees incurred for overdue payments.

FUEL SURCHARGE: A fuel surcharge will be invoiced in the event the cost of fuel changes more than the rate of inflation from the time of first pick-up. The fuel surcharge shall be adjusted on a routine basis.