



ERIE COUNTY WATER AUTHORITY

INTEROFFICE MEMORANDUM

May 13, 2024

To: Terrence D. McCracken, Secretary to the Authority

From: John M. Catanzaro, Director of Operations *Jmc*

Subject: Contract UST-001
Emergency Traffic Equipment Control Rentals and Related Services
ECWA Project No. 202200008

The following material is attached:

- Authorization Form requesting Board Authorization to execute the attached Amendment No. 1 to Professional Service Agreement with U.S. Traffic Control, Inc. (UST).
- Amendment No. 1 to Professional Service Agreement for the above referenced project.

The Professional Services Agreement for the above-referenced project, effective as of December 22, 2021, was originally executed with U.S. Traffic Control, Inc. for the period from January 1, 2022 through December 31, 2025 with option to extend for two additional one-year terms. On April 5, 2024, U.S. Traffic Control, LLC purchased the assets, including the above-referenced contract, of U.S. Traffic Control, Inc. Amendment No. 1 will modify the following terms of the original contract:

- Change of Contractor's name to U.S. Traffic Control, LLC.
- Addition of Vertical Panel (with Light) item to Article 3, Paragraph 3.01 (A) of the original Professional Service Agreement.
- Deleting entire Article 3, Paragraph 3.02 (B) and replacing it with the new paragraph agreeing to payment of additional delivery fee of \$95.00 and additional pickup fee of \$95.00 for attenuator truck.

Budget Information:

Unit: 2010 Line Maintenance

Item: Line 16 – Payments to Contractors – Rental.

JMC:jmf

Attachments

cc: L.Kowalski

L.Lester

CONT-UST-001-2201-X-01

ERIE COUNTY WATER AUTHORITY
AUTHORIZATION FORM
For Approval/Execution of Documents
(check which apply)

Contract: UST-001 **Project No.:** 202200008
Project Description: Emergency Traffic Equipment Control Rental and Related Services.

Item Description:

- | | | | |
|---|--|---|---------------------------------------|
| <input type="checkbox"/> Agreement | <input type="checkbox"/> Professional Service Contract | <input checked="" type="checkbox"/> Amendment | <input type="checkbox"/> Change Order |
| <input type="checkbox"/> BCD | <input type="checkbox"/> NYSDOT Agreement | <input type="checkbox"/> Contract Documents | <input type="checkbox"/> Addendum |
| <input type="checkbox"/> Recommendation for Award of Contract | <input type="checkbox"/> Recommendation to Reject Bids | | |
| <input type="checkbox"/> Request for Proposals | | | |
| <input type="checkbox"/> Other _____ | | | |

Action Requested:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Board Authorization to Execute | <input checked="" type="checkbox"/> Legal Approval |
| <input type="checkbox"/> Board Authorization to Award | <input checked="" type="checkbox"/> Execution by the Chairman |
| <input type="checkbox"/> Board Authorization to Advertise for Bids | <input type="checkbox"/> Execution by the Secretary to the Authority |
| <input type="checkbox"/> Board Authorization to Solicit Request for Proposals | |
| <input type="checkbox"/> Other _____ | |

Approvals Needed:

APPROVED AS TO CONTENT:

- | | | |
|--|----------------------------|-------------------------|
| <input checked="" type="checkbox"/> Director of Operations | <u>John M. Catanzaro</u> | Date: <u>5/13/2024</u> |
| <input checked="" type="checkbox"/> Chief Operating Officer | <u>[Signature]</u> | Date: <u>05/13/2024</u> |
| <input checked="" type="checkbox"/> Executive Engineer | <u>Jemaid F. Kmalik</u> | Date: <u>5/13/2024</u> |
| <input checked="" type="checkbox"/> Director of Administration | <u>[Signature] for LCL</u> | Date: <u>05/13/2024</u> |
| <input checked="" type="checkbox"/> Risk Manager | <u>Molly Jo Musarra</u> | Date: <u>5/13/2024</u> |
| <input checked="" type="checkbox"/> Chief Financial Officer | <u>[Signature]</u> | Date: <u>05/13/2024</u> |
| <input checked="" type="checkbox"/> Legal | <u>Mark Carney</u> | Date: <u>5/13/2024</u> |

APPROVED FOR BOARD RESOLUTION:

- | | | |
|--|--------------------|------------------------|
| <input checked="" type="checkbox"/> Secretary to the Authority | <u>[Signature]</u> | Date: <u>5/13/2024</u> |
|--|--------------------|------------------------|

Remarks: Amendment No. 1 to Professional Services Agreement.

Resolution Date: _____

Item No: _____

**AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT
EMERGENCY TRAFFIC EQUIPMENT CONTROL
RENTAL AND RELATED SERVICES**

AMENDMENT, effective May 23, 2024, to the Professional Services Agreement, effective December 22, 2021, by and between:

ERIE COUNTY WATER AUTHORITY
295 Main Street, Room 350
Buffalo, New York 14203

hereinafter referred to as the “Authority,” and

U.S. TRAFFIC CONTROL, LLC
100 Fire Tower Drive
Tonawanda, NY 14150

hereinafter referred to as “Contractor.”

WHEREAS, on December 22, 2021, the Authority awarded U.S. Traffic Control, Inc. a professional services agreement for emergency traffic equipment control rental and related services (the “Contract”) for a four-year term, beginning January 1, 2022; and

WHEREAS, on April 5, 2024, U.S. Traffic Control, LLC, purchased the assets, including the Contract, of U.S. Traffic Control, Inc.; and

WHEREAS, the Contract provides for services to be provided to the Authority, as described in the Contract, from January 1, 2022 through December 31, 2025 and

WHEREAS, in accordance with Article 4 Paragraph 4.02 of the Contract, any modification or variation from the terms of the Contract must be in writing, authorized by a resolution of the Board of Commissioners of the Authority (the “Board”) and signed by all parties; and

WHEREAS, the Authority has requested that the Contractor provide rentals of Vertical Panels (with Lights) and the Contractor has agreed to provide same at a rate of \$2.75 per day; and

WHEREAS, the Contractor has requested that the Authority pay a pick up fee of \$95.00 for use of an attenuator truck and the Authority’s Executive Engineer finds such request to be reasonable;

NOW, THEREFORE, in consideration of mutual promises herein set forth, the parties agree to the following:

- (1) The parties agree that all references to U.S. Traffic Control, Inc., and all references to Contractor in the Contract shall mean U.S. Traffic Control, LLC; and
- (2) The parties agree that an additional piece of equipment shall be added to article 3, Paragraph 3.01 (A) of the Contract as follows:

Equipment Description	Unit	Rental Rate
Vertical Panel (with Light)	per day	\$2.75

;and

- (3) The parties agree that Article 3, Paragraph 3.02 (B) shall be deleted in its entirety and replaced with the following:

The Authority agrees that all rentals of an attenuator truck involve an additional delivery fee of \$95.00 and an additional pick up fee of \$95.00; and

- (4) The parties agree all other terms and conditions of the Contract shall remain unchanged and in effect; and
- (5) This Amendment may be executed in counterparts, each of which is deemed an original, but all of which together are deemed to be one and the same agreement.

IN WITNESS WHERETO, the parties hereto have caused this Amendment No. 1 to be signed by their respective duly constituted officers, attested and sealed pursuant to proper authority.

ERIE COUNTY WATER AUTHORITY

By _____
Jerome D. Schad, Chair

U.S. TRAFFIC CONTROL, LLC

By _____
Nicole Beringer, President

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On the ___ day of May, in the year 2024, before me personally came Jerome D. Schad, to me known, who, being by me duly sworn, did depose and say that he resides in the Amherst, New York, that he is the Chair of the Board of Commissioners for the Erie County Water Authority described in the above instrument, and he signed his name thereto by the authorization of the Board of Commissioners for the Erie County Water Authority.

Notary Public

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On the 10 day of May, in the year 2024, before me personally came Nicole Berigner, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed within the instrument and acknowledged to me that she executed the same in her capacity as President of the company described in the above instrument, that by her signature she executed the instrument, and that she made such appearance before the undersigned.

Morgan Miller
Notary Public

MORGAN MILLER
NOTARY PUBLIC, STATE OF NEW YORK
NO. 01M10023214
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES APRIL 4, 2028