



ERIE COUNTY WATER AUTHORITY

INTEROFFICE MEMORANDUM

February 10, 2025

TO: Chairperson Jerry Schad, Vice Chair Peggy LaGree and Treasurer Michele Iannello

FROM: Jennifer Hibit, Director of Human Resources

CC: Terrence D. McCracken, Secretary to the Authority

SUBJECT: **HealthWorks Contract Amendment and Extension**

I would like to bring to your attention the services provided by HealthWorks, our current partner for return-to-work physicals, respirator fit-tests, pre-employment testing, and post-accident and after-hours testing. They have consistently demonstrated a strong partnership with the Authority and have been willing to collaborate on various issues as they arise.

As you are aware, the cost of services everywhere has increased. In light of this, I believe that the recent cost adjustments to the services provided by HealthWorks are both fair and reasonable.

I respectfully request your approval for the amendment and extension of the HealthWorks contract for another year. Should you have any questions or concerns, please feel free to contact me.

Thank you for your consideration.

Jennifer Hibit

Budget Information:

Unit 8010 Human Resources

Item No. 920259 Doctor Examination Fees

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

Contract: _____ **Project No.:** PN202200063
Project Description: Amendment and extension of the professional services agreement for comprehensive occupational health 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 type="checkbox"/> Legal Approval |
| <input type="checkbox"/> Board Authorization to Award | <input 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 type="checkbox"/> Other (if Applicable) _____ | Date: _____ |
| <input type="checkbox"/> Chief Operating Officer _____ | Date: _____ |
| <input type="checkbox"/> Executive Engineer _____ | Date: _____ |
| <input type="checkbox"/> Director of Administration _____ | Date: _____ |
| <input checked="" type="checkbox"/> Director of Human Resources <u>Jennifer Hibit</u> | Date: <u>2-10-2025</u> |
| <input checked="" type="checkbox"/> Chief Financial Officer <u>Oppe Indum</u> | Date: <u>02/10/2025</u> |
| <input checked="" type="checkbox"/> Legal <u>Mark Carney</u> | Date: <u>2/10/2025</u> |

APPROVED FOR BOARD RESOLUTION:

- | | |
|---|-------------------------|
| <input checked="" type="checkbox"/> Secretary to the Authority <u>[Signature]</u> | Date: <u>02/10/2025</u> |
|---|-------------------------|

Remarks: _____

Resolution Date: _____ **Item No:** _____

**AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT
FOR COMPREHENSIVE OCCUPATIONAL HEALTH SERVICES**

AMENDMENT, effective February 20, 2025, to the Professional Services Agreement, effective June 16, 2022, by and between:

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

hereinafter referred to as the “Authority,” and

HEALTHWORKS-WNY, L.L.P.
2075 Sheridan Drive
Kenmore, New York 14223

hereinafter referred to as “Contractor.”

WHEREAS, on June 16, 2022, the Authority awarded HealthWorks-WNY, L.L.P. a professional services agreement for comprehensive occupational health services (the “Contract”) for a three-year term, beginning May 1, 2022; and

WHEREAS, the Contract provides for services to be provided to the Authority, as described in the Contract, from May 1, 2022 through April 30, 2025; and

WHEREAS, in accordance with Article 5, Paragraph 5.01 of the Contract, the parties may agree in writing to extend the term of the Contract for two additional one (1) year terms, at the sole discretion of the Authority, upon mutually agreed on terms and conditions; and

WHEREAS, the Consultant has requested a one-year extension under the same terms and conditions, with the exception of a pricing adjustment, which is attached hereto as Appendix “A”; and

WHEREAS, in accordance with Article 3, Paragraph 3.06 of the Contract, the Consultant agrees to provide Certificates of Insurance certifying required coverage; and

WHEREAS, in accordance with Article 3, Paragraph 3.02 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’s Director of Human Resources has reviewed the request to extend the contract under the same terms as the existing contract, after amending the pricing item, and recommends extending the contract; and

WHEREAS, the parties wish to extend the Contract for a one-year period from May 1, 2025 through April 30, 2026.

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

(1) All terms and conditions of the agreement shall continue in effect until April 30, 2026, with the exception of pricing, which is amended as described in Appendix “A” of this resolution and replaces Appendix “A”, Item 5 of the Contract as of May 1, 2025; and

(2) Proof of insurance as described in Paragraph 3.06 of the Contract will be provided within thirty (30) days of the execution of this agreement; and

(3) 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

HEALTHWORKS-WNY, L.L.P.

By _____
Mark Costanza, M.D., Partner

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On the ____ day of February, in the year 2025, 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 ____ day of _____, in the year 2025, before me personally came Mark Costanza, M.D., 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 he resides in _____, New York, that he is a Partner of HealthWorks-WNY, L.L.P. described in the above instrument; and that he signed his name thereto as authorized by the limited liability partnership covenants.

Notary Public

APPENDIX A

PRICING FOR MAY 1, 2025 THROUGH APRIL 30, 2026

SERVICES

SERVICE	¹ CHARGE
1. PRE-EMPLOYMENT PHYSICALS	
Pre-Employment Physical Examination, including:	
• Physical Exam	\$79
• Medical and Work History	Included
• Vital Signs	Included
• Visual Acuity Test	Included
• Urine Dipstick	Included
• Audiometry	\$33
• Physical Agility Test, as needed	\$130
2. EVALUATION FOR RESPIRATOR CLEARANCE (29 CFR1910.134)	
Respirator Clearance Examination, including:	
• Respirator Clearance Exam	\$90
• Medical and Work History	Included
• Vital Signs	Included
• Visual Acuity Test	Included
• Urine Dipstick	Included
• OSHA Respirator Medical Evaluation Questionnaire	Included with Physical
• OSHA Respirator Medical Evaluation Questionnaire (Standalone/ Without a Physical)	\$21
• ² Quantitative Respirator Fit Testing (pre-employment and annually)	\$55
• Spirometry, as needed	\$59
• Single View Chest X-ray, as needed	\$87
3. ASBESTOS EVALUATION (29 CFR1910.1001)	
Asbestos Examination (including pre-employment, annual and exit):	
• Asbestos Exam	\$109
• Medical and Work History	Included
• Vital Signs	Included
• Visual Acuity Test	Included
• Urine Dipstick	Included
• ³ OSHA Asbestos questionnaire (Part 1: Pre-employment)	Included with physical
• ³ OSHA Asbestos questionnaire (Part 2: Annually)	Included with physical

• Spirometry	\$59
• Single View Chest X-ray	\$87
• X-ray Interpretation by a classified B-Reader, and performed at the intervals defined in 29 CFR1910.1001(l)(3)(ii)	\$115
• Quantitative Respirator Fit Testing (pre-employment and annually)	\$55
4. RETURN TO WORK EXAMS	
The time required for performing return to work or fitness for duty exams will vary depending on the complexity of the employee’s condition and the complexity and length of time of the treatment plan. As such, the charge for return to work exams can range from \$95 for less complex cases up to and including \$250 for more complex cases.	\$95 - \$250
5. OTHER SERVICES	
• ⁴ Non-Life-Threatening Work-Related Injury Care & Treatment	\$110.09 - \$196.62
• ⁴ Work-Related Injury Follow up Visit	\$67.78 - \$122.94
• Audiometry	\$33
• Blood Chemistry, including:	
○ Basic Metabolic Panel	\$30
○ Comprehensive Metabolic Panel	\$43
• Urinalysis	\$19
• CBC w/Differential	\$21
• Lumbar-Sacral X-ray	\$220
• Standalone Visual Acuity Test	\$19
6. DRUG SCREENING SERVICES	
HealthWorks can and will comply with all water authority drug screening requirements. However, it is important to note that Federal DOT regulations do not currently recognize/permit hair-based drug screen testing.	
• 5 Panel Hair Drug Screen Testing	\$105
• 5 Panel DOT Drug Screen Testing	\$67
• 5 Panel Non-DOT Drug Screen Testing	\$63
• 5 Panel INSTANT Drug Screen Test – Post Accident Incidents	\$47
• Laboratory Confirmation Test for “non-negative” INSTANT drug screen results only	\$50
• 24/7 After-Hours Drug Screen Testing for reasonable suspicion or post-accident incidents when performed:	
○ In-Clinic (<i>plus</i> the charge for the drug screen test)	\$250
○ On-Site (<i>plus</i> the charge for the drug screen test)	\$300
○ Holidays (<i>plus</i> the charge for the drug screen test)	\$400
• On-Site Testing can be coordinated through HealthWorks On-Site Services Division	
7. BREATH ALCOHOL TESTING	

HealthWorks can and will comply with all water authority breath alcohol testing requirements.	
• DOT and Non-DOT Breath Alcohol Test	\$38
• DOT and Non-DOT Confirmation Breath Alcohol Test	\$38
• 24/7 After-Hours Breath Alcohol Testing for reasonable suspicion or post-accident incidents when performed:	
○ In-Clinic (<i>plus</i> the charge for the breath alcohol test)	\$250
○ On-Site (<i>plus</i> the charge for the breath alcohol test)	\$300
○ Holidays (<i>plus</i> the charge for the breath alcohol test)	\$400
• On-Site Testing can be coordinated through HealthWorks On-Site Services Division	
8. DEVELOPMENT AND MAINTENANCE OF A DATABASE FOR RANDOM DRUG AND ALCOHOL SELECTION/TESTING	
HealthWorks can and will comply with all water authority random testing program requirements.	
• Random Testing Program Annual Maintenance Fee	\$800

Remarks:

¹Administration of the OSHA Respirator Medical Evaluation Questionnaire as part of a respirator clearance exam carries no charge. However, a standalone OSHA Respirator Medical Evaluation Questionnaire carries a charge of \$21.

²Administration of Part 1/Part 2 of the OSHA Asbestos Questionnaire as part of an asbestos exam carries no charge. However, administration of a standalone Part 1/Part 2 Asbestos Questionnaire carries a charge of \$21.

³The rates associated with work related injury care and/or treatment are not established by HealthWorks, but rather by the New York State Workers Compensation Board. Furthermore, the above rates are presented as a range because they are now based on the complexity and type of office visit, as well as the duration of time required to complete the required treatment procedure(s).