

Date: May 19, 2015

To: THE TRUSTEES

From: THE PRESIDENT and CHIEF EXECUTIVE OFFICER

Subject: **Procurement (Construction) Contract –
Niagara Power Project Relicensing –
Invasive Species Control Habitat
Improvement Project – Contract Award**

SUMMARY

The Trustees are requested to approve the award of a construction contract to Applied Ecological Services of Brodhead, WI, for the continued implementation of the Invasive Species Control Habitat Improvement Project (“HIP”). The contract will be awarded for an amount of \$72,730; the term of the contract will be five years.

BACKGROUND

Section 2879 of the Public Authorities Law and the Authority’s Guidelines for Procurement Contracts require the Trustees’ approval for procurement contracts involving services to be rendered for a period in excess of one year.

This project will involve treatment of invasive plants by herbicide application and cutting within approximately 346 acres of land as part of the Invasive Species Control HIP at six Habitat Improvement Project sites. The sites are located in and along the upper Niagara River near the cities of Buffalo and Niagara Falls, New York. The initial contract for this project was issued in 2010. Implementation of this HIP is one of the commitments made in the Niagara Power Project Relicensing Settlement Agreement that resulted in a new 50-year license.

DISCUSSION

A Request for Quotation (“RFQ”), Q15-5833JR, for the construction work was publicly noticed in the New York State *Contract Reporter* on March 9, 2015, and the full RFQ was made available at that time on the NYPA Procurement website. A pre-bid meeting was held at Buckhorn State Park on March 18, 2015. Three addenda were issued.

The RFQ was downloaded by thirty-nine (39) firms. Bids were received from the following four firms: Applied Ecological Services of Brodhead, WI (AES); Allied Biological of Hackettstown, NJ (Allied); A-Tip Control of Dansville, NY (A-Tip); and Aaron A. Miller Commercial Spraying LLC of Lowville, NY (Miller). One bid was disqualified for not submitting the required forms and information. Evaluated bid prices ranged from \$72,730 to \$153,465.

Staff from the Authority's Relicensing and Implementation Division, Environmental Health and Safety Division, and Procurement Division evaluated the proposals for technical qualifications and pricing. The Authority's review team was assisted in the technical evaluation by staff from Kleinschmidt Associates, whose aquatic and terrestrial biologists were responsible for the design of the HIP, and the Authority's Niagara Compliance Implementation Consultant, Gomez and Sullivan Engineers, who assist the Authority with project management of Niagara Project relicensing implementation projects.

The technical review focused on means and methods, personnel qualifications, experience, organization, schedule, safety, and quality control. While the Allied, AES and Miller proposals showed that these firms were technically qualified, AES was the lowest qualified bidder. They have worked satisfactorily and diligently as the planting installer for NYPA on the Little Beaver Island, Motor Island, and Frog Island restoration HIPs and the firm offered acceptable means and methods, qualified and experienced personnel with appropriate certifications, adequate organization, and suitable approaches to safety and quality control. Appropriate attention was paid to specified limitations on use of motorized vehicles and other specialized equipment.

It is recommended that the contract be awarded to AES. The contract term will be for five years in the total amount of \$72,730.

FISCAL INFORMATION

Since these expenditures are related to implementing new project commitments in the New License and the Section 401 Water Quality Certificate issued by the New York State Department of Environmental Conservation, payments will be made from the Capital Fund.

RECOMMENDATION

The Senior Vice President – Public and Regulatory Affairs recommends that the Trustees authorize the award of a construction contract for the Invasive Species Control Habitat Improvement Project to Applied Ecological Services in the amount of \$72,730.

For the reasons stated, I recommend the approval of the above-requested action by adoption of the resolution below.

Gil C. Quiniones
President and Chief Executive Officer

RESOLUTION

RESOLVED, That pursuant to the Guidelines for Procurement Contracts adopted by the Authority, approval is hereby granted to award a five-year contract to Applied Ecological Services in the amount of \$72,730 for the continued implementation of the Invasive Species Control Habitat Improvement Project, as recommended in the foregoing memorandum of the President and Chief Executive Officer;

<u>Contractor</u>	<u>Contract Approval</u>
Applied Ecological Services Brodhead, WI (Q15-5833JR)	<u>\$72,730</u>

AND BE IT FURTHER RESOLVED, That the Chairman, the Vice Chair, the President and Chief Executive Officer, the Chief Operating Officer and all other officers of the Authority are, and each of them hereby is, authorized on behalf of the Authority to do any and all things and take any and all actions and execute and deliver any and all agreements, certificates and other documents to effectuate the foregoing resolution, subject to the approval of the form thereof by the Executive Vice President and General Counsel.