

ERIENET LOCAL DEVELOPMENT CORPORATION

MEMORANDUM

March Board Meeting Information

April 18, 2023

To: The Members of the Board of Directors

From: Thomas E. Baines, Esq., Chair



Attached is the agenda and accompanying materials that will be discussed during the April meeting of the Board of Directors, which will take place at the Offices of the ECIDA, 95 Perry Street, 4th floor Conference Room, Buffalo, New York 14203, Tuesday, April 18, 2023 at 1:00 p.m.

Should you have any questions regarding the attached information, please contact me at (716) 858- 8390.

Thank you,

TEB/ci

Cc: Benjamin Swanekamp

Attachments

ERIENET LOCAL DEVELOPMENT CORPORATION

Meeting of the Board of Directors

ECIDA, 4th Floor Conference Room

95 Perry Street

Buffalo, New York 14203

Tuesday, April 18, 2023, 1:00 p.m.

Agenda

1. Roll call and declaration of quorum
2. Approval of the Draft Minutes from the Tuesday, March 21, 2023 Board Meeting
3. Report of the Chair
 - i. Bob Murray, Legal Counsel, Harris Beach - SEQR considerations
 - ii. ECC Technologies - Update
4. Committee Reports
 - i. Personnel Committee – It is the recommendation that an employment agreement is executed between ENLDC and Melissa Hartman appointing her as Executive Director upon presentation of Resolution 23-04 on the Board meeting agenda.
 - ii. Selection Committee – Construction Services RFP – ECC/RFP Selection Committee
5. Unfinished Business - No unfinished business
6. Resolutions
 - 23-04 RESOLUTION OF THE ERIENET LOCAL DEVELOPMENT CORPORATION (“ENLDC”) APPPOINTING AN EXECUTIVE DIRECTOR AND AUTHORIZING THE ENLDC CHAIRPERSON IN CONSULTATION WITH THE PERSONNEL COMMITTEE AND LEGAL COUNSEL TO NEGOTIATE AND EXECUTE AN EMPLOYMENT AGREEMENT BETWEEN THE EXECUTIVE DIRECTOR AND ENLDC
 - 23-05 RESOLUTION OF THE ERIENET LOCAL DEVELOPMENT CORPORATION (“ENLDC”) AUTHORIZING THE NEGOTIATION AND EXECUTION OF A SHARED SERVICES AGREEMENT WITH THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

23-06 RESOLUTION OF THE ERIENET LOCAL DEVELOPMENT CORPORATION (“ENLDC”) AUTHORIZING THE NEGOTIATION AND EXECUTION OF AN AGREEMENT WITH GRAYBAR TO PROVIDE OUTSIDE PLANT FIBER OPTIC CABLE AND TELECOMMUNICATIONS CABINETS

23-07 RESOLUTION OF THE ERIENET LOCAL DEVELOPMENT CORPORATION (“ENLDC”) AUTHORIZING (i) THE NEGOTIATION AND EXECUTION OF AN AGREEMENT TO ENGAGE THE DDS COMPANIES TO PROVIDE PROFESSIONAL ENGINEERING SERVICES TO ENLDC

8. Adjournment – (Next board meeting: May 23, 2023)

ErieNet Local Development Corporation

Board Meeting

Tuesday, March 21, 2023

DRAFT Meeting Minutes

The Board of Directors meeting was held on March 21, 2023, in the Board Room on the fourth floor of the ECIDA office located at 95 Perry Street, Buffalo, New York 14203 and by videoconference, in accordance with the Corporation's Bylaws and Chapter 1 of the Laws of 2022. A quorum was present as indicated:

Members:

Thomas E. Baines, Erie County Deputy Commissioner of Planning & Economic Development
Michael Breeden, Erie County Chief Information Officer
Daniel Castle, Erie County Commissioner of Environment and Planning
Mark Cornell, Erie County Deputy Budget Director
Jason Keding, Town of Boston
John Mills, Erie County Legislature Minority Leader
John Spears, Director of the Buffalo and Erie County Public Library
Jeremy Toth, Erie County Attorney

Absent:

Timothy Meyers, Erie County Legislature Majority Leader

Other Attendees:

Benjamin Swanekamp, Erie County Chief of Staff
Courtney Italia, Erie County Environment & Planning
Matt Crider, ECC Technologies
Andy Lukasiewicz, ECC Technologies
Mac Zukoff, ECC Technologies
Bert Feasley

1. Open Board Meeting, Roll Call, and declaration of Quorum – The meeting was called to order by the Chair of the Board at 1:02 p.m., roll call was taken by Mr. Baines and a quorum was declared present.
2. Approval of the Draft Minutes from January 23, 2023 Board Meeting – Upon motion by Mr. Cornell and seconded by Mr. Breeden, the Draft Board Minutes were unanimously approved.
3. Report of the Chair
 - i. ECC Technologies Update – Mr. Crider gave a brief update on the status of the ErieNET Design, Sales, Marketing and Operations. See Attachment

- ii. Pending RFP's – Mr. Baines gave an update on all pending RFP's
 - a. Fiber Optic Cable – Selection Committee (Thomas Baines, Jeremy Toth and Michael Breeden) scheduled to meet on Tuesday, March 28th at 2:00 p.m. to review the 9 proposals received.
 - b. Pole Mounted Cabinets – Selection Committee (Thomas Baines, Jeremy Toth and Michael Breeden) scheduled to meet on Tuesday, March 28th at 2:00 p.m. to review the proposals received.
 - c. Engineering Services – A Selection Committee (Thomas Baines, Daniel Castle, Michael Breeden) are scheduled to meet on Tuesday, April 4th to review and discuss the proposals that due on March 24th.
 - d. Construction Services - A Selection Committee (Thomas Baines, Jason Keding and Daniel Castle) are scheduled to meet on Thursday, April 13th to review and discuss the proposals that due on April 10th.
 - iii. Welcome New Board Member: Jason Keding, Town of Boston.
- 4. Committee Reports – No committees met
 - 5. Unfinished Business – No unfinished business
 - 6. Executive Session: Upon motion made by Mr. Castle and seconded by Mr. Cornell the Board went into Executive Session (*Pursuant to Public Officers Law 105 (1)(f)*). No actions were taken during Executive Session. Motion made by Mr. Castle and seconded by Mr. Keding to exit Executive Session.
 - 7. Adjournment - Upon motion made by Mr. Toth and seconded by Mr. Breeden the meeting adjourned at 2:18 p.m.

BY: _____
Thomas E. Baines, Esq.
CHAIR



Meeting of the Board of Directors ECIDA

4th Floor Conference Room 95 Perry Street Buffalo, New York 14203

Tuesday, March 21, 2023, 1:00 p.m.

ECC Technologies Report

1. ErieNET Design & CM Contract

A. Route Design

- Route Design is established for 368 backbone miles
- Southern ring established from Springville to Gowanda
- Town of Wales added
- Pathway to Grand Island be evaluated between leasing/IRU fiber from FirstLight or direct from NYSTA, also evaluating leasing of NYSTA duct.
- City Permits being prioritized to facilitate and expedite underground construction. Researching availability of Verizon duct for downtown construction.
- Following up with Green Light on possible collaboration options on construction to share/reduce costs and expedite schedule.
- Rath Building, 15th Floor Data Center has a secure ErieNET Point of Presence (PoP) room. 15th floor currently has Asbestos remediation. Data Center and ErieNET PoP construction to begin in August 2023 with PoP activation by yearend.

B. Utility Coordination

- ENLDC filed with NYS PSC for CPCN status to establish preferential pole attachment fees.
- 1000 poles submitted to both Grid and NYSEG for Pole Attachments and Make Ready Construction for ENLDC fiber optic cable. Schedule is for 1000 pole per month to be submitted for both GRID & NYSEG for approximately 6000 poles in total for each utility.

C. Construction

- (2) Underground pathway contractors selected. ENLDC attorney is reviewing Contract Agreements so that POs can be issued and work to begin.
- City underground pathway will be first construction activity, and may be an opportunity for a "ground breaking ceremony"

D. Fiber Optic Cable RFP

Proposals received Friday 3/17/23 and are under review.

Initial order will be for 50% of estimated cables upon contract execution.

2nd order for remaining fiber cabling issued in August 2023 with delivery by end of year.

E. Telecom Cabinets RFP

- Proposals received Friday 3/17/23 and are under review.
- Approximately (22) pole mounted cabinets for managing fiber splicing.

F. Professional Engineering Services RFP

- Proposals due Friday 3/24/23
- Professional Engineers and Licensed Land Surveyors needed for any underground construction for County or NYS; and for any new poles on NYS R-O-W. Some railroad permits may require PE stamp depending upon the complexities of some crossings.

G. Fiber Optic Infrastructure Installation RFP

- Proposal due 4/10/23
- Utility contractors for installing fiber optic cables both underground pathway and aerial pathway.

2. ErieNET Sales, Marketing & Operations Contract

- A. 1/31/23 Contract Award Notification Letter** – Waiting on ENLDC review of Agreement for contract execution.
- B. Fulltime Sales Exec** for ErieNET – Candidates being interviewed.
- C. Carrier Outreach** - National conference earlier this month where many carriers introduced to ErieNET opportunities.
- D. Last Mile Partners** – Being identified and contacts made.
- E. Lit Services & Managed Network Services**
- Erie County Libraries will need a managed service (not dark fiber)
 - 911 Telephony (VOIP) Communications and PS Radio Communications will also need managed services.
 - County IT will light ErieNET fiber for County network and Internet communications.
 - ENLDC will need to bring on network integrator or carrier to provide these services using ENLDC fiber for transport.
- F. Updated Business Plan Budget & Validation of ENLDC Sales quotes**
- Once RFP process has selected contractors and establish contract pricing, we will have accurate pricing to update the Business Plan Budgets. Also, we will be in a position to provide firm pricing quotes to potential customers, particularly UB & City of Buffalo.

**ERIENET LOCAL DEVELOPMENT CORPORATION
RESOLUTION 23-04**

A regular meeting of the ErieNet Local Development Corporation was convened on April 18, 2023 at 1:00 p.m.

The following resolution was duly offered and seconded, to wit:

RESOLUTION OF THE ERIENET LOCAL DEVELOPMENT CORPORATION (“ENLDC”) APPPOINTING AN EXECUTIVE DIRECTOR AND AUTHORIZING THE ENLDC CHAIRPERSON IN CONSULTATION WITH THE PERSONNEL COMMITTEE AND LEGAL COUNSEL TO NEGOTIATE AND EXECUTE AN EMPLOYMENT AGREEMENT BETWEEN THE EXECUTIVE DIRECTOR AND ENLDC

WHEREAS, the ENLDC and is authorized and empowered by Section 1411 of the Not-for-Profit Corporation Law of the State of New York, as amended, to relieve and reduce unemployment, promote and provide for additional and maximum employment, better and maintain job opportunities in Erie County and to lessen the burdens of government and act in the public interest; and

WHEREAS, ENLDC was specifically created and empowered by the County of Erie to study, design, and engineer an Open Access Network and to ultimately install internet services within and throughout the County to ensure growth, equity and prosperity for the County (the “Project”); and

WHEREAS, ENLDC has determined that it is necessary to hire an Executive Director to manage the day-to-day operations of the Project and the Corporation; and

WHEREAS, after an extensive recruitment and interview process, the Personnel Committee, consisting of Thomas E. Baines, Dan Castle, John Spears, and Mark Cornell, has unanimously recommended Melissa Hartman be appointed to serve as and employed as Executive Director of the Corporation; and

WHEREAS, in consultation with the Personnel Committee, Legal Counsel and within the parameters previously established by the Board or Directors, the Chairperson has offered Melissa Hartman the Executive Director position, subject to ENLDC approval, and she has accepted the position, subject to ENLDC approval, all of the foregoing subject to execution of an employment agreement by and between the ENLDC and Melissa Hartman; and

WHEREAS, upon accepting the position as Executive Director, Ms. Hartman has agreed to a start date of May 1, 2023, ending her current position within sixty (60) days thereafter.

NOW, THEREFORE, BE IT RESOLVED BY THE ERIENET LOCAL DEVELOPMENT CORPORATION AS FOLLOWS:

Section 1. The ENLDC hereby ratifies and approves the actions taken by the Chairperson and the Personnel Committee and the offering of the position of Executive Director to Melissa Hartman, at a salary that is consistent with the salary range, and benefits, as same were included in the job posting for the position.

Section 2. The ENLDC hereby appoints Melissa Hartman as its Executive Director.

Section 3. The Board hereby authorizes the Chairperson in consultation with the Personnel Committee and Legal Counsel, to negotiate and execute an employment agreement with Melissa Hartman consistent with the foregoing.

Section 4. All actions of any member of the Board of Directors or Officer that were taken or made prior to the date of this resolution are ratified and approved.

Dated: April 18, 2023

**ERIENET LOCAL DEVELOPMENT CORPORATION
RESOLUTION 23-05**

A regular meeting of the ErieNet Local Development Corporation was convened on April 18, 2023 at 1:00 p.m.

The following resolution was duly offered and seconded, to wit:

RESOLUTION OF THE ERIENET LOCAL DEVELOPMENT CORPORATION (“ENLDC”) AUTHORIZING THE NEGOTIATION AND EXECUTION OF A SHARED SERVICES AGREEMENT WITH THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

WHEREAS, the ENLDC is authorized and empowered by Section 1411 of the Not-for-Profit Corporation Law of the State of New York, as amended, to relieve and reduce unemployment, promote and provide for additional and maximum employment, better and maintain job opportunities in Erie County and to lessen the burdens of government and act in the public interest; and

WHEREAS, ENLDC was specifically created and empowered by the County of Erie to study, design, and engineer an Open Access Network and to ultimately install internet services within and throughout the County to ensure growth, equity and prosperity for the County (the “Project”); and

WHEREAS, the ENLDC is authorized to enter into contracts to carry out its corporate purposes; and

WHEREAS, the ENLDC requires payroll and human resources services to properly handle employee relations and payroll functions for employees of the ENLDC; and

WHEREAS, the Erie County Industrial Development Agency (the “Agency”) provides payroll and human resources services for organizations that have similar public service and public benefit powers and purposes as those of the ENLDC; and

WHEREAS, pursuant to the ENLDC’s Procurement Policy, a contract in the amount of \$5,000 or less does not require formal bidding, and the cost of retaining the Agency for such payroll and human resources services is less than \$5,000; and

WHEREAS, it is in the best interest of the ENLDC to engage payroll and human resources services to provide such services to its employees; and

WHEREAS, the ENLDC desires to engage the Agency to provide payroll and human resource services.

NOW, THEREFORE, BE IT RESOLVED BY THE ERIENET LOCAL DEVELOPMENT CORPORATION AS FOLLOWS:

Section 1. Based upon the foregoing, and in compliance with ENLDC's Procurement Policy, the ENLDC hereby authorizes the Chair in consultation with ENLDC Legal Counsel to negotiate and execute a Shared Services Agreement with the Agency for purposes of providing payroll and human resources services, in an amount not to exceed \$5,000.

Section 2. The officers, employees and agents of the ENLDC are hereby authorized and directed for and in the name and on behalf of the ENLDC to do all acts and things required and to negotiate, execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the ENLDC with all of the terms, covenants and provisions of the documents executed for and on behalf of the ENLDC as related thereto and hereto.

Section 3. Any and all actions heretofore taken or authorized by the ENLDC and/or its officers, employees and agents with respect to this resolution are hereby ratified, approved and confirmed in all aspects.

Section 4. This resolution shall take effect immediately.

Dated: April 18, 2023

**ERIENET LOCAL DEVELOPMENT CORPORATION
RESOLUTION 23-06**

A regular meeting of the ErieNet Local Development Corporation was convened on April 18, 2023 at 1:00, p.m.

The following resolution was duly offered and seconded, to wit:

RESOLUTION OF THE ERIENET LOCAL DEVELOPMENT CORPORATION (“ENLDC”) AUTHORIZING THE NEGOTIATION AND EXECUTION OF AN AGREEMENT WITH GRAYBAR TO PROVIDE OUTSIDE PLANT FIBER OPTIC CABLE AND TELECOMMUNICATIONS CABINETS

WHEREAS, the ENLDC is authorized and empowered by Section 1411 of the Not-for-Profit Corporation Law of the State of New York, as amended, to relieve and reduce unemployment, promote and provide for additional and maximum employment, better and maintain job opportunities in Erie County and to lessen the burdens of government and act in the public interest; and

WHEREAS, ENLDC was specifically created and empowered by the County of Erie to study, design, and engineer an Open Access Network and to ultimately install internet services within and throughout the County to ensure growth, equity and prosperity for the County (the “Project”); and

WHEREAS, it is necessary for the construction of the Project’s infrastructure to purchase fiber optic cabling and pole mounted telecommunication cabinets to build out the broadband network; and

WHEREAS, pursuant to a resolution adopted by the ENLDC on December 16, 2022, the ENLDC authorized the purchase of Project related equipment (the “Project Equipment”) as so described therein; and

WHEREAS, with respect to certain components of the Project Equipment, the ENLDC obtained six (6) quotes for fiber optic cabling and three (3) quotes for the telecommunications cabinets, both in a manner consistent with the ENLDC Procurement Policy; and

WHEREAS, the ENLDC Selection Committee consisting of three members of the Board of Directors Board (Thomas E. Baines, Dan Castle, and Mike Breeden) and a representative from ECC Technologies, reviewed the quotes so obtained and based on cost, product type, location of manufacturing, and warranty, the Selection Committee unanimously recommends that ENLDC engage Graybar to provide fiber optic cabling and telecommunications cabinets; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law and the regulations promulgated thereto at 6 NYCRR Part 617 (collectively referred to as "SEQRA"), the purchase of fiber optic cabling and the telecommunications cabinets is a Type II action exempt from review pursuant to Section 617.5(c)(31) of the SEQRA regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE ERIENET LOCAL DEVELOPMENT CORPORATION AS FOLLOWS:

Section 1. In compliance with ENLDC's Procurement Policy, the ENLDC hereby selects Graybar to provide fiber optic cabling and telecommunications cabinets for the Project, and hereby authorizes the Chair to negotiate and execute a contract with Graybar, in consultation with the ENLDC's Legal Counsel, to provide fiber optic cabling and telecommunications cabinets, in an amount not to exceed \$1,975,036 and \$293,644 respectively.

Section 2. The officers, employees and agents of the ENLDC are hereby authorized and directed for and in the name and on behalf of the ENLDC to do all acts and things required and to negotiate, execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the ENLDC with all of the terms, covenants and provisions of the documents executed for and on behalf of the ENLDC as related thereto and hereto.

Section 3. Any and all actions heretofore taken or authorized by ENLDC and/or its officers, employees and agents with respect to this resolution are hereby ratified, approved and confirmed in all aspects.

Section 4. This resolution shall take effect immediately.

Dated: April 18, 2023

ERIENET LOCAL DEVELOPMENT CORPORATION

MEMORANDUM

FROM: Thomas E. Baines, Esq., Chair
TO: ErieNet Local Development Corp. Board of Directors
DATE: April 18, 2023
RE: RFP for Fiber Optic Cabling

The RFP for Fiber Optic Cabling #: 2023-021VF was published on the Erie County website on February 23, 2023, and posted in The Buffalo News, the Local Bees, and The Challenger, with responses due on March 17, 2023. Six (6) companies responded (AMT, Cambridge, Genuine Cable Group, Graybar, Walker, and WESCO) and the results of the RFP were evaluated by ECC Technologies.

A Selection Committee consisting of three ErieNet Board members (Thomas E. Baines, Jeremy Toth, and Mike Breeden) was established to review the proposal. Committee members were provided Conflict of Interest (COI) Certifications that listed the bidding firms and any subcontractors (if any), a proposal ranking matrix, and a copy of the technical proposal. Each member independently reviewed the proposal based on the RFP criteria.

The Selection Committee and ECC Technologies met on March 28, 2023 to discuss the proposals. Members commented primarily on the warranty, cost differential, location of manufacturing, and quality of the fiber. Although, Graybar Prysmian was not have the lowest cost, the product is equivalent to the industry standard, manufactured in the USA, and comes with a 25-year warranty.

The selected firm's submissions and a fee proposal summary are included for your review.

Enclosure



ErieNET Fiber cable price comparison March 28, 2023

UNIT PRICES

| Vendor | AMT Andiwave | Cambridge Corning and Commscope | Genuine Cable Group STL | Graybar PRYSMIAN | Graybar Commscope | Graybar Corning | Walker Commscope | WESCO Commscope | WESCO Corning |
|------------|-----------------|------------------------------------|----------------------------|---------------------|----------------------|--------------------|---------------------|--------------------|------------------|
| 12 fibers | \$ 0.16 | \$ 0.56 | \$ 0.29 | \$ 0.24 | \$ 0.23 | \$ 0.31 | \$ 0.23 | \$ 0.41 | \$ 0.31 |
| 24 fibers | \$ 0.23 | \$ 0.35 | \$ 0.35 | | | | \$ 0.38 | | |
| 48 fibers | \$ 0.28 | \$ 0.94 | \$ 0.41 | \$ 0.37 | \$ 0.30 | \$ 0.50 | \$ 0.43 | \$ 0.61 | \$ 0.52 |
| 96 fibers | \$ 0.43 | \$ 0.67 | \$ 0.67 | \$ 0.64 | \$ 0.68 | \$ 0.86 | \$ 0.72 | \$ 0.98 | \$ 0.92 |
| 144 fibers | \$ 0.63 | \$ 2.52 | \$ 0.96 | \$ 0.96 | \$ 0.99 | \$ 1.12 | \$ 1.05 | \$ 1.42 | \$ 1.40 |
| 288 fibers | \$ 1.21 | \$ 4.69 | \$ 1.59 | \$ 1.70 | \$ 1.75 | \$ 2.44 | \$ 1.85 | \$ 2.62 | \$ 2.60 |

PROJECT PRICE

| Vendor | AMT Andiwave | Cambridge Corning and Commscope | Genuine Cable Group STL | Graybar PRYSMIAN | Graybar Commscope | Graybar Corning | Walker Commscope | WESCO Commscope | WESCO Corning |
|------------|-----------------|------------------------------------|----------------------------|---------------------|----------------------|--------------------|---------------------|--------------------|------------------|
| 12 fibers | \$ 3,260.00 | \$ 11,200.00 | \$ 5,800.00 | \$ 4,720.00 | \$ 4,640.00 | \$ 6,200.00 | \$ 4,600.00 | \$ 8,260.00 | \$ 6,200.00 |
| 48 fibers | \$ 106,408.00 | \$ 353,440.00 | \$ 154,160.00 | \$ 139,496.00 | \$ 110,920.00 | \$ 188,752.00 | \$ 161,680.00 | \$ 230,112.00 | \$ 195,520.00 |
| 144 fibers | \$ 919,116.00 | \$ 3,659,040.00 | \$ 1,393,920.00 | \$ 1,393,920.00 | \$ 1,440,384.00 | \$ 1,626,240.00 | \$ 1,524,600.00 | \$ 2,061,840.00 | \$ 2,032,800.00 |
| 288 fibers | \$ 3,111,227.00 | \$ 1,205,330.00 | \$ 408,630.00 | \$ 436,900.00 | \$ 448,722.00 | \$ 627,851.00 | \$ 475,450.00 | \$ 673,340.00 | \$ 668,200.00 |
| | \$ 1,340,011.00 | \$ 5,229,010.00 | \$ 1,962,510.00 | \$ 1,975,036.00 | \$ 2,004,666.00 | \$ 2,449,043.00 | \$ 2,166,330.00 | \$ 2,973,552.00 | \$ 2,902,720.00 |

Score

| | | | | | | | | | |
|-----------------------------|-----|-----|-----|--------|--------|-----|-----|-----|-----|
| Value (40%) | 36% | 9% | 25% | 24% | 24% | 20% | 22% | 16% | 17% |
| Performance (20%) | 5% | 20% | 18% | 19% | 19% | 20% | 18% | 18% | 20% |
| Shipping and Delivery (20%) | 5% | 5% | 10% | 20% | 20% | 20% | 20% | 20% | 20% |
| M/WBE (20%) | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% |
| Total Score | 46% | 34% | 53% | 63.43% | 63.22% | 60% | 60% | 54% | 57% |

Notes:

Andiwave is a fiber cable manufacturer from China that ECC Technologies has never heard of.
 STL fiber is a fiber cable manufacturer that ECC Technologies has never heard of.
 Commscope and Corning have a 25 year warranty, provided that the customer utilizes certified installers and purchases their splice cases, which ECC does not recommend.
 Prysman cable is recommended by ECC Technologies. It has a one year warranty

ERIENET LOCAL DEVELOPMENT CORPORATION

MEMORANDUM

FROM: Thomas E. Baines, Esq., Chair
TO: ErieNet Local Development Corp. Board of Directors
DATE: April 18, 2023
RE: RFP for Telecommunications Cabinets

The RFP for Telecommunications Cabinets #: 2023-020VF was published on the Erie County website on February 23, 2023, and posted in The Buffalo News, the Local Bees, and The Challenger, with responses due on March 17, 2023. Three (3) companies responded (AMT, Graybar, and Walker) and the results of the RFP were evaluated by ECC Technologies.

A Selection Committee consisting of three ErieNet Board members (Thomas E. Baines, Jeremy Toth, and Mike Breeden) was established to review the proposal. Committee members were provided Conflict of Interest (COI) Certifications that listed the bidding firms and any subcontractors (if any), a proposal ranking matrix, and a copy of the technical proposal. Each member independently reviewed the proposal based on the RFP criteria.

The Selection Committee and ECC Technologies met on March 28, 2023 to discuss the proposals. Members commented primarily on the similarities of each manufacturer, quality of materials, cost differential, and location of manufacturing. Graybar was identified as the most qualified respondent.

The selected firm's submissions and a fee proposal summary are included for your review.

Enclosure

American Products Mini-Fort Cross Box

| Unit Prices | | | AMT | Walker | Graybar | Manufacturer's quote |
|-------------|--|------|--------------|--------------|--------------|----------------------|
| ITEM | DESCRIPTION | UNIT | UNIT PRICE | UNIT PRICE | UNIT PRICE | UNIT PRICE |
| A-1 | 46"X28"X22" 24RU ENCLOSURE | 22 | \$ 2,738.00 | \$ 2,961.50 | \$ 2,647.81 | \$ 2,316.83 |
| B-1 | 288-288-288 Config: 864 SC-APC connectors with 100-ft 864-fiber armored pigtail(s) | 1 | \$ 16,986.00 | \$ 18,307.92 | \$ 16,422.66 | \$ 14,369.82 |
| B-2 | 288-288-144 Config: 720 SC-APC connectors with 100-ft 720-fiber armored pigtail(s) | 8 | \$ 14,155.00 | \$ 15,256.60 | \$ 13,685.55 | \$ 11,974.85 |
| B-3 | 288-144-144 Config: 576 SC-APC connectors with 100-ft 576-fiber armored pigtail(s) | 1 | \$ 11,324.00 | \$ 12,205.28 | \$ 10,948.44 | \$ 9,579.88 |
| B-4 | 144-144-144 Config: 432 SC-APC connectors with 100-ft 432-fiber armored pigtail(s) | 12 | \$ 8,493.00 | \$ 9,153.96 | \$ 8,211.33 | \$ 7,184.91 |

| Extended Prices | | | AMT | Walker | Graybar | Manufacturer's quote |
|-----------------|--|------|--------------|---------------|---------------|----------------------|
| ITEM | DESCRIPTION | UNIT | UNIT PRICE | UNIT PRICE | UNIT PRICE | UNIT PRICE |
| A-1 | 46"X28"X22" 24RU ENCLOSURE | 22 | \$ 60,236.00 | \$ 65,153.00 | \$ 58,251.82 | \$ 50,970.26 |
| B-1 | 288-288-288 Config: 864 SC-APC connectors with 100-ft 864-fiber armored pigtail(s) | 1 | \$ 16,986.00 | \$ 18,307.92 | \$ 16,422.66 | \$ 14,369.82 |
| B-2 | 288-288-144 Config: 720 SC-APC connectors with 100-ft 720-fiber armored pigtail(s) | 8 | \$113,240.00 | \$ 122,052.80 | \$ 109,484.40 | \$ 95,798.80 |
| B-3 | 288-144-144 Config: 576 SC-APC connectors with 100-ft 576-fiber armored pigtail(s) | 1 | \$ 11,324.00 | \$ 12,205.28 | \$ 10,948.44 | \$ 9,579.88 |
| B-4 | 144-144-144 Config: 432 SC-APC connectors with 100-ft 432-fiber armored pigtail(s) | 12 | \$101,916.00 | \$ 109,847.52 | \$ 98,535.96 | \$ 86,218.92 |
| | | | \$303,702.00 | \$ 327,566.52 | \$ 293,643.28 | \$ 256,937.68 |

Plus freight Includes freight Includes freight

**ERIENET LOCAL DEVELOPMENT CORPORATION
RESOLUTION 23-07**

A regular meeting of the ErieNet Local Development Corporation was convened on April 18, 2023 at 1:00 p.m.

The following resolution was duly offered and seconded, to wit:

RESOLUTION OF THE ERIENET LOCAL DEVELOPMENT CORPORATION (“ENLDC”) AUTHORIZING (i) THE NEGOTIATION AND EXECUTION OF AN AGREEMENT TO ENGAGE THE DDS COMPANIES TO PROVIDE PROFESSIONAL ENGINEERING SERVICES TO ENLDC

WHEREAS, the ENLDC is authorized and empowered by Section 1411 of the Not-for-Profit Corporation Law of the State of New York, as amended, to relieve and reduce unemployment, promote and provide for additional and maximum employment, better and maintain job opportunities in Erie County and to lessen the burdens of government and act in the public interest; and

WHEREAS, ENLDC was specifically created and empowered by the County of Erie to study, design, and engineer an Open Access Network and to ultimately install internet services within and throughout the County to ensure growth, equity and prosperity for the County (the “Project”); and

WHEREAS, it is necessary for the construction of the Project’s infrastructure to be contracted directly with a New York State (“NYS”) authorized and licensed professional engineering firm to produce any permits, applications, surveys, documents, and/or drawings that require a NYS licensed professional engineer or licensed land surveyor to stamp and seal with respect to the Project; and

WHEREAS, the Project may impact lands owned by the NYS Department of Transportation, the New York State Thruway Authority, and various other parcels of municipal property and right of ways that may require professional services, in particular underground construction permits; and

WHEREAS, in recognition of the need to obtain professional engineering services with respect to this portion of the Project, the ENLDC obtained three (3) quotes in a manner consistent with the ENLDC Procurement Policy; and

WHEREAS, the ENLDC Selection Committee, consisting of consisting of ENLDC board members (Thomas E. Baines, Dan Castle, and Mike Breeden) and a representative from ECC Technologies, reviewed the three (3) quotes so obtained and based on cost and industry reputation, the Selection Committee

recommends that ENLDC engage The DDS Company to provide professional engineering services to ENLDC for the Project as described herein.

NOW, THEREFORE, BE IT RESOLVED BY THE ERIENET LOCAL DEVELOPMENT CORPORATION AS FOLLOWS:

Section 1. Based upon the foregoing, and in compliance with ENLDC's Procurement Policy, the ENLDC hereby selects The DDS Company to provide professional engineering services for the Project and hereby authorizes the Chair to negotiate and execute a contract with The DDS Company, in consultation with the ENLDC's general counsel, to provide professional engineering services, in an amount not to exceed \$710,186.

Section 2. The officers, employees and agents of the ENLDC are hereby authorized and directed for and in the name and on behalf of the ENLDC to do all acts and things required and to negotiate, execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the ENLDC with all of the terms, covenants and provisions of the documents executed for and on behalf of the ENLDC as related thereto and hereto.

Section 3. Any and all actions heretofore taken or authorized by ENLDC and/or its officers, employees and agents with respect to this resolution are hereby ratified, approved and confirmed in all aspects.

Section 4. This resolution shall take effect immediately.

Dated: April 18, 2023

ERIENET LOCAL DEVELOPMENT CORPORATION

MEMORANDUM

FROM: Thomas E. Baines, Esq., Chair
TO: ErieNet Local Development Corp. Board of Directors
DATE: April 18, 2023
RE: RFP for Professional Engineering Services

The RFP for Professional Engineering Services #: 2023-023VF was published on the Erie County website on March 2, 2023, and posted in The Buffalo News, the Local Bees, and The Challenger, with responses due on March 24, 2023. Three companies responded (Airosmith, The DDS Companies, and LaBella) and the results of the RFP were evaluated by ECC Technologies.

A Selection Committee consisting of three ErieNet Board members (Thomas E. Baines, Dan Castle, and Mike Breeden) was established to review the proposal. Committee members were provided Conflict of Interest (COI) Certifications that listed the bidding firms and any subcontractors (if any), a proposal ranking matrix, and a copy of the technical proposal. Each member independently reviewed the proposal based on the RFP criteria.

The Selection Committee and ECC Technologies met on March 4, 2023 to discuss the proposals. Members commented primarily on the cost differential, and the reputation and experience ECC has had with each firm. DDS was identified as the lowest responsible bidder.

The selected firm's submissions and a fee proposal summary are included for your review.

Enclosure

| Date: 4/3/2023 Item #: FEE PROPOSAL TABLE: | | NAME & Fee Proposal: | NAME & Fee Proposal: | NAME & Fee Proposal: |
|---|---|--|--|-----------------------------------|
| | | AIROSMITH | The DDS Companies | LaBella |
| | | Unit Cost / Unit: | Unit Cost / Unit: | Unit Cost / Unit: |
| 1 | NYS DoT-Aerial Permit Plans and application submission first 1/2 mile: | \$2,800.00 / Each. | \$2,800.00 / Each. | \$8,100.00 / Each. |
| 2 | NYS DoT-Aerial Permit Plans beyond 1/2 mile - price per foot after 2,640 LF. | \$0.53 / per LF. | \$0.48 / per LF. | \$2.90 / per LF. |
| 3 | NYSTA - Aerial Permit Plans and submission requiring a survey first 1/2 mile (Interstate crossings). | \$3,000.00 + survey + 10% (survey will be reqd). | \$4,750.00 / Each. | \$16,000.00 / Each. |
| | | | | |
| 4 | NYS DoT Underground Permit Plans and submission-certified by licensed NYS PE - first 1/2 mile: | \$3,000.00 + survey + 10% (survey will be reqd). | \$6,150.00 / Each. | \$25,000.00 / Each. |
| 5 | NYS DoT Underground Permit Plans and submission-certified by licensed NYS PE - price per foot after 2,640 LF. | \$0.80 / per LF. Plus survey | \$1.40 / per LF. | \$9.25 / per LF. |
| | | | | |
| 6 | NYS DoT ROW Survey - certified by a licensed NYS PE - per 1 mile rate: | \$3,200.00 / Each. | \$3,450.00 / Each. | \$8,500.00 / Each. |
| 7 | NYS DoT ROW Survey - certified by a licensed NYS PE - beyond 1 mile - prorated per mile. | \$3,200.00 / prorated. | \$0.65 per ft. / prorated. | \$7,600.00 / prorated. |
| | | | | |
| 8 | Erie County underground survey and permit plans - certified by licensed NYS PE - per 1 mile rate: | \$3,000.00 + survey / Each. | \$7,896.00 -w/o survey - Each. \$11,346 w/survey - Each. | \$39,500 / Each. |
| 9 | Erie County underground survey and permit plans - certified by licensed NYS PE - beyond 1 mile - prorated per mile. | \$0.80 + survey / prorated. | \$2.05 per ft. w/survey prorated. | \$29,500.00 / prorated. |
| | | | | |
| 10 | Right of Way (ROW) research - hourly rate: | \$150.00 / per Hr. with approval. | \$65.00 / per Hr. with approval. | \$125.00 / per Hr. with approval. |
| 11 | NYS DoT PERM 75 Portal submission and tracking. | \$750.00 / Each | \$100.00 / Each. | \$100.00 / Each. |
| | | | | |

| | | | | |
|----|---|--|--------------------|---------------------|
| 12 | Railroad crossing drawing - no survey - ECC to file the applications: | \$3,000.00 / Each | \$2,100.00 / Each. | \$4,900.00 / Each. |
| 13 | Railroad crossing drawing - with survey - ECC to file the applications: | \$3,000.00 + survey cost + 10% / Each. | \$4,050.00 / Each. | \$9,400.00 / Each. |
| 14 | Complex Railroad crossing drawing - no survey - ECC to file the applications: | \$4,000.00 / Each. | \$2,800.00 / Each. | \$9,500.00 / Each. |
| 15 | Complex Railroad crossing drawing - with survey - ECC to file the applications: | \$4,000.00 + survey cost + 10% / Each. | \$4,750.00 / Each. | \$15,000.00 / Each. |
| 16 | NYSTA Soil Bore: | \$1,800.00 + cost + 10% | \$4,900.00 / Each. | \$9,900.00 / Each. |

| | Position / Job description: | Hourly Personnel Rate: | Hourly Personnel Rate: | Hourly Personnel Rate: |
|-----|--|------------------------|------------------------|------------------------|
| 1a | Director or Principal: | \$138.70 / Hr. | X | \$184.31 / Hr. |
| 2a | Professional Engineer (PE): | \$189.80 / Hr. | \$150.00 / Hr. | X |
| 3a | Sr. Project Engineer: | X | \$110.00 / Hr. | \$135.47 / Hr. |
| 4a | Project Engineer: | X | \$75.00 / Hr. | \$110.59 / Hr. |
| 5a | Design Engineer: | X | X | \$85.18 / Hr. |
| 6a | Sr. Project Manager: | X | \$140.00 / Hr. | X |
| 7a | Project Manager (PM): | \$116.80 / Hr. | \$125.00 / Hr. | \$149.24 / Hr. |
| 8a | Specialist / Designer: | \$80.30 / Hr. | X | \$76.36 / Hr. |
| 9a | Coordinator: | \$62.05 / Hr. | X | X |
| 10a | Clerical Administration: | X | \$45.00 / Hr. | X |
| 11a | CAD Technician: | X | \$55.00 / Hr. | X |
| 12a | GIS Technician: | X | \$65.00 / Hr. | X |
| 13a | Survey Manager: | X | \$135.00 / Hr. | X |
| 14a | Professional Land Surveyor: | X | \$95.00 / Hr. | X |
| 15a | Survey Crew Chief: (Party Chief Field) | X | \$75.00 / Hr. | \$142.32 / Hr. |
| 16a | Survey Technician: (Rod Person Field) | X | \$65.00 / Hr. | \$111.74 / Hr. |

- Identifies Lowest Price.
- Identifies Highest Price.
- X Identifies No Price value provided.
- Additional uncalculated cost.