



## **RESOLUTION NO. 32 - 2023**

### **RESOLUTION BY THE TOWN OF NEWFANE FOR AWARD OF WWTP SEWER OUTFALL CLEANING AND REPAIR**

**WHEREAS**, Town of Newfane (the “Town”) has a wastewater treatment plant outfall pipe system (the “Equipment”) at its effluent discharge into Lake Ontario, and

**WHEREAS**, said outfall pipe is in need of inspection by a Remote Operated Vehicle (ROV) and associated cameras, cleaning and repair on an ongoing basis, and require contracting with qualified and specially trained providers,

**NOW THEREFORE BE IT RESOLVED**, The Town makes the following findings:

- 1.) The service necessary for inspection, adjustments, cleaning, repair and component replacement require specially trained underwater technicians who are certified and skilled in working beneath the surface using scuba equipment;
- 2.) such work entails specialized expertise, technical knowledge, skills, and training;
- 3.) the services provided require a high degree of judgment and creativity in determining when and how to adjust the Equipment, and when replacement and repair are required, as well as how to perform the work in an underwater environment;
- 4.) the services provided require a high degree of judgment and integrity due to the inability to oversee the work by Town professionals;
- 5.) the component parts to repair or replace the Equipment are in large part unique to the Equipment, and often must be manufactured and/or modified by the contractor;
- 6.) Lake Erie Diving Inc., is a company possessing the personal familiarity with the Equipment, and proven ability to perform the services and work necessary for the inspection, maintenance and repair of the Equipment;

- 7.) past experience using other companies has proven ineffective and costly to the Town, requiring redoing work; and
- 8) Lake Erie Diving, Inc., is the sole source for many components and parts necessary to repair and replace the Equipment, and has demonstrated ability to engineer, design and manufacture such components.

Based upon these findings,

IT IS FURTHER RESOLVED, a contract for inspection, maintenance and repair of the Equipment is exempt from competitive bidding pursuant to the “professional services” exception to the General Municipal Law §103 and,

IT IS FURTHER RESOLVED, the Town shall enter into an agreement with Lake Erie Diving, Inc for a not to exceed amount of \$180,000 as required for service, inspection (ROV work, repair, and maintenance of the Equipment, upon approval of the Town Attorney and Town Engineer.

Adopted Unanimously, June 28, 2023

**John Syracuse**, Supervisor \_\_\_\_\_

**Laura Rutland**, Councilwoman \_\_\_\_\_

**Sue Neidlinger**, Councilwoman \_\_\_\_\_

**Richard Coleman**, Councilman \_\_\_\_\_

**Troy Barnes**, Councilman \_\_\_\_\_

CERTIFICATE OF CLERK

STATE OF NEW YORK  
 COUNTY OF NIAGARA  
 TOWN OF NEWFANE

SEAL

\_\_\_\_\_  
 Mildred Kramp, RMC, CMC  
 Town Clerk Town of Newfane