

PROJECT NO. 201800115

ERIE COUNTY WATER AUTHORITY

Request for Proposal (RFP) for Web Design



Erie County Water Authority
295 Main Street, Rm. 350
Buffalo NY 14203

Contact:
Terrence D. McCracken
Secretary to the Authority
Telephone No. 716-685-8245
tmcracken@ecwa.org

TABLE OF CONTENTS

1. Request for Proposals.....	3
2. Proposed Scope of Work.....	3
3. Fee Proposal	3
4. Schedule	4
5. Terms and Conditions	4

Attachments:

Required Forms A, B and C

Sample Contract Termination Provision

Proposer Certification

Erie County Water Authority Insurance Requirements for Professional Services

The Request for Proposal (RFP) for Web Designer is being conducted pursuant to the newly enacted legislation, New York State Finance Law Sections 139j and k and the Erie County Water Authority’s Purchasing Guidelines, Policies and Procedures.

1. **Request for Proposals**

Website design and development for the Erie County Water Authority (ECWA).

2. **Proposed Scope of Work**

The Erie County Water Authority (ECWA) website design should include the following elements and activities leading up to final implementation. Initial design to be approved by ECWA prior to full site content being created.

- Development of a new website design, style and layout with incorporation of new graphics and photos to produce an overall pleasing visual appeal and positively reinforce ECWA's existing image.
- Design must be user friendly and streamlined for ease of access.
- User friendly navigation bars and menu designs.
- Provide "user interactive" features such as video, picture slide shows, user comment/question online form designs, etc.
- Design ECWA public information pages for minutes and any other digital documents, following New York State Authority Budget Office Best Practices Guide for Public Authorities
- <https://www.abo.ny.gov/policyguidance/10-03PostingInformationAuthorityWebSite.pdf>
- Design email content for public information email notifications.
- Promote online customer payment.
- Design Customer Portal pages used to manage payments, alerts, contact information and view statement and payment history.
- Design public information pages pertaining to ECWA personnel profiles, About ECWA section and Learning Center Hub.
- Compatible with all mainstream internet browsers and mainstream mobile/smart-phone devices.
- Embed social media posts from ECWA Twitter, Facebook, etc.
- Website hosted on Apache/Zend web server.

Additionally the matters contained in the attached Buffalo Niagara Coalition for Open Government - Local Government Authority Website Report Card dated March, 12, 2018 should be addressed in your proposal.

3. **Fee Proposal**

Attach appropriate fee schedule.

4. **Schedule**

Date of RFP mailing: May 31, 2018

Pre-RFP Meeting: June 6, 2018 at 10:00 a.m. at ECWA Service Center
3030 Union Road, Cheektowaga, NY 14227

RFP due date: June 15, 2018
Terrence D. McCracken.
Secretary to the Authority
Erie County Water Authority
295 Man Street, Rm. 350
Buffalo, New York 14203

5 **Terms and Conditions:**

- All proposals become the property of the ECWA.
- The ECWA shall have no financial responsibility for any costs assumed by the “Proposer” in submitting the RFP.
- Each proposal shall be prepared simply and economically, and should provide straightforward and concise responses that satisfy the requirements of the RFP.
- The ECWA reserves the right to request additional information from any and all Proposers to assist in the evaluation process. It is the responsibility of the Proposer to inquire about and clarify any aspect of the RFP that is not understood.

Acceptance/Rejection

The Authority reserves the right to accept or to reject any or all of the proposal(s) and to select the proposal(s) which, in the opinion of the Authority, will be in the Authority’s best interest. The Authority also reserves the right to reject the response of any respondent who has previously failed in the proper performance of any agreement with the Authority. The Authority specifically may choose other than the lowest cost proposal in order to provide the requisite experience and background which are deemed to be most appropriate for the Authority.

THE ISSUANCE OF THIS RFP CONSTITUTES ONLY AN INVITATION TO PRESENT PROPOSALS. THE AUTHORITY AND THE RFP EVALUATION COMMITTEE RESERVE THE RIGHT TO DETERMINE, IN THEIR SOLE DISCRETION, WHETHER ANY ASPECT OF THE PROPOSAL SATISFACTORILY MEETS THE CRITERIA ESTABLISHED IN THE RFP. THE AUTHORITY AND THE RFP EVALUATION COMMITTEE RESERVE THE RIGHT TO SEEK ADDITIONAL INFORMATION AND/OR CLARIFICATION FROM ANY RESPONDENT, THE RIGHT TO NEGOTIATE WITH ANY RESPONDENT SUBMITTING A RESPONSE, AND THE RIGHT TO REJECT ANY OR ALL RESPONSES, WITH OR WITHOUT CAUSE. IN THE EVENT THAT THE RFP IS WITHDRAWN BY THE ECWA FOR ANY REASON, INCLUDING, BUT NOT LIMITED TO, THE FAILURE TO OCCUR OF ANY OF THOSE THINGS OR EVENTS SET FORTH HEREIN, THE AUTHORITY SHALL HAVE NO LIABILITY TO ANY RESPONDENT FOR ANY COSTS OR EXPENSES INCURRED IN CONNECTION WITH THE RFP OR OTHERWISE.

FORMS A, B, and C

SECTION 139 OF STATE FINANCE LAW

Pursuant to State Finance Law §§139–j and 139–k, this Invitation to Bid includes and imposes certain restrictions on communications between a Governmental Entity and an Offerer/bidder during the procurement process. An Offerer/bidder is restricted from making contacts from the earliest notice of intent to solicit offers, through final award and approval of the Procurement Contract by the Governmental Entity. The designated contact is identified in the Notice to Bidders. Governmental Entity employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the Offerer/bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a 4-year period, the Offerer/bidder is debarred from obtaining governmental Procurement Contracts. Further information about these requirements can be found in §§139–j and 139–k of the New York State Finance Law and the Erie County Water Authority’s Procurement Disclosure Policy.

Form A - Offerer’s Affirmation of Understanding of and Agreement pursuant to State Finance Law.

Form B - Offerer’s Certification of Compliance with State Finance Law.

Form C - Offerer’s Disclosure of Prior Non-Responsibility Determinations.

Contract Termination Provision.

FORM A

Offerer's Affirmation of Understanding of and Agreement Pursuant to State Finance Law §139-j(3) and §139-j(6)(b)

Instructions:

A Governmental Entity must obtain the required affirmation of understanding and agreement to comply with procedures on procurement lobbying restrictions regarding permissible contacts in the restricted period for a procurement contract in accordance with State Finance Law §139-j and §139-k. It is required that this affirmation be obtained as early as possible in the procurement process, but no later than when the Offerer submits its proposal.

Offerer affirms that it understands and agrees to comply with the procedures of the Government Entity relative to permissible contacts as required by State Finance Law §139-j(3) and §139-j(6)(b).

By: _____ Date: _____

Name: _____

Title: _____

Contractor Name: _____

Contractor Address: _____

FORM B

**Offerer's Certification of Compliance
With State Finance Law §139-k(5)**

Instructions:

A Governmental Entity must obtain the required Certification that the information is complete, true, and accurate regarding any prior findings of non-responsibility, such as non-responsibility pursuant to State Finance Law §139-j. The Offerer must agree to the Certification and provide it to the procuring Governmental Entity. It is required that the Certification be obtained as early as possible in the process, but no later than when an Offerer submits its proposal.

Offerer Certification:

I certify that all information provided to the Governmental Entity with respect to State Finance Law §139-k is complete, true, and accurate.

By: _____ Date: _____

Name: _____

Title: _____

Contractor Name: _____

Contractor Address: _____

FORM C**Offerer's Disclosure of Prior
Non-Responsibility Determinations****Background:**

New York State Finance Law §139-k(2) obligates a Governmental Entity to obtain specific information regarding prior non-responsibility determinations with respect to State Finance Law §139-j. In accordance with State Finance Law §139-k, an Offerer must be asked to disclose whether there has been a finding of non-responsibility made within the previous four (4) years by any Governmental Entity due to: (a) a violation of State Finance Law §139-j; or (b) the intentional provision of false or incomplete information to a Government Entity.

The terms "Offerer" and "Governmental Entity" are defined in State Finance Law §139-k(1). State Finance Law §139-j sets forth detailed requirements about the restrictions on contacts during the procurement process. A violation of State Finance Law §139-j includes, but is not limited to, an impermissible contact during the restricted period (for example, contacting a person or entity other than the designated contact person, when such contact does not fall within one of the exemptions).

As part of its responsibility determination, State Finance Law §139-k(3) mandates consideration of whether an Offerer fails to timely disclose accurate or complete information regarding the above non-responsibility determination. In accordance with law, no Procurement Contract shall be awarded to any Offerer that fails to timely disclose accurate or complete information under this section, unless a finding is made that the award of the Procurement Contract to the Offerer is necessary to protect public property or public health safety, and the Offerer is the only source capable of supplying the required Article of Procurement within the necessary timeframe. See State Finance Law §139-j(10)(b) and §139-k(3).

Instructions:

A Governmental Entity must include a disclosure request regarding prior non-responsibility determinations in accordance with State Finance Law §139-k in its solicitation of proposals or bid documents or specifications or contract documents, as applicable, for procurement contracts. The attached form is to be completed and submitted by the individual or entity seeking to enter into a Procurement Contract. It shall be submitted to the Governmental Entity conducting the Governmental Procurement no later than when the Offerer submits its proposal.

FORM C (Continued)

Offerer's Disclosure of Prior Non-Responsibility Determinations

Name of Individual or Entity Seeking to Enter into the Procurement Contract:

Address: _____

Name and Title of Person Submitting this Form: _____

Contract Procurement Number: _____

Date: _____

1. Has any Governmental Entity made a finding of non-responsibility regarding the individual or entity seeking to enter into the Procurement Contract in the previous four years? (Please circle):

No
Yes

If yes, please answer the next questions:

2. Was the basis for the finding of non-responsibility due to a violation of State Finance Law §139-j (Please circle):

No
Yes
3. Was the basis for the finding of non-responsibility due to the intentional provision of false or incomplete information to a Governmental Entity? (Please circle) No Yes
4. If you answered yes to any of the above questions, please provide details regarding the finding of non-responsibility below.

Governmental Entity: _____

Date of Finding of Non-Responsibility: _____

Basis of Finding of Non-Responsibility: _____

(Add additional pages as necessary)

FORM C (Continued)

5. Has any Governmental Entity or other governmental agency terminated or withheld a Procurement Contract with the above-named individual or entity due to the intentional provision of false or incomplete information? (Please circle): No Yes

6. If yes, please provide details below.

Governmental Entity: _____

Date of Termination or Withholding of Contract: _____

Basis of Termination or Withholding:

(Add additional pages as necessary)

Offerer certifies that all information provided to the Governmental Entity with respect to State Finance Law §139-k is complete, true, and accurate.

By: _____ Date: _____

Signature

Name: _____

Title: _____

Contract Termination Provision

Instructions:

A Contract Termination Provision will be included in each Procurement Contract governed by State Finance Law §139-k. New York State Finance Law §139-k(5) provides that every procurement contract award subject to the provisions of State Finance Law §§139-k and 139-j shall contain a provision authorizing the Governmental Entity to terminate the contract in the event that the certification is found to be intentionally false or intentionally incomplete. This statutory contract language authorizes, but does not mandate, termination. “Government Entity” and “procurement contract” are defined in State Finance Law §139-k(l).

This required clause will be included in a covered procurement contract.

A sample of the Termination Provision is included below. If a contract is terminated in accordance with State Finance Law §139-k(5), the Governmental Entity is required to include a statement in the procurement record describing the basis for any action taken under the termination provision.

Sample Contract Termination Provision

The Governmental Entity reserves the right to terminate this contract in the event it is found that the certification filed by the Offerer in accordance with New York State Finance Law §139-k was intentionally false or intentionally incomplete. Upon such finding, the Governmental Entity may exercise its termination right by providing written notification to the Offerer in accordance with the written notification terms of this contract.

PROPOSER CERTIFICATION

I have carefully examined the Request for Proposal and any other documents accompanying or made a part of this Request for Proposal.

I hereby propose to furnish the goods or services specified in the Request for Proposals at the prices or rates quoted in my response. I agree that my response to the RFP will remain firm for a period of up to 120 days in order to allow the Authority adequate time to evaluate all responses.

I agree to abide by all conditions of this RFP.

I certify that all information contained in my response to the RFP is truthful to the best of my knowledge and belief. I further certify that I am duly authorized to submit this response on behalf of my firm as its act and deed and that my firm is ready, willing and able to perform if awarded the contract.

I further certify, under oath, that this response to the RFP is made without prior understanding, agreement, connection, discussion, or collusion with any other person, firm or corporation submitting a response to the RFP for the same product or service; and that the undersigned executed this Respondent's Certification with full knowledge and understanding of the matters therein contained and was duly authorized to do so.

NAME OF BUSINESS

BY:

SIGNATURE

NAME & TITLE, TYPED OR PRINTED

MAILING ADDRESS

CITY, STATE, ZIP CODE

(_____) _____
TELEPHONE NUMBER

Authorities Budget Office Policy Guidance



No. 10-03

Date Issued: April 12, 2010

Supersedes: 07-04

Subject: Posting and Maintaining Reports on Public Authority Web Sites

Statutory Citation: Chapter 506 of the Laws of 2009

Provisions: Public Authorities Law, as amended in 2005 by the Public Authorities Accountability Act, requires state and local authorities to file specific financial and budgetary information with the ABO, as well as to report property transactions, debt issuances, and other information on their operations. Public authorities have been submitting these reports through the Public Authorities Reporting Information System (PARIS) and, to the extent practicable, posting the information on their official web sites. Information to be accessible on the authority's web site was to include its mission and current activities, its most recent annual financial reports, current year budget, its most recent independent audit report, and its investment and procurement guidelines.

The Public Authorities Reform Act of 2009 (Chapter 506) amended current law to require additional information be reported to the ABO and that all public authorities have an official web site or post this information on a shared web site.

Authorities Budget Office (ABO) Policy Guidance: The Authorities Budget Office (ABO) is committed to the principles of public disclosure and the transparent reporting of public authority financial and management information. Public authorities will continue to report using the Public Authorities Reporting Information System (PARIS), but now must also make specific information available to the public through the Internet.

To assist public authorities meet their disclosure and reporting obligations, the ABO has developed the attached checklist of policies, reports and authority information that public authorities must post and maintain on their web site.

This information is to be made available in a manner that enables the public to easily find and navigate through it. The failure to post this information on the web site and maintain its accuracy will be considered an act of non-compliance with state law and subject the authority to the sanctions and enforcement powers provided to the ABO by statute. If an authority does not have the resources to create and maintain its own web site, it should work with its sponsoring municipality to create a web page on the municipality's web site. ***The ABO expects public authorities to begin posting this information immediately.***

Procedures for Retaining and Maintaining Information on Web Sites: The ABO will be routinely checking web sites to monitor compliance. Therefore the ABO recommends referring to the attached checklist for guidance. As a general rule, information that is likely to remain static should be permanently posted to the web site but updated as necessary. At least two years of budget, financial and operating information should also be available on the web site.

Public authorities should also consider the following when posting and maintaining documents to their web sites:

- Public authorities are responsible for the information posted on their web sites.
- The information provided must be reliable and complete.
- Web sites should be monitored and updated regularly and all links should function properly.
- Individuals should be able to navigate through the web site with ease and have little difficulty finding the desired information and documents.
- All documents should be prepared using common terminology that facilitates a better understanding of the content.

Policies for the Retention of Records: New York State has adopted rules and regulations that govern the retention and disposition of records. These rules require that, even after removing a record from its web site, a public authority must retain copies of all records, whether electronic or hard copy, for the stipulated time periods outlined in the schedules prepared by the State Archives. (Please refer to: www.archives.nysed.gov/a/records/index.shtml).

To ensure compliance with the policies of the New York State Archives, the ABO recommends that public authorities establish a records management program to promote efficient administration and management of the Authority's records. This involves maintenance, retention, and storage of official records based on their legal and administrative value to the authority. A record retention program would require public authorities to:

- Develop a records retention and disposition policy and ensure compliance by all staff.
- Ensure that authority records are maintained and disposed in compliance with regulations.
- Identify, protect, and preserve archival records.
- Establish a process to prepare and annually review and update the records management plan.

Information To Be Posted on Public Authority's Web Site

§2800 Annual Report

- Report on Operations and Accomplishments
 - Include description of the authority's operations, completed and active projects, as well as any material changes in authority operations and programs
 - Updated annually within 90 days of end of fiscal year
 - Maintain each report on web site for two years

- Authority Mission Statement
 - See ABO Policy Guidance 10-02
 - Review annually
 - Update and approve as necessary
 - Maintain on web site permanently

- Performance Measures Report
 - See ABO Policy Guidance 10-02
 - Measures updated as necessary prior to start of fiscal year
 - Revised measures posted at start of fiscal year
 - Maintain report on web site until next measurement report is posted

- Schedule of Debt
 - Update annually to include new debt issuances
 - Post within 90 days of end of fiscal year
 - Maintain each annual schedule on web site for two years

- List of Authority Board Members and Executive Management Team
 - Include appointing entity, appointment dates and terms
 - Include professional experience and qualifications of each member, and the professional background and experience of officers
 - Update at time of changes in the board or staff
 - Maintain on web site permanently

- Personal and Real Property Transactions
 - Update annually and post within 90 days of end of fiscal year
 - Maintain each report on web site for two years

- Management's Assessment of the Authority's Internal Control Structure and Procedures
 - See ABO Model Assessment of Internal Controls best practices
 - Include a description of operating and financial risks
 - Update annually and post within 90 days of end of fiscal year
 - Maintain each assessment report on web site for two years

- Enabling Statute

- Post current enabling statute or active link to site
 - Maintain statute on web site permanently
 - Update as necessary to reflect statutory amendments
 - Local Development Corporations should post their articles of incorporation in lieu of an enabling statute
- List of Committees, Committee Members, and Committee Meetings
- Post notices and proposed agendas of all committee meetings at least one week in advance of meetings
 - Names of all committees and their members should be posted permanently, and updated as necessary
 - Post minutes within 14 days of committee meeting
 - Maintain meeting minutes for at least two years following the date on which the meeting was held
- Board Meetings
- Post schedule of all board meetings at beginning of the fiscal year
 - Post meeting notices and agendas at least one week in advance of a board meeting
 - Post all board meeting minutes within 14 days of meeting
 - Meeting minutes should be maintained on web site for at least two years following the date on which the meeting was held
- Subsidiaries, Affiliates, and Major Authority Units
- Post subsidiary report submitted to the Legislature pursuant to statute
 - Report should include: contact information; an organization chart; names of Board members, directors and officers; by-laws; and a report on the purpose, operations, mission and projects of the subsidiary, including justification as to why it is necessary for the subsidiary to continue its operations for the benefit of the State
 - Maintain permanently on web site permanently
 - Update as necessary
- Authority Organization Chart
- Post, at a minimum, the authority's executive structure and major organizational units.
 - Maintain permanently on web site
 - Update as necessary
- Authority By-laws
- Maintain permanently on web site
 - Update as necessary
- Authority Code of Ethics
- Maintain permanently on web site
 - Update as necessary

- Annual Budget Report
 - Details of 4-year financial plan
 - Maintain each budget report on web site for two years

§2802 Independent Audits and Audit Reports

- Certified Financial Audit
 - Post management letter and report on internal controls
 - Post the documents submitted as part of the Certified Financial Audit report in PARIS
 - Maintain on web site for two years following release of the report

Other Documents to be Posted on Web Site

- Procurement Policies and Annual Procurement Report
 - Post the reports generated from the PARIS Procurement Report, and include name of the Authority's Procurement Officer
 - Maintain policies permanently on the web site
 - Update policies as necessary
 - Maintain Procurement Reports on web site for two years
- Property Acquisition and Disposition Policies
 - Post a list of Real Property owned by the Authority
 - Maintain on web site permanently
 - Update as necessary to reflect property transactions
- Investment Policies and Annual Investment Report
 - Post the annual Investment Report, including the investment audit results and management letter, record of investment income of the authority and a list of fees paid for investment services
 - Post explanation for any amendments made to the Investment Policy
 - Maintain policy permanently on the web site
 - Update as necessary
 - Maintain investment reports on the web site for two years
- Uniform Tax Exemption Policy for IDAs
 - Maintain permanently on web site and update as necessary
- Fee Schedules (if applicable)
 - Post a list of service fees charged by the Authority
 - Maintain permanently on web site and update as necessary
- Current Year Official Statements (for those authorities issuing debt)
 - Post a copy of each official statement for all debt issuances
 - Maintain on web site for two years from date of bond issuance
 - Update web site as necessary with new statements

**Buffalo Niagara Coalition
for
Open Government**

Local Government Authority Website
Report Card

March 12, 2018

Buffalo Niagara Coalition for Open Government

The Buffalo Niagara Coalition for Open Government is a nonpartisan charitable organization comprised of journalists, activists, attorneys, educators, news media organizations, and other concerned citizens who value open government and freedom of information.

Mission Statement:

Through education and civic engagement, the Buffalo Niagara Coalition for Open Government advocates for open, transparent government and defends citizens' right to access information from public institutions at the city, county, and state levels.

Statement of Purpose:

We believe that, if government is of the people, by the people and for the people, then it should also be open *to* the people. Government exists to serve its citizens, so access to public information should be simple. Freedom of Information Laws and the NY Open Meetings Law make access to public records a right.

When government operates openly and honestly, we, the people, can hold our elected officials accountable, fulfilling our duties as an informed citizenry. The Buffalo Niagara Coalition for Open Government works to ensure that all people have full access to government records and proceedings on the city, county, and state levels. Such access fosters responsive, accountable government, stimulates civic involvement and builds trust in government.

Buffalo Niagara Coalition for Open Government Board of Directors

Paul Wolf	President
Brian Hellner	Vice President
James Tricoli	Vice President
Edward McKee	Treasurer
Joseph Kissel	Secretary
Jonathan Manes	Director
Michael Kless	Director

The following members also contributed to the completion of this report: **Kenneth Foit, Sonia Dusza, Janet Vito, Larry Vito, Richard Bertrand**

Our meetings are typically held at 5:30 p.m. the first Thursday of the month, at the Williamsville Library 5571 Main Street. Board President Paul Wolf, Esq. can be contacted at 435-4976, or by email at paulwolf2@gmail.com. Our website is www.nyopengov.org and we have a Facebook page.

INTRODUCTION

In February of 2018, the Buffalo Niagara Coalition for Open Government evaluated the websites of fourteen local government Authorities in Erie and Niagara County.

Websites were evaluated in eight key areas; with up to 100 total points awarded as follows.

- 1) Posting of meeting agendas and entire board packets for 5 years (20 points)
- 2) Posting of timely meeting minutes for 5 years (20)
- 3) Citizens are provided an opportunity to speak prior to board voting (10)
- 4) Meetings are video recorded and posted online (10)
- 5) Telephone number and email for customer service posted (10)
- 6) FOIL information is posted on the home page (10)
- 7) Citizens can sign up to receive email notification of meetings (10)
- 8) Five years of budgets are online (10)

The Niagara Frontier Transportation Authority (NFTA) received the highest score of 75 out of 100 points, which was also the only passing score out of the 14 agencies evaluated. The lowest score received was the Buffalo Municipal Housing Authority at 7 points! The average score was a shameful 30 points. **Thirteen out of fourteen Authorities received a score of less than 65 points, a 93% failure rate!**

- **Posting of Meeting Agendas**

The posting of meeting agendas online is a basic but important task of informing the public, yet only the NFTA has consistently done so. The NFTA in addition to consistently posting agendas, also posts all of their agenda documents so that the public sees the documents that Board members are voting on.

Only five out of fourteen Authorities post Board meeting agendas online: NFTA, Buffalo Urban Renewal Agency, Niagara Falls Water Board, Erie County Medical Center and the Buffalo Sewer Authority. Besides the NFTA, the other four Authorities are behind and have not posted meeting agendas for 2018.

Nine Authorities (65%) don't bother to post meeting agendas at all: Erie County Water Authority, Buffalo Water Board, Wheatfield Local Development Corporation, Niagara Falls Urban Renewal Agency, City of Tonawanda Housing Authority, City of Lockport Housing Authority, Niagara Falls Housing Authority, Lackawanna Housing Authority, Buffalo Municipal Housing Authority.

- **Posting of Meeting Minutes**

Most Authorities (9 out of 14) are posting meeting minutes. The five Authorities (35%) that don't post meeting minutes at all are: City of Tonawanda Housing Authority, City of Lockport Housing Authority, Niagara Falls Housing Authority, Lackawanna Housing Authority, Buffalo Municipal Housing Authority.

- **Can Citizens Speak at Board Meetings**

As most Authorities don't post their meeting agendas, citizens have no way of knowing what topics being discussed may be of interest to them, nor do citizens know if they are allowed to speak at Board meetings to express their concerns or opinions. Only the Niagara Falls Water Board makes it clear on their meeting agendas that citizen comments are welcome.

- **Video Recording and Posting Online of Board Meetings**

The only Authority that records and posts their Board meetings online for the public to see is the NFTA.

- **FOIL Information Posted in a Visible Place**

Only four Authorities (30%) have posted how citizens can file a Freedom of Information Law (FOIL) request to obtain documents: NFTA, Buffalo Urban Renewal Agency, Buffalo Sewer Authority and the Erie County Water Authority.

- **Providing a Telephone Number & Email Address for Citizens to Contact**

Most Authorities have posted contact information but some have a telephone number posted but not an email address.

- **Can Citizens Sign Up to Receive Email Notification of Meetings & Public Hearings**

Some local governments have a Notify Me link on their sites, which allows interested citizens to receive emails of upcoming meetings and public hearings. This is a simple way of proactively reaching out to the public to dispense information. None of the fourteen organizations studied utilizes a Notify Me link.

• **Posting of Budget Information**

Posting five years of budget information is important for interested citizens to see budget trends and to compare revenues and expenses over a period of time. Only five Authorities (35%) have posted five years of budget information: Niagara Falls Water Board, Erie County Medical Center, Buffalo Sewer Authority and Buffalo Water Board.

Below are the scores for all entities evaluated in order from best score to worst.

Niagara Frontier Transportation Authority	75	C+
Niagara Falls Water Board	52	F
Buffalo Urban Renewal Agency	51.5	F
Erie County Medical Center	43	F
Buffalo Sewer Authority	43	F
Erie County Water Authority	38	F
Buffalo Water Board	23	F
Niagara Falls Urban Renewal Agency	23	F
Wheatfield Local Development Corp.	21	F
City of Tonawanda Housing Authority	13	F
Lockport Housing Authority	12	F
Niagara Falls Housing Authority	10	F
Lackawanna Housing Authority	8	F
Buffalo Municipal Housing Authority	7	F

METHODOLOGY

Each website was rated independently by volunteers. The evaluation scores were averaged into a final grade. The items graded and the criteria used are attached to this report. Websites were evaluated in February 2018. Letter grades are based on the following scale:

A	90-100 points
B+	85-90
B	80-84
C+	75-79
C	70-74
D	65-69
F	64 and below

EXPLANATION OF GRADES & WHO SHOULD BE HELD ACCOUNTABLE FOR THE DISGRACEFUL SCORES RECEIVED

The grades obtained by each Authority are explained below. Given the disgraceful grades received by thirteen out of fourteen Authorities, it is important to understand who should be held accountable for the lack of information being provided to the public. As such we are calling people out by names and in particular the elected officials who have the power to make board member appointments to these bodies.

Niagara Frontier Transportation Authority (NFTA) (75%, C+)

Meeting agendas are posted with entire board packets for five years. Meeting minutes are posted. No opportunity for citizens to speak at meeting according to agendas. To their credit meetings are videotaped and posted online for the public to view. An email and phone number is posted for the public to contact.

FOIL information is posted on home page. Citizens cannot sign up to receive emails regarding meetings and public hearings through a Notify Me link. Five years of budget reports are not posted.

Who Should Be Recognized For Having the Best Site:

The NFTA Board consists of eleven members, nominated by the Governor that must be confirmed by the New York State Senate. The Erie County Executive and the Erie County Legislature, each recommend one member. As a side note the NFTA bylaws should be changed as the bylaws currently empower the Board Chair to implement pay raises for top employees without requiring a Board vote. A governmental agency should not have bylaws that allow pay raises to be done without a Board vote.

Niagara Falls Water Board

(52%, F)

Meeting agendas with documents are not posted for the past five years. Minutes are posted. Citizens are provided the opportunity to address the Board before voting on items. Meetings are not video recorded and posted online. A Contact phone number and email is posted.

FOIL instructions and form are not posted in a visible place on home page. A Notify Me link for citizens to receive email notification of meetings and public hearings is not provided. Five years of budgets are posted.

Who Should Be Held Accountable:

The Board consists of five members with one member appointed by the Governor, NY State Senate, NY Assembly, Niagara Falls Mayor and Niagara Falls City Council. Governor Cuomo and Mayor Paul Dyster need to contact the individuals they appointed and stress the importance of improving the Niagara Falls Water Board's website.

Buffalo Urban Renewal Agency (51.5%, F)

No meeting agendas are posted for 2018. Agendas for 2017 are posted without documents. Meeting minutes are posted but not for past five years. Agenda does not provide an opportunity for Citizens to be heard at the beginning of the meeting. Meetings are not recorded and posted online. A Telephone number and email addresses for citizens to contact is posted. FOIL information is posted in a visible location. Citizens cannot sign up to receive emails regarding meetings and public hearings through a Notify Me link. Five years of budget reports are not posted.

Who Should Be Held Accountable:

The Buffalo Urban Renewal Agency (BURA) consists of eight members chaired by Mayor Byron Brown. Three members are City Councilmembers (Darius Pridgen, Joseph Golombek, Jr., Christopher Scanlon). The BURA website contains a message from Executive Director Nona Watson stating:

“We are committed to fostering a collaborative environment with the community, through accountability of our practices, outreach and advocacy effort for transparency, and building and empowering of the City's residents.”

“This website is designed to be clean, user-friendly, and interactive for users of all ages and abilities. The web page will provide regular updates on the activities of BURA and its partners, upcoming community event/meetings, and will provide information designed to enhance public awareness of programs and services.”

While the above quotes sound great, interested residents are unable to see meeting agendas, the agendas that are posted do not allow the public to see the documents that Board members are discussing and voting on. The agendas do not provide an opportunity for interested citizens to speak and be heard regarding agenda items.

The BURA website needs improvement. Mayor Brown and the elected Councilmembers that serve on the BURA board need to take action and make changes, so that the website lives up to the Executive Director's stated mission.

Erie County Medical Center

(43%, F)

No Meeting agendas are posted for 2018, five years of agendas with documents are not posted. Meeting minutes are posted. Agenda does not provide an opportunity for Citizens to be heard at the beginning of the meeting. Meetings are not video recorded, and posted. A Contact phone number is posted but an email address is not. FOIL instructions and form are not posted in a visible place on home page. A Notify Me link for citizens to receive email notification of meetings and public hearings is not provided. Five years of budgets are posted.

Who Should Be Held Accountable:

The Board consists of fifteen members, eight are appointed by the Governor and seven by the Erie County Executive. Governor Cuomo and the County Executive Poloncarz need to contact the members they have appointed to stress the importance of improving the Erie County Medical Center's website.

Buffalo Sewer Authority

(43%, F)

Meeting agendas are not posted for 2018, five years of agendas are not posted. Meeting minutes for 2018 or 2017 are not posted but minutes for other years are. Agenda does not provide an opportunity for Citizens to be heard at the beginning of the meeting. Meetings are not video recorded, and posted. A Contact telephone number is provided but an email address is not. FOIL forms and instructions are posted but not in the most visible location.

A Notify Me link for citizens to receive email notification of meetings and public hearings is not available. Five years of budgets are posted.

Who Should Be Held Accountable:

The Board consists of five members appointed by the Mayor and confirmed by the Buffalo Common Council. Mayor Brown and Council President Pridgen need to express their displeasure with Buffalo Sewer Authority's poor website.

Erie County Water Authority

(38%, F)

Meeting agendas are not posted at all. Meeting minutes are posted. Agenda does not provide an opportunity for Citizens to be heard at the beginning of the meeting. Meetings are not video recorded, and posted.

A Contact phone number is posted but an email address is not. FOIL instructions and form are posted in a visible place on home page. A Notify Me link for citizens to receive email notification of meetings and public hearings is not provided. Budgets are posted but not Five years of budgets.

Who Should Be Held Accountable:

The Board consists of three members. Jeremy Zellner Chair of the Erie County Democratic Party and Nick Langworthy Chair of the Erie County Republican Party determine Board appointments. The Party Chair selections are then confirmed by the Erie County Legislature. Zellner, Langworthy and Legislature Chair Peter Savage need to express their displeasure regarding the Erie County Water Authority's poor website.

Niagara Falls Urban Renewal Agency (23%, F)

Some meeting agendas are posted but the documents being discussed and voted on are not attached to the agenda. Some meeting minutes are posted. Meeting agendas do not indicate that Citizens are allowed to speak at the meeting before the Board votes on items. Meetings are not video recorded, and posted. A contact telephone number is posted but an email address is not provided. FOIL instructions and form are not posted in a visible place on home page. A Notify Me link for citizens to receive email notification of meetings and public hearings is not provided. Five years of budgets are not posted.

Who Should Be Held Accountable:

The Board consists of ten members, which includes the Mayor of Niagara Falls, members of the Niagara Falls City Council and four private sector members selected by the Mayor and approved by the City Council.

Paul Dyster as the Mayor of Niagara Falls chairs an agency that scored only 20 points out of a 100! The Mayor and the City Council need to make changes to the Niagara Falls Urban Renewal Agency website.

Buffalo Water Board (23%, F)

Meeting agendas are not posted at all. Meeting minutes are posted but not since October 2017. Meeting minutes do not reflect that citizens are provided the opportunity to speak at meetings before the Board votes on items. Meetings are not recorded and posted online.

A contact Telephone number and email is provided. FOIL information and instructions are not posted in a visible place on the home page. A Notify Me link for citizens to receive email notification of meetings and public hearings is not located in a visible place. Five years of budgets are not posted.

Who Should Be Held Accountable:

The Board consists of four members appointed by the Mayor and confirmed by the Buffalo Common Council. Mayor Brown and Council President Pridgen need to express their displeasure with Buffalo Water Board's poor website.

Wheatfield Local Development Corp. (21%, F)

Meeting agendas are not posted at all. Meeting minutes are posted but not for five years. Meeting minutes do not indicate that Citizens are allowed to speak at the meeting before the Board votes on items. Meetings are not video recorded, and posted. A contact telephone number or email is not posted.

FOIL instructions and form are not posted in a visible place on home page. A Notify Me link for citizens to receive email notification of meetings and public hearings is not provided. Five years of budgets are not posted.

Who Should Be Held Accountable:

The Board consists of nine members, one of which is the Wheatfield Town Supervisor, one selected by the Wheatfield Town Board and the other members are selected by the existing members when vacancies occur. The Wheatfield Supervisor Don McSwan and Town Board member Larry Helwig, need to advocate for an improved website.

Board member Robert Cliffe deserves recognition for recently seeking to have Board agendas posted online in advance of the meetings. Board Chair Bill Wagner expressed support for posting agendas. Amazingly other Board members disagreed, including Dawn Gilliam who was quoted by the Niagara Gazette as saying "If you don't have to post it, there's no reason to post it". Gilliam stated further "What is the need to post it? It's an open meeting, if they want to come to the meeting, then they can come to the meeting." How is it possible that the posting of meeting agendas is actually opposed by members of a governmental agency?

City of Tonawanda Housing Authority

(13%, F)

Meeting agendas are not posted at all. Meeting minutes are not posted at all. As meeting agendas and minutes are not posted, the public does not have any idea whether they are allowed to speak at Board meetings. Meetings are not video recorded, and posted. A contact telephone number and email address is posted. FOIL instructions and form are not posted in a visible place on home page. A Notify Me link for citizens to receive email notification of meetings and public hearings is not provided. Five years of budgets are not posted.

Who Should Be Held Accountable:

The website does not list who the Board members are. The Board consists of seven members, five appointed by the City of Tonawanda Mayor and two are elected by tenants. Rick Davis as the City of Tonawanda Mayor, needs to address the fact that this website received a score of 13!

Lockport Housing Authority

(12%, F)

Meeting agendas are not posted at all. Meeting minutes are not posted at all. As meeting agendas and minutes are not posted, the public does not have any idea whether they are allowed to speak at Board meetings. Meetings are not video recorded, and posted. A contact telephone number and email address is posted. FOIL instructions and form are not posted in a visible place on home page. A Notify Me link for citizens to receive email notification of meetings and public hearings is not provided. Five years of budgets are not posted.

Who Should Be Held Accountable:

The Board consists of seven members, five appointed by the City of Lockport Mayor and two are elected by tenants. The Buffalo Niagara Coalition for Open Government has attempted to address concerns regarding the Lockport Housing Authority. The Coalition forwarded a letter to the Housing Authority seeking a meeting which was never responded to. A letter was sent to Mayor Anne McCaffery, asking her assistance in setting up a meeting with Housing Authority officials which was never responded to. A letter was then sent to the full City Council including the Mayor.

The Mayor left a phone message for Coalition President Paul Wolf, who returned the Mayor's call and left a message weeks ago. A meeting has never been arranged.

Mayor McCaffery recently wrote a news article highlighting her commitment to open government, but it sure has been difficult to get anyone's attention in City Hall to address the Lockport Housing Authority. Mayor McCaffery has the power to advocate for change at the Lockport Housing Authority as she has the power to appoint individuals to the Board, including an appointment coming up in April.

Niagara Falls Housing Authority

(10%, F)

Meeting agendas are not posted at all. Meeting minutes are not posted at all. As meeting agendas and minutes are not posted, the public does not have any idea whether they are allowed to speak at Board meetings. Meetings are not video recorded, and posted. A contact telephone number and email address is posted. FOIL instructions and form are not posted in a visible place on home page. A Notify Me link for citizens to receive email notification of meetings and public hearings is not provided. Five years of budgets are not posted.

Who Should Be Held Accountable:

The Board consists of seven members all of whom are appointed by the City of Niagara Falls Mayor. The fact that the Housing Authority website has a score of 10 out of 100 points, lies at the feet of Mayor Dyster who has selected the Board members that have allowed this to occur.

Lackawanna Housing Authority

(8%, F)

Meeting agendas are not posted at all. Meeting minutes are not posted at all. As meeting agendas and minutes are not posted, the public does not have any idea whether they are allowed to speak at Board meetings. Meetings are not video recorded, and posted. A contact telephone number and email address is posted. FOIL instructions and form are not posted in a visible place on home page. A Notify Me link for citizens to receive email notification of meetings and public hearings is not provided. Five years of budgets are not posted.

Who Should Be Held Accountable:

The Board consists of seven members, five appointed by the City of Lackawanna Mayor and two are elected by tenants. Geoffrey Szymanski as the Mayor of Lackawanna has the power to advocate for change at the Lackawanna Housing Authority.

Buffalo Municipal Housing Authority (BMHA)

(7%, F)

Meeting agendas are not posted at all. Meeting minutes are not posted at all. As meeting agendas and minutes are not posted, the public does not have any idea whether they are allowed to speak at Board meetings. Meetings are not video recorded, and posted. A contact telephone number is provided but an email address is not. FOIL instructions and form are not posted in a visible place on home page. A Notify Me link for citizens to receive email notification of meetings and public hearings is not provided. Five years of budgets are not posted.

Who Should Be Held Accountable:

The Board consists of seven members, five appointed by the City of Buffalo Mayor with confirmation by the City Council and two elected by tenants. The BMHA has the shameful distinction of receiving the lowest score in this report! Except for the tenant elected positions, Byron Brown has appointed every single member of the BMHA Board for years. What happens or does not happen at BMHA is attributable to the Mayor.

DISCLAIMER

This is not a scientific study with precise results. The website evaluations were completed by concerned citizens who volunteered their time. An evaluator may have found and awarded points for an item that another volunteer rater may have missed.

CONCLUSION

Our goal is that the evaluated Authorities will interpret this report as constructive criticism. Members of the Buffalo Niagara Coalition for Open Government welcome the opportunity to speak about this report at an upcoming meeting of any of the Authorities that were studied. We are willing to work with and to assist organizations interested in improving their websites.

The posting of meeting agendas, minutes, Freedom of Information Law and budgets are basic steps in informing the public. The fact that 93% of the Authorities studied failed our evaluations is shameful and completely unacceptable. Similar results were received when the Buffalo Niagara Coalition for Open Government studied local governments in 2017 and 90% failed and when the use of Executive Sessions were studied in 2017 and it was determined that 97% were done incorrectly.

Clearly the current New York State Open Meetings Law needs to be strengthened and some mechanism for monitoring and enforcing compliance with the law has to be established.

RECOMMENDATIONS FOR CHANGE

1) Amend the New York State Open Meetings Law

The New York State Open Meetings Law which became effective January 1, 1977 states in its opening paragraph:

“It is essential to the maintenance of a democratic society that the public business be performed in an open and public manner and that the citizens of this state be fully aware of and able to observe the performance of public officials and attend and listen to the deliberations and decisions that go into the making of public policy. The people must be able to remain informed if they are to retain control over those who are their public servants. It is the only climate under which the commonweal will prosper and enable the governmental process to operate for the benefit of those who created it.”

The failure of most Authorities to post meeting agendas and minutes online is preventing citizens from being fully aware of what their public servants are doing. Today’s world is a computerized one where information about anything can be obtained at any time, except if you are trying to find out what your public servants are up to.

Recognizing that we live in an Internet world, the Open Meetings Law was amended on February 2, 2012 to require “to the extent practicable as determined by the agency” meeting documents shall be posted online prior to a scheduled meeting. The law was additionally amended to state “If the agency or authority maintains a website and utilizes a high speed internet connection, such open meeting shall be, to the extent practicable and within available funds, streamed on such website in real-time, and posted on such website within and for a reasonable time after the meeting.”

A) The Open Meetings Law should be amended to mandate that meeting agendas and supporting documents must be posted online at least 72 hours before a scheduled meeting.

Today 99% of local governments and Authorities have a website and those that don't should. This study and previous studies done by the Buffalo Niagara Coalition for Open Government have shown, local governments and local Authorities that have websites and the ability to post meeting agendas and minutes are not doing so. In today's world where websites and Facebook pages can be created easily there is no excuse for local governments and Authorities to not scan and post meeting agendas and minutes.

B) The Open Meetings Law should be amended to mandate that meeting minutes must be posted online within two weeks.

The Open Meetings Law currently requires governmental bodies to make meeting minutes available within two weeks after a meeting. Making meeting minutes available means that if citizens request a copy of the minutes they must be provided. Many governmental bodies are weeks and months behind in posting meeting minutes. The delay is often due to not posting minutes until they have been approved. However, draft meeting minutes can and should be posted.

C) The Open Meetings Law should be amended to require that all governmental bodies must provide an opportunity for interested citizens to speak before Board members vote.

The Open Meetings Law does not require that the public be provided an opportunity to be heard at governmental meetings. While most Village/Town Boards, City Councils and County Legislatures provide on their meeting agendas an opportunity for citizens to speak, they are not required to do so by law. Some governmental bodies only allow citizens to speak at the end of their meetings after all voting has occurred. Only one of the Authorities studied indicated on their meeting agenda that citizens can speak at their meeting (Niagara Falls Water Board). The right of citizens to be heard and to address governmental officials is a basic due process right that should be mandated by law.

2) The New York State Comptroller Should Perform Open Meetings Law & Freedom of Information Act Compliance Audits

The existence of the New York State Committee on Open Government is a tremendous resource for citizens and governmental officials. Executive Director Robert Freeman has overseen the preparation of 25,000 opinions regarding open government issues. Although a great resource, the opinions of the New York State Committee on Open Government are advisory, as the Committee does not have any enforcement power.

The Office of the State Comptroller has the constitutional authority to conduct financial, compliance and performance audits of all State and New York City agencies, including their associated facilities, institutions, board and program activities, as well as virtually all public benefit corporations (authorities).

In addition to financial audits the State Comptroller has done reports on the following:

- Noise Complaints & Enforcement in New York City (1/18)
- The structural deficiency of state bridges (10/17)
- Federal & State regulation of drinking water contaminants (6/17)

The State Comptroller clearly has a wide range of authority and as such can and should conduct audits on a regular basis regarding compliance with the Open Meetings Law and the Freedom of Information Act. Perhaps the Comptroller as part of every audit could devote attention to the importance of complying with open government statutes.

The sad reality is that no one in an official capacity with any enforcement authority is monitoring compliance with the Open Meetings Law and Freedom of Information Act. The State Comptroller could fill an important role regarding open government in New York. The Buffalo Niagara Coalition for Open Government will reach out to the Comptroller in an effort to discuss this recommendation with him.

Buffalo Niagara Coalition for Open Government

Name of Authority Being Rated: _____

Rated by _____

_____ **Agendas and entire board packets are posted online prior to board meetings and past 5 years of agendas are posted. (20 points max)**

- If agenda and entire board packet for 5 years are posted award 20 points.
- Deduct 10 points if agendas are posted but documents are not attached to the agenda. Some places will post just a one or two page agenda, citizens should be able to see the same documents that board members see.
- If agendas are not posted at all, award 0 points.
- If less than 5 years of agendas are posted deduct 1 point for each missing year.

_____ **Meeting minutes are timely posted for the past 5 years (20 points max)**

- If meeting minutes are posted for the past 5 years award 20 points.
- If the minutes from the last meeting are not posted before the next meeting deduct 1 point.
- For every meeting held that minutes are not posted deduct 1 point.
- If less than 5 years of minutes are posted deduct 1 point for each missing year.

_____ **An opportunity for citizens to speak is provided for at least 3 minutes prior to Board voting. (10 points max)**

- If citizens are allowed to speak for at least 3 minutes prior to Board voting award 10 points.
- If only two minutes allowed deduct 2 points, if only one minute allowed deduct 4 points.
- If only allowed to speak at the end of the meeting deduct 5 points.
- If citizens are not allowed to speak at all award 0 points.

_____ **Meetings are video recorded and posted on-line. (10 points max)**

- Very few places do this and those that do should receive 10 points.
- Some places post an audio recording, which is not video, 0 points.

_____ **Telephone number and email address for customer service exists. (10 points max)**

- If both telephone number and email provided award 10 points. If just one of the two items is provided award 5 points. If neither exist, 0 points.

_____ **Instruction and Forms on how to file a FOIL request posted online in a visible easy to find place. (10 points max)**

- If info on how to file a Freedom of Information Law request is in a visible spot on the first page of site award 10 points.
- If the only way you can find this is to enter “FOIL” as a search term or it is not in a visible spot deduct 5 points.
- If it simply does not exist award 0 points.

_____ **Citizens can sign up to receive email notification of meetings/public hearings. (10 points max)**

- If you see a “Notify Me”, button or link this is a place where citizens can sign up to receive email notification, award 10 points. If not 0 points.

_____ **5 years of budgets are posted online. (10 points max)**

- If 5 years of budgets are posted award 10 points. If less than 5 years are posted deduct two points for each missing year. If no budgets are posted 0.

_____ **Total Points**

Opportunity to highlight or explain important points regarding your scoring

Erie County Water Authority Insurance Requirements for Professional Services

Project Number: 201800115

Description: RFP for ECWA Web Page Design

The following minimum insurance requirements shall apply to professional service providers under agreement with the Erie County Water Authority (ECWA). The professional service provider carries relevant insurance for the services covered. If at anytime, in the opinion of ECWA, there is an unusual or exceptional risk, ECWA may establish additional insurance requirements for the duration of the agreement. All insurance required herein shall be obtained at the sole cost and expense of the professional service provider, including deductibles and self-insured retentions. These requirements include but are not limited to the minimum insurance requirements.

An X indicates insurance coverage is required.

X **Commercial General Liability Insurance:** (including, but not limited to, Bodily (Personal) Injury, Premises Operations, Property Damage Liability (broad form), Contractual Liability, Advertising Injury, Independent Contractors, Product Liability, and Completed Operations – in an amount not less than \$1,000,000 combined single limit and \$2,000,000 in the aggregate:

- X Per Policy
- ___ Per Project or Job
- ___ Per Location

There should be no exclusions for any claims filed, actual or alleged, for violation of any applicable statute including, but not limited to, the New York State or federal labor laws, ordinances, administrative orders, executive orders, rules, regulations, or decrees of any court of competent jurisdiction.

X **Commercial Business Automobile Insurance** in an amount of not less than \$1,000,000 each accident and shall cover liability arising out of any automobile owned, leased, hired, borrowed and non-owned automobiles.

Excess Umbrella Liability Insurance:

 \$1,000,000 in the aggregate

 \$2,000,000 in the aggregate

 \$3,000,000 in the aggregate

 \$4,000,000 in the aggregate

 \$5,000,000 in the aggregate

 Per Policy

 Per Project or Job

 Per Location

X **Professional Liability Insurance:** Per each occurrence and in the aggregate. Continuous coverage shall be maintained, or on an extended discovery period (“tail coverage”), for a period of not less than two years from the time the agreement has been completed in an amount of not less than:

X \$1,000,000 in the aggregate

 \$2,000,000 in the aggregate

 \$3,000,000 in the aggregate

 \$4,000,000 in the aggregate

 \$5,000,000 in the aggregate

X **Cyber and Privacy & Security Coverage:**

All vendors with access to confidential records and/or access to any of ECWA’s communication networks, servers, etc. must carry Cyber Liability coverage for damages arising from a failure of computer security, or wrongful release of private information including expenses for notification as required by local, state or federal guidelines. Limit of liability must be at least One Million and 00/100 Dollars (\$1,000,000.00) per claim and One Million and 00/100 Dollars (\$1,000,000.00) in the aggregate. Any retroactive date or prior acts exclusion must predate both the date of this agreement and any earlier commencement of any services. If coverage is on a "claims made basis", a 2 to 5 year extended reporting provision must be included.

Fidelity Bond:

Any vendor with access to ECWA financial systems must provide a Fidelity Bond in the amount of at least Five Hundred Thousand and 00/100 Dollars (\$500,000.00) through a responsible Surety Company naming ECWA as third (3rd) party to the Bond, with respect to all of vendor's employees, as may be necessary to protect against losses, including, without limitation, those arising from theft, embezzlement, fraud, or misplacement of funds, money, or documents. Coverage must extend to any losses incurred by ECWA due to theft, embezzlement or fraud by vendor, vendor's employees or subcontractors. Vendor shall notify ECWA in writing within five (5) days of filing a claim under such coverage and to assign to the Authority, as the case may be, the proceeds of such coverage allocable to losses suffered with respect to the property of ECWA.

X Workers' Compensation and Employers' Liability and New York State Disability Benefits Insurances, as required by New York State statute.

Certificates of Insurance and renewals, on forms approved by the New York State Department of Insurance, must be submitted to ECWA prior to the award of contract. Each insurance carrier issuing a Certificate of Insurance shall be rated by A. M. Best no lower than "A-" with a Financial Strength Code (FSC) of at least VII. The professional service provider shall name ECWA, its officers, agents and employees as additional insured on a Primary and Non-Contributory Basis, including a Waiver of Subrogation endorsement (form CG 20 26 11 85 or equivalent), on all applicable liability policies. Any liability coverage on a "claims made" basis should be designated as such on the Certificate of Insurance.

To avoid confusion with similar insurance company names and to properly identify the insurance company, please make sure that the insurer's National Association of Insurance Commissioners (N.A.I.C.) identifying number or A. M. Best identifying number appears on the Certificate of Insurance.

Acceptance of a Certificate of Insurance and/or approval by ECWA shall not be construed to relieve the professional service provider of any obligations, responsibilities or liabilities.

Certificates of Insurance should be e-mailed to AALESSI@ECWA.ORG. or mailed to Mr. Anthony Alessi, ECWA Claims Representative/Risk Manager, Erie County Water Authority, 295 Main Street – Room 350, Buffalo, New York 14203-2494, or If you have any questions you can contact Mr. Alessi by e-mail or phone (716) 849-8477.

Please refer to the bid and the contract document(s) for additional information regarding insurance requirements.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	CONTACT NAME:	
	PHONE (A/C, No, Ext):	FAX (A/C, No):
E-MAIL ADDRESS:		
PRODUCER CUSTOMER ID #:		
INSURER(S) AFFORDING COVERAGE		NAIC #
INSURED	INSURER A:	
	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR		X	X			EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER: POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC						\$
	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS		X	X			COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$ \$
	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR EXCESS LIAB CLAIMS-MADE		X	X			EACH OCCURRENCE \$ AGGREGATE \$ \$ \$
	<input checked="" type="checkbox"/> DEDUCTIBLE RETENTION \$ 10,000						Per Specific Agreement
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below <input type="checkbox"/> Y/N <input checked="" type="checkbox"/> N/A						SUBMIT proof of Workers Compensation and disability as per examples attached WC STATUTORY LIMITS \$ OTHER \$ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
	Professional Liability Claims Made: Retroactive Date: Occurrence:						Per Specific Agreement Each Claim: Aggregate:

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Additional Insured on a Primary and non-contributory basis (General and Auto Liability): Erie County Water Authority
Additional Insured form CG 20 26 or equivalent.

CERTIFICATE HOLDER

CANCELLATION

Erie County Water Authority 295 Main St, Suite 350 Buffalo, NY 14203 Attn: Anthony Alessi	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
--	---

Understanding New York Workers Compensation Board

Workers Compensation and N.Y.S Disability Benefits Liability

This is a brief description for governmental organizations to validate vendor workers compensation and NYS Disability Benefits coverage. These requirements should be used when applying for permits, licenses or secure contracts. Copies should be obtained not only at the initial issuance but at renewal as well. A full instruction manual can be obtained from the Workers Comp Board.

The forms discussed are:

- 1) Form CE-200- Affidavit of Exemption (obtain at: www.wcb.state.ny.us/content/ebiz/wc_db_exemptions/requestExemptionOverview.jsp)
 - Acceptable proof that the business listed is exempt from providing workers' compensation and/or disability insurance coverage.

2) Workers Compensation

- Form C-105.2: Certificate of Workers Compensation (WC) (Obtain from your insurance agent)
 - All private NYS licensed workers' compensation carriers are required to issue the C-105.2.
- Form SI- 12: Certificate of WC when self-insured. (Obtain from workers compensation board)
 - Only the Self-Insurance Office of the Workers' Compensation Board issues the SI-12. The Self-Insurance Office can be contacted at **518-402-0247**. **Only one legal name and Federal Employer Identification Number can be listed on each Form SI-12. (Multiple legal entities must not be listed.)**
- Form GSI- 105.2: Certificate of WC when participating in a group self-insured program.
 - The self-insurance administrator of the group completes the form.
- Form U-26.3: Certificate of WC
 - Acceptable proof that the business has workers' compensation coverage through the New York State Insurance Fund. Only available through (NYSIF).

3) New York State Disability Benefits Law (DBL)

- Form DB-120.1: Certificate of DBL Insurance (obtain from workers compensation board)
 - The DB-120.1 must be completed by either the NYS statutory disability benefits insurance carrier, or a licensed NYS insurance agent of that carrier. The form can be obtained by contacting the Bureau of Compliance. (certificates@wcb.state.ny.us)
- Form DB-155: Certificate of DBL Self-Insurance
 - The Self-Insurance Office of the Workers' Compensation Board issues the DB-155. The Board's secretary will approve the DB-155. The Self-Insurance Office can be contacted at **518-402-0247**.

- 4) Exemption 1, 2, 3, or 4 Family, Owner Occupied residence (<http://www.wcb.state.ny.us/content/main/forms/bp-1.pdf>)

NOTE: ACORD Certificates of Insurance are not acceptable proof. Must use one of the forms noted above:



**Certificate of Attestation of Exemption
 From New York State Workers' Compensation
 and/or Disability Benefits Insurance Coverage**

This form cannot be used to waive the workers' compensation rights or obligations of any party.

The applicant may use this Certificate of Attestation of Exemption ONLY to show a government entity that New York State specific workers' compensation and/or disability benefits insurance is not required. The applicant may NOT use this form to show another business or that business's insurance carrier that such insurance is not required.

Please provide this form to the government entity from which you are requesting a permit, license or contract. This Certificate will not be accepted by government officials one year after the date printed on the form.

<p align="center">In the Application of (Legal Entity Name and Address):</p> <p>JOHN SMITH 123 MAIN STREET ALBANY, NY 12207 518-438-1111 Federal ID Number: XXXXX6789</p>	<p align="center">Business Applying For: BUILDING PERMIT</p> <p align="center">From: CITY OF ALBANY, DEPT OF BUILDING AND CODES</p> <p>The location of where work will be performed is 123 ACME AVENUE, ALBANY, NY 12203.</p> <p>Estimated dates necessary to complete work associated with the building permit are from October 14, 2008 to March 31, 2009.</p> <p>The estimated dollar amount of project is \$25,001 - \$50,000</p>
--	---

Workers' Compensation Exemption Statement:

The above named business is certifying that it is **NOT REQUIRED TO OBTAIN NEW YORK STATE SPECIFIC WORKERS' COMPENSATION INSURANCE COVERAGE** for the following reason:

The business is owned by one individual and is not a corporation. Other than the owner, there are no employees, day labor, leased employees, borrowed employees, part-time employees, unpaid volunteers (including family members) or subcontractors.

Disability Benefits Exemption Statement:

The above named business is certifying that it is **NOT REQUIRED TO OBTAIN NEW YORK STATE STATUTORY DISABILITY BENEFITS INSURANCE COVERAGE** for the following reason:

The business is owned by one individual or is a partnership (LLC, LLP, PLLP or a RLLP) under the laws of New York State and is not a corporation; or is a one or two person owned corporation, with those individuals owning all of the stock and holding all offices of the corporation (in a two person owned corporation, each individual must be an officer and own at least one share of stock) or is a business with no NYS location. In addition, the business does not require disability benefits coverage at this time since it has not employed one or more individuals on at least 30 days in any calendar year in New York State. (Independent contractors are not considered to be employees under the Disability Benefits Law.)

I, JOHN SMITH, am the Sole Proprietor with the above-named legal entity. I affirm that due to my position with the above-named business I have the knowledge, information and authority to make this Certificate of Attestation of Exemption. I hereby affirm that the statements made herein are true, that I have not made any materially false statements and I make this Certificate of Attestation of Exemption under the penalties of perjury. I further affirm that I understand that any false statement, representation or concealment will subject me to felony criminal prosecution, including jail and civil liability in accordance with the Workers' Compensation Law and all other New York State laws. By submitting this Certificate of Attestation of Exemption to the government entity listed above I also hereby affirm that if circumstances change so that workers' compensation insurance and/or disability benefits coverage is required, the above-named legal entity will immediately acquire appropriate New York State specific workers' compensation insurance and/or disability benefits coverage and also immediately furnish proof of that coverage on forms approved by the Chair of the Workers' Compensation Board to the government entity listed above.

SIGN HERE	Signature:	Date:
Exemption Certificate Number 2008-00197		Received October 2, 2008 NYS Workers' Compensation Board

CE-200 (Draft 06/02/08)

STATE OF NEW YORK
WORKERS' COMPENSATION BOARD

CERTIFICATE OF NYS WORKERS' COMPENSATION INSURANCE COVERAGE

<p>1a. Legal Name & Address of Insured (Use street address only)</p> <p><i>Work Location of Insured (Only required if coverage is specifically limited to certain locations in New York State, i.e., a Wrap-Up Policy)</i></p>	<p>1b. Business Telephone Number of Insured</p> <p>1c. NYS Unemployment Insurance Employer Registration Number of Insured</p> <p>1d. Federal Employer Identification Number of Insured or Social Security Number</p>
<p>2. Name and Address of the Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder)</p> 	<p>3a. Name of Insurance Carrier</p> <p>3b. Policy Number of entity listed in box "1a"</p> <p>3c. Policy effective period _____ to _____</p> <p>3d. The Proprietor, Partners or Executive Officers are included. (Only check box if all partners/officers included) all excluded or certain partners/officers excluded.</p>

This certifies that the insurance carrier indicated above in box "3" insures the business referenced above in box "1a" for workers' compensation under the New York State Workers' Compensation Law. **(To use this form, New York (NY) must be listed under Item 3A on the INFORMATION PAGE of the workers' compensation insurance policy).** The Insurance Carrier or its licensed agent will send this Certificate of Insurance to the entity listed above as the certificate holder in box "2".

The Insurance Carrier will also notify the above certificate holder within 10 days IF a policy is canceled due to nonpayment of premiums or within 30 days IF there are reasons other than nonpayment of premiums that cancel the policy or eliminate the insured from the coverage indicated on this Certificate. (These notices may be sent by regular mail.) Otherwise, this Certificate is valid for one year after this form is approved by the insurance carrier or its licensed agent, or until the policy expiration date listed in box "3c", whichever is earlier.

Please Note: Upon the cancellation of the workers' compensation policy indicated on this form, if the business continues to be named on a permit, license or contract issued by a certificate holder, the business must provide that certificate holder with a new Certificate of Workers' Compensation Coverage or other authorized proof that the business is complying with the mandatory coverage requirements of the New York State Workers' Compensation Law.

Under penalty of perjury, I certify that I am an authorized representative or licensed agent of the insurance carrier referenced above and that the named insured has the coverage as depicted on this form.

Approved by: _____
(Print name of authorized representative or licensed agent of insurance carrier)

Approved by: _____
(Signature) (Date)

Title: _____

Telephone Number of authorized representative or licensed agent of insurance carrier: _____

Please Note: Only insurance carriers and their licensed agents are authorized to issue Form C-105.2. Insurance brokers are NOT authorized to issue it.

Workers' Compensation Law

Section 57. Restriction on issue of permits and the entering into contracts unless compensation is secured.

1. The head of a state or municipal department, board, commission or office authorized or required by law to issue any permit for or in connection with any work involving the employment of employees in a hazardous employment defined by this chapter, and notwithstanding any general or special statute requiring or authorizing the issue of such permits, shall not issue such permit unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that compensation for all employees has been secured as provided by this chapter. Nothing herein, however, shall be construed as creating any liability on the part of such state or municipal department, board, commission or office to pay any compensation to any such employee if so employed.

2. The head of a state or municipal department, board, commission or office authorized or required by law to enter into any contract for or in connection with any work involving the employment of employees in a hazardous employment defined by this chapter, notwithstanding any general or special statute requiring or authorizing any such contract, shall not enter into any such contract unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that compensation for all employees has been secured as provided by this chapter.

SAMPLE

Form SI-12



STATE OF NEW YORK
WORKERS' COMPENSATION BOARD
SELF-INSURANCE OFFICE
20 PARK STREET - ROOM 206
ALBANY, NY 12207



(518) 402-0247
FAX (518) 402-6199

COMPLIANCE WITH DISABILITY BENEFITS LAW
(Pursuant To Section 220, subd. 8 of the Disability Benefits Law)

EMPLOYER	FEDERAL EMPLOYER IDENTIFICATION NUMBER
	LOCATION OF OPERATION
ADDRESS (HOME OR MAIN OFFICE)	OPERATIONS TO BE COVERED OR ABOUT:

There are on file with the Workers' Compensation Board, documents indicating that the above-named employer has complied with the Disability Benefits Law with respect to all of his or her employees in the following manner:

- By approved self-insurance pursuant to Section 211, subdivision 3 of the Disability Benefits Law.
- By a combination of approved self-insurance pursuant to Section 211, subdivision 3 of the Disability Benefits Law and insurance with authorized insurance carrier(s).

Date:

By: _____
Gina Wagoner
WC Examiner

DB-155 (3/04)

THIS AGENCY EMPLOYS & SERVES PEOPLE WITH DISABILITIES WITHOUT DISCRIMINATION



New York State Insurance Fund

Workers' Compensation & Disability Benefits Specialists Since 1914

199 CHURCH STREET, NEW YORK, N.Y. 10007-1100
Phone: (888) 997-3863

CERTIFICATE OF WORKERS' COMPENSATION INSURANCE

POLICYHOLDER		CERTIFICATE HOLDER	
POLICY NUMBER	CERTIFICATE NUMBER	PERIOD COVERED BY THIS CERTIFICATE 01/01/2009 TO 05/01/2010	DATE 1/8/2009

THIS IS TO CERTIFY THAT THE POLICYHOLDER NAMED ABOVE IS INSURED WITH THE NEW YORK STATE INSURANCE FUND UNDER POLICY NO. 2058 840-6 UNTIL 05/01/2010, COVERING THE ENTIRE OBLIGATION OF THIS POLICYHOLDER FOR WORKERS' COMPENSATION UNDER THE NEW YORK WORKERS' COMPENSATION LAW WITH RESPECT TO ALL OPERATIONS IN THE STATE OF NEW YORK, EXCEPT AS INDICATED BELOW.

IF SAID POLICY IS CANCELLED, OR CHANGED PRIOR TO 05/01/2010 IN SUCH MANNER AS TO AFFECT THIS CERTIFICATE, 10 DAYS WRITTEN NOTICE OF SUCH CANCELLATION WILL BE GIVEN TO THE CERTIFICATE HOLDER ABOVE. NOTICE BY REGULAR MAIL SO ADDRESSED SHALL BE SUFFICIENT COMPLIANCE WITH THIS PROVISION. THE NEW YORK STATE INSURANCE FUND DOES NOT ASSUME ANY LIABILITY IN THE EVENT OF FAILURE TO GIVE SUCH NOTICE.

THIS CERTIFICATE DOES NOT APPLY TO BUILDING DEMOLITION.

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS NOR INSURANCE COVERAGE UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICY.

NEW YORK STATE INSURANCE FUND

DIRECTOR, INSURANCE FUND UNDERWRITING

This certificate can be validated on our web site at <https://www.nysif.com/cert/certval.asp> or by calling (888) 875-5790
VALIDATION NUMBER: 107031806

STATE OF NEW YORK
WORKERS' COMPENSATION BOARD
**CERTIFICATE OF PARTICIPATION IN WORKERS' COMPENSATION
GROUP SELF-INSURANCE**

1a. Legal Name and Address of Business Participating in Group Self-Insurance (Use Street Address Only)	1d. Business Telephone Number of Business referenced in box "1a"
	1e. NYS Unemployment Insurance Employer Registration Number of Business referenced in box "1a"
1b. Effective Date of Membership in the Group	
1c. The Proprietor, Partners or Executive Officers are <input type="checkbox"/> included (Only check box if all partners/officers included) <input type="checkbox"/> all excluded or certain partners/officers excluded	1f. Federal Employer Identification Number of Business referenced in box "1a"
2. Name and Address of the Entity Requesting Proof of Coverage (Entity Being Listed as Certificate Holder)	3. Name and Address of Group Self-Insurer

This certifies that the business referenced above in box "1a" is complying with the mandatory coverage requirements of the New York State Workers' Compensation Law as a participating member of the Group Self-Insurer listed above in box "3" and participation in such group self-insurance is still in force. The Group Self-Insurer's Administrator will send this Certificate of Participation to the entity listed above as the certificate holder in box "2".

The Group Self-Insurer's Administrator will notify the above certificate holder within 10 days IF the membership of the participant listed in box "1a" is terminated. (These notices may be sent by regular mail.) Otherwise, this Certificate is valid for a maximum of one year from the date certified by the group self-insurer.

If this certificate is no longer valid according to the above guidelines and the business referenced in box "1a" continues to be named on a permit, license or contract issued by the certificate holder, the business must provide the certificate holder either with a new certificate or other authorized proof the business is complying with the mandatory coverage requirements of the New York State Workers' Compensation Law.

Under penalty of perjury, I certify that I am an authorized representative of the Group Self-Insurer referenced above and that the business referenced in box "1a" has the coverage as depicted on this form.

Certified by: _____
(Print name of authorized representative of the Group Self-Insurer)

Certified by: _____
(Signature) (Date)

Title: _____

Telephone Number: _____

STATE OF NEW YORK
WORKERS' COMPENSATION BOARD
CERTIFICATE OF INSURANCE COVERAGE UNDER THE NYS DISABILITY BENEFITS LAW

PART 1. To be completed by Disability Benefits Carrier or Licensed Insurance Agent of that Carrier

<p>1a Legal Name and Address of Insured (Use street address only)</p>	<p>1b Business Telephone Number of Insured</p> <p>1c NYS Unemployment Insurance Employer Registration Number of Insured</p> <p>1d Federal Employer Identification Number of Insured or Social Security Number</p>
<p>2 Name and Address of the Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder)</p> <p>State University of New York Room 302 1400 Washington Avenue Albany, NY 12222</p>	<p>3a Name of Insurance Carrier</p> <p>3b Policy Number of entity listed in box "1a":</p> <p>3c Policy effective period: _____ to _____</p>

4 Policy covers:

a All of the employer's employees eligible under the New York Disability Benefits Law

b Only the following class or classes of the employer's employees:

Under penalty of perjury, I certify that I am an authorized representative or licensed agent of the insurance carrier referenced above and that the named insured has NYS Disability Benefits insurance coverage as described above

Date Signed _____ By _____
(Signature of insurance carrier's authorized representative or NYS Licensed Insurance Agent of that insurance carrier)

Telephone Number _____ Title _____

IMPORTANT: If box "4a" is checked, and this form is signed by the insurance carrier's authorized representative or NYS Licensed Insurance Agent of that carrier, this certificate is COMPLETE. Mail it directly to the certificate holder.
If box "4b" is checked, this certificate is NOT COMPLETE for purposes of Section 220, Subd. 8 of the Disability Benefits Law. It must be mailed for completion to the Workers' Compensation Board, DB Plans Acceptance Unit, 20 Park Street, Albany, New York 12207.

PART 2. To be completed by NYS Workers' Compensation Board (Only if box "4b" of Part 1 has been checked)

**State Of New York
Workers' Compensation Board**

According to information maintained by the NYS Workers' Compensation Board, the above-named employer has complied with the NYS Disability Benefits Law with respect to all of his/her employees

Date Signed _____ By _____
(Signature of NYS Workers' Compensation Board Employee)

Telephone Number _____ Title _____

Please Note: Only insurance carriers licensed to write NYS disability benefits insurance policies and NYS licensed insurance agents of those insurance carriers are authorized to issue Form DB-120 1 Insurance brokers are NOT authorized to issue this form.

DB-120 1 (5-06)

FORM DB-155



STATE OF NEW YORK
WORKERS' COMPENSATION BOARD
SELF-INSURANCE OFFICE
20 PARK STREET - ROOM 206
ALBANY, NY 12207



(518) 402-0247
FAX (518) 402-6199

COMPLIANCE WITH DISABILITY BENEFITS LAW
(Pursuant To Section 220, subd. 8 of the Disability Benefits Law)

EMPLOYER	FEDERAL EMPLOYER IDENTIFICATION NUMBER
ADDRESS (HOME OR MAIN OFFICE)	LOCATION OF OPERATION
	OPERATIONS TO BE COVERED OR ABOUT:

There are on file with the Workers' Compensation Board, documents indicating that the above-named employer has complied with the Disability Benefits Law with respect to all of his or her employees in the following manner:

- By approved self-insurance pursuant to Section 211, subdivision 3 of the Disability Benefits Law.
- By a combination of approved self-insurance pursuant to Section 211, subdivision 3 of the Disability Benefits Law and insurance with authorized insurance carrier(s).

Date:

By: _____
Gina Wagoner
WC Examiner

DB-155 (3/04)

THIS AGENCY EMPLOYS & SERVES PEOPLE WITH DISABILITIES WITHOUT DISCRIMINATION

Affidavit of Exemption to Show Specific Proof of Workers' Compensation Insurance Coverage for a 1, 2, 3 or 4 Family, Owner-occupied Residence

This form cannot be used to waive the workers' compensation rights or obligations of any party.

Under penalty of perjury, I certify that I am the owner of the 1, 2, 3 or 4 family, **owner-occupied** residence (including condominiums) listed on the building permit that I am applying for, and I am not required to show specific proof of workers' compensation insurance coverage for such residence because (please check the appropriate box):

- I am performing all the work for which the building permit was issued.
- I am not hiring, paying or compensating in any way, the individual(s) that is(are) performing all the work for which the building permit was issued or helping me perform such work.
- I have a homeowners insurance policy that is currently in effect and covers the property listed on the attached building permit AND am hiring or paying individuals a total of less than 40 hours per week (aggregate hours for all paid individuals on the jobsite) for which the building permit was issued.

I also agree to either:

- ◆ acquire appropriate workers' compensation coverage and provide appropriate proof of that coverage on forms approved by the Chair of the NYS Workers' Compensation Board to the government entity issuing the building permit if I need to hire or pay individuals a total of 40 hours or more per week (aggregate hours for all paid individuals on the jobsite) for work indicated on the building permit, or if appropriate, file a CE-200 exemption form; OR
- ◆ have the general contractor, performing the work on the 1, 2, 3 or 4 family, **owner-occupied** residence (including condominiums) listed on the building permit that I am applying for, provide appropriate proof of workers' compensation coverage or proof of exemption from that coverage on forms approved by the Chair of the NYS Workers' Compensation Board to the government entity issuing the building permit if the project takes a total of 40 hours or more per week (aggregate hours for all paid individuals on the jobsite) for work indicated on the building permit.

(Signature of Homeowner)

(Date Signed)

(Homeowner's Name Printed)

Home Telephone Number _____

Property Address that requires the building permit:

<p><i>Sworn to before me this _____ day of</i> _____, _____.</p> <p>_____ <i>(County Clerk or Notary Public)</i></p>
--

Once notarized, this BP-1 form serves as an exemption for both workers' compensation and disability benefits insurance coverage.

LAWS OF NEW YORK, 1998
CHAPTER 439

The general municipal law is amended by adding a new section 125 to read as follows:

125. ISSUANCE OF BUILDING PERMITS. NO CITY, TOWN OR VILLAGE SHALL ISSUE A BUILDING PERMIT WITHOUT OBTAINING FROM THE PERMIT APPLICANT EITHER:

1. PROOF DULY SUBSCRIBED THAT WORKERS' COMPENSATION INSURANCE AND DISABILITY BENEFITS COVERAGE ISSUED BY AN INSURANCE CARRIER IN A FORM SATISFACTORY TO THE CHAIR OF THE WORKERS' COMPENSATION BOARD AS PROVIDED FOR IN SECTION FIFTY-SEVEN OF THE WORKERS' COMPENSATION LAW IS EFFECTIVE; OR

2. AN AFFIDAVIT THAT SUCH PERMIT APPLICANT HAS NOT ENGAGED AN EMPLOYER OR ANY EMPLOYEES AS THOSE TERMS ARE DEFINED IN SECTION TWO OF THE WORKERS' COMPENSATION LAW TO PERFORM WORK RELATING TO SUCH BUILDING PERMIT.

Implementing Section 125 of the General Municipal Law

1. General Contractors -- Business Owners and Certain Homeowners

For businesses and certain homeowners listed as the general contractors on building permits, proof that they are in compliance with Section 57 of the Workers' Compensation Law (WCL) is ONE of the following forms that indicate that they are:

- ◆ insured (C-105.2 or U-26.3),
- ◆ self-insured (SI-12), or
- ◆ are exempt (CE-200),

under the mandatory coverage provisions of the WCL. Any residence that is not a **1, 2, 3 or 4 Family, Owner-occupied Residence** is considered a business (income or potential income property) and must prove compliance by filing one of the above forms.

2. Owner-occupied Residences

For homeowners of a **1, 2, 3 or 4 Family, Owner-occupied Residence**, proof of their exemption from the mandatory coverage provisions of the Workers' Compensation Law when applying for a building permit is to file form BP-1.

- ◆ Form BP-1 shall be filed if the homeowner of a **1, 2, 3 or 4 Family, Owner-occupied Residence** is listed as the general contractor on the building permit, and the homeowner:
 - ◇ is performing all the work for which the building permit was issued him/herself,
 - ◇ is not hiring, paying or compensating in any way, the individual(s) that is(are) performing all the work for which the building permit was issued or helping the homeowner perform such work, or
 - ◇ has a homeowner's insurance policy that is currently in effect and covers the property for which the building permit was issued AND the homeowner is hiring or paying individuals a total of less than 40 hours per week (aggregate hours for all paid individuals on the jobsite) for the work for which the building permit was issued.
- ◆ If the homeowner of a **1, 2, 3 or 4 Family, Owner-occupied Residence** is hiring or paying individuals a total of **40 hours or MORE** in any week (aggregate hours for all paid individuals on the jobsite) for the work for which the building permit was issued, then the homeowner may not file the "Affidavit of Exemption" form, BP-1(11/04), but shall either:
 - ◇ acquire appropriate workers' compensation coverage and provide appropriate proof of that coverage on forms approved by the Chair of the NYS Workers' Compensation Board to the government entity issuing the building permit (the C-105.2 or U-26.3 form), OR
 - ◇ have the general contractor, (performing the work on the 1, 2, 3 or 4 family, **owner-occupied residence** (including condominiums) listed on the building permit) provide appropriate proof of workers' compensation coverage, or proof of exemption from that coverage on forms approved by the Chair of the NYS Workers' Compensation Board to the government entity issuing the building permit.

STATE OF NEW YORK - WORKERS' COMPENSATION BOARD
ESTADO DE NUEVA YORK - JUNTA DE COMPENSACION OBRERA
NOTICE OF COMPLIANCE
WORKERS' COMPENSATION LAW

AVISO DE CUMPLIMIENTO
LEY DE COMPENSACION OBRERA

TO EMPLOYEES

A EMPLEADOS

IMPORTANT INFORMATION FOR EMPLOYEES WHO ARE INJURED OR SUFFER AN OCCUPATIONAL DISEASE WHILE WORKING.

INFORMACION IMPORTANTE PARA EMPLEADOS QUE SEAN LESIONADOS O SUFRAN UNA ENFERMEDAD OCUPACIONAL MIENTRAS TRABAJAN.

1. By posting this notice and information concerning your rights as an injured worker, your compliance with the Workers' Compensation Law.
2. If you do not notify your employer within 30 days of the date of your injury your claim may be disallowed, so do so immediately.
3. You are entitled to obtain any necessary medical treatment and should do so immediately.
4. You may choose any doctor, podiatrist, chiropractor or psychologist referred by a medical doctor that accepts NY State Workers Compensation patients and is Board authorized. However, if your employer is involved in a certified preferred provider organization (PPO) you must first be treated by a provider chosen by your employer and your employer must give you a written statement of your rights concerning further medical care.
5. You should tell your doctor to file copies of medical reports concerning your claim with the Workers' Compensation Board and with your employer's insurance company, which is indicated at the bottom of this form.
6. You may be entitled to lost time benefits if your work-related injury keeps you from work for more than seven days, compels you to work at lower wages or results in permanent disability to any part of your body. You may be entitled to rehabilitation services if you need help returning to work.
7. You should not pay any medical providers directly. They should send their bills to your employers insurance carrier. If there is a dispute, the provider must wait until the Board makes a decision before it attempts to collect payment from you. If you do not pursue your claim or the Board rules that your injury is not work-related, you may be responsible for the payment of the bills.
8. You are entitled to be represented by an attorney or licensed representative, but it is not required. If you do hire a representative do not pay him/her directly. Any fee will be set by the Board and will be deducted from your award.
9. If you have difficulty in obtaining a claim form or need help in filling it out or if you have any other questions or problems about a job-related injury, contact any office of the Workers' Compensation Board.

1. Su patrono esta cumpliendo la Ley de Compensacion Obrera cuando despliega este comunicado concierne a sus derechos como trabajador lesionado.
2. Si usted no notifica a su patrono dentro del termino de 30 dias de haber sufrido su lesion su reclamacion podria ser desestimada, por eso notifique inmediatamente.
3. Usted tiene derecho a recibir cualquier tratamiento medico necesario relacionado con su lesion y debe gestionarlo inmediatamente.
4. Para el tratamiento de cualquier lesion o enfermedad relacionada con el trabajo usted puede escoger cualquier medico, podiatra, quiropractico o psicologo (si es referido por un medico autorizado) que esta autorizado y acepte pacientes de la Junta de Compensacion Obrera. Sin embargo, si su patrono esta autorizado a participar en una organizacion certificada de proveedores preferidos (PPO), usted debera obtener tratamiento inicial con cualquier lesion o enfermedad relacionada con el trabajo de la correspondiente entidad. Patronos que participen en cualquiera de estos programas establecidos por ley estan obligados a proveer a sus empleados notificacion escrita explicando sus derechos y obligaciones bajo el programa que este acogido.
5. Usted debera recibir de su Medico que radique copias de los informes medicos de su caso en la Junta de Compensacion Obrera y en la compania de seguros de su patrono, que se indica al final de esta forma.
6. Usted tiene derecho a compensacion si su lesion relacionado con el trabajo le impide trabajar por mas de siete dias, le obliga a trabajar a sueldo mas bajo o resulta en incapacidad permanente de cualquier parte de su cuerpo. Usted puede tener derecho a servicios de rehabilitacion si necesita ayuda para regresar al trabajo.
7. No pague a ningun proveedor medico directamente por tratamiento de su lesion o enfermedad relacionada con el trabajo. Ellos deben enviar sus facturas al asegurador de su patrono. Si el caso es cuestionado, el proveedor debera esperar hasta que la Junta decida el caso, antes de iniciar gestion de cobro alguna contra usted. Si usted no tramita su caso o la Junta con el trabajo, usted podria ser responsable del pago de las facturas.
8. No es obligatorio el estar representado en ninguno de los procedimientos de la Junta, pero es un derecho que usted tiene, el estar representado por abogado o por representante licenciado si usted asi lo desea. Si es representado, no pague al abogado o al representante licenciado. Cuando la Junta decida su caso, los honorarios seran determinados por la Junta y descontados de sus beneficios.
9. Si tiene dificultad en conseguir un formulario de reclamacion o necesita ayuda para llenarlo o tiene dudas sobre cualquier situacion relacionada con una lesion o enfermedad comuniquese con la oficina mas cercana de la Junta.

WORKERS' COMPENSATION BOARD OFFICES

- Albany, 12241 - 100 Broadway-Menands - (866) 750-5157
- Brooklyn, 11201 - 111 Livingston St. - Brooklyn - (800) 877-1373
- Binghamton, 113901 - State Office Bldg. - 44 Hawley St. - (866) 802-3604
- Buffalo, 14202 - Statler Tower, 107 Delaware Ave. - (866) 211-0645
- Hauppauge, 11788 - 220 Rabro Drive - Suite 100 - (866) 681-5354
- Hempstead, 11550 - 175 Fulton Avenue - (866) 805-3630
- New York, 10027 - 215 W. 1125th St., Manhattan - (800)-877-1373
- Peekskill, 10566 - 41 North Division St. (866) 746-0552
- Queens, 11432 - 168-46 91st Ave., Jamaica (800) 877-1373
- Rochester, 14614 - 130 Main Street West - (866) 211-0644
- Syracuse, 13203 - 935 James St. - (866) 802-3730

- DOWNSTATE MAIL ADDRESS

Claims-related mail for the Hauppauge, Hempstead, Peekskill and all NYC offices should be mailed to:
 PO Box 5205 Binghamton, NY 13902-5205


 ARIS S. WEISS CHAIR/PRESIDENT/ZACH

Workers' Compensation benefits, when due, will be paid by

(Los beneficios de Compensacion Obrera, cuando debidos, seran pagados por):

SAMPLE

Effective From (En vigor Desde) ----- To ----- (Hasta Cancellation)

Policy No. (Poliza No) -----

Name of employer (Nombre del patrono)

THIS NOTICE MUST BE POSTED CONSPICUOUSLY IN AND ABOUT THE EMPLOYER'S PLACE OR PLACES OF BUSINESS

C-105(4-09)
 S.I.F. U-30e
 "U30SIF/SN"

PRESCRIBED BY CHAIR
 WORKERS' COMPENSATION BOARD
 STATE OF NEW YORK
www.wcb.state.ny.us

Failure by an employer to post this notice in and about the employer's place or places of business may result in a \$250 penalty for each violation.

STATE OF NEW YORK
WORKERS' COMPENSATION BOARD

NOTICE OF COMPLIANCE
DISABILITY BENEFITS LAW
TO EMPLOYEES

ESTADO DE NUEVA YORK
JUNTA DE COMPENSACIÓN OBRERA

AVISO DE CUMPLIMIENTO
LEY DE BENEFICIOS POR INCAPACIDAD
A LOS EMPLEADOS

1. If you are unable to work because of an illness or injury not work-related, you may be entitled to receive weekly benefits from your employer, or his or her insurance company, or from the Special Fund for Disability Benefits.
2. To claim benefits You must file a claim form, within 30 days from the first date of your disability, but in no event more than 26 weeks from such date.
3. Use one of the following claim forms:
-If, when your disability begins you are employed or are unemployed for four weeks or less, use WHITE claim form (Form DB-450), which you may obtain from your employer, his or her insurance carrier, your health provider or any office of the Workers' Compensation Board, and send it to your employer or the insurance carrier named below.
-If, when your disability begins, you have been unemployed more than four weeks, use the GREEN claim form (Form DB-300), which you may obtain from any Unemployment Insurance Office, your health provider, or any office of the Workers' Compensation Board. Send completed claim form to the Workers' Compensation Board, Disability Benefits Bureau Albany, New York 12241.
IMPORTANT Before filing your claim, your health provider must complete the "Health Care Provider's Statement" on the claim form, showing your period of disability.
4. You are entitled to be treated by any physician, chiropractor, dentist, nurse-midwife, podiatrist or psychologist of your choice. However, unlike workers' compensation, your medical bills will not be paid unless your employer and/or union provide for the payment of such bills under a Disability Benefits Plan or Agreement.
5. If you are ill or injured during the time you are receiving Unemployment Insurance Benefits, file a claim for Disability Benefits as soon as you sustain the injury or illness, by following the instructions outlined above.
6. If you are out of work in excess of seven days, your employer is required to send you a Disability Benefits Statement of Rights (Form DB-271).
7. Other information about Disability Benefits may be obtained by writing or calling the nearest Workers' Compensation Board Office.

1. Si usted no puede trabajar debido a enfermedad o lesión no relacionada con el trabajo, podría tener derecho a recibir, beneficios semanales de su patrón o de la compañía de seguros de él/ella o del Fondo Especial para Beneficios por Incapacidad.
2. Para reclamar beneficios usted debe Presentar una forma de reclamación, dentro de 30 días a Partir de la Primera fecha de su incapacidad, pero en ningún caso más de 26 semanas de dicha fecha.
3. Use una de las siguientes formas de reclamación:
-Si, cuando comience su incapacidad usted está empleado o ha estado desempleado por cuatro semanas o menos, use la forma de reclamación BLANCA (form DB-450), la cual puede obtener de su patrón o de la compañía de seguros de él/ella, o de su proveedor de cuidados de salud, o bien de cualquier oficina de la Junta de Compensación Obrera, y envíela a su patrón o a la compañía de seguros nombrada abajo.
-Si, cuando comience su incapacidad, usted ha estado desempleado más de cuatro semanas, use la forma de reclamación VERDE (form DB-300), la cual puede obtener en cualquier Oficina de Seguro de Desempleo, de su proveedor de salud, o bien de cualquier oficina de la Junta de Compensación Obrera. Envíe la forma de reclamación, debidamente terminada, a Workers' Compensation Board, Disability Benefits Bureau, Albany, New York 12241.
IMPORTANTE Antes de presentar usted su reclamación, es necesario que su proveedor de salud complete la declaración del médico ("Health Care Provider's Statement") en la forma de reclamación, indicando el periodo de su incapacidad.
4. Usted tiene derecho a ser tratado por cualquier medico, quiropráctico, dentista, enfermera-partera, podiatra o psicologo que usted elija. Pero, con excepción a la compensación obrera, sus cuentas médicas no serán pagadas a menos que su patrón y/o Unión haga el pago de tales cuentas médicas bajo un Plan o Convenio de Beneficios por Incapacidad.
5. Si usted sufre de enfermedad o lesionado durante el tiempo que está recibiendo beneficios del Seguro de Desempleo, presente una reclamación para los beneficios por Incapacidad, siguiendo las instrucciones arriba descritas, tan pronto como sufra la lesión o la enfermedad.
6. Si usted está desempleado por más de siete días, su patrón está obligado a enviarle la declaración de Derechos de Beneficios por Incapacidad (Form DB-271).
7. Otras informaciones relativas a Beneficios por incapacidad pueden obtenerse escribiendo o llamando a la oficina mas cercana de la Junta de Compensación Obrera.

WORKERS' COMPENSATION BOARD OFFICES

Albany, 12241 -100 Broadway-Menands- (518) 474-6681
 Binghamton, 13901 - State Office Bldg - 44 Hawley St. - (607) 721-8300
 Buffalo, 14203-State Office Bldg -125 Main St - (716) 847-3171
 Hempstead, 11550 -175 Fulton Avenue - (516) 560-7145
 Rochester, 14614 - 130 Main Street West - (716) 239-6100
 Syracuse, 13202 - State Office Bldg.-333 E. Washington St. - (315) 428-4465

Robert R. Snashall
Robert R. Snashall
 Chairman (Presidente)

The undersigned employer is in compliance with the provisions of the Disability Benefits Law (El patrón abajo firmante esta en conformidad con las disposiciones de la ley de Beneficios por Incapacidad).
 Disability Benefits, when due, will be paid by (Los Beneficios por Incapacidad, cuando debidos, serán pagados por):

The benefits provided are (Los beneficios provistos son)

<input type="checkbox"/>	Statutory (Estatutarios)	<input type="checkbox"/>	Under a Plan or Agreement (Bajo un Plan o Convenio)
--------------------------	-----------------------------	--------------------------	--

Class(es) of employees covered (Clasé(s) de empleados amparados)

ALL EMPLOYEES ELIGIBLE UNDER NY DBL

Name of employer (Nombre del Patrón)

SAMPLE

Effective: From (_____) To UNTIL CANCELLED
 (En Vigor Desde) (HASTA)

Policy No
 (Poliza No.) _____

THE WORKERS' COMPENSATION BOARD EMPLOYS AND SERVES
 PEOPLE WITH DISABILITIES WITHOUT DISCRIMINATION.

LA JUNTA DE COMPENSACIÓN OBRERA EMPLEA Y SIRVE
 A PERSONAS INCAPACITADAS SIN DISCRIMINAR.

By *W. J. [Signature]*

**Erie County Water Authority
ACORD Endorsement Samples**

POLICY NUMBER:

COMMERCIAL GENERAL LIABILITY

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**ADDITIONAL INSURED – OWNERS, LESSEES OR
CONTRACTORS – (FORM B)**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART.

SCHEDULE

Name of Person or Organization:

(If no entry appears above, information required to complete this endorsement will be shown in the Declarations as applicable to this endorsement.)

WHO IS AN INSURED (Section II) is amended to include as an insured the person or organization shown in the Schedule, but only with respect to liability arising out of "your work" for that insured by or for you.

POLICY NUMBER:

COMMERCIAL GENERAL LIABILITY

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART.

SCHEDULE

Name of Person or Organization:

(If no entry appears above, information required to complete this endorsement will be shown in the Declarations as applicable to this endorsement.)

WHO IS AN INSURED (Section II) is amended to include as an insured the person or organization shown in the Schedule as an insured but only with respect to liability arising out of your operations or premises owned by or rented to you.