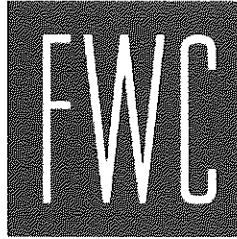


**ORIGINAL**



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**FEATHERSTONHAUGH,  
WILEY & CLYNE, LLP**

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**ATTORNEYS AND COUNSELLORS AT LAW**

111 WASHINGTON AVENUE, SUITE 501  
ALBANY, NEW YORK 12210  
WEBSITE: FWC-LAW.COM

PHONE: (518) 436-0786

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Proposal For: Government Relations and Lobbying Services

Submitted To: Erie County Water Authority

Submitted By: David F. Fleming, Jr.  
Featherstonhaugh, Wiley & Clyne, LLP  
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Date Submitted: September 13, 2018

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September 12, 2018

Terrence D. McCracken, Secretary  
Erie County Water Authority  
295 Main Street, Room 350  
Buffalo, New York 14203-2494

Dear Mr. McCracken:

Featherstonhaugh, Wiley & Clyne, LLP (FWC) is a well-respected Albany-based full service law firm specializing in governmental relations, regulatory affairs, business law, and health law. Our firm has a long and distinguished history of providing clients with exemplary representation and has a depth of access to the highest levels of government ensuring your priorities are understood and addressed by the New York State Executive and legislative branches.

In the field of governmental relations, FWC has few rivals in the halls of New York State government. FWC has the personnel and the expertise to help you achieve your goals. Whether your company has a regulatory issue with a state agency or needs the Governor and the State Legislature to address a problem, our experience makes it easier for our clients to understand the inner workings of state government. Understanding how government works is an important first step in building a winning advocacy plan.

The government relations team at our firm has an enviable record of immersing ourselves in the issues and matters of importance to our clients as a way of effectively communicating their goals and objectives within the legislative, regulatory and political environment in New York State. Access is essential and readily available to us, but we believe that knowledge-based advocacy coupled with access is the unbeatable combination.

FWC takes pride in learning our client's business and goals, as well as forming professional relationships with the client themselves. We strive to form lasting relationships based on trust, integrity, professionalism, and success. We work every day to build and strengthen our relationships, not only with government officials, but with each of our clients.

Very truly yours,

**Featherstonhaugh, Wiley & Clyne, LLP**

A handwritten signature in black ink, appearing to read 'David F. Fleming, Jr.', written over a horizontal line.

David F. Fleming, Jr.





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**FEATHERSTONHAUGH,  
WILEY & CLYNE, LLP**

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ATTORNEYS AND COUNSELLORS AT LAW

Featherstonhaugh, Wiley & Clyne, LLP believes in a team approach to helping our clients succeed. We currently have ten (10) governmental relations professionals, five (5) professional staff members serving forty-five (45) legislative and governmental relations clients. Our clients range from those who have been with us for decades, to clients we provide services to on a project basis.

Overall, FWC develops an individual plan for representation for each client that includes the assignment of specific individuals as the primary lobbyists, and the development of a client strategic plan tailored to your legislative agenda and administrative needs in consideration of the various priorities of a given legislative session. We are happy to communicate with you through written reports, host and attendance on conference calls and/or facilitating meetings.

For your day to day interaction with our firm, I will lead our team assisted by Ryan Banagan. In addition, all other members of our professional team will be made available to assist and coordinate efforts as your needs arise. The biographies of the members of our governmental relations team are attached.

The firm has developed strong relationships with virtually all members of the Senate and Assembly as a result of our broad range of clients over decades of successful advocacy, and depth of experience of our team. Our team has strong and deep relationships on both sides of the aisle in both houses of the Legislature.

We actively engage on issues in every committee of both houses and have superior relations with the Executive Branch and leadership in the Senate and Assembly. Clients are offered a full range of services including budget advocacy, development and passage of legislative initiatives; efforts to amend or defeat proposed legislation; public relations; coalition building and grassroots development; monitoring of bill introductions, committee agendas, calendars, chapter laws, regulatory proposals and hearing notices; drafting memos of support and opposition and talking points when necessary as well as preparing clients for hearings and press conferences; and working with individual legislators and local governmental officials on projects affecting their districts and communities.

FWC is also a leading firm with regard to compliance in New York State. We are the firm many other lobbying organizations turn to when they need assistance. We also help write the book on compliance as the New York contributors to "Lobby, PACs and Campaign Finance – 50 State Handbook." As an example of our comprehensive compliance services we prepare JCOPE filings; in those instances where we are the custodians of a client's PAC, we make all filings to the New York State Board of Elections. In individual situations, we also assist and file any other compliance documents that may be required.

## **Examples of Client Work:**

Below we have included a few examples of the work we have accomplished for clients with the state, including the Governor's office, agency regulation changes as well as legislative work that was folded in to ensure an outcome that was positive for our client.

- In 2008 the Environmental Protection Agency ("EPA") invited states to certify that Vessel General Permits ("VGP") of the Clean Water Act would be consistent with each State's water quality standards. In response, the New York State Department of Environmental Conservation ("NYSDEC") issued the certification with additional conditions that far exceeded the conditions required by the federal government and in fact the technology available for the maritime industry to comply. In response to the significant efforts of FWC on behalf of the shipping industry, we were successful in having the NYSDEC modify its certification to the EPA twice. The first modification extended the compliance deadline for eight months, during which time we continued to work with the Governor's Office, the NY and NJ Port Authority and NYSDEC. Within a month we were able to affect an additional extension of the compliance timing, ultimately eliminating any regulatory requirement during the timeframe the EPA had required states to certify, and eliminating the additional conditions for the shipping industry. This work spanned two different state executive administrations.

Although seemingly simple, this issue was extremely complex and required our team to convince state regulators that they had, in fact, instituted regulations that the industry would be unable to comply with and were unnecessarily far reaching and detrimental for all concerned.

- During the negotiation for the enacting legislation establishing casinos in New York State, an issue of tax parity arose between the commercial casinos and existing racinos. FWC was able to work closely with the Governor's staff to ensure that the interests of the racinos were protected. FWC has the reach to address immediate issues with executive staff as well as elected leaders.
- Over the course of many years our firm worked to successfully enact Corporate Tax Reform for both New York State and New York City. The Tax Law previously had one Article that contained the tax provisions for banks and a separate Article that contained the tax provisions for other corporations. The dramatic change in the delivery of financial services over the last decade rendered this system of taxation obsolete. Our firm together with a coalition of other companies met with the New York State Department of Taxation and Finance, the Division of the Budget and the Governor's Office to develop legislation to merge the two Articles of taxation. This process was challenging because of the diverse group of companies impacted and the requirement that the proposal be revenue neutral to New York State and New York City.

In 2014 corporate tax reform was proposed in the Governor's Executive Budget and ultimately adopted by the New York State Legislature. In 2015 the Governor's

Executive Budget proposal included provisions to conform the New York City tax provisions to the newly enacted state provisions. In order to succeed in the passage of this provision we worked with a coalition of organizations to interface the Office of the Mayor in New York City and the fiscal staff in the New York State Senate and Assembly.

**Comprehensive Engagement Examples:**

The following are examples of significant engagements with our firm. The contact information for references are also provided for your consideration.

**New York State Association of Cemeteries**

George Baker, President: 585.872.4463

**New York State Bottlers Association**

Thomas Strahle, President: 914.474.9339

**PepsiCo**

Peter Wilcox, Director of Government Affairs: 914.253.2609

**PBA of New York State**

Daniel De Federicis, PBA Executive Director & Counsel: 518.433.5472

**Public Benefit Corporations:**

Historic Eastfield Foundation (Historic Trades School)

Hudson Valley Community College

Town Of Plattsburgh

Town Of Ellensburg

**Pending Legal Actions:**

There are no pending legal actions against the firm.

**Conflicts of Interest:**

Based on our review of our client activities we do not believe any conflicts with the representation of the Erie County Water Authority exist. In the event a potential conflict is discovered during the course of our relationship, we would promptly report this issue to you and resolve the situation accordingly.



**Firm's Affirmative Action Policy:**

FWC does not discriminate based on an individual's race, religion, color, sex, national origin, marital status, pregnancy, age or disability in its hiring practices.

Our Harassment Policy specifically details that Featherstonhaugh, Wiley & Clyne, LLP, will not tolerate the harassment of members of our staff.

Any form of harassment which violates federal or State law, including, but not limited to harassment related to an individual's race, religion, color, sex, national origin, marital status, pregnancy, age or disability, is a violation of this policy and will be treated as a disciplinary matter.

The term "harassment" includes slurs and other offensive remarks, jokes, and other verbal, graphic, or physical conduct based on one or more of the above characteristics adversely affecting an employee's work or which creates a hostile or abusive working environment.

Sexual harassment also includes unwelcome sexual advances or requests for sexual favors, unwelcome or offensive touching and other unwelcome verbal, graphic or physical conduct of sexual nature.

Employees are advised that reporting of these incidents is confidential and protected. The policies are provided to new employees, posted in our common area and available upon request in written form.



**Conclusion:**

Featherstonhaugh, Wiley & Clyne, LLP would welcome the privilege to represent the interests and priorities of the Erie County Water Authority before the Executive and Legislative Branches of the State of New York. Should you choose to partner with FWC in advancing your interests, our firm would provide the governmental relations services set forth for \$40,000 per year in equal monthly installments, plus disbursements which may include:

- (1) Computer-Related Expenses – The Firm will be reimbursed for computerized research and research services through Lexis, if necessary. FWC does not charge our clients for LRS or our clips services.
- (2) Travel – The Firm will be reimbursed for expenses in connection with out-of-town travel at the business class rate, and, where necessary, for the reasonable cost of a rental car, and any other related travel expenses such as lodging and meals, which must be reasonable under the circumstances. We will advance all such travel expenses and submit bills for reimbursement.
- (3) Photocopying and Digital Reproduction - You will reimburse the Firm at a maximum of \$.10 per page for normal photocopying, color copying and digital reproduction of documents. Expedited photocopying or oversized document photocopying may be reimbursed at a higher rate.
- (4) Postage/Courier - You will reimburse the Firm at our actual cost for the expenses of overnight courier or by hand courier.

We would further agree to obtain prior approval for any extraordinary expenses.

Featherstonhaugh Wiley & Clyne, LLP is very interested in further discussing the opportunity of representing your Authority and look forward to hearing from you.

Thank you for your consideration. Please contact me should you require any additional information.

D

## GOVERNMENTAL RELATIONS TEAM BIOGRAPHIES

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### **James D. Featherstonhaugh** **Partner**

Jim is a native of Schenectady, New York and holds a B.A. degree from Hobart College and a J.D. degree from Albany Law School of Union University. As a litigator, Jim has won million dollar verdicts and settlements for clients and has had the privilege of representing many of the Capital District's premiere corporations in litigation. He has also represented numerous clients in litigation against the State and City of New York arising out of regulatory and administrative decision making once again winning million dollar verdicts and settlements for his clients. Jim has also been active for over 40 years in providing governmental relations services to clients across the United States. In 1982 Jim took a leave of absence from his law firm to coordinate the upstate New York portion of Mario Cuomo's successful primary campaign against Mayor Ed Koch and successful general election campaign against Lew Lehrman. Jim has acted as a close advisor and attorney for Senate Majority leaders Warren Anderson and Joseph Bruno and been a friend to many speakers of the Assembly. Jim is admitted to practice in all New York State Courts as well as the United States District Courts for the Northern, Southern, Western and Eastern Districts, the Second Circuit Court of Appeals, and the Supreme Court of the United States. Jim has lectured for the New York State Bar Association and is a member of the American Association for Justice, the New York State Academy of Trial Lawyers, the New York State Bar Association, and is past president and director of SCG Legal. Jim was the founding president of the New York Gaming Association and is the corporate secretary and chief legal officer of Saratoga Casino Hotel.

### **Elizabeth K. Clyne** **Managing Partner**

Elizabeth has served as the firm's managing partner since 1995 and focuses her practice on the delivery of legislative and governmental relations services to clients with a vast array of issues at the state and local level. She has coordinated and developed the legislative strategy for private sector clients including Fortune 100 companies, trade associations, corporations, and partnerships. Elizabeth is co-author, along with Jonathan McCardle, of the New York Chapter of "Lobbying, PACs and Campaign Finance". Elizabeth advises clients regarding compliance with the registration and reporting requirements for the Joint Commission on Public Ethics and the New York State Board of Elections. Elizabeth is the past Chair and member of the Board of Directors of SCG Legal, an international association of law firms. Elizabeth is a native of Delmar, New York, and holds a B.A. degree from St. Lawrence University and a J.D. degree from Albany Law School of Union University. Elizabeth is admitted to the Bar in New York State.

**David F. Fleming, Jr.**  
**Chief Operating Officer**

David was appointed Chief Operating Officer of the firm in January 2017. For more than twenty-five years he has provided association management and legislative representation services for a variety of clients and in relation to many of the most pressing issues in Albany. He has a diverse background in representing some of New York's largest industries to some of the smallest not-for-profits and advocacy organizations. David has published articles and been asked to speak at state and international conferences on legislative advocacy and governmental cooperation.

He is widely recognized as a state expert in cemetery regulation and management, having represented cemetery organizations, including many of New York's largest cemeteries, since 1995. During his more than twenty years of advocating cemetery interests, David has negotiated some of the most significant changes in cemetery policy in New York which are now utilized as national models for cemetery regulation.

Prior to his time at FWC, David served as an administrative and policy assistant for social welfare programs under the Director of Clinical Affairs for the Governor of Massachusetts. Before joining the Governor of Massachusetts, David was a full-time political consultant, working on all aspects of electoral politics in presidential, gubernatorial, attorney general, congressional, state representative and mayoral campaigns. He began his legislative career as a district aide and policy advisor.

In addition to his current management and legislative representation at FWC, David is a Judicial Delegate and served six terms as supervisor of Nassau, New York. He has also led and served on many not-for-profit boards.

David is a native of Averill Park, New York and holds a B.A. degree from Gordon College.

**Ryan J. Banagan**

As part of the governmental relations team Ryan assists in the representation of clients in a broad array of policy matters such as healthcare, financial services, transportation, infrastructure, consumer products, racing and gaming and not-for profits. He specializes in researching and monitoring all forms of policy initiatives and government action including legislation, regulations, public hearings, press releases, websites and other news outlets. Ryan prepares a daily morning newsletter that summarizes the top stories in New York State and federally that is distributed exclusively to our clients and staff.

In addition to his work in governmental relations, Ryan is the editor and head writer for *The Week That Was*, a weekly newsletter on legislative, political, and other governmental activity that is distributed to clients and other interested parties.

Prior to joining FWC in 2016, Ryan worked for the New York State Assembly Majority in the Communications and Information Services Department.

Ryan is a native of Delmar, New York and holds a B.A. in Political Science from Union College, as well as a G.C.J. from Langara College in Vancouver, B.C.

### **Calum J. d'Oelsnitz**

Calum is a member of FWC's governmental relations team and also serves as a member of the firm's association management team. In these capacities, he provides daily legislative representation for various clients while also serving in the role of executive director for client organizations in need of this assistance.

As an association management professional, his duties include responsibility for the day-to-day operations of the organization, including planning and running annual, state-wide and regional conferences, managing the publication of association magazines and materials, negotiating contracts and maintaining records.

Prior to joining FWC, Calum worked as a research analyst for a leading financial services firm in Manhattan, and as a consultant for NYSTEC, a not-for-profit technology consulting company located in Albany, New York.

Calum is a native of Delmar, New York and holds a B.A. in both economics and political science from Binghamton University.

### **Claudia P. Granados**

Claudia has an extensive career in the government, labor, charter school and political arenas. Most recently in her role as the first New York State Director for the Northeast Charter Schools Network (NECSN) and as the National Government Relations Director for Families for Excellent Schools (FES), she oversaw its advocacy work around the state and drove campaigns focused on advancing charter school policies. She worked directly with schools across the state as well as with legislators and policymakers in Albany.

Prior to joining NECSN and FES, she served as Chief Negotiator and Chief Policy Advisor for the City of Newark in Mayor Cory A. Booker's Administration and was responsible for setting city labor public policy, bargaining city contracts for public sector employees and building relationships with local, state and national labor unions.

In her role as consultant, Claudia played a key role in re-organizing the Outreach Department of the Service Employees International Union (SEIU), 1199 Benefit Fund in New York, where she was responsible for developing and implementing systems to better service the 400 thousand working and retired health care industry workers, as well as coordinating staff development and training. Claudia also served as Executive Director for SEIU, NJ State Council in Newark, New Jersey, and as the Deputy Political Director for Local 32BJ in New York, prior to moving from Washington, D.C. where she was the National Political Operations Manager. Her political work includes the California Democratic Party's California Coordinated Campaign, Victory 2000 & 2002, where she held the position of Campaign Comptroller—the youngest person to have such charge and later as Finance Deputy Director. She has experience managing city and statewide campaigns; and ran a Union endorsed Latino Voter Participation program in Hudson County

during Senator Menendez' Senate race and coordinated 2,000 32BJ volunteers for Mayor Bloomberg's Mayoral race in 2005.

Claudia is a graduate of the University of California, Los Angeles, with a Bachelor of Arts degree in Communication Studies. In 2011 she was selected as an Executive Leadership Fellow to the prestigious National Hispanic Leadership Institute; she is a former Fellow representing the U.S. in the National Democratic Institute's Latin America & the Caribbean Program in Washington, D.C.

### **John L. Hardy**

Throughout his career, Jack has been a lobbyist and consultant for a number of clients in business and racing. Previously, Jack served as secretary (chief of staff) to the Assembly Ways and Means Committee where he spent over a decade working directly for two speakers.

Jack played an integral role in the design and implementation of tax and fiscal policy in New York. He possesses a thorough knowledge of the legislative process and a history of working successfully with the leadership in both houses.

A native of Providence, Rhode Island, Jack holds a B.A. degree from Cornell University.

### **Justin A. Hogan**

Justin has a wide range of experience in government, advocacy, political campaigns and strategic communications. Most recently, Justin was the Director of Business Development for a Government Relations and Alliance Development firm. In this role Justin excelled at building critical relationships with key leaders and helped clients navigate the legislative and political environment.

In 2007-2013 Justin was the Director of Development for the Rockefeller College of Public Affairs & Policy at the University at Albany. As the Director of Development, Justin served as the liaison to the Rockefeller College Advisory Board and worked closely with university administration and elected officials, as well as key business and community leaders to advance the mission of the university and secure critical funding. During the 2006 election cycle, Justin served as the Political Director for Jeanine Pirro, the Republican candidate for New York State Attorney General. As Political Director, Justin developed a county-by-county grassroots network to motivate voters, recruited a team of volunteers statewide, and mobilized several coalitions to expand the base of support.

Earlier in his career he worked in the New York State Senate as a Legislative Aide and a Coordinator in the Office of Member Services. As Legislative Aide to Senator Betty Little, Justin researched and tracked legislation, prepared briefings and represented the Senator at legislative and community events. As Coordinator he developed a strategic communications strategy for members of the Majority Conference and coordinated several community events in numerous senate districts. In addition, Justin worked for the New York Republican State Committee as a Special Assistant to the Chairman, the 2004 Bush/Cheney Campaign as a Field Director in West Virginia and for the 2004 Republican National Convention as Coordinator for Media Operations. Justin holds of Bachelor of Arts Degree in Political Science from the University at Albany and



currently serves as the Chairman of the Saratoga Springs Board of Ethics and is a member of the Knights of Columbus.

**Jonathan S. McCardle**  
**Associate**

Jonathan was recognized by City & State Magazine as a 2016 "40 Under 40 Rising Star in Albany" and by the Albany Times Union as part of the next "emerging class of young lobbyists". Jonathan received a Bachelor of Science with a concentration in Business Finance from Siena College and received his JD degree from the Albany Law School at Union University. He joined Featherstonhaugh, Wiley & Clyne, LLP in 2011 and has developed extensive knowledge and experience in the areas of administrative law, government relations, complex litigation and lobbying compliance. As an attorney, Jonathan is a skilled courtroom and appellate advocate who has represented clients before the United States Court of Appeals for the Second Circuit and other tribunals across New York State. His diverse litigation practice includes administrative as well as commercial and personal injury litigation and on occasion criminal defense. Jonathan's legal practice also includes procurement bid protests before the State of New York and various federal agencies.

As a registered lobbyist Jonathan has represented clients in the areas of racing and gaming, financial services, law enforcement and alcohol beverage control. Jonathan has successfully developed strong relationships within the New York State legislative and executive branches of government. Jonathan is co-author, along with Elizabeth K. Clyne, of the New York Chapter of "Lobbying, PACs and Campaign Finance".

Jonathan is also very involved in charitable causes. He is a founding board member and current Vice President of the New York Chapter of Folds of Honor, an organization that provides educational scholarships to spouses and children of America's fallen and disabled service-members.

**Stephen D. Morgan**

Steve has provided FWC clients with governmental relations, marketing and consulting services in the infrastructure, transportation and economic development industries for the past 18 years. Prior to joining FWC in 2000, Steve was vice president for business development and government relations at URS Corporation, an international consulting engineering firm headquartered in New York City. Previously, he had a distinguished career in state government. Steve spent 18 years with the New York State Thruway Authority, serving as Executive Director in 1995-96. He was responsible for the management and operation of a 641-mile toll road and a 524-mile canal system. He also held positions of Director of Internal Audit, Director of Government Relations, and Deputy Director of Operations. Before joining the Thruway Authority, Steve worked over eight years for the New York State Department of Motor Vehicles. In 2005, Steve was the treasurer and day-to-day manager of the successful \$3.96 Billion Rebuild and Renew New York Transportation Bond Act.

Steve is a native of Cortland, New York and holds a B.A. in Political Science from King's College.



**ECWA Proposed Scope of Services:**

The Authority is seeking a two-year contract with the option, at the Authority's discretion, for one two-year extension. The following services are desired:

- Developing and implementing a proactive government relations strategy on behalf of the Authority.
- Providing strategic consultation and planning on Authority government relations strategies and matters.
- Communicating and representing the Authority's interests with state legislators, state agencies, the Executive Chamber, and local government officials.
- Advise and assist the Authority on how to advance its agenda and interests before the state government.
- Monitoring, tracking, and researching legislation, regulations, and executive branch action or proposed actions that would be of significance to the Authority that is currently under consideration by the state legislature or Governor's office.
- Provide the Authority with periodic updates, copies of relevant legislations, rules, orders and/or decisions and otherwise keep the Authority informed of significant proposed governmental actions.
- Attend meetings with Commissioners to discuss potential opportunities and challenges, as requested by the Secretary to the Authority or Board of Commissioners.
- Prepare factual documents and briefing materials as may be advisable, and prepare written and oral testimony to be delivered before one or more committees and subcommittees of the New York State Legislature if required.
- Preparation of any lobbying registrations as may be necessary, including without limitation, the New York State Joint Commission on Public Integrity.
- Other government relations activities as requested by the Authority.

F



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
9/11/2018

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).

<b>PRODUCER</b> Marshall & Sterling Upstate, Inc. 25 Mohawk Avenue Scotia NY 12302		<b>CONTACT NAME:</b> Kathryn Paone <b>PHONE (A/C, No., Ext):</b> (518) 384-1100 <b>FAX (A/C, No.):</b> (518) 384-0193 <b>E-MAIL ADDRESS:</b> kpaone@marshallsterling.com	
<b>INSURED</b> Featherstonhaugh, Wiley & Clyne, LLP 111 Washington Avenue Suite 501 Albany NY 12210		<b>INSURER(S) AFFORDING COVERAGE</b> <b>INSURER A:</b> Travelers Casualty Ins Co. of 19046 <b>INSURER B:</b> Travelers Indemnity Co. 25658 <b>INSURER C:</b> Twin City Fire Insurance Co. 29459 <b>INSURER D:</b> <b>INSURER E:</b> <b>INSURER F:</b>	

COVERAGES CERTIFICATE NUMBER: CL1812946614 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 INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:			I680574H66961742	11/3/2017	11/3/2018	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 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 Employee Benefits \$ 1,000,000
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			I680574H66961742	11/3/2017	11/3/2018	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 10,000			CUP574H67151742	11/3/2017	11/3/2018	EACH OCCURRENCE \$ 2,000,000 AGGREGATE \$ 2,000,000
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	01WECNS5935	12/31/2017	12/31/2018	PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ 100,000 E.L. DISEASE - EA EMPLOYEE \$ 100,000 E.L. DISEASE - POLICY LIMIT \$ 500,000

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

<b>CERTIFICATE HOLDER</b>  	<b>CANCELLATION</b> 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 Jeanne Maloy/KPAONE

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9/11/2018

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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 Marshall & Sterling Upstate, Inc. 125 High Rock Ave., Suite 206  Saratoga Springs NY 12866	CONTACT NAME: Mary Lou Weil, ACSR
	PHONE (A/C No, Ext): (518) 587-1342 FAX (A/C, No): (518) 587-1348 E-MAIL ADDRESS: mweil@marshallsterling.com
INSURED Featherstonhaugh, Wiley & Clyne LLP 111 Washington Ave Ste 501 Albany NY 12210	INSURER(S) AFFORDING COVERAGE INSURER A: CNA Insurance Companies INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:

COVERAGES CERTIFICATE NUMBER: CL1891157073 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 INSD	SUBR VVVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:						EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$ \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	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 <input type="checkbox"/> N <input type="checkbox"/> N/A PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	Lawyer's Professional Deductible/claim \$10,000			596802224	7/1/2018	7/1/2019	Limit Each Claim \$2,000,000 Aggregate Limit \$2,000,000

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

### CERTIFICATE HOLDER

### CANCELLATION

Proof of Coverage	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 K Grey, CIC, CRM, MBA <i>Kenneth W Grey</i>

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### RESPONDENT'S CERTIFICATION

I have carefully examined the Request for Proposals (RFP) and any other documents accompanying or made a part of this Request for Proposals for (RFP) Government Relations and Lobbying Services.

I hereby propose to furnish the service(s) and/or product(s), etc. specified in my response to the Request for Proposals for the Erie County Water Authority (Authority) – Request for Proposals (RFP) Government Relations and Lobbying Services at the prices or rates quoted in my proposal. I agree that my proposal will remain firm for a period of up to ninety (90) days after date Offer submits its proposal, in order to allow the Authority adequate time to evaluate all proposals it receives.

I agree to abide by all conditions of the Request for Proposals issued by the Authority.

I certify that all information contained in this response to the Request for Proposals is truthful to the best of my knowledge and belief. I further certify that I am authorized to submit this response to the Request for Proposals on behalf of the agent/broker and/or insurer(s) as its act and deed and that the same is ready, willing and able to perform if awarded the contract.

I further certify, under oath, that this proposal is made without prior understanding, agreement, connection, discussion, or collusion with any other person, firm or corporation submitting a proposal for the same service(s), product(s), coverage(s), etc. unless a joint proposal is disclosed by the respondents and the joint proposers act as a syndicate, and the individual parties in the joint proposal, as well as the syndicate, abide by all the terms and conditions set forth in this RFP; 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: Featherstonhaugh, Wiley + Clyde LLP

BY: David Fleming, Jr., COO

SIGNATURE: 

NAME & TITLE, TYPED OR PRINTED: David Fleming, Jr., COO

MAILING ADDRESS: 111 WASHINGTON Avenue, Suite 501

CITY, STATE, ZIP CODE: Albany, NY 12210

TELEPHONE NUMBER: 518.436.0786



**BACKGROUND  
FORMS A, B and C**

Pursuant to New York State Finance Law §§139-j and 139-k, this solicitation for a Request for Proposals (RFP) Government Relations and Lobbying Services 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 on the cover page of this solicitation. 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.

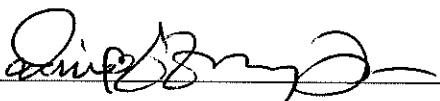
FORM A

**Offerer's Affirmation of Understanding 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 the date 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: 9/11/2018

Name: David F. Fleming, Jr.

Title: COO

Contractor Name: Featherstonough, Wiley + Clynne, LLP

Contractor Address: 111 WASHINGTON Avenue, Suite 501  
Albany, NY 12210

**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 the date of 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: 9/11/2018

Name: David R. Fleming, Jr.

Title: COO

Contractor Name: Farmerstonhaugh, Wiley & Clyne, LLP

Contractor Address: 111 Washington Avenue, Suite 501  
Albany, NY 12210

**FORM C**

Page 1 of 3

**Offerer 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 Governmental 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 that 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 the date the Offerer submits its proposal.

**Offerer Disclosure of Prior Non-Responsibility Determinations**

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

Featherstonhugh, Wiley + Clyde LLP

Address: 111 Washington Avenue, Suite 501

Albany, NY 12210

Name and Title of Person Submitting this Form: David Fleming, Jr., COO

Contract Procurement Number: 201800178

Date: 9/11/2018

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)

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: \_\_\_\_\_

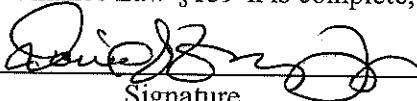
Date of Termination or Withholding of Contract: \_\_\_\_\_

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: 9/11/2018  
Signature

Name: DAVID F. FLEMING, JR.

Title: COO