



Meeting Agenda – STAMP Committee
 Genesee County Economic Development Center
 Wednesday, July 10, 2024 - 8:00 a.m.
 Location: 99 MedTech Drive, Innovation Zone

Page #'s	Topic	Discussion Leader	Desired Outcome
	1. Call to Order – Enter Public Session	P. Zelif	
	1a. Executive Session Motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105 for the following reasons: <ol style="list-style-type: none"> 1. Discussions regarding proposed, pending or current litigation. 2. The medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation. 3. The proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof. 1b. Enter Public Session	P. Zelif	
2-4	2. Chairman’s Report & Activities 2a. Agenda Additions / Deletions / Other Business 2b. Minutes: June 5, 2024	P. Zelif	Vote
5-15	3. Discussions / Official Recommendations to the Board: 3a. O’Connell Electric Proposal for Site Work and Installation of Control House	M. Masse	Disc / Vote
16-30	3b. O’Connell Electric Proposal for Build out of Bay Service for Edwards	M. Masse	Disc / Vote
31-34	3c. Marshalling Yard Agreement with National Grid	M. Masse	Disc / Vote
	4. Adjournment	P. Zelif	Vote



GCEDC STAMP Committee Meeting

Wednesday, June 5, 2024

Location: 99 MedTech Drive, Innovation Zone

8:00 a.m.

MINUTES

ATTENDANCE

Committee Members: M. Clattenburg, C. Kemp, C. Yunker, P. Zeliff
Staff: M. Masse, L. Farrell, P. Kennett, E. Finch, C. Suozzi, L. Casey
Guests: R. Crossen (Town of Alabama Supervisor), M. Fitzgerald (Phillips Lytle)
Absent:

1. Call to Order / Enter Public Session

P. Zeliff called the meeting to order at 8:01 a.m. in the Innovation Zone.

1a. Executive Session

M. Clattenburg made a motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105, at 8:01 a.m., for the following reasons:

1. Discussions regarding proposed, pending, or current litigation.
2. The medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.
3. The proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such a public body, but only when publicity would substantially affect the value thereof.

The motion was seconded by C. Kemp and approved by all members present.

1b. Re-Enter Public Session

M. Clattenburg made a motion to enter back into public session at 8:39 a.m., seconded by C. Kemp and approved by all.

2. Chairman’s Report & Activities

2a. Agenda Additions / Deletions/ Other Business – Nothing at this time.

2b. Minutes: May 1, 2024

C. Yunker made a motion to approve the May 1, 2024, minutes; the motion was seconded by C. Kemp. Roll call resulted as follows:

P. Zeliff - Yes
C. Yunker - Yes
M. Clattenburg – Yes

2b

2

C. Kemp - Yes

The item was approved as presented.

3. Discussions / Official Recommendations to the Board:

3a. O’Connell Electric Proposal for Substation – O’Connell Electric has prepared a proposal to complete the design and engineering and review of the high side of the substation (NYPA) that is related to the control house and installation of the control house. The reasons for utilizing O’Connell for this work are as follows:

1. They are already on-site doing work for another entity
2. The project cannot withstand the delay that an RFP process would entail
3. A second electrical firm would lead to confusion and finger pointing about any work quality or timeliness issues
4. They are familiar with NYPA specifications and their engineering team since they have been working on this project with them

Fund Commitment: \$3,430,350 to be included in the \$56 million FAST NY award and we would use operating funds to pay until FAST NY funds become available.

Board Action Request: Recommend approval to the full Board of the O’Connell Electric contract not to exceed \$3,430,350.

This contract is related to engineering professional services only.

C. Yunker made a motion to recommend to the full Board the approval of the O’Connell Electric Proposal for Substation not to exceed \$3,430,350 as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

- P. Zeliff - Yes
- C. Yunker - Yes
- M. Clattenburg – Yes
- C. Kemp - Yes

The item was approved as presented.

3b. Phillips Lytle Fees- Phillips Lytle has prepared a proposal to cover the scope of work for the remainder of 2024 as it relates to Tech Team support for the offsite sewer permitting and wetland permitting, the wastewater treatment facility permitting, and force main installation. M. Fitzgerald stated that the last increase to the contract was for services provided through the end of 2023, but Phillips Lytle was able to stretch it to mid-2024. Phillips Lytle *hopes* that they can stretch this increase to the contract beyond the end of 2024.

Fund Commitment: Not to exceed \$500,000 to be included in the \$33 million.

Board Action Request: Recommend approval to the full Board the Phillips Lytle contract not to exceed \$500,000.

C. Yunker made a motion to recommend to the full Board the approval of the Phillips Lytle Fees not to exceed \$500,000 as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

P. Zeliff - Yes
C. Yunker - Yes
M. Clattenburg – Yes
C. Kemp - Yes

The item was approved as presented.

3c. Access Agreement for Edwards Vacuum - As part of their construction of their manufacturing facility, Edwards (Geis) would like to access their site via the hammerhead off of STAMP Drive. There is a small (approximately 200 ft by 200 ft) area that is owned by the GCEDC. This Access Agreement allows Edwards (Geis) to install a stone road across this parcel to connect the hammerhead to their site.

Fund Commitment: None.

Committee Action Request: Recommend approval of access agreement.

M. Clattenburg made a motion to recommend to the full Board the approval of the access agreement for Edwards Vacuum(Geis) as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

P. Zeliff - Yes
C. Yunker - Yes
M. Clattenburg – Yes
C. Kemp - Yes

The item was approved as presented.

4. Adjournment

As there was no further business, M. Clattenburg made a motion to adjourn at 8:44 a.m., seconded by C. Kemp and passed unanimously.

A regular meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency") was convened in public session at 99 MedTech Drive, Suite 106, Batavia, New York 14020, on July 11, 2024, at 4:00 pm local time.

The meeting was called to order by the _____ and, upon roll being called, the following members of the Agency were:

PRESENT:

Peter Zeff, Chairman
Matthew Gray, Vice Chair
Paul Battaglia
Marianne Clattenburg
Chandy Kemp
Kathleen Manne
Craig Yunker

ABSENT:

THE FOLLOWING PERSONS WERE ALSO PRESENT:

Resolution No. ___/2024 - _____

RESOLUTION (i) TAKING OFFICIAL ACTION TOWARD AND APPROVING THE PROCUREMENT OF CONSTRUCTION SERVICES (THE "SERVICES") RELATING TO THE AGENCY'S STAMP PROJECT, (ii) AUTHORIZING THE EXECUTION AND DELIVERY OF A CONSTRUCTION CONTRACT AND RELATED DOCUMENTS WITH RESPECT TO THE SERVICES (THE "CONTRACT"), (iii) AUTHORIZING THE EXPENDITURE OF THE NECESSARY FUNDS OF THE AGENCY WITH RESPECT TO THE SERVICES, AND (iv) AUTHORIZING THE TAKING OF OTHER ACTION IN CONNECTION THEREWITH.

WHEREAS, the Genesee County Industrial Development Agency d/b/a ~~the~~ Genesee County Economic Development Center ("GCEDC"), in conjunction with the Genesee Gateway Local Development Corporation ("GGLDC"), the non-profit real estate affiliate of the GCEDC (collectively, "Agency"), have been working for more than a decade on the development of the Western New York Science & Technology Advanced Manufacturing Park ("STAMP"), an advanced manufacturing technology campus on approximately 1,262 acres located on the west side of New York State Route 63/77, approximately five miles north of the I-90/New York State Thruway ("STAMP Site") in the Town of Alabama, New York ("Town"), and

WHEREAS, the Agency is authorized and empowered by the provisions of the Chapter 1030 of the Laws of 1969 of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act") and Chapter 71 of the 1972 Laws of New York, as amended, constituting Section 895-e of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, renovating, improving, maintaining, equipping and furnishing of commercial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct and install one or more "projects" (as defined in the Act) or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, the Agency is now considering whether to procure the Services pursuant the Contract in relation to STAMP (the "Project"); and

WHEREAS, in 2010, pursuant to the State Environmental Quality Review Act ("SEQR"), the Agency commenced preparation of a generic environmental impact statement consisting of the Draft Generic Environmental Impact Statement ("DGEIS") accepted by the

Agency on April 14, 2011, the Final Generic Environmental Impact Statement (“FGEIS”) accepted by the Agency on January 19, 2012, as well as the public comments on the DGEIS received at the May 12, 2011, public hearing and during the public comment period which was conducted from April 21, 2011, through June 23, 2011 (collectively, the DGEIS and the FGEIS are referred to as the “STAMP GEIS”); and

WHEREAS, the purposes of the STAMP GEIS were to identify and evaluate the potential significant adverse environmental impacts of STAMP, compare the reasonable alternatives, and, where applicable, to identify reasonable mitigation measures to reduce the effect of those impacts to the maximum extent practicable, while weighing the substantial potential social and economic benefits of STAMP; and

WHEREAS, the GCEDC, as lead agency, issued a written Findings Statement based on the STAMP GEIS on March 12, 2012 (“2012 GCEDC Findings”) approving STAMP and committing to undertake it; and

WHEREAS, the Agency prepared a smart growth impact statement (“SGIS”) for STAMP pursuant to the State Smart Growth Public Infrastructure Policy Act separately from the STAMP GEIS in February, 2012; and

WHEREAS, in 2016 and 2020, a number of changes were made to STAMP which necessitated further environmental review and such review was undertaken by the Agency; and

WHEREAS, Amended Findings Statements were issued by the Agency in 2016 and 2020 (the 2012 GCEDC Findings and the Amended Findings issued in 2016 and 2020 are, collectively, the “STAMP Findings”); and

WHEREAS, the STAMP Findings contemplated the construction of an electrical substation (including a 345kV switchyard) (the “Substation”) as part of STAMP; and

WHEREAS, Plug Power retained O’Connell Electric Company, Inc. (“Contractor”) to perform work on the Substation, but has now abandoned that work; and

WHEREAS, the Substation is a vital component of STAMP; and

WHEREAS, at its June 6, 2024 meeting, the Agency approved the Contactor to perform certain engineering work for the Substation; and

WHEREAS, the next step in the development of the Substation involves certain construction work; and

WHEREAS, the Contractor has submitted a proposal to the Agency to perform the Services dated May 24, 2024; and

WHEREAS, the Agency now desires to make its determination to accept such proposal and proceed with the procurement of the Services from the Contractor pursuant to the Contract (the "Project"), all subject to the terms hereof; and

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE AGENCY AS FOLLOWS:

Section 1. The Agency hereby determines that the Project is consistent with the corporate purposes of the Agency, will preserve and advance the job opportunities, health, general prosperity and economic welfare of the people of the Genesee County, New York, will improve their standard of living and will prevent unemployment and economic deterioration.

Section 2. Having considered the STAMP Findings and STAMP GEIS, and having considered the relevant environmental impacts, facts and conclusions relied upon to meet the requirements of 6 N.Y.C.R.R. § 617.11, and having weighed and balanced the relevant impacts with social, economic and other considerations, the Agency recertifies that:

(i) The requirements of 6 N.Y.C.R.R. Part 617 have been met; and

(ii) Consistent with the social, economic and other essential considerations from among the reasonable alternatives available, the Project remains one which avoids or minimizes adverse environmental effects to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures which were identified as practicable.

Section 3. The Agency hereby ratifies, confirms and approves all actions heretofore taken by the Agency's President and Chief Executive Officer, Senior Vice President of Operations, Procurement Officer and the staff of the Agency with respect to the Project, including, without limitation, (a) the execution and delivery of any documents, instruments and agreements heretofore executed or delivered by the Agency related thereto, (b) those actions required to ensure full compliance with the requirements of the Act and applicable laws that relate to the Project, and (c) the appointment of the law firm of Phillips Lytle LLP, as Special Counsel to the Agency with respect to all matters in connection with the Project.

Section 4. The Agency hereby further determines to proceed with the Project and authorizes the Agency's Chairman, President and Chief Executive Officer, and the Senior Vice President of Operations, acting individually or jointly, to (a) negotiate, execute and deliver the Contract and all other documents, instruments and agreements as such officer(s) may deem advisable or necessary, which are not inconsistent with the intent and substance of this Resolution, to (i) acquire the Services, and (ii) pay, or finance the payment of the cost of the Services and all related costs (collectively, the "Project Documents"), the execution and delivery of such Project Documents by the Agency being on such terms and conditions as such officer(s) shall deem necessary or advisable, and (b) do all things necessary, convenient or appropriate for the accomplishment thereof. The execution and delivery of the Project Documents by any one of said officers shall be conclusive evidence of due authorization and approval. In addition, where

appropriate, the Secretary (or Assistant Secretary) of the Agency is hereby authorized to affix the seal of the Agency to any such Project Documents and to attest the same.

Section 5. The Agency hereby further authorizes the expenditure of up to \$1,247,400 of funds of the Agency with respect to the Project.

Section 6. The Agency hereby determines that it has complied with its Procurement Policy and Guidelines (the "Policy"). The Agency's Procurement Officer has determined that it is "not in the best interest of the ["Agency"] to procure the Services pursuant to the Competitive Quotation requirements of the Policy. Pursuant to Section 6.3(2)(iii) of the Policy, the Agency hereby determines that it is not in the best interest of the Agency to procure the Services in accordance with the Agency's Competitive Quotation requirements and that procurement of same need not be pursuant to the Competitive Quotation process set forth in the Policy. The Procurement Officer has satisfactorily explained to the Agency the procurement process undertaken in connection with the Contract including:

- the Contractor is already on site performing related work,
- the Contractor is already familiar with the required Services,
- contracting with the Contractor will reduce or eliminate any delays with the construction of the Substation, and
- the Agency has received the opinion letter dated June 13, 2024 to the effect that the costs of the Services proposed by the Contractor are "reasonable" and "align with industry standards".

Section 7. All covenants, stipulations, obligations and agreements of the Agency contained in this Resolution and contained in the Project Documents shall be deemed to be the covenants, stipulations, obligations and agreements of the Agency to the full extent authorized or permitted by law, and such covenants, stipulations, obligations and agreements shall be binding upon the Agency and its successors from time to time and upon any board or body to which any powers or duties affecting such covenants, stipulations, obligations and agreements shall be transferred by or in accordance with law. Except as otherwise provided in this Resolution, all rights, powers and privileges conferred and duties and liabilities imposed upon the Agency or the members thereof by the provisions of this Resolution and the Project Documents shall be exercised or performed by the Agency or by such members, officers, board or body as may be required by law to exercise such powers and to perform such duties.

No covenant, stipulation, obligation or agreement herein contained or contained in any of the Project Documents shall be deemed to be a covenant, stipulation, obligation or agreement of any member, officer, agent or employee of the Agency in his or her individual capacity, and neither the members of the Agency nor any officer executing any of the Project Documents shall be liable personally on any of the Project Documents or be subject to any personal liability or accountability by reason of the issuance thereof.

Section 8. The officers, employees and agents of the Agency are hereby authorized and directed, acting individually or jointly, for and in the name and on behalf of the Agency to do all acts and things required or provided for by the provisions of the Project Documents, to execute

and deliver all such additional certificates, instruments, agreements and documents, to pay all such fees, charges and expenses, and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, convenient or appropriate to effect the purposes of this Resolution and to cause compliance with all of the terms, covenants and provisions of the Project Documents to which the Agency is a party or which are binding on the Agency.

Section 9. The Agency recognizes that due to the unusual complexities of the Project it may become necessary that certain of the terms approved hereby may require modifications which will not affect the intent and substance of the authorizations and approvals by the Agency herein. The Agency's Chairman, President and Chief Executive Officer, and the Senior Vice President of Operations, acting individually or jointly, are hereby authorized to approve modifications to the terms approved herein which are not inconsistent with the intent and substance of this Resolution, such approval to be conclusively evidenced by the execution by any one of such officers of documents, instruments or agreements containing such modifications.

Section 10. The Chairman, President and Chief Executive Officer, and the Senior Vice President of Operations, acting individually or jointly, are hereby authorized to do such further things or perform such further acts as may be necessary, convenient or appropriate to implement the provisions of this Resolution.

Section 11. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<i>Yea</i>		<i>Nay</i>		<i>Absent</i>		<i>Abstain</i>	
Peter Zeliff	[]	[]	[]	[]
Matthew Gray	[]	[]	[]	[]
Paul Battaglia	[]	[]	[]	[]
Marianne Clattenburg	[]	[]	[]	[]
Chandy Kemp	[]	[]	[]	[]
Kathleen Manne	[]	[]	[]	[]
Craig Yunker	[]	[]	[]	[]

The Resolution was thereupon duly adopted.

CERTIFICATION

STATE OF NEW YORK)
) SS.:
COUNTY OF GENESEE)

I, the undersigned [Asst.] Secretary of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency"), do hereby certify that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on July 11, 2024, with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, except for the Executive Session, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present throughout said meeting and said Executive Session.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this _____ day of July, 2024.

Secretary



O'Connell Electric Company, Inc.

*Industrial & Commercial Construction · Power Line & Substation · Communications
Transportation · Renewable Energy · Service & Maintenance · Technical Services*

July 2, 2024

Genesee County Economic Development Ctr
Mark A. Masse, CPA

Sir,

Per your request, O'Connell Electric proposes the following site activities to progress construction activities at the Stamp 345kV substation site. This is an activity that will get the completed, prefabricated building on site timely. This step will ensure that construction, when restarted, will: 1) provide a starting point for the switchyard cable trench raceways, 2) get the completed control building out of temporary storage in Michigan and 3) provide a completed building ready to accept the relay panels, communication equipment, security, and IT/OT racks.

- Construction of NYPA control building foundation and delivery / assembly of the building. This building is currently complete and pending factory acceptance visit to manufacturer.

The attached table A-1 shows the cost to complete values. These values are lump sum and rely on timely NYPA submission and approval reviews of construction methods and materials prescribed in the pending IFC documents. Invoicing will be monthly upon notice to proceed, terms net 30 days. All field craft labor performed on site will be prevailing wage.

Clarification: The cost stated do not include NYPA site QA oversight - this will be required to progress forward.

If you have any further questions, do not hesitate to contact myself.

Sincerely,

Timothy Ehmman
VP- Substations
585.755.5596
tim.ehmann@oconnellelectric.com

Corporate Headquarters 830 Phillips Road | Victor, NY 14564 | Phone 585.924.2176 | Fax 585.924.4973

Albany 2360 Maxon Road Ext | Schenectady, NY 12308 | Phone 518.346.0077 | Fax 518.346.0728 **Rochester** 390 Systems Road | Rochester, NY 14623 | Phone 585.424.3472 | Fax 585.424.3486

Buffalo 929B Ransom Road | Lancaster, NY 14086 | Phone 716.675.9010 | Fax 716.686.0586 **Syracuse** 301 Stoutenger Street | East Syracuse, NY 13057 | Phone 315.437.1453 | Fax 315.437.7431

www.oconnellelectric.com

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Attachment A-1

Stamp - NYPA Control Bldg

Site Remobilization	\$	80,000.00	
NYPA Control House foundation	\$	324,000.00	
NYPA Control Bldg storage, dely & assy	\$	286,000.00	
Site Mgmt - 4 mo	\$	400,000.00	
Site Supt.			
3rd Party QA/QC			
Trailers / Office / Storage			
Site Truck, Forklift, Sanitary			
Equipment Warranty Inspections			
Project Mgmt- 4 Mo	\$	44,000.00	
OCE M/U	\$	<u>113,400.00</u>	
Total			\$ 1,247,400.00



June 13, 2024

Mr. Mark Masse, CPA
Senior Vice President of Operations
GCEDC
99 MedTech Drive, Suite 106
Batavia, New York 14020

**RE: STAMP 345KV SUBSTATION
O'CONNELL ELECTRIC COMPANY
COST ESTIMATE REVIEW**

Dear Mark:

CPL has reviewed the cost estimate and information provided by O'Connell Electric Company to the GCEDC on May 24, 2024, to progress the 345kV substation construction and to construct a new NYPA control building. The cost estimate includes engineering, control building fit out and requirements, civil/site engineering and construction, frost walls, concrete foundations and construction oversight.

Based on the limited information and details provided, CPL concurs that the values stated within the cost estimate seem reasonable and that the costs align with industry standards.

Should you have any questions or require further clarification regarding this letter, please do not hesitate to contact me at (585) 402-7506 or akosa@cplteam.com.

Very truly yours,

CPL

A handwritten signature in black ink, appearing to read 'A. Kosa'.

Andrew R. Kosa, P.E.
Engineering Associate Principal

A regular meeting of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency") was convened in public session at 99 MedTech Drive, Suite 106, Batavia, New York 14020, on July 11, 2024, at 4:00 pm local time.

The meeting was called to order by the _____ and, upon roll being called, the following members of the Agency were:

PRESENT:

Peter Zeliff, Chairman
Matthew Gray, Vice Chair
Paul Battaglia
Marianne Clattenburg
Chandy Kemp
Kathleen Manne
Craig Yunker

ABSENT:

THE FOLLOWING PERSONS WERE ALSO PRESENT:

Resolution No. ___/2024 - _____

RESOLUTION (i) TAKING OFFICIAL ACTION TOWARD AND APPROVING THE PROCUREMENT OF CONSTRUCTION SERVICES (THE "SERVICES") RELATING TO THE AGENCY'S STAMP PROJECT, (ii) AUTHORIZING THE EXECUTION AND DELIVERY OF A CONSTRUCTION CONTRACT AND RELATED DOCUMENTS WITH RESPECT TO THE SERVICES (THE "CONTRACT"), (iii) AUTHORIZING THE EXPENDITURE OF THE NECESSARY FUNDS OF THE AGENCY WITH RESPECT TO THE SERVICES, AND (iv) AUTHORIZING THE TAKING OF OTHER ACTION IN CONNECTION THEREWITH.

WHEREAS, the Genesee County Industrial Development Agency d/b/a the Genesee County Economic Development Center ("GCEDC"), in conjunction with the Genesee Gateway Local Development Corporation ("GGLDC"), the non-profit real estate affiliate of the GCEDC (collectively, "Agency"), have been working for more than a decade on the development of the Western New York Science & Technology Advanced Manufacturing Park ("STAMP"), an advanced manufacturing technology campus on approximately 1,262 acres located on the west side of New York State Route 63/77, approximately five miles north of the I-90/New York State Thruway ("STAMP Site") in the Town of Alabama, New York ("Town"), and

WHEREAS, the Agency is authorized and empowered by the provisions of the Chapter 1030 of the Laws of 1969 of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act") and Chapter 71 of the 1972 Laws of New York, as amended, constituting Section 895-e of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, renovating, improving, maintaining, equipping and furnishing of commercial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct and install one or more "projects" (as defined in the Act) or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, the Agency is now considering whether to procure the Services pursuant the Contract in relation to STAMP (the "Project"); and

WHEREAS, in 2010, pursuant to the State Environmental Quality Review Act ("SEQR"), the Agency commenced preparation of a generic environmental impact statement consisting of the Draft Generic Environmental Impact Statement ("DGEIS") accepted by the

Agency on April 14, 2011, the Final Generic Environmental Impact Statement (“FGEIS”) accepted by the Agency on January 19, 2012, as well as the public comments on the DGEIS received at the May 12, 2011, public hearing and during the public comment period which was conducted from April 21, 2011, through June 23, 2011 (collectively, the DGEIS and the FGEIS are referred to as the “STAMP GEIS”); and

WHEREAS, the purposes of the STAMP GEIS were to identify and evaluate the potential significant adverse environmental impacts of STAMP, compare the reasonable alternatives, and, where applicable, to identify reasonable mitigation measures to reduce the effect of those impacts to the maximum extent practicable, while weighing the substantial potential social and economic benefits of STAMP; and

WHEREAS, the GCEDC, as lead agency, issued a written Findings Statement based on the STAMP GEIS on March 12, 2012 (“2012 GCEDC Findings”) approving STAMP and committing to undertake it; and

WHEREAS, the Agency prepared a smart growth impact statement (“SGIS”) for STAMP pursuant to the State Smart Growth Public Infrastructure Policy Act separately from the STAMP GEIS in February, 2012; and

WHEREAS, in 2016 and 2020, a number of changes were made to STAMP which necessitated further environmental review and such review was undertaken by the Agency; and

WHEREAS, Amended Findings Statements were issued by the Agency in 2016 and 2020 (the 2012 GCEDC Findings and the Amended Findings issued in 2016 and 2020 are, collectively, the “STAMP Findings”); and

WHEREAS, the STAMP Findings contemplated the construction of an electrical substation (including a 115kV Station) (the “Substation”) as part of STAMP; and

WHEREAS, Plug Power retained O’Connell Electric Company, Inc. (“Contractor”) to perform work on the Substation, but has now abandoned that work; and

WHEREAS, the Substation is a vital component of STAMP; and

WHEREAS, at its June 6, 2024 meeting, the Agency approved the Contactor to perform certain engineering work for the Substation; and

WHEREAS, the next step in the development of the Substation involves certain construction work; and

WHEREAS, the Contractor has submitted a proposal to the Agency to perform the Services dated June 28, 2024; and

WHEREAS, the Agency now desires to make its determination to accept such proposal and proceed with the procurement of the Services from the Contractor pursuant to the Contract (the "Project"), all subject to the terms hereof; and

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE AGENCY AS FOLLOWS:

Section 1. The Agency hereby determines that the Project is consistent with the corporate purposes of the Agency, will preserve and advance the job opportunities, health, general prosperity and economic welfare of the people of the Genesee County, New York, will improve their standard of living and will prevent unemployment and economic deterioration.

Section 2. Having considered the STAMP Findings and STAMP GEIS, and having considered the relevant environmental impacts, facts and conclusions relied upon to meet the requirements of 6 N.Y.C.R.R. § 617.11, and having weighed and balanced the relevant impacts with social, economic and other considerations, the Agency recertifies that:

(i) The requirements of 6 N.Y.C.R.R. Part 617 have been met; and

(ii) Consistent with the social, economic and other essential considerations from among the reasonable alternatives available, the Project remains one which avoids or minimizes adverse environmental effects to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures which were identified as practicable.

Section 3. The Agency hereby ratifies, confirms and approves all actions heretofore taken by the Agency's President and Chief Executive Officer, Senior Vice President of Operations, Procurement Officer and the staff of the Agency with respect to the Project, including, without limitation, (a) the execution and delivery of any documents, instruments and agreements heretofore executed or delivered by the Agency related thereto, (b) those actions required to ensure full compliance with the requirements of the Act and applicable laws that relate to the Project, and (c) the appointment of the law firm of Phillips Lytle LLP, as Special Counsel to the Agency with respect to all matters in connection with the Project.

Section 4. The Agency hereby further determines to proceed with the Project and authorizes the Agency's Chairman, President and Chief Executive Officer, and the Senior Vice President of Operations, acting individually or jointly, to (a) negotiate, execute and deliver the Contract and all other documents, instruments and agreements as such officer(s) may deem advisable or necessary, which are not inconsistent with the intent and substance of this Resolution, to (i) acquire the Services, and (ii) pay, or finance the payment of the cost of the Services and all related costs (collectively, the "Project Documents"), the execution and delivery of such Project Documents by the Agency being on such terms and conditions as such officer(s) shall deem necessary or advisable, and (b) do all things necessary, convenient or appropriate for the accomplishment thereof. The execution and delivery of the Project Documents by any one of said officers shall be conclusive evidence of due authorization and approval. In addition, where

appropriate, the Secretary (or Assistant Secretary) of the Agency is hereby authorized to affix the seal of the Agency to any such Project Documents and to attest the same.

Section 5. The Agency hereby further authorizes the expenditure of up to \$1,598,810 of funds of the Agency with respect to the Project.

Section 6. The Agency hereby determines that it has complied with its Procurement Policy and Guidelines (the "Policy"). The Agency's Procurement Officer has determined that it is "not in the best interest of the ["Agency"] to procure the Services pursuant to the Competitive Quotation requirements of the Policy. Pursuant to Section 6.3(2)(iii) of the Policy, the Agency hereby determines that it is not in the best interest of the Agency to procure the Services in accordance with the Agency's Competitive Quotation requirements and that procurement of same need not be pursuant to the Competitive Quotation process set forth in the Policy. The Procurement Officer has satisfactorily explained to the Agency in Executive Session the procurement process undertaken in connection with the Contract including:

- the Contractor is already on site performing related work,
- the Contractor is already familiar with the required Services,
- contracting with the Contractor will reduce or eliminate any delays with the construction of the Substation,
- National Grid has written a letter to the Agency dated July 1, 2024 encouraging the continued use of the Contractor by the Agency, and
- certain confidential pricing information.

Section 7. All covenants, stipulations, obligations and agreements of the Agency contained in this Resolution and contained in the Project Documents shall be deemed to be the covenants, stipulations, obligations and agreements of the Agency to the full extent authorized or permitted by law, and such covenants, stipulations, obligations and agreements shall be binding upon the Agency and its successors from time to time and upon any board or body to which any powers or duties affecting such covenants, stipulations, obligations and agreements shall be transferred by or in accordance with law. Except as otherwise provided in this Resolution, all rights, powers and privileges conferred and duties and liabilities imposed upon the Agency or the members thereof by the provisions of this Resolution and the Project Documents shall be exercised or performed by the Agency or by such members, officers, board or body as may be required by law to exercise such powers and to perform such duties.

No covenant, stipulation, obligation or agreement herein contained or contained in any of the Project Documents shall be deemed to be a covenant, stipulation, obligation or agreement of any member, officer, agent or employee of the Agency in his or her individual capacity, and neither the members of the Agency nor any officer executing any of the Project Documents shall be liable personally on any of the Project Documents or be subject to any personal liability or accountability by reason of the issuance thereof.

Section 8. The officers, employees and agents of the Agency are hereby authorized and directed, acting individually or jointly, for and in the name and on behalf of the Agency to do all

acts and things required or provided for by the provisions of the Project Documents, to execute and deliver all such additional certificates, instruments, agreements and documents, to pay all such fees, charges and expenses, and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, convenient or appropriate to effect the purposes of this Resolution and to cause compliance with all of the terms, covenants and provisions of the Project Documents to which the Agency is a party or which are binding on the Agency.

Section 9. The Agency recognizes that due to the unusual complexities of the Project it may become necessary that certain of the terms approved hereby may require modifications which will not affect the intent and substance of the authorizations and approvals by the Agency herein. The Agency's Chairman, President and Chief Executive Officer, and the Senior Vice President of Operations, acting individually or jointly, are hereby authorized to approve modifications to the terms approved herein which are not inconsistent with the intent and substance of this Resolution, such approval to be conclusively evidenced by the execution by any one of such officers of documents, instruments or agreements containing such modifications.

Section 10. The Chairman, President and Chief Executive Officer, and the Senior Vice President of Operations, acting individually or jointly, are hereby authorized to do such further things or perform such further acts as may be necessary, convenient or appropriate to implement the provisions of this Resolution.

Section 11. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<i>Yea</i>		<i>Nay</i>		<i>Absent</i>		<i>Abstain</i>	
Peter Zeliff	[]	[]	[]	[]
Matthew Gray	[]	[]	[]	[]
Paul Battaglia	[]	[]	[]	[]
Marianne Clattenburg	[]	[]	[]	[]
Chandy Kemp	[]	[]	[]	[]
Kathleen Manne	[]	[]	[]	[]
Craig Yunker	[]	[]	[]	[]

The Resolution was thereupon duly adopted.

CERTIFICATION

STATE OF NEW YORK)
) SS.:
COUNTY OF GENESEE)

I, the undersigned [Asst.] Secretary of the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency"), do hereby certify that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on July 11, 2024, with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, except for the Executive Session, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present throughout said meeting and said Executive Session.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this ____ day of July, 2024.

Secretary



O'Connell Electric Company, Inc.

Industrial & Commercial Construction • Power Line & Substation • Vegetation Management
Communications • Transportation • Renewable Energy • Service & Maintenance • Technical Services

July 3, 2024

Genesee County Economic Development Center
99 MedTech Drive
Batavia, NY 14020
Attn: Mark Masse

Re: STAMP Edwards Vacuum Bay Addition

Dear Mark,

We are pleased to provide you with our proposal for the electrical work associated with the above referenced project.

Project Scope: Engineering services, procurement and construction to add (1) 115kV Breaker, 115kv Line position LN502, and associated equipment as described below to the National Grid (NG) STAMP Substation.

List of Figures:

Figure 1	Preliminary Single Line Diagram
Figure 2	Preliminary Electrical Plan
Figure 3	Preliminary Physical Arrangement Section View
Figure 4	Preliminary Control Building Layout
Figure 5	Preliminary Relay List
Figure 6	Preliminary C&I Material List
Figure 7	Preliminary Drawing List

[Figures are located at the end of this proposal document.]

Electrical Scope:

- One (1) new 115kV, 3000A, 40kA Circuit Breaker.
- One (1) new 115kV, 3000A Disconnect Switch.
- One (1) new 600/1000:1 ratio CCVT.
- Three (3) 76kV MCOV Surge Arrester.
- Electrical rigid bus and strain bus, insulators, connectors, and associated electrical appurtenances.

Conduit & Cable Scope:

- Six (6) 3" conduits from 115kV breaker to its associated trench.
- Two (2) 3" conduits from 115kV CCVT to its associated trench.
- Two (2) 4" conduits from LN502 Tower to its associated trench for OPGW communication.
- One (1) 4" conduit from (1) mounted outdoor light to nearby trench.

Grounding Scope:

- 19#9 Copperweld grounding risers as required for new 115kV breaker.
- 19#9 Copperweld grounding risers as required for new 115kV CCVT.
- 19#9 Copperweld grounding risers as required for new bus support structures.
- 19#9 Copperweld grounding risers as required for new A-frame structures.

Corporate Headquarters 830 Phillips Road | Victor, NY 14564 | P 585.924.2176 | F 585.924.4973

Albany 2360 Maxon Road Ext | Schenectady, NY 12308 | P 518.346.0077 | F 518.346.0728
 Buffalo 20 Lancaster Parkway | Lancaster, NY 14086 | P 716.675.9010 | F 716.686.0586
 Rochester 390 Systems Road | Rochester, NY 14623 | P 585.424.3472 | F 585.424.3486
 Rochester 400 Systems Road | Rochester, NY 14623 | P 585.869.4630 | F 585.272.0107
 Syracuse Hancock Airpark 7001 Performance Drive | North Syracuse, NY 13212 | P 315.437.1453 | F 315.437.7431

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Relay and Control Panel Scope:

- Three (3) new control/relay panels:
 - See Figure 5 for Preliminary Relay List.
 - See Figure 6 for Preliminary C&I Material List.

Telecom Scope:

- Provide OPGW Fiber connection within fence of NYPA-NGRID 345/115kV Substation for LN502 communication between STAMP NG and Edwards Industrial substation. OPGW design and communication protocol by others. Telecom scope between NYPA and NGRID yards by others.
- Provide and Install (2) 12 strand LSZH fiber cable from the control house to the take off structure using
- divers routing in trench A and trench B
- **Fiber cable cut sheet, <https://ecatalog.corning.com/optical-communications/US/en/Fiber-Optic-Cables/Indoor-Outdoor/Indoor-Outdoor-LSZH-Cables/LSZH%E2%84%A2-Loose-Tube%2C-Gel-Free%2C-Single-Jacket-Cable/p/012EUZ-T4101D20> **5-7 week lead time on the fiber cable****
- Provide and Install 1.25" corrugated innerduct for each fiber cable in the trench
- Provide and install the required patch panel and termination hardware for use in the control house
- Splice onto the overhead OPGW cable at the takeoff structure
- All cables, faceplates and patch panels will be labeled in accordance with the EIA/TIA 606-B Labeling
- Standard unless otherwise directed.
- All installed cables will be tested with Fluke DSX 8000.
- A pdf file with all test results will be provided.
-

Civil/Structural Scope:

- One (1) 115kV 1PH CCVT Support Foundation.
- One (1) 115kV Circuit Breaker Foundation.
- Six (6) A-Frame Take-off Foundations w/ Disconnect Switch Support.
- Four (4) 3PH High Bus Support Foundations.
- One (1) 115kV 1PH CCVT Support Structure.
- One (1) 115kV Circuit Breaker Platform.
- One (1) A-Frame Dead-end Two-Bay Structure w/ Disconnect Switch Support.
- Two (2) 3PH High Bus Support Structures.
- Two (2) Holophane Flood Light Fixtures mounted to the new A Frame Structure.

Testing and Commissioning Scope:

- GROUND GRID TESTING
- 115KV AIR SWITCH
 - Acceptance testing
- 115KV SF6 -POWER CIRCUIT BREAKER
 - Acceptance testing
 - Functional Testing
- 115KV CAPACITIVE COUPLING VOLTAGE TRANSFORMERS
 - Acceptance testing
 - Functional Testing
- 115KV BUS & CABLE
 - Acceptance testing
- 76KV SURGE ARRESTORS
 - Acceptance testing
- CTs, CURRENT TRANSFORMER (Qty- 6)
 - Acceptance testing
 - Secondary Current Injection
- POINT TO POINT WIRE VERIFICATION OF:
 - RELAY & CONTROL PANELS (Qty-3)
 - INTERCONNECTS (Qty-2)
 - CONTROL HOUSE TO YARD EQUIPMENT (Qty-2)

- RELAYS
 - SEL-411L
 - program relay settings package
 - element & logic verification
 - functional testing
 - GE-L90
 - program relay settings package
 - element & logic verification
 - functional testing
 - SEL-351
 - program relay settings package
 - element & logic verification
 - functional testing

List of Deliverables:

Item No.	TITLE	30% CLIENT REVIEW*	60% CLIENT REVIEW*	90% CLIENT REVIEW*	ISSUED FOR CONSTRUCTION*	AS-BUILTS*
Above Grade and Below Grade Physical Design - Drawings						
1	Substation Physical Bill of Material		X	X	X	X
2	Station General Arrangement	X	X	X	X	X
3	Substation Section Views & Construction Details		X	X	X	X
4	Conduit Plan & Schedule	X	X	X	X	X
5	Conduit Details		X	X	X	X
6	Grounding Layout Design	X	X	X	X	X
7	Grounding Details		X	X	X	X
8	Illumination Plan		X	X	X	X

Above Grade and Below Grade Physical Design - Calculations & Studies						
9	Station Illumination Study		X	X	X	X
10	Lightning and Shocking Design and Calculations	X	X	X	X	X
11	Rigid Bus Calculation	X	X	X	X	X
Civil/Structural - Drawings						
12	Foundation Plan	X	X	X	X	X
13	Foundation Details		X	X	X	X
14	Tapered Steel Details	X	X	X	X	X
15	Substation Structural Drawings		X	X	X	X
16	Substation Structural BOM		X	X	X	X
Civil/Structural - Calculations & Studies						
17	Foundation Calculations		X	X	X	X
18	Structural Steel Engineering & Design Calculations		X	X	X	X
19	Tapered Steel Support Calculations	X	X	X	X	X
Electrical/P&C/Communications						
20	Single Line Diagrams	X	X	X	X	X
21	Control/Relay Panel Front Views	X	X	X	X	X
22	AC Schematics		X	X	X	X
23	DC Schematics		X	X	X	X
24	Network Contactance Diagrams		X	X	X	X
25	AC & DC Panel boards		X	X	X	X
26	Yard Equipment Wiring Diagrams			X	X	X
27	Control/Relay Panel Wiring Diagrams			X	X	X
28	P&C Material List		X	X	X	X
Electrical/P&C - Calculations & Studies						
29	Yard Wiring Cable Estimates		X	X	X	X

* One submission per Client Review Package. Additional submissions will incur additional cost.

Assumptions & Clarifications:

- OCE has used the current STAMP National Grid IFC drawings as a basis for the proposal & scoping. If LN502 design begins before completion of STAMP As-builts, then any drawing updates due to field-marked prints or As-builts will have additional charges.
- Our Electrical scope will end at face of steel on the substation dead-end within the National Grid Fence. Design and specification of 115kV distribution line by others.
- OCE assumes power quality meter will be needed for LN502 - Edwards, like LN508 - Plug Power.
- OCE assumes the use of pre-assigned R5020/LN502 space/point allocations for control/relay panel locations and EMS point assignments.
- OCE assumes OPGW Fiber will be used for LN502. Design and specification by others.
- AC Station Service load, DC load and voltage drop calculations performed during the initial STAMP project have accounted for a full station build, or a worst-case scenario. Therefore, OCE assumes these calculations will not need to be performed again.
- OCE assumes no updates or modifications to Capacitor bank calculations, studies, or design.
- Relay settings and SCADA/RTU configuration by others.
- Estimate assumes all work can be performed "in the clear" without an outage. If outage(s) are required and additional revisions to designs become necessary, then additional charges will occur.
- Vendor drawings for IPO breakers, instrument transformers & disconnect switches have been provided for the NG STAMP, however, LN502 - Edwards Bay addition will be forthcoming. OCE will use LN508/R5080 bay equipment as a go-by until official vendor drawings are received.
- OCE assumes A-frame dead-end design from the STAMP project may be used as a go-by, however it cannot be reused with verification due to the Edwards Bay dead-end being a two-bay structure. The STAMP project utilized single-bay structures.
- OCE assumes incoming 115kv distribution line information (i.e. design criteria, such as, but not limited to, wire type, design span, design tension, design angles, etc.) will be provided by others.
- OCE assumes previous geotechnical information gathered during the STAMP project will be sufficient for the foundation design for the Edwards Bay addition.
- OCE will coordinate and design using LN508/R5080 bay equipment as a go-by. If final vendor information differs, additional hours may be needed to update plans, elevations, and details.
- Site Development work is not anticipated or included with this proposal.
- Price includes internal panel wiring (SIS) for relay panels.
- Soil/spoils to be considered uncontaminated, contaminated soil/spoil handling to be an additional charge
- We have included the cost to excavate, sand encase, and backfill with existing material.
- We have assumed the 115KV Breaker will be supplied by National Grid.
- Insurance, Bonds, Inspection fees, Permit fees, Special insurances have not been included
- As built drawing, test reports have been included
- Pre-Job safety audit to discuss task hazard analysis.
- All DE-Energized work to be performed during Regular Time; Monday-Friday, 7AM-3:30PM
- Mobilization, demobilization, and reporting time are included in the proposal.
- Switching and grounding to perform our work safely.
- Proposal based on NETA Maintenance Testing Specifications. (MTS).
- All field craft labor performed on site will be prevailing wage.

Our proposal is based on a completion of this work Spring 2025:

We propose to furnish material and labor in accordance with the proposal amount of: \$1,598,810.00.

PAYMENT TO BE MADE AS FOLLOWS: monthly, billing for work in progress and material stored.

TERMS: **Net 30 Days**

1. All work to be completed in a workmanlike manner according to standard practices. Any alteration or derivation from above specifications involving extra costs will be executed only upon written orders and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workers Compensation and Liability Insurance.
2. Subject to Mutually acceptable terms and conditions. A fully executed copy of this proposal shall be returned prior to commencement of work.
3. Our proposal is based on all work performed on straight time unless otherwise noted.
4. Please keep in mind that due to the volatile price of copper, steel, aluminum and PVC in today's marketplace, these option prices are based on the best and current pricing for these materials. The contract price for this project may be adjusted higher or lower upon execution of the contract based on the differential in the market price, and it's effect on the materials estimated for these option prices.
5. **ACCEPTANCE OF PROPOSAL** - the above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above. Price valid for 30days.

Signature *Thomas Sweeney*

Date June 14, 2024

We are pleased to have the opportunity to provide you with this quote should you have any questions please do not hesitate to contact me at 585-370-5459 or e-mail at Thomas.sweeney@oconnellelectric.com.

Sincerely,

O'CONNELL ELECTRIC

Tom Sweeney
Project Manager



July 1, 2024

Mr. Mark Masse – Senior Vice President of Operations
Genesee County Economic Development Center
99 MedTech Drive
Suite 106
Batavia, NY 14020

RE: O’Connell – 345/115 kV Station Contractor Letter

Dear Mr. Masse;

National Grid has been involved with the development of the STAMP 345/115 kV Station, since the beginning, in 2021. Plug Power selected O’Connell Electric as the electrical contractor to project manage and construct the substation for the STAMP site. As a result, National Grid has been working with O’Connell since 2021, on the 115kv portion of the substation design and construction. National Grid has approved the scope of work per the Utility’s Electrical Specifications. There has been significant project milestones completion to date including ground grid, structure foundations, structures, 115 kV control house and (2) each 600 MVA transformers.

O’Connell Electric Company has a valued reputation since it was established, over 100 years ago. They are ranked the 30th largest electrical contractor in the United States. O’Connell is a diversified electric contractor with high power construction experience in power generation, substations, and transmission/distribution facilities. As a local contractor, headquartered in Victor, New York, O’Connell services clients from New England to the southeast states.

National Grid has worked on numerous transmission and distribution projects alongside O’Connell within the service territory. Most recently, O’Connell was secured by National Grid to construct/upgrade the Utility’s 115 kV Gardenville Station, in Western NY. The \$100 Mill.+ project was completed and released to National Grid in 2018.

We encourage the continued contracting of O’Connell due to their familiarity of the utility processes and specifications which can mitigate any construction delays of the STAMP Substation. Our project team is looking forward towards continuing our 3 year+ synergy focused on the common goal of an operational 345/115 kV Station within a mutually agreed upon timeline for all parties.

Feel free to contact me with any questions or comments.

Sincerely,

Paul Gister

Paul Gister
Manager of Customer and Community Engagement

Mark Masse

From: Amamihe Onwuachumba <Amam@rlc-eng.com> on behalf of Amamihe Onwuachumba
Sent: Tuesday, July 2, 2024 2:44 PM
To: Mark Masse
Subject: RE: Edwards Vacuum Scope Letter 20240614.pdf

Nick, my colleague who reviewed it had these comments: "O'Connell's quote seems reasonable. They are a reputable contractor for this work." He did a quick high level check of the quote estimate and came up with a similar number.

Based on this, it seems the proposal is reasonable.

From: Mark Masse <mmasse@gcedc.com>
Sent: Tuesday, July 2, 2024 2:13 PM
To: Amamihe Onwuachumba <Amam@rlc-eng.com>
Subject: RE: Edwards Vacuum Scope Letter 20240614.pdf

Thank you! I appreciate it!

Mark A. Masse, CPA



Senior Vice President of Operations
Genesee County Economic Development Center
Leadership Genesee Class of 2002
99 MedTech Drive
Suite 106
Batavia, NY 14020
Phone: (585) 343-4866, ext. 17
Cell: (585) 343-2166
Fax: (585) 343-0848
Email: mmasse@gcedc.com
Web site: gcedc.com

From: Amamihe Onwuachumba <Amam@rlc-eng.com>
Sent: Tuesday, July 2, 2024 2:11 PM
To: Mark Masse <mmasse@gcedc.com>
Subject: RE: Edwards Vacuum Scope Letter 20240614.pdf

Hi Mark,

I've asked a colleague who is more versed in the EPC world to take a look. The cost estimate looks very reasonable. I will let you know when my colleague has got a chance to review the documents.

Best regards,

Marshalling Yard Agreement for National Grid

Discussion: As part of their Line 112 rebuild project, as well as the Edwards transmission line construction, National Grid would like to utilize the previously constructed marshalling yard at the STAMP site for mobilization area and storage area for materials and supplies.

Fund Commitment: None.

Committee Action Request: Recommend approval of access agreement to receive payment of \$1,500 per month.

TEMPORARY USE AGREEMENT

This TEMPORARY USE AGREEMENT (“Agreement”), made this ___ day of _____, 2024, is by and between **GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY d/b/a GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER** with an office at 99 MedTech Drive, suite 106, Batavia, NY 14020 (hereinafter “Owner”), and **NIAGARA MOHAWK POWER CORPORATION**, a corporation of the State of New York, with a place of business at 144 Kensington Avenue in the City of Buffalo, County of Erie, and State of New York (hereinafter “User”).

BACKGROUND:

WHEREAS, Owner has a certain parcel of land located on Crosby Road in the Town of Alabama, County of Genesee, State of New York, created by a Deed recorded in the Genesee County Clerk’s Office on March 20, 2014 at Book 904, Page 578. Said parcel is also known as SBL No. 10-1-42 (hereinafter “Owner’s Property”); and

WHEREAS, User desires the right to temporarily possess and use a portion of Owner’s Property as a storage yard for storing equipment and materials in the area shown on Exhibit A (the “Premises”); and

WHEREAS, Owner desires to grant such temporary use of the Premises and User desires to accept such grant of the Premises subject to the terms and conditions contained herein.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged under seal, the parties hereto agree as follows:

1. The term of this Agreement shall be for a period of (12) months, commencing on August 1st, 2024, and expiring on July 31st, 2025 (the “Initial Term”). Tenant shall have the option to extend the Initial term for an additional (12) months (“Renewal Term”) by providing written notice of its election to extend the Initial Term prior to the expiration of the Initial Term.
2. Tenant shall pay to Landlord rent in the amount of **ONE THOUSAND FIVE HUNDRED (\$1,500) DOLLARS** per month, to be paid monthly during the agreement Term (“Base Rent”). Each monthly installment of Base Rent shall be paid in advance on or before the first day of each calendar month of the Term at Landlord’s address set forth above.
3. During the Term of this Agreement, User shall have the exclusive right to use and possess the Premises for the temporary storage of equipment and materials, together with a non-exclusive right of ingress and egress over, across and upon the Owner’s Property. User may make improvements in said Premises to accommodate the stated activities.
4. The User shall, at the end of the Term, remove its materials and equipment and restore the Premises to substantially the condition it was in when same was delivered to User at the commencement of the Term.

5. The Owner hereby represents and warrants to User that (i) the Owner's Property (including the Premises) are owned in fee simple and that the Owner has good right to grant and convey the above-described rights to User, (ii) Owner will assist User in securing any governmental/agency approvals which may be required to support the use proposed by this Agreement, and (iii) User shall and may peaceably and quietly have, hold and enjoy the temporary rights granted hereunder during the Term without any manner of hindrance or molestation from the Owner.

IN WITNESS WHEREOF, the parties have executed this Temporary Use Agreement the day and year first above written.

LANDLORD:

TENANT:

Genesee County Industrial Development Agency
d/b/a
Genesee County Economic Development Center

NIAGARA MOHAWK POWER CORPORATION

By: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____

EXHIBIT A
Genesee County Industrial Development Agency
d/b/a Genesee County Economic Development Center
Parcel 10-1-42
Town of Alabama
County of Genesee
State of New York

