



# ERIE COUNTY WATER AUTHORITY

## INTEROFFICE MEMORANDUM

September 1, 2023

To: Terrence D. McCracken, Secretary to the Authority

From: Michael J. Quinn, Senior Distribution Engineer

Subject: Contract MP-086  
Ball Pumping Station Improvements – Phase 1  
Professional Services Agreement Amendment No. 2  
ECWA Project No. 202000177

The following material is attached:

- Authorization Form requesting Board Authorization to execute the attached Amendment No. 2 to Professional Service Agreement with Arcadis of New York, Inc. (Arcadis)
- Amendment No. 2 to Professional Service Agreement for the above referenced project.

As part of the Special Services for the above-reference project, the Authority Engineering Department has requested that Arcadis conduct a feasibility study to evaluate alternative contracting methods for the construction of the above-referenced contract. This Amendment will allow an increase of Special Services by \$50,000.00, which will provide necessary funds to complete the feasibility study.

|  | Original Contract  | Amendment No.1  | Amendment No.2  | Original Contract + All Amendments |
|--|--------------------|-----------------|-----------------|------------------------------------|
| Lump Sum Basis of Design                             | \$195,000          | \$0             | \$0             | \$195,000                          |
| Lump Sum Design                                      | \$470,000          | \$70,301        | \$0             | \$540,301                          |
| Lump Sum General Services                            | \$160,000          | \$0             | \$0             | \$160,000                          |
| Lump Sum Record Drawings                             | \$10,000           | \$0             | \$0             | \$10,000                           |
| Lump Sum Authority Program/Procedure Updates         | \$20,000           | \$0             | \$0             | \$20,000                           |
| Estimated Resident Inspection (not to exceed amount) | \$275,000          | \$0             | \$0             | \$275,000                          |
| Estimated Special Services (not to exceed amount)    | \$50,000           | \$18,600        | \$50,000        | \$118,600                          |
| <b>TOTALS</b>  | <b>\$1,180,000</b> | <b>\$88,901</b> | <b>\$50,000</b> | <b>\$1,318,901</b>                 |

### **2023 Budget Information (Engineering):**

Unit: 2520 Eng/Const Control

Item 101512 Ball PS Pumping Improvements

- 2023 Budget – Engineering Services and Construction

MJQ:jmf

Attachments

cc: L.Kowalski  
C. Johnson  
CONT-MP-086-2001-X-01

ERIE COUNTY WATER AUTHORITY  
AUTHORIZATION FORM  
For Approval/Execution of Documents  
(check which apply)

**Contract:** MP-086 **Project No.:** 202000177  
**Project Description:** Ball Pump Station Phase-1 Rehabilitation

**Item Description:**







|   |  |   |                                       |
|---|--|---|---------------------------------------|
| <input type="checkbox"/> Agreement                            | <input type="checkbox"/> Professional Service Contract | <input checked="" type="checkbox"/> Amendment | <input type="checkbox"/> Change Order |
| <input type="checkbox"/> BCD                                  | <input type="checkbox"/> NYSDOT Agreement              | <input type="checkbox"/> Contract Documents   | <input type="checkbox"/> Addendum     |
| <input type="checkbox"/> Recommendation for Award of Contract | <input type="checkbox"/> Recommendation to Reject Bids |   |                                       |
| <input type="checkbox"/> Request for Proposals                |  |   |                                       |
| <input type="checkbox"/> Other _____                          |  |   |                                       |

**Action Requested:**


|   |  |
|---|--|
| <input checked="" type="checkbox"/> Board Authorization to Execute            | <input checked="" type="checkbox"/> Legal Approval                   |
| <input type="checkbox"/> Board Authorization to Award                         | <input checked="" type="checkbox"/> Execution by the Chairman        |
| <input type="checkbox"/> Board Authorization to Advertise for Bids            | <input type="checkbox"/> Execution by the Secretary to the Authority |
| <input type="checkbox"/> Board Authorization to Solicit Request for Proposals |  |
| <input type="checkbox"/> Other _____  |  |

**Approvals Needed:**

**APPROVED AS TO CONTENT:**

|  |  |                         |
|--|--|-------------------------|
| <input checked="" type="checkbox"/> Sr. Distribution Engineer  |   | Date: <u>9/7/2023</u>   |
| <input type="checkbox"/> Chief Operating Officer               | _____  | Date: _____             |
| <input checked="" type="checkbox"/> Executive Engineer         |   | Date: <u>09/08/2023</u> |
| <input checked="" type="checkbox"/> Director of Administration |   | Date: <u>09/07/2023</u> |
| <input checked="" type="checkbox"/> Risk Manager               |  | Date: <u>09/08/2023</u> |
| <input checked="" type="checkbox"/> Chief Financial Officer    |   | Date: <u>09/08/2023</u> |
| <input checked="" type="checkbox"/> Legal                      |   | Date: <u>9/8/2023</u>   |

**APPROVED FOR BOARD RESOLUTION:**

|  |  |                       |
|--|--|-----------------------|
| <input checked="" type="checkbox"/> Secretary to the Authority |  | Date: <u>9/8/2023</u> |
|--|--|-----------------------|

**Remarks:** Amendment No. 2

**Resolution Date:** \_\_\_\_\_ **Item No:** \_\_\_\_\_

**AMENDMENT NO. 2  
PROFESSIONAL SERVICES AGREEMENT**

AMENDMENT, effective September 20, 2023 (“Amendment No. 2”) to the Professional Services Agreement (Contract No. MP-086), effective on June 18, 2020, by and between:

**ERIE COUNTY WATER AUTHORITY**  
295 Main Street, Room 350  
Buffalo, New York 14203

hereinafter referred to as the “Authority,” and

**ARCADIS OF NEW YORK, INC.**  
Key Center at Fountain Plaza  
50 Fountain Plaza, Suite 360  
Buffalo, New York 14202

hereinafter referred to as the “Engineer.”

**WHEREAS**, on December 18, 2020, the Authority and the Engineer entered into a professional services agreement for engineering and consulting services relating to Phase I of the rehabilitation of the Ball Pump Station (the “Agreement”); and

**WHEREAS**, on June 16, 2022, the Authority and the Engineer entered into Amendment No. 1 to amend the scope of services and increase the Engineer’s fees; and

**WHEREAS**, based on the recommendation of the Authority’s Executive Engineer, the Authority seeks to amend the Agreement to increase the total not to exceed amount for Special Services to enable the Engineer to complete a feasibility study to allow for the evaluation of alternative contracting methods for the construction contract; and

**WHEREAS**, the Engineer has requested additional budget of \$50,000 for Special Services to complete the study; and

**WHEREAS**, in accordance with article 5, paragraph 5.02 of the Agreement, any modification or variation from the terms of the Agreement, must be in writing, authorized by a resolution of the Board of Commissioners of the Authority (the “Board”), and signed by all parties to be effective;

**NOW THEREFORE**, in consideration of the mutual promises herein set forth, the parties agree to the following:

- (1) The parties agree to amend article 4, paragraph 4.04, subparagraph (C) to increase the total not to exceed by \$50,000, changing the current figure of \$68,600.00 to \$118,600.00; and
- (2) The parties agree all other terms and conditions of the Agreement shall remain without change or amendment; and
- (3) This Amendment may be executed in counterparts, each of which is deemed an original, but all of which together are deemed to be one and the same agreement.

**IN WITNESS WHERETO**, the parties have caused this Amendment No. 2 to be signed by their respective duly constituted officers, attested and sealed pursuant to proper authority.

**ERIE COUNTY WATER AUTHORITY**

By \_\_\_\_\_  
Jerome D. Schad, Chair

**ARCADIS OF NEW YORK, INC.**

By \_\_\_\_\_  
Jason J. Williams, PE, Principal Civil Engineer

**STATE OF NEW YORK    )**  
**COUNTY OF ERIE        ) ss:**

On the \_\_\_\_\_ day of September, in the year 2023, before me personally came Jerome D. Schad, to me known, who, being by me duly sworn, did depose and say that he resides in Amherst, New York, that he is the Chair of the Board of Commissioners for the Erie County Water Authority described in the above instrument; and that he signed his name thereto by order of the Board of Commissioners.

\_\_\_\_\_  
Notary Public

**STATE OF NEW YORK    )**  
**COUNTY OF ERIE        ) ss:**

On the \_\_\_\_\_ day of \_\_\_\_\_, in the year 2023, before me personally came Jason J. Williams, PE, to me known, who, being by me duly sworn, did depose and say that he resides in \_\_\_\_\_, New York, that he is the Principal Civil Engineer of the Corporation described in the above instrument; and that he signed his name thereto by order of the Board of Directors of said Corporation.

\_\_\_\_\_  
Notary Public