



ERIE COUNTY WATER AUTHORITY

INTEROFFICE MEMORANDUM

September 7, 2023

To: Terrence D. McCracken, Secretary to the Authority

From: Michael J. Quinn, PE, Senior Distribution Engineer

Subject: Contract MP-084
Water System Improvements
Transmission Main Installation, Town of Tonawanda
ECWA Project No. 202000084

A handwritten signature in black ink, appearing to read "MJQ", is written over the "From:" line of the memorandum.

Attached is an amendment for the above-referenced project to extend the Substantial Completion and Final Completion dates of the contract. The Contractor, Concrete Applied Technologies Corp., d/b/a/ CATCO, experienced unforeseen delays primarily due to unusually long lead times for the manufacture and delivery of critical materials including pipe, valves and valve chambers. Also, during construction, unsuitable material was identified along the alignment which required characterization and specialized coordination for disposal. These issues were beyond the Contractor's control.

This Contract Amendment is of no additional cost to the Authority and involves a time extension only.

The Consultant (Arcadis of New York, Inc.) is recommending the following extensions to the Substantial and Final Completion dates:

- Substantial Completion: extend the existing date of Substantial Completion from August 15, 2023 until May 15, 2024.
- Final Completion: extend the existing date of Final Completion from December 30, 2023 until June 30, 2024.

Attached please find the following documents:

1. ECWA Authorization Form.
2. Four (4) copies of the Contract Amendment.

MJQ:jmf

Attachments

cc: L.Kowalski

M.Jarmuz

CONT-MP-0084-2001-X-14

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

Contract: <u>MP-084</u>	Project No.: <u>202000084</u>
Project Description: <u>Water System Improvements, Transmission Main Installation, Town of Tonawanda</u>	

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 Engr.		Date: <u>9/8/2023</u>
<input type="checkbox"/> Chief Operating Officer	_____	Date: _____
<input checked="" type="checkbox"/> Executive Engineer		Date: <u>09/08/2023</u>
<input type="checkbox"/> Director of Administration	_____	Date: _____
<input type="checkbox"/> Risk Manager	_____	Date: _____
<input type="checkbox"/> Chief Financial Officer	_____	Date: _____
<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>
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Remarks: _____

Resolution Date: _____	Item No: _____
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**AMENDMENT NO. 1 TO THE WATER SYSTEM IMPROVEMENTS TRANSMISSION
MAIN INSTALLATION TOWN OF TONAWANDA CONTRACT**

AMENDMENT, effective September 20, 2023, to the New Pump Station at the Newstead Water Storage Tank Contract, effective July 21, 2022, by and between

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

hereinafter referred to as the “Authority”, and

CONCRETE APPLIED TECHNOLOGIES, CORP.
d/b/a CATCO
1266 Townline Road
Alden, NY 14004

hereinafter referred to as “Contractor”.

WHEREAS, on July 21, 2022, the Authority awarded the Contractor a contract for Water System Improvements, Transmission Main Installation, Town of Tonawanda, Project No. 202000084 (the “Contract”); and

WHEREAS, in accordance with Section 00700, General Conditions, Paragraph 3.04(A) of the Contract, the parties may amend the Contract Documents by written amendment; and

WHEREAS, the work performed under the Contract was delayed as a result of unforeseen circumstances at no fault of the Contractor, including delays in material delivery and the identification, and subsequent disposal of, unsuitable material along the proposed alignment; and

WHEREAS, the parties wish to amend the Contract to extend the Substantial Completion Date and the Final Completion Date;

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

- (1) Section 00500, Agreement, Paragraph 3.02(A) shall be amended so that the Substantial Completion date of August 15, 2023 shall be removed and replaced with May 15, 2024;
- (2) Section 00500, Agreement, Paragraph 3.02(A) shall be amended so that the Final Completion date of December 30, 2023 shall be removed and replaced with June 30, 2024; and

(3) The parties agree all other terms and conditions of the Contract shall remain unchanged and in effect; and

(4) 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 hereto have caused this Amendment No. 1 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

**CONCRETE APPLIED TECHNOLOGIES,
CORP., d/b/a CATCO**

By _____

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 the 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 he signed his name thereto by the authorization of the Board of Commissioners for the Erie County Water Authority.

Notary Public

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On the ___ day of _____, in the year 2023, before me personally came _____ to me known, who, being by me duly sworn, did depose and say that he/she resides in _____ that he/she is the _____ of the Corporation described in the above instrument; and that he/she signed his/her name thereto by order of the Board of Directors of said Corporation.

Notary Public