



# ERIE COUNTY WATER AUTHORITY

## INTEROFFICE MEMORANDUM

July 8, 2022

To: Terrence D. McCracken, Secretary to the Authority

From: Michael J. Quinn, Senior Distribution Engineer

A handwritten signature in black ink, appearing to read "MJQ", is written over the name "Michael J. Quinn".

Subject: Contract CH-012  
Distribution System Improvements  
Cayuga Creek Road, Town of Cheektowaga  
ECWA Project No. 20190074

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The following material is attached:

- Authorization Form requesting Board Authorization to execute the attached Amendment No. 1 to Professional Service Agreement with CHA Consulting Inc. (CHA)
- Amendment No. 1 to Professional Service Agreement for the above referenced project.

This project included the replacement of 6,700 linear feet of distribution main on Cayuga Creek road in the Town of Cheektowaga. Amendment No. 1 covers additional resident inspection services which were necessary to complete the work.

A number of issues arose during construction which led directly to delays in the completion of the construction contract. As outlined more fully in the attached correspondence, these unforeseen issues include:

- The work associated with Interconnection No.4 was revised due to the condition of the joints on the existing 24-inch prestressed concrete cylinder pipe waterline. The existing joints were deteriorated and required repair or replacement. Multiple discussions were had with the pipe manufacturer to determine the proper procedure to repair or rehabilitate the existing waterline. These discussions delayed DJM from proceeding with the work until the proper procedures were agreed upon.
- While excavating to install the proposed waterline in multiple locations, DJM encountered adverse soil conditions. The adverse soil was an unforeseen condition.
- Heavy rain combined with adverse soil conditions prohibited DJM from working on multiple occasions.
  
- Discussions between ECWA, Erie County Department of Public Works and CHA determined that the milling and final paving should occur in the spring of 2021 to allow for settlement within the trench to occur over the winter months. Milling and paving in the spring would provide the best final product for all stakeholders.

Resident Inspection hours are estimated based on previously completed waterline installation projects and fluctuate based on contractor production rates, unforeseen circumstances that develop during construction and weather conditions. Note that during the completion of the project, it was suspected that a portion of the additional resident inspection time could have resulted from inefficiencies by the Contractor. However, after an assessment of the additional work items, it became difficult to assess which portions were due to which factors other than to determine that the additional resident inspection effort associated with the items outlined above far outweighed that which could have been attributed to contractor inefficiencies. That said, it is the Engineering Departments recommendation that CHA be compensated for the additional inspection hours utilized to complete the project, 283.5 hours of field inspection was required, which equates to an additional fee request of \$24,431.30.

**Budget Information:**

Funds will be made available through a budget transfer request as follows:

Transfer From:

Unit 2590 Eng/Const Distribution Mains  
Item 101590 LA-005 Waterline Replacement

Transfer To:

Unit: 2590 Eng/Const Distribution Mains  
Item 101411 CH-012 Waterline Replacement

MJQ:lal1

Attachments

cc: R.Stoll

L.Kowalski

S.Denzler

L.Lester

CONT-CH-012-1901-X-01

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

**Contract:** CH-012 **Project No.:** 201900074  
**Project Description:** Distribution System Improvements  
Cayuga Creek Road, Town of Cheektowaga

**Item Description:**





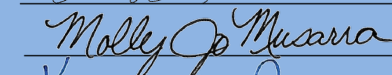


Agreement     Professional Service Contract     Amendment     Change Order  
 BCD     NYSDOT Agreement     Contract Documents     Addendum  
 Recommendation for Award of Contract     Recommendation to Reject Bids  
 Request for Proposals  
 Other \_\_\_\_\_

**Action Requested:**


Board Authorization to Execute     Legal Approval  
 Board Authorization to Award     Execution by the Chairman  
 Board Authorization to Advertise for Bids     Execution by the Secretary to the Authority  
 Board Authorization to Solicit Request for Proposals  
 Other \_\_\_\_\_

**Approvals Needed:**

**APPROVED AS TO CONTENT:**

<input checked="" type="checkbox"/> Sr. Distribution Engineer	<u></u>	Date: <u>7/8/2022</u>
<input checked="" type="checkbox"/> Chief Operating Officer	<u></u>	Date: <u>7/8/2022</u>
<input checked="" type="checkbox"/> Executive Engineer	<u></u>	Date: <u>07/08/2022</u>
<input checked="" type="checkbox"/> Director of Administration	<u></u>	Date: <u>07/08/2022</u>
<input checked="" type="checkbox"/> Risk Manager	<u></u>	Date: <u>07/11/2022</u>
<input checked="" type="checkbox"/> Chief Financial Officer	<u></u>	Date: <u>07/09/2022</u>
<input checked="" type="checkbox"/> Legal	<u></u>	Date: <u>7/8/2022</u>

**APPROVED FOR BOARD RESOLUTION:**

Secretary to the Authority  Date: 7/11/22

**Remarks:** Professional Services Agreement Amendment No. 1

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

**AMENDMENT NO. 1 TO  
PROFESSIONAL SERVICES CONTRACT**

AMENDMENT, effective July 21, 2022 (“Amendment No. 1”), to the Professional Services Contract, effective on April 1, 2019, by and between

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

hereinafter referred to as the “Authority,” and

**CHA CONSULTING, INC.**  
2200 Main Place Tower  
Buffalo, New York 14202

hereinafter referred to as the “Engineer.”

**WHEREAS**, on March 26, 2019, the Authority awarded the Engineer a professional service contract to provide engineering and consulting services relating to the design and construction of 6,700 feet of new distribution waterline on Cayuga Creek Road (the “Agreement”); and

**WHEREAS**, based on the recommendation of the Authority’s Chief Operating Officer and Executive Engineer, the Authority seeks to amend the total not to exceed amount for resident inspection services under the Agreement; and

**WHEREAS**, in accordance with Paragraph 5 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 mutual promises herein set forth, the parties agree to the following:

- (1) The parties agree to amend Paragraph 3, subparagraph (D)(2), Resident Inspection Hourly Rates, of the Agreement to increase the total not to exceed amount by \$30,000.00, changing the current figure of \$145,000.00 to \$175,000.00; 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 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

**CHA CONSULTING, INC.**

By \_\_\_\_\_

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

On the \_\_\_\_\_ day of July, in the year 2022, 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 2022, 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