



ERIE COUNTY WATER AUTHORITY
INTEROFFICE MEMORANDUM

August 7, 2023

To: Terrence D. McCracken, Secretary to the Authority

From: Michael Quinn, PE, Sr. Distribution Engineer

A handwritten signature in black ink, appearing to read "MQ", is written over the name "Michael Quinn" in the "From:" line.

Subject: Contract NC-043
New Pump Station at the Newstead Tank
ECWA Project No. 202100048

Attached is an amendment for the above referenced project to extend the Substantial Completion and Final Completion dates of the contract. The contractor, American Contracting & Environmental Services, Inc. experienced unforeseen delays primarily due to unusually long lead times for the manufacture and delivery of critical equipment and materials including pumps and variable frequency drives.

These issues were beyond the contractor's control.

This Change Order involves a time extension only.

The Consultant is recommending the following extensions to the substantial and final completion dates:

- Substantial Completion: extend the existing of date of substantial completion from June 1, 2023 until March 31, 2024;
- Final Completion: extend the existing date of final completion from August 31, 2023 until June 30, 2024.

Attached please find the following documents:

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

MJQ:lal1

Attachments

cc: L.Kowalski

L.Lester

CONT-NC-043-2101

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

Contract: NC-043 **Project No.:** 202100048
Project Description: New Pump Station at the Newstead Water Storage Tank

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>8/7/2023</u>
<input type="checkbox"/> Chief Operating Officer	_____	Date: _____
<input checked="" type="checkbox"/> Executive Engineer		Date: <u>08/07/2023</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>8/7/2023</u>

APPROVED FOR BOARD RESOLUTION:

<input checked="" type="checkbox"/> Secretary to the Authority		Date: <u>8/7/23</u>
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Remarks: _____

Resolution Date: _____ **Item No:** _____

**AMENDMENT NO. 1 TO THE NEW PUMP STATION AT
THE NEWSTEAD WATER STORAGE TANK CONTRACT**

AMENDMENT, effective August 17, 2023, to the New Pump Station at the Newstead Water Storage Tank Contract, effective on October 4, 2019, by and between

ERIE COUNTY WATER AUTHORITY

295 Main Street, Room 350
Buffalo, New York 14203

hereinafter referred to as the “Authority”, and

**AMERICAN CONTRACTING AND ENVIRONMENTAL
SERVICES, INC.**

10330 Old Columbia Road, Suite 102
Columbia, Maryland 21046

hereinafter referred to as “Contractor”.

WHEREAS, on August 9, 2022, the Authority awarded the Contractor a contract for the New Pump Station at the Newstead Water Storage Tank, Project No. 202100048 (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, including the procurement of equipment at no fault of the Contractor; 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(B) shall be amended so that the Substantial Completion date (Milestone M2) of June 1, 2023 shall be removed and replaced with March 31, 2024;
- (2) Section 00500, Agreement, Paragraph 3.02(B) shall be amended so that the Final Payment date of August 31, 2023 shall be removed and replaced with June 30, 2024; 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

AMERICAN CONTRACTING AND ENVIRONMENTAL SERVICES, INC.

By _____

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On the ___ day of August, 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 _____)
COUNTY OF _____) 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