



ERIE COUNTY WATER AUTHORITY

INTEROFFICE MEMORANDUM

May 8, 2024

To: Terrence D. McCracken, Secretary to the Authority

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

A handwritten signature in black ink, appearing to read "MJQ", located to the right of the "From:" line.

Subject: Contract JMD-001
Distribution System Improvements
Town of Hamburg, Cheektowaga, West Seneca, and the Village of Depew
ECWA Project No. 202100200

The following material is attached:

- Authorization Form requesting Board Authorization to execute the attached Amendment No. 2 to Professional Service Agreement with JM Davidson Engineering, DPC (JMD).
- Amendment No. 2 to Professional Service Agreement for the above referenced project.

This project, currently under construction, originally consisted of the installation of approximately 7,800 linear feet of new distribution waterline on multiple streets in the Town of Hamburg, Cheektowaga, West Seneca, and the Village of Depew. Amendment No. 1 covered the design of approximately 1,600 linear feet of additional watermain on two streets in Hamburg. The additional piping increased the total length of new pipe installation to 9,400 linear feet. Due to the unknown construction sequence and ultimate progress of the construction, it was decided not to include additional resident inspection services in Amendment No.1. In addition to the resident inspection hours associated with the additional main length installed, portions of the construction took longer than anticipated.

Including the additional main and the longer than anticipated construction duration, the additional not to exceed fee to complete the work is \$50,000.00.

Budget Information:

Unit: 2590 Eng/Const Distribution Mains

Item: 101596 JMD-001 Waterline Replacement

MJQ:jmf

Attachments

cc: L.Kowalski

M.Jarmuz

L.Lester

CONT-JMD-001-2101-X-01

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

Contract: JMD-001 **Project No.:** 202100200
Project Description: Distribution System Improvements; Town of Hamburg, Cheektowaga, West Seneca, and the Village of Depew

Item Description:

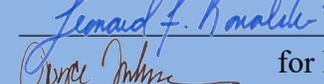
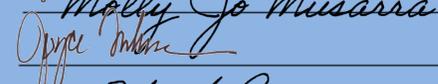
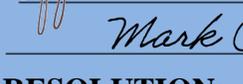
Agreement Professional Service Contract Amendment Change Order
 BCD NYSDOT Agreement Contract Documents Addendum
 Recommendation for Award of Contract Recommendation to Reject Bids
 Request for Proposals
 Other _____

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		Date: <u>5/10/2024</u>
<input checked="" type="checkbox"/> Chief Operating Officer		Date: <u>05/10/2024</u>
<input checked="" type="checkbox"/> Executive Engineer		Date: <u>5/13/2024</u>
<input checked="" type="checkbox"/> Director of Administration	 for LCL	Date: <u>05/10/2024</u>
<input checked="" type="checkbox"/> Risk Manager		Date: <u>5/10/2024</u>
<input checked="" type="checkbox"/> Chief Financial Officer		Date: <u>05/10/2024</u>
<input checked="" type="checkbox"/> Legal		Date: <u>5/10/2024</u>

APPROVED FOR BOARD RESOLUTION:

<input checked="" type="checkbox"/> Secretary to the Authority		Date: <u>5/13/2024</u>
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Remarks: Amendment No. 2 to Professional Services Agreement.

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

**AMENDMENT NO. 2 TO
PROFESSIONAL SERVICES AGREEMENT**

AMENDMENT, effective May 23, 2024 (“Amendment No. 2”), to the Professional Services Agreement, effective on October 28, 2021, by and between

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

hereinafter referred to as the “Authority,” and

JM DAVIDSON ENGINEERING, D.P.C.
935 Sheridan Drive, Suite 120
Tonawanda, New York 14150

hereinafter referred to as the “Engineer.”

WHEREAS, on October 28, 2021 the Authority awarded the Engineer a professional service contract to provide engineering and consulting services relating to the replacement of distribution mains in the Towns of Hamburg, Cheektowaga and West Seneca, and the Village of Depew (the “Contract”); and

WHEREAS, on January 20, 2022, the parties agreed to amend the Contract’s scope of services to add an additional 1,600 linear feet of distribution waterline; and

WHEREAS, the Engineer has requested additional budget of \$50,000 for Resident Inspection services; and

WHEREAS, the Authority’s Executive Engineer recommends that the Authority increase the total not to exceed amount for Resident Inspection Services by \$50,000 to account for the additional length of main and unanticipated delays that have occurred during construction; and

WHEREAS, in accordance with Article 3, paragraph 3.02 of the Contract, any modification or variation from the terms of the Contract, 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 Article 2, Paragraph 2.04 (B)(2) to increase the total not to exceed for Resident Inspection by \$50,000.00, changing the current figure of \$143,600.00 to \$193,600.00;

- (2) The parties agree all other terms and conditions of the Contract 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

JM DAVIDSON ENGINEERING, D.P.C.

By _____
Jaime M. Davidson, P.E., President

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On the _____ day of May, in the year 2024, 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 May, in the year 2024, before me personally came Jaime M. Davidson, P.E., President, to me known, who, being by me duly sworn, did depose and say that she resides in North Tonawanda, New York, that she is the President of the Corporation described in the above instrument; and that she signed her name thereto by order of the Board of Directors of said Corporation.

Notary Public