




ERIE COUNTY WATER AUTHORITY

INTEROFFICE MEMORANDUM

January 11, 2022

To: Terrence D. McCracken, Secretary to the Authority

From: Michael J. Quinn, Senior Distribution Engineer 

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. 1 to Professional Service Agreement with JM Davidson Engineering, DPC (JMD).
- Amendment No. 1 to Professional Service Agreement for the above referenced project.

This project, budgeted currently in the design phase 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 covers additional design and construction on two streets in Hamburg. Most of Apollo Drive was included in the original scope of work (approximately 2,000 ft), it is being proposed to include the remaining 500 ft in order to complete the replacement along the entire stretch of roadway. The second addition includes the replacement of an existing main on Walden Drive. The Line Maintenance Department has requested that replacement be considered. There have been a recent number of failures along this section of pipe and inclusion of this main within JMD -001 is reasonable due to the other project work in this general area of Hamburg. The additional piping will increase the total length of new pipe installation to 9,400 linear feet.

The additional fee to complete the work is \$27,920.00. The Consultant's per-foot cost for this additional work is less than the per-foot cost of the original contract and JMD has agreed to include the additional resident inspection hours in the original fee for this item.

Budget Information:

Unit: 2590 Eng/Const Distribution Mains

–Item 101596 JMD-001 Waterline Replacement

- 2021 Budget – Engineering Services
- 2022 Budget – Engineering Services and Construction

MJQ:jmf

Attachments

cc: L.Kowalski

S.Denzler

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:








- | | | | |
|---|--|---|---------------------------------------|
| <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: 1/11/2022 |
| <input checked="" type="checkbox"/> Chief Operating Officer |  | Date: 1/11/2022 |
| <input checked="" type="checkbox"/> Executive Engineer |  | Date: 01/11/2022 |
| <input checked="" type="checkbox"/> Director of Administration |  | Date: 01/11/2022 |
| <input checked="" type="checkbox"/> Risk Manager |  | Date: 01/11/2022 |
| <input checked="" type="checkbox"/> Chief Financial Officer |  | Date: 01/12/2022 |
| <input checked="" type="checkbox"/> Legal |  | Date: 1-11-2022 |

APPROVED FOR BOARD RESOLUTION:

- | | | |
|--|---|---------------|
| <input checked="" type="checkbox"/> Secretary to the Authority |  | Date: 1/12/22 |
|--|---|---------------|

Remarks: Amendment No. 1 to Professional Services Agreement.

Resolution Date: _____

Item No: _____

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

AMENDMENT, effective January 20, 2022 (“Amendment No. 1”), 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, based on the recommendation of the Authority’s Chief Operating Officer and Executive Engineer, the Authority seeks to amend the Contract’s scope of services from the installation of 7,800 linear feet of new distribution waterline to the installation of 9,400 linear feet of new distribution waterline; and

WHEREAS, the Engineer has agreed to the amendment of the scope of services and has requested an additional fee of \$27,920.00 to perform the additional services relative to the installation of 1,600 additional linear feet of new distribution waterline; 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 that Article 1, Paragraph 1.01 (A) in the Contract is deleted in its entirety and replaced with the following:

The Engineer shall provide engineering services for the project which consists of the installation of approximately 9,400 linear feet of new distribution waterline on multiple streets in the Towns of Hamburg, West Seneca, and Cheektowaga, and the Village of Depew.

- (2) The parties agree that Article 1, Paragraph 1.01 (B) (2) in the Contract is deleted in its entirety and replaced with the following:

2. Apollo Drive from Ganymede Lane to West Lane, Town of Hamburg.

- (3) The parties agree that the following paragraph be inserted following Article 1, Paragraph 1.01 (B) (5):

5. Walden Drive from 5813 Walden Drive to 5712 Walden Drive, Town of Hamburg.

- (4) The parties agree to amend Article 2, Paragraph 2.04 (A)(1) to increase the lump sum for Survey by \$12,120.00, changing the current figure of \$84,580.00 to \$96,700.00;
- (5) The parties agree to amend Article 2, Paragraph 2.04 (A)(2) to increase the lump sum for Design by \$10,500.00, changing the current figure of \$102,300.00 to \$112,800.00;
- (6) The parties agree to amend Article 2, Paragraph 2.04 (A)(3) to increase the lump sum for General Services by \$3,600.00, changing the current figure of \$41,400.00 to \$45,000.00;
- (7) The parties agree to amend Article 2, Paragraph 2.04 (A)(4) to increase the lump sum for Record Drawings by \$1,700.00, changing the current figure of \$11,000.00 to \$12,700.00;
- (8) The parties agree all other terms and conditions of the Contract shall remain without change or amendment; and
- (9) 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 January, 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 January, in the year 2022, 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 Vice 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