

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

Contract: DA-010 **Project No.:** 202000063
Project Description: Water System Improvements Town of Amherst and 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><i>Bill K.</i></u>	Date: <u>7/21/2020</u>
<input checked="" type="checkbox"/> Chief Operating Officer	<u><i>Kyssel J. Stots</i></u>	Date: <u>7/21/2020</u>
<input checked="" type="checkbox"/> Executive Engineer	<u><i>Jeanne F. Konaluk</i></u>	Date: <u>07/22/2020</u>
<input checked="" type="checkbox"/> Director of Administration	<u><i>Savanya Lester</i></u>	Date: <u>7/21/2020</u>
<input checked="" type="checkbox"/> Risk Manager	<u><i>Molly J. Musarra</i></u>	Date: <u>7/22/2020</u>
<input checked="" type="checkbox"/> Chief Financial Officer	<u><i>Karen A. Prud'homme</i></u>	Date: <u>7/21/2020</u>
<input checked="" type="checkbox"/> Legal	<u><i>Margaret A. Murphy</i></u>	Date: <u>07/22/2020</u>

APPROVED FOR BOARD RESOLUTION:

<input checked="" type="checkbox"/> Secretary to the Authority	<u><i>T. J. Murphy</i></u>	Date: <u>07/22/2020</u>
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Remarks: Amendment #1

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



ERIE COUNTY WATER AUTHORITY

INTEROFFICE MEMORANDUM

July 21, 2020

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 DA-010 Amendment #1
Water System Improvements
Towns of Amherst and Cheektowaga
ECWA Project No. 202000063

Attached are the following documents:

1. ECWA Authorization Form for processing Professional Service Contract Amendment #1 with DiDonato Associates.
2. Three original copies of Professional Service Contract Amendment #1 for the above referenced project.

The Amendment is to increase the Survey and Design Services for the above referenced project.

On February 13, 2020 the Authority and the Engineer entered into a professional services contract for engineering and consulting services relating to the replacement of existing waterlines on multiple streets in the Town of Amherst and Town of Cheektowaga with minimum 8-inch diameter waterlines. Under the Contract's scope of services, the waterline on Kensington Avenue in the Town of Amherst was to be replaced. However, during the design phase of the project, due to numerous underground utility conflicts and large mature trees, it was determined that the new watermain would need to be installed within the street. After discussions with the Erie County Department of Public Works (ECDPW), it was determined that due to a recently completed repaving project, the ECDPW will not allow the installation of the new watermain in the street.

In lieu of this portion of the project, the replacement of existing mains on Joanne Lane (from Vern Lane to Dennis Lane) and Dennis Lane (from Joanne Lane to Constance Lane) in the Town of Cheektowaga will be completed instead.

The increased amount to design and survey the new areas is reflected in the following table and provides the original contract cost, proposed amendment cost and total contract cost.

	Original Contract	Amendment No.1	Original Contract + All Amendments
Survey	\$31,500.00	\$10,200.00	\$41,700.00
Design	\$83,000.00	\$18,720.00	\$101,720.00
General Services	\$33,600.00	\$0.00	\$33,600.00
Estimated Resident Inspection	\$113,100.00	\$0.00	\$113,100.00
Record Drawings	\$13,340.00	\$0.00	\$13,340.00
Estimated Special Services	\$50,000.00	\$0.00	\$50,000.00
TOTALS	\$324,540.00	\$28,920.00	\$353,460.00

This work is within the original scope of the Professional Services Contract dated February 13, 2020 and the project is adequately funded.

MJQ:jmf

Attachments

cc: R.Stoll

L.Kowalski

L.Lester

CONT-DA-010-2001

**AMENDMENT NO. 1
PROFESSIONAL SERVICES CONTRACT**

AMENDMENT, effective July 30, 2020 ("Amendment No. 1"), to the Professional Services Contract (Contract No. DA-010), entered on the 13th day of February 2020, by and between:

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

hereinafter referred to as the "Authority," and
**DIDONATO ASSOCIATES ENGINEERING &
ARCHITECTURE, PE, PC**
689 Main Street
Buffalo, New York 14203

hereinafter referred to as the "Consultant."

WHEREAS, on February 13, 2020 the Authority and the Engineer entered into a professional services contract for engineering and consulting services relating to the replacement of existing waterlines on multiple streets in the Town of Amherst and Town of Cheektowaga with minimum 8-inch diameter waterlines (the "Contract"); and

WHEREAS, under the Contract's scope of services, the Authority sought to replace the existing waterline on Kensington Avenue in the Town of Amherst; and

WHEREAS, during the design phase of the project, due to numerous underground utility conflicts and large mature trees, it was determined that the new watermain would need to be installed within the street; and

WHEREAS, the Erie County Department of Public Works has recently completed repaving of Kensington Avenue and as such will not allow the installation of the new watermain as designed; and

WHEREAS, the Authority desires to maximize the current contract by substituting the replacement of existing mains on Joanne Lane (from Vern Lane to Dennis Lane) and Dennis Lane (from Joanne Lane to Constance Lane) in the Town of Cheektowaga; and

WHEREAS, based on the recommendation of the Authority's Chief Operating Officer and Executive Engineer, the Authority seeks to amend the Contract by expanding the scope of services allowing the Engineer to design the replacement of the watermains on Joanne Lane

and Dennis Lane; and

WHEREAS, in accordance with paragraph 5 of the Contract, no modification or variation from the terms of the Contract shall be effective unless it is in writing and authorized by a resolution of the Board of Commissioners of the Authority (the "Board") and signed by all parties;

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

- (1) The scope of services, in paragraph 2(A) of the Contract, is modified to remove the final design of the watermain on Kensington Avenue and supplemented to include the following:
 - (a) Engineering design services as outlined in the supplement letter dated July 8, 2020 relative to the replacement of existing waterlines on Joanne Lane (from Vern Lane to Dennis Lane) and Dennis Lane (from Joanne Lane to Constance Lane) in the Town of Cheektowaga, which is attached hereto as **Appendix A**.
- (2) The Engineer will complete the design phase services within the schedule previously agreed to by the Authority's Engineering Department.
- (3) The parties agree to amend paragraph 3, subparagraph D to increase the lump sum for survey by \$10,200, changing the current figure of \$31,500 to \$41,700.
- (4) The parties agree to amend paragraph 3, subparagraph D to increase the lump sum for design by \$18,720, changing the current figure of \$83,000 to \$101,720.
- (5) The parties agree all other terms and conditions of the Contract shall remain without change or amendment.
- (6) 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; and
- (7) The parties agree to accept electronic signature pages, signed in conformity with the Governor's Executive Order No. 202.7, allowing any notarial action to be performed utilizing audio-video technology.

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

DIDONATO ASSOCIATES ENGINEERING & ARCHITECTURE, PE, PC

By _____
John DiDonato, PE, Vice President

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On the _____ day of _____, in the year 2020, 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 2020, before me personally came John DiDonato, PE, to me known, who, being by me duly sworn, did depose and say that he resides in _____, New York, that he is the Vice President of the Corporation described in the above instrument; and that he signed his name thereto by order of the Board of Directors of said Corporation.

Notary Public

July 8, 2020

Mr. Steven Denzler, PE, Distribution Engineer
Erie County Water Authority
3030 Union Road
Cheektowaga, New York 14227-1097

Re: ECWA DA-10 Supplement

Dear Mr. Denzler:

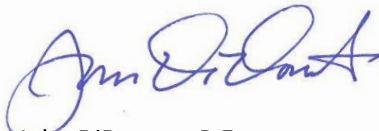
Due to the County Highway Department not letting ECWA to disturb the pavement on Kensington Avenue and other options outside the pavement were not feasible, we have been asked by ECWA to provide a survey cost for Joanne (from Vern to Dennis) and Dennis (from Joanne to Constance) and a credit for not finishing Kensington. Dennis and Joanne are 2,400 lf about the same length as Kensington.

Survey with field edits would be \$10,200.00 and design would be \$31,200.00. A credit back for Kensington at 60% Design including preparation of several alternate designs would be \$12,480.00 asking for a supplement request total of \$28,920.00. The attached graphic references Joanne and Dennis limits.

If you have any questions or require any further information, please feel free to call me at this office (716) 656-1900.

Very truly yours

DiDonato Associates, Engineering and Architecture, P.C.



John DiDonato, P.E.
President