




ERIE COUNTY WATER AUTHORITY

INTEROFFICE MEMORANDUM

March 16, 2022

To: Terrence D. McCracken, Secretary to the Authority

From: Michael J. Quinn, Senior Distribution Engineer 

Subject: Contract W-033
Distribution System Improvements
City of Lackawanna and the Village of Depew
ECWA Project No. 202100033

The following material is attached:

- Authorization Form requesting Board Authorization to execute the attached Amendment No. 1 to Professional Service Agreement with Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, PC (Wendel).
- Amendment No. 1 to Professional Service Agreement for the above referenced project.

This project, currently in the design phase, originally consisted of the installation of approximately 7,000 linear feet of new distribution waterline on multiple streets in the Village of Depew and City of Lackawanna. Amendment No. 1 covers additional survey, design and permitting associated with the construction of 350 LF of distribution main and two interconnections on Colony Street between 22 Colony Street and the proposed new watermain on Columbia Avenue in the Village of Depew. This main is being constructed to allow for the elimination of an existing cross-lot main currently located on private property as well as to improve fire flows in the area. The additional piping will increase the total length of new pipe installation to 7,350 linear feet.

The additional fee to complete the work is \$10,800.00. The Consultant's per-foot cost for this additional work is slightly higher than the per-foot cost of the original contract however it is reasonable given the relatively short section of main, the required interconnections and a new creek crossing. No additional fees are being requested for construction phase services including resident inspection.

Budget Information:

Unit: 2590 Eng/Const Distribution Mains

Item 101595 W-033 Waterline Replacement

- 2022 Budget – Engineering Services and Construction

MJQ:jmf

Attachments

cc: L.Kowalski

S.Denzler

L.Lester

CONT-W-033-2101-X-01

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

Contract: W-033 **Project No.:** 202100033
Project Description: Water System Improvements, Village of Depew and City of Lackawanna.

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 | <u></u> | Date: <u>3/16/2022</u> |
| <input checked="" type="checkbox"/> Chief Operating Officer | <u></u> | Date: <u>3/16/2022</u> |
| <input checked="" type="checkbox"/> Executive Engineer | <u></u> | Date: <u>03/16/2022</u> |
| <input checked="" type="checkbox"/> Director of Administration | <u></u> | Date: <u>03/16/2022</u> |
| <input checked="" type="checkbox"/> Risk Manager | <u></u> | Date: <u>3/16/2022</u> |
| <input checked="" type="checkbox"/> Chief Financial Officer | <u></u> | Date: <u>03/16/2022</u> |
| <input checked="" type="checkbox"/> Legal | <u></u> | Date: <u>3/16/2022</u> |

APPROVED FOR BOARD RESOLUTION:

- | | | |
|--|---|----------------------|
| <input checked="" type="checkbox"/> Secretary to the Authority | <u></u> | Date: <u>3/16/22</u> |
|--|---|----------------------|

Remarks: Professional Service Agreement Amendment No.1

Resolution Date: _____

Item No: _____

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

AMENDMENT, effective March 24, 2022 (“Amendment No. 1”), to the Professional Services Agreement, effective on March 4, 2021, by and between

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

hereinafter referred to as the “Authority,” and

**WENDEL WD ARCHITECTURE, ENGINEERING, SURVEYING
& LANDSCAPE ARCHITECTURE, PC**
375 Essjay Road, Suite 200
Williamsville, New York 14221

hereinafter referred to as the “Engineer.”

WHEREAS, on March 4, 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 Village of Depew and the City of Lackawanna (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 7,000 linear feet of new distribution waterline to the installation of 7,350 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 \$10,800.00 to perform the additional services relative to the installation of 350 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 7,350 linear feet of new distribution waterline on multiple streets in the Village of Depew and City of Lackawanna.

- (2) The parties agree that Article 1, Paragraphs 1.01 (B) (1) through (5) in the Contract are deleted in their entirety and replaced with the following:
1. Columbia Avenue from Marrano Drive to Leonard Drive, Village of Depew;
 2. Colony Street from 22 Colony Street to Columbia Avenue, Village of Depew;
 3. Broadway from Chateau Court to dead-end, Village of Depew;
 4. Beech Street from Lincoln Avenue to Jackson Avenue, City of Lackawanna;
 5. Pine Street from Lincoln Avenue to Madison Avenue, City of Lackawanna; and
 6. Spruce Street from Madison Avenue to Jackson Avenue, City of Lackawanna.
- (3) The parties agree to amend Article 2, Paragraph 2.04 (A)(1) to increase the lump sum for Survey by \$2,000.00, changing the current figure of \$19,922.20 to \$21,922.20;
- (4) The parties agree to amend Article 2, Paragraph 2.04 (A)(2) to increase the lump sum for Design by \$8,800.00, changing the current figure of \$49,170.19 to \$57,970.19;
- (5) The parties agree all other terms and conditions of the Contract shall remain without change or amendment; and
- (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.

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

**WENDEL WD ARCHITECTURE,
ENGINEERING, SURVEYING &
LANDSCAPE ARCHITECTURE, PC**

By _____
Stewart C. Haney, PE, CEO/President

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On the _____ day of March, 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 March, in the year 2022, before me personally came Stewart C. Haney, PE, CEO/President, to me known, who, being by me duly sworn, did depose and say that he resides in Williamsville, New York, that he is the CEO/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