




# ERIE COUNTY WATER AUTHORITY

## INTEROFFICE MEMORANDUM

January 8, 2024

To: Terrence D. McCracken, Secretary to the Authority

From: Michael Quinn, Senior Distribution Engineer 

Subject: Contract MP-090-G  
Sturgeon Point WTP Filtration Piping, Valve, and Underdrain System Improvements  
(General Construction)  
Change Order No. 1: Allowance Transfers  
ECWA Project No. 202200014

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Attached is Change Order No. 1 pertaining to the above referenced contract. The change order is the reallocation of funds within the existing contract related to allowances. This change order does not change the contract price or contract time.

As you may recall, in an effort to improve the schedule for construction of the project and reduce costs, the Authority chose to pre-procure a number of pieces of equipment to be included in the work. These pre-procurement contracts were then assigned to the construction contractors. Between the execution of the pre-procurement contracts and the execution of the contracts for the construction of the improvements the Authority made a number of payments to the individual equipment vendors. Any remaining costs were then included in the construction contracts as allowances.

During the bidding and award phase the Authority continued to make payments on the pre-procurement contracts, resulting in extra money in the allowances that will not be spent for those items. Recognizing this, the Engineering Department is proposing to reallocate these additional funds to the Miscellaneous Repair Work Allowance. The Miscellaneous Repair Work Allowance item was inadvertently established at \$250,000.00 which for a project of this size is inadequate. This reallocation will provide for flexibility in addressing the costs for changes in the work which are inevitable. The Miscellaneous Repair Work Allowance line item will be increased from \$250,000 to \$1,202,88.40. As mentioned earlier, the overall contract price will remain the same, \$28,470,000.

### **Budget Information:**

No change to final contract amount.

MJQ:jmf

Attachments

cc: L.Kowalski, PE

CONT-MP-090-G-2201-X-14

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

**Contract:** MP-090-G **Project No.:** 202200014  
**Project Description:** Sturgeon Point WTP Filtration Piping, Valve, and Underdrain System Improvements (General Construction)

**Item Description:**






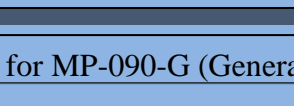

- |   |  |   |  |
|---|--|---|--|
| <input type="checkbox"/> Agreement                            | <input type="checkbox"/> Professional Service Contract | <input type="checkbox"/> Amendment          | <input checked="" type="checkbox"/> Change Order |
| <input type="checkbox"/> BCD                                  | <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>1/8/2024</u>   |
| <input checked="" type="checkbox"/> Chief Operating Officer    |  | Date: <u>01/09/2024</u> |
| <input checked="" type="checkbox"/> Executive Engineer         |  | Date: <u>1/8/2024</u>   |
| <input checked="" type="checkbox"/> Director of Administration |  | Date: <u>01/08/2024</u> |
| <input checked="" type="checkbox"/> Risk Manager               |  | Date: <u>1/8/2024</u>   |
| <input checked="" type="checkbox"/> Chief Financial Officer    |  | Date: <u>01/08/2024</u> |
| <input checked="" type="checkbox"/> Legal                      |  | Date: <u>1/8/2024</u>   |

**APPROVED FOR BOARD RESOLUTION:**

- |  |  |                       |
|--|--|-----------------------|
| <input checked="" type="checkbox"/> Secretary to the Authority |  | Date: <u>1-9-2024</u> |
|--|--|-----------------------|

**Remarks:** Change Order No. 1 for MP-090-G (General Construction)

**Resolution Date:** \_\_\_\_\_

**Item No:** \_\_\_\_\_

**CHANGE ORDER NO.: G-01**

Owner:	Erie County Water Authority	Owner's Project No.:	202200014
Engineer:	Arcadis of New York, Inc.	Engineer's Project No.:	30164370
Contractor:	American Contracting & Environmental Services, Inc.	Contractor's Project No.:	255
Project:	Sturgeon Point Water Treatment Plant Filtration Piping, Valve, and Underdrain System Improvements		
Contract Name:	MP-090-G-General		
Date Issued:	1/5/2024	Effective Date of Change Order:	1/18/2024

The Contract is modified as follows upon execution of this Change Order:

Description:

This Change Order results in a **net no cost change** in Contract Price by decreasing procurement contract allowances, adding equipment storage where needed for procurement contracts, and increasing the contingency allowance as described below with additional information included in the attachments.

- **Modification GCP-010, Procurement P01 Allowance Decrease:** Decrease of \$957,272.90 to Bid Item No. B.2 Assigned Procurement Contract MP-090-P01, Filter Underdrains Lump Sum Cash Allowance.
- **Modification GCP-011, Procurement P07 Allowance Decrease:** Decrease of \$131,328.50 to Bid Item No. B.6 Assigned Procurement Contract MP-090-P07, Rate of Flow Controllers Lump Sum Cash Allowance.
- **Modification GCP-006, Valve and Actuators Storage:** Increase of \$69,719.00 for equipment storage associated with Bid Item No. B.3 Assigned Procurement Contract MP-090-P03, Valves and Actuators Lump Sum Cash Allowance. This will be paid from the Modification GCP-010, Procurement P01 Allowance Decrease.
- **Modification GCP-007, Blowers Storage:** Increase of \$66,000.00 for equipment storage associated with Bid Item No. B.4 Assigned Procurement Contract MP-090-P04, Blower Lump Sum Cash Allowance. This will be paid from the Modification GCP-010, Procurement P01 Allowance Decrease.
- **Modification GCP-012, Contingency Allowance Increase:** Increase of \$952,882.40 to Bid Item No. C.8 – Miscellaneous Repair Work Lump Sum Contingency Allowance. This will be paid from the remaining balance of Modification GCP-010, Procurement P01 Allowance Decrease and Modification GCP-011, Procurement P07 Allowance Decrease.

**CHANGE ORDER NO.: G-01**

Attachments:

- GCP-006 – P03 Valve and Actuator Storage Modification Response Letter, dated 12/28/2023
- GCP-007 – P04 Blowers Storage Modification Response Letter, dated 12/17/2023
- GCP-010 – Procurement P01 Allowance Decrease Modification Response Letter, dated 12/28/2023
- GCP-011 – Procurement P07 Allowance Decrease Modification Response Letter, dated 12/28/2023
- GCP-012 – Contingency Allowance Increase Modification Response Letter, dated 12/28/2023

Change in Contract Price	Change in Contract Times
Original Contract Price: \$ <u>28,470,000.00</u>	Original Contract Times: Substantial Completion: <u>4/30/2027</u> Ready for final payment: <u>6/4/2027</u>
[Increase] [Decrease] from previously approved Change Orders No. N/A to No. N/A: \$ <u>N/A</u>	[Increase] [Decrease] from previously approved Change Orders No. N/A to No. N/A: Substantial Completion: <u>N/A</u> Ready for final payment: <u>N/A</u>
Contract Price prior to this Change Order: \$ <u>28,470,000.00</u>	Contract Times prior to this Change Order: Substantial Completion: <u>4/30/2027</u> Ready for final payment: <u>6/4/2027</u>
Increase this Change Order: \$ <u>0.00</u>	Increase this Change Order: Substantial Completion: <u>0 Calendar Days</u> Ready for final payment: <u>0 Calendar Days</u>
Contract Price incorporating this Change Order: \$ <u>\$28,470,000.00</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>4/30/2027</u> Ready for final payment: <u>6/4/2027</u>

Recommended by Engineer (if required)		Accepted by Contractor	
By: _____	_____	_____	_____
Title: _____	_____	_____	_____
Date: _____	_____	_____	_____

Authorized by Owner		Approved by Funding Agency (if applicable)	
By: _____	_____	_____	_____
Title: _____	_____	_____	_____
Date: _____	_____	_____	_____

Mr. Zachary Hein, P.E.  
Project Executive  
American Contracting & Environmental Services, Inc.  
11075 Stratfield Court  
Marriottsville, MD 21104

Arcadis of New York, Inc.  
50 Fountain Plaza  
Suite 360  
Buffalo, NY 14202  
United States  
Phone: 716 667 0900  
[www.arcadis.com](http://www.arcadis.com)

Date: December 28, 2023  
Our Ref: 30164370  
Subject: STP WTP Filtration Piping, Valve and Underdrain System  
Improvements, ECWA Project No. 20220014  
Contract No. MP-090-G-General  
Modification No. GCP-006, Valve and Actuator Storage

Dear Mr. Hein,

Arcadis of New York, Inc. has reviewed American Contracting & Environmental Services, Inc. (ACE) proposal for Modification No. GCP-006 – Valve and Actuator Storage (copy attached), dated December 12, 2023. The proposed cost is acceptable and will be included in the next Change Order prepared for your contract, increasing the Contract Price by \$69,719.00 for this work with no change in Contract Time.

Please contact me if you should have any questions concerning this modification or any other aspects of this project.

Sincerely,  
Arcadis of New York, Inc.



Mr. Matthew J. Czora, PE  
Principal Engineer

Email: [matt.czora@arcadis.com](mailto:matt.czora@arcadis.com)  
Direct Line: 585.662.4055  
Mobile: 585.314.6388

Mr. Zachary Hein, P.E.  
American Contracting & Environmental Services, Inc.  
December 28, 2023

CC. Mr. Michael Quinn, PE, BCEE, Erie County Water Authority  
Mr. Michael Wymer, PE, Erie County Water Authority  
Mr. Cameron Daley, Arcadis of New York, Inc  
Mr. Gregory Moran, Arcadis of New York, Inc  
Mr. Seth Hendershot, ACE

Enclosures:  
GCP-006 Proposal, dated 12/12/2023

Mr. Zachary Hein, P.E.  
Project Executive  
American Contracting & Environmental Services, Inc.  
11075 Stratfield Court  
Marriottsville, MD 21104

Arcadis of New York, Inc.  
50 Fountain Plaza  
Suite 360  
Buffalo, NY 14202  
United States  
Phone: 716 667 0900  
[www.arcadis.com](http://www.arcadis.com)

Date: December 15, 2023  
Our Ref: 30164370  
Subject: STP WTP Filtration Piping, Valve and Underdrain System  
Improvements, ECWA Project No. 20220014  
Contract No. MP-090-G-General  
Modification No. GCP-007, Blower Storage

Dear Mr. Hein,

Arcadis of New York, Inc. has reviewed American Contracting & Environmental Services, Inc. (ACE) proposal for Modification No. GCP-007 – Blower Storage (copy attached), dated December 12, 2023. The proposed cost is acceptable and will be included in the next Change Order prepared for your contract, increasing the Contract Price by \$66,000.00 for this work with no change in Contract Time.

Please contact me if you should have any questions concerning this modification or any other aspects of this project.

Sincerely,  
Arcadis of New York, Inc.



Mr. Matthew J. Czora, PE  
Principal Engineer

Email: [matt.czora@arcadis.com](mailto:matt.czora@arcadis.com)  
Direct Line: 585.662.4055  
Mobile: 585.314.6388

Mr. Zachary Hein, P.E.  
American Contracting & Environmental Services, Inc.  
December 13, 2023

CC. Mr. Michael Quinn, PE, BCEE, Erie County Water Authority  
Mr. Michael Wymer, PE, Erie County Water Authority  
Mr. Cameron Daley, Arcadis of New York, Inc  
Mr. Gregory Moran, Arcadis of New York, Inc  
Mr. Seth Hendershot, ACE

Enclosures:  
GCP-007 Proposal, dated 12/12/2023





**December 12, 2023**

Matt Czora  
Arcadis of New York  
50 Fountain Plaza, Suite 600  
Buffalo, NY 14202

Ref: Sturgeon Point WTP  
Subject: GCP-007 – PRE-P-4 Blowers Storage

**Dear Matt:**

Please find enclosed a copy of the detailed price estimate for the costs associated with the GCP-007 scope of work.

- Addition of storage and maintenance costs to assigned procurement contract MP-090-P04 per discussions amongst Koester, ECWA, Arcadis, and ACE.

The total cost for this work is \$66,000.00. If the work is desired, please issue a contract modification at your earliest convenience.

Please feel free to contact me if there are any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Zach Hein', written in a cursive style.

**Zach Hein**  
Project Executive  
American Contracting & Environmental Services, Inc.

PROPOSED CHANGE ORDER

DEPARTMENT OF PUBLIC WORKS  
& ENVIRONMENTAL SERVICES  
Project: **Sturgeon Point WTP**

Erie County Water Authority

PROPOSED CHANGE ORDER NO.: 007  
**REVISION DATE: 12/12/2023**  
**Contract No.: MP-090-G**

**From:** American Contracting & Environmental Services, Inc.  
11075 Stratfield Court, Marriottsville, MD 21104

**TO: Matt Czora**  
Arcadis of New York  
50 Fountain Plaza, Suite 600  
Buffalo, NY 14202

REFERENCES: FO \_\_\_ RFP \_\_\_ CCD \_\_\_

**TO OWNER:** CONTRACTOR hereby submits this request for a change order in the Contract Sum and/or the Contract Time to perform all Work associated with the above referenced Field Order or to perform or delete Work in response to the above-referenced Request

(1) The estimated direct and indirect costs, with applicable mark-ups for the performance of the proposed part of the work is as follows:

\$ 66,000.00 (Detailed Estimate Attached)

(2) The increase in the Contract Time or extensions of Contract Milestone Dates requested for this proposed Change, supported by the scheduling analysis required by the Contract Documents for such requested time extensions, is as follows:

0 Calendar Days - Contract Completion (Details Attached)  
0 Calendar Days - Milestone: \_\_\_\_\_  
(Substantial Completion Date)

The Contractor understands and certifies that the proposal stated herein represents all estimated direct and indirect costs and applicable mark-ups allowed by the Contract Documents and/or additional time of performance of the Work associated with this proposed Change. The Contractor further certifies that to the best of his knowledge and belief the cost and pricing data and scheduling analysis submitted herein regarding the performance of the proposed Change in the Work or the deletion of a part of the Work is complete, accurate, and current. The Contractor will perform the proposed Change in the Work as directed by the Owner or A/E.

CONTRACTOR: American Contracting & Environmental Services, Inc.

BY:  \_\_\_\_\_

Zach Hein 12/12/2023

**Cost Summary**  
**American Contracting & Environmental Services, Inc.**  
**Sturgeon Point WTP**  
**GCP-007 - PRE-P-4 Blowers Storage**

EXTRA COST Summary

	L	M	E	S	Totals
ACE Labor, Materials, Equipment Subcontractors	-	-	-	66,000.00	- 66,000.00
Sales Tax		0.00%			-
ACE Total Before Overhead & Profit & Bond					-
Overhead & Profit on ACE Work	0.00%				-
Subcontractor Total					<b>66,000.00</b>
Overhead & Profit on Subcontractor Base Costs	0.00%				-
Total before Bond					<b>66,000.00</b>
Bond	0.00%				-
<b>Total Extra Cost:</b>					<b>66,000.00</b>

**Cost Breakdown**  
**American Contracting & Environmental Services, Inc.**  
**Sturgeon Point WTP**  
**GCP-007 - PRE-P-4 Blowers Storage**

Description	Qty	UM	MH/Unit	MH	Wage Rate	Labor	M/Unit	Materials	E/Qty	Equipment	S/Unit	Subs	Total
<b>Koester Storage and Maintenance</b>													
Storage and Maintenance	1	EA	-	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 66,000.00	\$ 66,000.00	\$ 66,000.00

TOTAL \$ - \$ - \$ - \$ 66,000.00 \$ 66,000.00



INVOICE		
DATE	NUMBER	PAGE
11/27/2023	019175	1 of 1

B ACE CONSTRUCTION  
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S ERIE COUNTY WATER AUTHORITY  
 H 722 STURGEON POINT RD  
 I DERBY, NY 14047  
 P  
 T  
 O

ATTENTION:

CUSTOMER REF/PO #	JOB #	JOB TITLE	SLP	SHIPPING TYPE	TERMS
NOA-7/8/22	0224188	BLOWER PROCUREMENT	MKA/KKB	BEST WAY	NET 30

PART NO.	DESCRIPTION
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BLOWER STORAGE FIRST MONTH

BLOWER STORAGE SECOND MONTH

BLOWER STORAGE THIRD MONTH

BLOWER STORAGE FOURTH MONTH

BLOWER STORAGE FIFTH MONTH

BLOWER STORAGE SIXTH MONTH

<p>This invoice is subject to and incorporates by reference Koester Associates ("Koester") Terms &amp; Conditions and Customer Warranty available at <a href="http://www.koesterassociates.com">www.koesterassociates.com</a> which will be provided by email upon written request. Buyer expressly agrees to the provisions set forth in the Terms &amp; Conditions and Customer Warranty posted on Koester's website.</p> <p><b>*TERMS OF PAYMENT ARE NET 30 DAYS FROM DATE OF INVOICE *A 7% PER ANNUM SERVICE CHARGE SHALL BE APPLIED TO ANY BALANCE*CREDIT CARD PAYMENTS ARE SUBJECT TO AN ADDITIONAL 3% PROCESSING FEE</b></p>	SUBTOTAL: \$ 66,000.00
	TAX: \$ 0.00
	TOTAL: \$ 66,000.00

3101 Seneca Turnpike Canastota, NY 13032 - Phone: 315-697-3800 - Fax: 315-697-3888

[www.koesterassociates.com](http://www.koesterassociates.com)

Mr. Zachary Hein, P.E.  
 Project Executive  
 American Contracting & Environmental Services, Inc.  
 11075 Stratfield Court  
 Marriottsville, MD 21104

Arcadis of New York, Inc.  
 50 Fountain Plaza  
 Suite 360  
 Buffalo, NY 14202  
 United States  
 Phone: 716 667 0900  
[www.arcadis.com](http://www.arcadis.com)

Date: December 28, 2023

Our Ref: 30164370

Subject: STP WTP Filtration Piping, Valve and Underdrain System  
 Improvements, ECWA Project No. 20220014  
 Contract No. MP-090-G-General  
 Modification No. GCP-010, Procurement P01 Allowance Decrease

Dear Mr. Hein,

Arcadis of New York, Inc. has reviewed the value of American Contracting & Environmental Services, Inc. (ACE) assigned procurement contract for MP-090-P01, Filter Underdrains against Bid Item No. B.2, Assigned Procurement Contract MP-090-P01, Filter Underdrains Lump Sum Cash Allowance. A summary of our findings is included in Table 1. Note that a \$10,000 contingency is included for any future modifications required under this procurement contract.

Table 1. Procurement Contract vs Allowance Summary

Item	Amount
Bid Item No. B.2 Assigned Procurement Contract MP-090-P01, Filter Underdrains Lump Sum Cash Allowance	\$2,901,818.70
Remaining Procurement Contract Balance	-\$1,934,545.80
Contingency	-\$10,000.00
<b>Balance</b>	<b>\$957,272.90</b>

The difference between the lump sum cash allowance and the assigned procurement contract is due to additional payment(s) made by ECWA for the procurement contract prior to assignment to ACE. The original value of Procurement Contract MP-090-P01 was \$3,224,243.00 and ECWA paid \$1,289,697.20 prior to assignment of the contract to ACE resulting in a balance of \$1,934,545.80.

Based upon the information above, Bid Item No. B.2 will be adjusted in the next Change Order prepared for your contract, decreasing the Bid Item B.2 by \$957,272.90 with no change in Contract Time. This balance will be applied to the Contingency Allowance Increase.

Mr. Zachary Hein, P.E.  
American Contracting & Environmental Services, Inc.  
December 28, 2023

Please contact me if you should have any questions concerning this modification or any other aspects of this project.

Sincerely,  
Arcadis of New York, Inc.



Mr. Matthew J. Czora, PE  
Principal Engineer

Email: [matt.czora@arcadis.com](mailto:matt.czora@arcadis.com)  
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Mr. Zachary Hein, P.E.  
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 American Contracting & Environmental Services, Inc.  
 11075 Stratfield Court  
 Marriottsville, MD 21104

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 Buffalo, NY 14202  
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 Phone: 716 667 0900  
[www.arcadis.com](http://www.arcadis.com)

Date: December 28, 2023  
 Our Ref: 30164370  
 Subject: STP WTP Filtration Piping, Valve and Underdrain System  
 Improvements, ECWA Project No. 20220014  
 Contract No. MP-090-G-General  
 Modification No. GCP-011, Procurement P07 Allowance Decrease

Dear Mr. Hein,

Arcadis of New York, Inc. has reviewed the value of American Contracting & Environmental Services, Inc. (ACE) assigned procurement contract for MP-090-P07, Rate of Flow Controllers against Bid Item No. B.6, Assigned Procurement Contract MP-090-P07, Rate of Flow Controllers Lump Sum Cash Allowance. A summary of our findings is included in Table 1. Note that a \$10,000 contingency is included for any future modifications required under this procurement contract.

Table 1. Procurement Contract vs Allowance Summary

Item	Amount
Bid Item No. B.6 Assigned Procurement Contract MP-090-P07, Rate of Flow Controllers Lump Sum Cash Allowance	\$207,493.20
Assigned Procurement Contract	-\$66,164.70
Contingency	-\$10,000.00
<b>Balance</b>	<b>\$131,328.50</b>

The difference between the lump sum cash allowance and the assigned procurement contract is due to additional payment(s) made by ECWA for the procurement contract prior to assignment to ACE. The original value of Procurement Contract MP-090-P01 was \$353,322.00 and ECWA paid \$282,657.60 along with a change order reducing the procurement contract by \$4,500 prior to assignment of the contract to ACE.

Based upon the information above, Bid Item No. B.6 will be adjusted in the next Change Order prepared for your contract, decreasing the Contract Price by \$131,328.50 with no change in Contract Time. This balance will be applied to the Contingency Allowance Increase.



Mr. Zachary Hein, P.E.  
American Contracting & Environmental Services, Inc.  
December 28, 2023

Please contact me if you should have any questions concerning this modification or any other aspects of this project.

Sincerely,  
Arcadis of New York, Inc.



Mr. Matthew J. Czora, PE  
Principal Engineer

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American Contracting & Environmental Services, Inc.  
11075 Stratfield Court  
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50 Fountain Plaza  
Suite 360  
Buffalo, NY 14202  
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Date: December 28, 2023  
Our Ref: 30164370  
Subject: STP WTP Filtration Piping, Valve and Underdrain System  
Improvements, ECWA Project No. 20220014  
Contract No. MP-090-G-General  
Modification No. GCP-012, Contingency Allowance Increase

Dear Mr. Hein,

The value of Bid Item No. C.8 – Miscellaneous Repair Work Lump Sum Contingency Allowance is \$250,000.00 as originally included in the Contract Documents. The ECWA has elected to increase this bid item by \$952,882.40, resulting in a total Miscellaneous Repair Work Lump Sum Contingency Allowance of \$1,202,882.40. Bid Item No. C.8 will be adjusted in the next Change Order prepared for your contract, increasing the Contract Price by \$952,882.40 with no change in Contract Time.

Please contact me if you should have any questions concerning this modification or any other aspects of this project.

Sincerely,  
Arcadis of New York, Inc.



Mr. Matthew J. Czora, PE  
Principal Engineer

Email: [matt.czora@arcadis.com](mailto:matt.czora@arcadis.com)  
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