




ERIE COUNTY WATER AUTHORITY
INTEROFFICE MEMORANDUM
May 15, 2023

To: Terrence D. McCracken, Secretary to the Authority

From: Michael J. Quinn, Senior Distribution Engineer 

Subject: Contract MP-088 Amendment #1
Sturgeon Point WTP Washwater Tank Replacement
ECWA Project No. 202100111

Attached are the following documents:

1. ECWA Authorization Form for processing Professional Service Contract Amendment #1 with Arcadis of New York, Inc. (Arcadis).
2. Three original copies of Professional Service Contract Amendment #1 for the above referenced project.

The Amendment is to increase the Design Phase Services and adjust the hourly rate for the Resident Inspection (RI) services for the above referenced project.

On May 13, 2021, the Authority and the Consultant entered into a professional services contract for engineering and consulting services relating to the design and construction of a new washwater storage tank at the Sturgeon Point Water Treatment Plant. The scope of services included constructing the new tank in an area directly adjacent to the existing washwater tank. Subsequent to the development of the project scope and executing the agreement, Authority Engineering and Production Department reconsidered this location and requested that Arcadis evaluate the feasibility of other tank locations. Two other locations were identified which would better integrate with the future construction of the filter upgrade project (Contract MP-090). Additional efforts included evaluation of alternate site conditions and system hydraulics as well as piping interconnection options. These additional alternatives will result in extra cost for design. In addition to reviewing additional tank locations, additional services were also provided for developing an EFC compliant engineering report which was used for a grant application, electrical design modifications and revisions to the contract documents to address Authority specification revisions.

The above referenced evaluation resulted in a delay in the construction contract (originally anticipated to be constructed in 2021) of approximately one year. This delay resulted in the need to adjust the agreed upon hourly rate for the Consultants hourly rates for resident inspection as follows:

Title	Original Payable Hourly Rate	Amended Payable Hourly Rate
Resident Inspector	\$120.00/hour	\$126.00/hour
Senior Construction Manager	\$165.00/hour	\$175.00/hour

The increased amount to complete the design and construction of the new tank is reflected in the following table and provides the original contract cost, proposed amendment cost and total contract cost. Note that based on the contractor's schedule for the tank construction, the requested adjustment in hourly rates does not result in a need to amend the not to exceed fee for Resident Inspection.

	Original Contract	Amendment No.1	Original Contract + All Amendments
Preliminary Investigation and Design	\$105,000	\$42,930	\$147,930
Construction and General Services	\$40,000	\$0	\$40,000
Estimated Resident Inspection	\$150,000	\$0	\$150,000
Record Drawings	\$8,000	\$0	\$8,000
Estimated Special Services	\$50,000	\$0	\$50,000
TOTALS	\$353,000	\$42,930	\$395,930

This work is within the original scope of the Professional Services Contract dated May 13, 2021, and funds for the amendment are available in Unit 2510 Eng/Const Sturgeon Point, Item 101608 Washwater Tank Replacement.

MJQ:jmf
Attachments
cc: L.Kowalski
L.Lester
CONT-MP-088-2101-X-01

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

Contract: MP-088 **Project No.:** 202100111
Project Description: Sturgeon Point WTP Washwater Tank Replacement

Item Description:



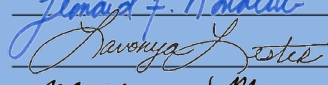




☐ Agreement ☐ Professional Service Contract ☒ Amendment ☐ Change Order
☐ BCD ☐ NYSDOT Agreement ☐ Contract Documents ☐ Addendum
☐ Recommendation for Award of Contract ☐ Recommendation to Reject Bids
☐ Request for Proposals
☐ Other _____

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>5/15/2023</u>
<input checked="" type="checkbox"/> Chief Operating Officer		Date: <u>5/15/2023</u>
<input checked="" type="checkbox"/> Executive Engineer		Date: <u>05/15/2023</u>
<input checked="" type="checkbox"/> Director of Administration		Date: <u>05/15/2023</u>
<input checked="" type="checkbox"/> Risk Manager		Date: <u>5/15/2023</u>
<input checked="" type="checkbox"/> Chief Financial Officer		Date: <u>05/15/2023</u>
<input checked="" type="checkbox"/> Legal		Date: <u>5/15/2023</u>

APPROVED FOR BOARD RESOLUTION:

☒ Secretary to the Authority  Date: 5/15/2023

Remarks: Amendment No. 1 to Professional Services Agreement.

Resolution Date: _____

Item No: _____

**AMENDMENT NO. 1
PROFESSIONAL SERVICES CONTRACT**

AMENDMENT, effective May 25, 2023 (“Amendment No. 1”) to the Professional Services Contract (Contract No. MP-088), entered on May 13, 2021, by and between:

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

hereinafter referred to as the “Authority,” and

ARCADIS OF NEW YORK, INC.
Key Center at Fountain Plaza
50 Fountain Plaza, Suite 360
Buffalo, New York 14202

hereinafter referred to as the “Engineer.”

WHEREAS, on May 13, 2021, the Authority and the Engineer entered into a professional services contract for engineering and consulting services relating to the design and construction of a prestressed concrete washwater tank at the Sturgeon Point Water Treatment Plant (the “Contract”); and

WHEREAS, during the design phase of the project, several changes to the scope of work occurred, including the preparation of an engineering reports to enable the Authority to obtain funding for the project, analysis of alternate tank locations, and electrical conduit relocation; and

WHEREAS, the Engineer has requested additional compensation of \$42,930 for the additional services it provided to the Authority as set forth above; and

WHEREAS, the Engineer has requested an increase in the resident inspection rates during the construction phase of the project as a result of a one year delay in construction due to the design phase changes in the scope of work; and

WHEREAS, the Authority’s Chief Operating Officer and Executive Engineer recommend that the Authority amend the Contract by increasing the compensation to the Engineer by \$42,930 and increasing the resident inspection rates; and

WHEREAS, in accordance with article 5, paragraph 5.02 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 the mutual promises herein set forth, the parties agree to the following:

- (1) The parties agree to amend article 4, paragraph 4.04, subparagraph A(1) to increase the lump sum for preliminary investigation and design by \$42,930, changing the current figure of \$105,000 to \$147,930; and
- (2) The parties agree to amend article 4, paragraph 4.04, subparagraph B to increase the payable hourly rate for resident inspector by \$6.00, changing the current figure of \$120.00 to \$126.00; and
- (3) The parties agree to amend article 4, paragraph 4.04, subparagraph B to increase the payable hourly rate for senior construction manager by \$10.00, changing the current figure of \$165.00 to \$175.00; and
- (4) The parties agree all other terms and conditions of the Contract shall remain without change or amendment; and
- (5) 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 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

ARCADIS OF NEW YORK, INC.

By _____
Mark R. Lenz, P.E., Senior Vice President

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On the _____ day of May, in the year 2023, 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 2023, before me personally came Mark R. Lenz, to me known, who, being by me duly sworn, did depose and say that he resides in Amherst, New York, that he is the Senior 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