



ERIE COUNTY WATER AUTHORITY

INTEROFFICE MEMORANDUM

December 4, 2023

To: Terrence D. McCracken, Secretary to the Authority

From: Michael J. Quinn, PE, Senior Distribution Engineer

A handwritten signature in black ink, appearing to read "MJQ", is written over the name "Michael J. Quinn" in the "From:" line.

Subject: Contract GHD-007 - Guenther Pump Station Rehabilitation
Amendment No. 2 – Additional Construction Administration and
Resident Engineering Fees
ECWA Project No. 201800138

Attached is Amendment No. 2 to the Professional Services Contract with GHD for additional engineering services for the above referenced project.

Due in large part to the complexity of the project, nearly the entire facility and equipment was upgraded, the construction duration and associated level of effort for construction phase services (Construction Administration (CA) and Resident Inspection (RI)) was underestimated at the time the original professional services agreement was negotiated. This underestimation was further exacerbated by delays associated with the COVID 19 pandemic. In total, these factors resulted in a construction duration of roughly eighteen months. The original agreement contemplated a nine-month duration and the building addition added another four months, for an initial total duration of thirteen months. These delays led to the need for additional construction phase support for CA and RI from the Authority's consultant, GHD. In addition, under project Amendment No. 1 additional compensation was provided for the design of a building addition to house the new standby generator. Amendment No. 1 also included funds for associated CA services. Due to the unknown duration of the construction of the building addition, Amendment No. 1 did not include compensation for additional RI. Now that the work is complete, the total additional RI fees have been calculated.

Note that not only were the additional CA and RI necessary; we feel that in no uncertain terms, they were essential in ensuring the successful outcome of the project. In total the additional compensation recommended is \$272,752. A summary of the additional compensation for each item for Amendment No 2 is outlined below.

Budget Information:

Unit 2520, Eng/Const Control

Item: 101358, GHD-007 Guenther Rehabilitation

To: Terrence D. McCracken
Secretary to the Authority

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December 4, 2023

	Original Contract	Amendment #1	Amendment # 2	Original Contract +All Amendments
Design Report	\$107,000.00	\$144,700.00		\$251,700.00
Survey	\$11,000.00			\$11,000.00
Design	\$209,700.00			\$209,700.00
General Services (CA)	\$91,000.00	\$39,100.00	\$65,000.00	\$195,100.00
Not to Exceed Resident Inspection	\$250,000.00		\$207,752.00	\$457,752.00
Record Drawings	\$5,900.00			\$5,900.00
Estimated Special Services	\$40,000.00			\$40,000.00
TOTALS	\$714,600.00	\$183,800.00	\$272,752.00	\$1,171,152.00

MJQ:jmf

Attachments

cc: L.Kowalski, PE
CONT-GHD-007-1801-011

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

Contract: GHD-007 **Project No.:** 201800138
Project Description: Guenther Pump Station Rehabilitation
Professional Services Contract Amendment No. 2

Item Description:



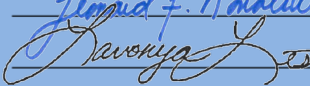



Agreement Professional Service Contract Amendment Change Order
 BCD NYSDOT Agreement Contract Documents Addendum
 Recommendation for Award of Contract Recommendation to Reject Bids
 Request for Proposals
 Other _____

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>12/4/2023</u>
<input checked="" type="checkbox"/> Chief Operating Officer		Date: <u>12/04/2023</u>
<input checked="" type="checkbox"/> Executive Engineer		Date: <u>12/04/2023</u>
<input checked="" type="checkbox"/> Director of Administration		Date: <u>12/04/2023</u>
<input type="checkbox"/> Risk Manager	_____	Date: _____
<input checked="" type="checkbox"/> Chief Financial Officer		Date: <u>12/04/2023</u>
<input checked="" type="checkbox"/> Legal		Date: <u>12/04/23</u>

APPROVED FOR BOARD RESOLUTION:

<input checked="" type="checkbox"/> Secretary to the Authority		Date: <u>12/04/23</u>
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Remarks: _____

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

**AMENDMENT NO. 2 TO
PROFESSIONAL SERVICES CONTRACT**

AMENDMENT, effective December 14, 2023 (“Amendment No. 2”), to the Professional Services Contract, entered on the 5th day of September 2018, by and between

ERIE COUNTY WATER AUTHORITY

295 Main Street, Room 350
Buffalo, New York 14203

hereinafter referred to as the “Authority,” and

GHD CONSULTING SERVICES, INC.

285 Delaware Avenue, Suite 500
Buffalo, New York 14202

hereinafter referred to as the “Engineer.”

WHEREAS, on August 30, 2018, the Authority awarded the Engineer a professional services contract to provide engineering and consulting services relating to the rehabilitation and capital improvement of the Guenther Pump Station (the “Contract”); and

WHEREAS, on May 21, 2020, the Authority and the Engineer entered into Amendment No. 1 to the Contract amending and expanding the Contract’s scope of services; and

WHEREAS, at the time of Amendment No. 1, no adjustment was made to the Contract’s budget for resident inspection and an inadequate adjustment was made to the budget for construction administration services as a result of the expanded scope of services as detailed in the Engineer’s letter to the Authority dated October 13, 2023, and attached to, incorporated in this Amendment No. 2 as Appendix A; and

WHEREAS, the Engineer originally requested additional compensation of \$305,959.00 for the additional services it provided to the Authority as set forth in Appendix A; and

WHEREAS, following negotiations with the Engineer, the Authority’s Chief Operating Officer and Executive Engineer recommend that the Authority amend the Contract by increasing the total compensation to the Engineer by \$272,752.00 including \$207,752.00 for resident inspection and \$65,000.00 for general services (construction administration); 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 parties agree to amend paragraph 3, subparagraph D to increase the lump sum for general services by \$65,000, changing the current figure of \$130,200 to \$195,200; and

(2) The parties agree to amend paragraph 3, subparagraph D to increase the total not to exceed for resident inspection by \$207,752, changing the current figure of \$250,000 to \$457,752; and

(3) The parties agree all other terms and conditions of the Contract shall remain unchanged and in effect; and

(4) 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. 2 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

GHD CONSULTING SERVICES, INC.

By _____
Robert P. Lannon Jr., PE, Vice President

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On the 14th day of December, 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 Robert P. Lannon Jr., PE, Vice President, to me known, who, being by me duly sworn, did depose and say that he resides in Lewiston, 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

APPENDIX A

Letter dated October 13, 2023



Your ref: GHD-007
 Our ref: 11183699

October 13, 2023

Mr. Michael Quinn, PE
 Senior Distribution Engineer
 Erie County Water Authority
 3030 Union Road
 Cheektowaga, New York 14227-1097

**Guenther Pump Station Rehabilitation
 Resident Inspection and Construction Administration
 Budget Request**

Dear Mr. Quinn:

GHD requests additional budget for onsite resident inspection and construction administration services for the Guenther Pump Station Rehabilitation project. The project was expanded during the design phase to include a new building addition and at that time not all construction phase services were adjusted to address the additional time and effort required by the additional project scope.

The project is nearing final completion with all four new pumps successfully being utilized by ECWA on a regular basis. We hope the construction project can be closed within the next month or so.

The original budget for resident inspection services was based on approximately 9 months of full-time effort (40 hours per week and 8-hour days) when the project was envisioned to involve two new pumps. The budget lasted approximately 11 months from notice to proceed and was exhausted around April 1, 2022. Additional monies are needed for the actual effort spent during active construction. We are requesting an additional 9 months of full-time budget for resident inspection services from April 1, 2022 to December 31, 2022, and part-time as needed services provided in 2023 as the contractor completed remaining work items. A total of 1,617 hours of project inspector and construction engineer effort has been spent in this time period totaling \$207,752.

The construction administration budget for the project was also exhausted, and similar to the resident inspection phase, we request additional monies for services such as clarifications and responses to the contractor's requests for information, field orders, submittal reviews, payment application reviews, attendance at progress meetings, etc. As mentioned in our biweekly reports, our budget for construction administration ran out in the fall of 2021. Since our construction administration budget was exhausted, we have expended approximately 675 hours or \$98,207 over the original budget.

We respectfully request the following additional budget for providing onsite resident inspection and construction administration services for the expanded Guenther Pump Station Project.

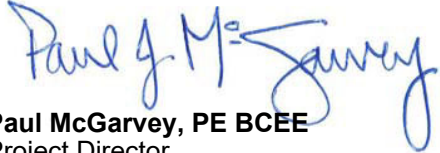
Table 1 Additional Budget Request

Budget Item	Basis	Requested Amount
Resident Inspection	Apr-Dec 2022 (FT 1,477) + 140 hours PT	\$207,752
Construction Administration	675 hours from Oct 2022 to Oct 2023	\$98,207

We appreciate ECWA's understanding for the need for additional compensation for construction phase services for the expanded scope project and the actual duration of construction. The resident inspection budget is solely based on the duration of onsite activities by the contractor. The total budget for construction administration will be \$228,407, including this proposed addition, which is approximately 2.40 percent of the construction contract value of \$9,527,775. This value is well within the industry standards for construction administration by a consulting engineer. Furthermore, as a result of our construction administration efforts on this project, we were able to keep the construction project below bid price.

Thank you again for your consideration and please contact us if you have any questions.

Regards,



Paul McGarvey, PE BCEE
Project Director

716.242.6931
paul.mcgarvey@ghd.com