



ERIE COUNTY WATER AUTHORITY

INTEROFFICE MEMORANDUM

April 4, 2023

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 CH-013 Amendment #2
Water System Improvements
Town of Amherst
ECWA Project No. 202000073

Attached are the following documents:

1. ECWA Authorization Form for processing Professional Service Contract Amendment #2 with CHA Consulting, Inc.
2. Three original copies of Professional Service Contract Amendment #2 for the above referenced project.
3. Budget Transfer Form

The Amendment is to adjust 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 an existing 30-inch diameter transmission main from the south side of Main Street to the south side of Wehrle Drive (approximate length 4,100 linear feet) in the Town of Amherst. Since the development of the original scope of work and subsequently Amendment No. 1, unforeseen field conditions have been identified as well as substantial comments on the traffic control concepts have resulted in the need for additional scope. This additional scope of work also led to multiple rounds of comments from the Engineering Department late in the design process.

The following unanticipated changes resulted in increase of the original design scope.

1. The Authority's request for additional 100 feet of 8-inch DIP on the Route 33 on-ramp, resulted in consultant's additional survey and design effort.
2. Work zone traffic control plans requested by NYSDOT for the Route 33 ramp portion of the project resulted in consultant's additional design effort.
3. Authority's additional comments on the specifications and drawings resulted in CHA submitting additional review packages, which increased the number of hours spent on design.

The following table provides the original contract cost, Amendment #1 cost, proposed Amendment #2 cost and total contract cost.

To: Terrence D. McCracken
Secretary to the Authority

April 4, 2023

	Original Contract	Amendment #1	Amendment #2	Original Contract +All Amendments
Survey	\$15,320.00	\$9,300.00	\$2,378.00	\$26,998.00
Design	\$63,800.00	-\$9,300.00	\$22,823.00	\$77,323.00
General Services	\$44,480.00	\$0.00		44,480.00
Estimated Resident Inspection	\$165,000.00	\$0.00		\$165,000.00
Record Drawings	\$10,800.00	\$0.00		\$10,800.00
Estimated Special Services	\$50,000.00	\$0.00		\$50,000.00
TOTALS	\$349,400.00	\$0.00	\$25,201.00	\$374,601.00

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

Budget Information:

Due to the fact that this project was placed on hold, funds were not included in the 2023 ECWA budget for this amendment and completion of the final design therefore the budget item must be reestablished and funds transferred to account for this expense. As shown on the attached Budget Transfer Form, funds for this budget item (Unit 2595, Item 101532) will be transferred from Contract W-030, Transmission Main Replacement (Unit 2595, Item 101362). Funds are available in this contract as the project has been delayed due to easement issues and coordination with National Grid and the University at Buffalo.

MJQ:jmf
Attachments
cc: R.Stoll
L.Kowalski
W.Wheeler
L.Lester
CONT-CH-013-2001-X-01

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

Contract: CH-013 **Project No.:** 202000073
Project Description: Water System Improvements Town of Amherst.

Item Description:


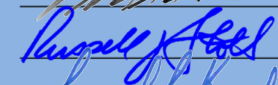

<input type="checkbox"/> Agreement	<input checked="" type="checkbox"/> Professional Service Contract	<input checked="" type="checkbox"/> Amendment	<input type="checkbox"/> Change Order
<input type="checkbox"/> BCD	<input type="checkbox"/> NYSDOT Agreement	<input type="checkbox"/> Contract Documents	<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>4/4/2023</u>
<input checked="" type="checkbox"/> Chief Operating Officer	<u></u>	Date: <u>4/5/2023</u>
<input checked="" type="checkbox"/> Executive Engineer	<u></u>	Date: <u>04/10/2023</u>
<input checked="" type="checkbox"/> Director of Administration	<u></u>	Date: <u>04/04/2023</u>
<input checked="" type="checkbox"/> Risk Manager	<u></u>	Date: <u>4/5/2023</u>
<input checked="" type="checkbox"/> Chief Financial Officer	<u></u>	Date: <u>04/04/2023</u>
<input checked="" type="checkbox"/> Legal	<u></u>	Date: <u>4/5/2023</u>

APPROVED FOR BOARD RESOLUTION:

<input checked="" type="checkbox"/> Secretary to the Authority	<u></u>	Date: <u>4/10/23</u>
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Remarks: _____

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

**AMENDMENT NO. 2
PROFESSIONAL SERVICES CONTRACT**

AMENDMENT, effective March 23, 2023 (“Amendment No. 2”) to the Professional Services Contract (Contract No. CH-013), entered on February 13, 2020, by and between:

ERIE COUNTY WATER AUTHORITY

295 Main Street, Room 350
Buffalo, New York 14203

hereinafter referred to as the “Authority,” and

CHA CONSULTING, INC.

2200 Main Place Tower
Buffalo, New York 14202

hereinafter referred to as the “Engineer.”

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 an existing large diameter waterline paralleling the I-290 from the south side of Main Street to the south side of Wehrle Drive in the Town of Amherst (the “Contract”); and

WHEREAS, on November 19, 2020, the Authority authorized Amendment No. 1 to the Contract to amend the scope of services to additionally replace an existing waterline at the northwest interchange of I-90 and NYS Route 33 on and off ramps in the Town of Cheektowaga and to reduce the lump sum survey fee by \$9,300 and increase the lump sum design fee by \$9,300; and

WHEREAS, during the design phase of the project, the Engineer provided additional survey and design work as a result of requests made by the Authority and the New York State Department of Transportation as outlined in the Engineer’s letter to the Authority dated March 10, 2023 and attached to and incorporated in this Amendment No. 2 as Appendix A; and

WHEREAS, the Engineer has requested additional compensation of \$25,201 for the additional services it provided to the Authority as set forth in Appendix A; and

WHEREAS, the Authority’s Chief Operating Officer and Executive Engineer recommend that the Authority amend the Contract by increasing the compensation to the Consultant by \$25,201; 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 the 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 survey by \$2,378, changing the current figure of \$24,620 to \$26,998; and
- (2) The parties agree to amend paragraph 3, subparagraph D to increase the lump sum for design by \$22,823, changing the current figure of \$54,500 to \$77,323; and
- (3) The parties agree all other terms and conditions of the Contract shall remain without change or amendment; 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 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

CHA CONSULTING, INC.

By _____
Wesley S. Ecker, Senior Vice President

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On the _____ day of March, 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 ALBANY) ss:

On the _____ day of _____, in the year 2023, before me personally came Wesley S. Ecker, to me known, who, being by me duly sworn, did depose and say that he resides in Saratoga, 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

APPENDIX A

Letter dated March 10, 2023



March 10, 2023

Mr. Michael Quinn, PE
Erie County Water Authority
3030 Union Road
Buffalo, New York 14227-1097

**RE: CH-013 – Water System Improvements Towns of Amherst and Cheektowaga
ECWA Project No. 202000073
CHA Project No. 60489; X76991; EWA No. 2**

Dear Mr. Quinn:

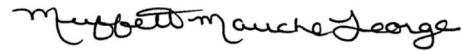
As you are aware, CHA is currently under contract to provide Engineering Services for the above-referenced project for the Erie County Water Authority (ECWA). The following items arose on this project that were beyond our original scope and have resulted in additional design effort required by CHA:

1. ECWA requested extra length of 100 feet of 8-inch DIP be added to the Route 33 on-ramp portion of the project to tie into to an existing 8-inch pipe at the police barracks. This required one additional interconnection and modifications to another interconnection that required a new hydrant. Additional survey was required as well, including clean up of base mapping, labeling of callouts, etc. This work was added after completion of the work on the newly added Route 33 portion of the project was completed. This was a 22 hour effort totaling \$2,378 for the survey portion and a 30 hour effort of \$3,770 for the design piece.
2. Work zone traffic control (WZTC) plans were requested by NYSDOT on the Route 33 ramp portion due to its location to the highway right-of-way. This additional scope was incurred solely due to the scope modification to include the work adjacent to the Route 33 interchange. This work included plan preparation and two (2) rounds of comments/revisions from the NYSDOT. The WZTC added \$10,266 to the project and was an 80-hour effort.
3. Late in the design process, the ECWA provided additional comments resulting in the redesign of sections of the project. This resulted in CHA needing to prepare additional formal submittal packages to address all of the review comments. This request includes time to revise the design and prepare the additional formal submittal packages. This effort included 66 hours of time and added \$8,787 to the project budget.

These three out-of-scope work items resulted in additional work for CHA, and as such we are submitting this revised Extra Work Authorization (EWA) No. 2 in the amount of **\$25,201**.

We appreciate your consideration of this extra fee request. Should you have any questions, please contact me at (716) 221-4409 or mmauche@chacompanies.com.

Sincerely,



Muffett Mauche George, PE
Senior Project Manager