



ERIE COUNTY WATER AUTHORITY

INTEROFFICE MEMORANDUM

August 1, 2024

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 "From:" line.

Subject: Contract MP-088 Amendment #2
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 #2 with Arcadis of New York, Inc. (Arcadis).
2. Three original copies of Professional Service Contract Amendment #2 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 a budget for Special Services associated with the design phase of the project. However, during construction of the tank, third party material testing is required by code, the cost for these tests were not contemplated during the development of the project scope and budget. The increased not-to-exceed amount for the additional Special Services (\$15,000) is reflected in the following table and provides the original contract cost, cost for contract Amendment No. 1 (previously approved), proposed Amendment No. 2, and total contract cost.

	Original Contract	Amendment No. 1	Amendment No. 2	Original Contract + All Amendments
Preliminary Investigation and Design	\$105,000	\$42,930	\$0	\$147,930
Construction and General Services	\$40,000	\$0	\$0	\$40,000
Estimated Resident Inspection	\$150,000	\$0	\$0	\$150,000
Record Drawings	\$8,000	\$0	\$0	\$8,000
Estimated Special Services	\$50,000	\$0	\$15,000	\$65,000
TOTALS	\$353,000	\$42,930	\$15,000	\$410,930

To: Terrence D. McCracken
Secretary to the Authority

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August 1, 2024

This type of 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 Wash water Tank Replacement

MJQ:jmf
Attachments
cc: L.Kowalski
M.Wymer
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:






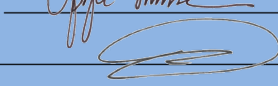

<input type="checkbox"/> Agreement	<input type="checkbox"/> Professional Service Contract	<input checked="" type="checkbox"/> Amendment	<input type="checkbox"/> Change Order
<input type="checkbox"/> BCD	<input type="checkbox"/> NYSDOT Agreement	<input type="checkbox"/> Contract Documents	<input type="checkbox"/> 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:

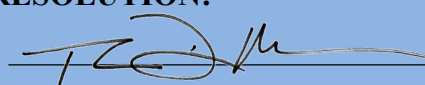
<input checked="" type="checkbox"/> Board Authorization to Execute	<input checked="" type="checkbox"/> Legal Approval
<input type="checkbox"/> Board Authorization to Award	<input checked="" type="checkbox"/> Execution by the Chairman
<input type="checkbox"/> Board Authorization to Advertise for Bids	<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		Date: <u>8/1/2024</u>
<input checked="" type="checkbox"/> Chief Operating Officer		Date: <u>08/06/2024</u>
<input checked="" type="checkbox"/> Executive Engineer		Date: <u>8/2/2024</u>
<input checked="" type="checkbox"/> Director of Administration		Date: <u>08/01/2024</u>
<input checked="" type="checkbox"/> Risk Manager		Date: <u>8/1/2024</u>
<input checked="" type="checkbox"/> Chief Financial Officer		Date: <u>08/01/2024</u>
<input checked="" type="checkbox"/> Legal		Date: <u>8/1/2024</u>

APPROVED FOR BOARD RESOLUTION:

<input checked="" type="checkbox"/> Secretary to the Authority		Date: <u>8/6/2024</u>
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Remarks: Amendment No. 2 to Professional Services Agreement.

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

**AMENDMENT NO. 2
PROFESSIONAL SERVICES CONTRACT**

AMENDMENT, effective August 15, 2024 (“Amendment No. 2”) 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, on May 25, 2023, the Authority and the Engineer entered into Amendment No. 1 of the Contract which increased the lump sum for preliminary investigation and design and increased the payable hourly rates for resident inspection; and

WHEREAS, during the construction phase of the project, additional special inspections were required and the cost of such inspections exceeds the contracted amount under Special Services; and

WHEREAS, the Engineer has requested that the total allowable expenditures for Special Services be increased by \$15,000 for the special inspections; and

WHEREAS, the Authority’s Chief Operating Officer and Executive Engineer recommend that the Authority amend the Contract by increasing the not to exceed total for Special Services by \$15,000; 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 C to increase the not to exceed amount for Special Services by \$15,000, changing the current figure of \$50,000 to \$65,000; and
- (2) The parties agree all other terms and conditions of the Contract shall remain without change or amendment; and
- (3) This Amendment may by 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

ARCADIS OF NEW YORK, INC.

By _____

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On the _____ day of August, in the year 2024, 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 2024, before me personally came _____, to me known, who, being by me duly sworn, did depose and say that he/she resides in _____, that he/she is the _____ of the Corporation described in the above instrument; and that he/she signed his/her name thereto by order of the Board of Directors of said Corporation.

Notary Public