



ERIE COUNTY WATER AUTHORITY

INTEROFFICE MEMORANDUM

June 10, 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", positioned to the right of the "From:" line.

Subject: Contract NC-043
New Pump Station at Newstead Storage Tank
ECWA Project No. 202100048

The following material is attached:

- Authorization Form requesting Board Authorization to execute the attached Amendment No. 2 to Professional Service Agreement with Nussbaumer & Clarke, Inc. (NC).
- Amendment No. 2 to Professional Service Agreement for the above referenced project.

This project, currently under construction, consists of the installation of a new pump station within the pedestal of the existing Newstead Tank. The Newstead Tank is an elevated tank and as the pressure zone developed in the vicinity of the tank, the pressure in the system has decreased such that the tank is currently unable to be filled completely. This project will correct this situation and provide increased pressure in the pressure zone and enhanced fire flows.

During construction a number of items have arisen which have resulted in a greater effort and the need for additional funds for General Services including:

- Extra analysis and review required for the proposed pumps.
- Additional services required for payment application processing.
- Investigation of the potential options for an interior roof drain for the pump station.
- Additional coordination and design modifications to address additional National Grid requirements.
- Additional General Services to account for the duration of construction being longer than originally anticipated.

The additional fee to complete the work is \$10,000.00. ECWA and the Consultant discussed the level of services that required and associated additional fees. The additional fees are reasonable and customary and within the original scope of work.

Budget Information:

Unit 2520 - Eng/Const Control

Item - 101589 Newstead PS Improvements

MJQ:jmf

Attachments

cc: L.Kowalski

W.Wheeler

L.Lester

CONT-NC-043-2101-X-01

May 23, 2024

Michael Quinn, PE
Sr. Distribution Engineer
Erie County Water Authority
3030 Union Road
Cheektowaga, NY 14227-1097



Re: Contract NC-043
New Pump Station at the Newstead Water Storage Tank
ECWA Project No. 202100048
Proposed Amendment No. 2 – Additional Construction Services
File No. 20J1-0154

Dear Mr. Quinn:

Nussbaumer & Clarke, Inc. (Nussbaumer) respectfully submits this proposed Amendment No. 2 to the Erie County Water Authority (ECWA) for additional services performed as part of the Construction Services Phase of the Professional Services Agreement for Engineering Services (Agreement) for the New Pump Station at the Newstead Water Storage Tank. Nussbaumer requests that the following Construction Services already performed be incorporated into our Agreement.

The following additional Construction Services were performed during the Construction Services Phase of the project.

1. Extra analysis and review required for the proposed pumps because the pump submitted was different than the one used for the basis of design.
2. Rectifying payment application errors and missing information from the contractor.
3. Investigation of the potential options for an interior roof drain.
4. Additional Construction Services due to the length of time it has taken to complete the construction work related to this project due to issues out of the contractor's control.
5. Additional design services and coordination to address field changes required by National Grid.

Nussbaumer requests the ECWA prepare Amendment No. 2 to account for the additional services above and increase the Agreement amount by \$10,000.00 for the additional Construction Services listed above.

Nussbaumer appreciates the opportunity to submit this proposed Amendment No. 2 and continue this project work for the ECWA. Should you have any questions, or need additional information, please do not hesitate to contact us at our convenience.

Sincerely,

NUSSBAUMER & CLARKE, INC.

Mark C. DiPasquale, P.E.
Associate - Engineering

c: Electronic File-01, 02

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

Contract: NC-043 **Project No.:** 202100048
Project Description: New Pump Station at Newstead Tank

Item Description:



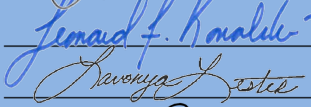
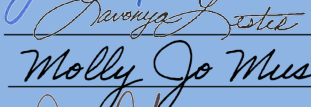
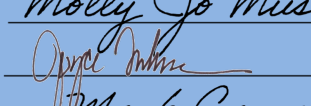


<input type="checkbox"/> Agreement	<input type="checkbox"/> Professional Service Contract	<input checked="" type="checkbox"/> Amendment	<input type="checkbox"/> Change Order
<input type="checkbox"/> BCD	<input type="checkbox"/> NYSDOT Agreement	<input type="checkbox"/> Contract Documents	<input type="checkbox"/>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

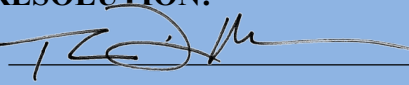
<input checked="" type="checkbox"/> Board Authorization to Execute	<input checked="" type="checkbox"/> Legal Approval
<input type="checkbox"/> Board Authorization to Award	<input checked="" type="checkbox"/> Execution by the Chairman
<input type="checkbox"/> Board Authorization to Advertise for Bids	<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>6/10/2024</u>
<input checked="" type="checkbox"/> Chief Operating Officer		Date: <u>06/10/2024</u>
<input checked="" type="checkbox"/> Executive Engineer		Date: <u>6/10/2024</u>
<input checked="" type="checkbox"/> Director of Administration		Date: <u>06/10/2024</u>
<input checked="" type="checkbox"/> Risk Manager		Date: <u>6/10/2024</u>
<input checked="" type="checkbox"/> Chief Financial Officer		Date: <u>06/10/2024</u>
<input checked="" type="checkbox"/> Legal		Date: <u>6/10/2024</u>

APPROVED FOR BOARD RESOLUTION:

<input checked="" type="checkbox"/> Secretary to the Authority		Date: <u>6/10/2024</u>
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Remarks: Professional Services Agreement Amendment #2

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

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

AMENDMENT, effective June 20, 2024 (“Amendment No. 2”), to the Professional Services Agreement, effective on March 4, 2021, by and between

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

hereinafter referred to as the “Authority,” and

NUSSBAUMER & CLARKE, INC.
3556 Lake Shore Road, Suite 500
Hamburg, New York 14219-1494

hereinafter referred to as the “Engineer.”

WHEREAS, on March 4, 2021 the Authority awarded the Engineer a professional service contract to provide engineering and consulting services relating to the construction of a new pump station at the Newstead Water Storage Tank (the “Contract”); and

WHEREAS, on October 20, 2022, the parties entered into Amendment No. 1 amending the Contract’s scope of services; and

WHEREAS, the Engineer has requested additional compensation of \$10,000 for the additional services it provided to the Authority as set forth in the Engineer’s letter dated May 23, 2024 and attached to and incorporated in this Amendment No. 2 as 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 Engineer by \$10,000; and

WHEREAS, in accordance with Article 5, § 5.02 of the Contract, any modification or variation from the terms of the Contract, must be in writing, authorized by a resolution of the Board of Commissioners of the Authority (the “Board”), and signed by all parties to be effective;

NOW, THEREFORE, in consideration of mutual promises herein set forth, the parties agree to the following:

- (1) The parties agree to amend Article 4, § 4.04, Paragraph A(3) to increase the lump sum payment for Construction and General Services by \$10,000.00, changing the current figure of \$48,700.00 to \$58,700.00; and

- (2) The parties agree all other terms and conditions of the Contract shall remain without change or amendment; and
- (3) 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

NUSSBAUMER & CLARKE

By _____
Michael T. Marino, PE, CEO

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On the _____ day of June, 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 Michael T. Marino, PE, to me known, who, being by me duly sworn, did depose and say that he resides in North Tonawanda, New York, that he is the CEO 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