



ERIE COUNTY WATER AUTHORITY
INTEROFFICE MEMORANDUM
August 1, 2024

To: Terrence D. McCracken, Secretary to the Authority

From: Michael W. Wymer, PE, Senior Production Engineer *MW*

Subject: Contract MP-091
EPA LCRR Program Management
ECWA Project No. 202200135

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 General Services lump sum fee and adjust the hourly rate for the Resident Inspection (RI), Program Assistance, and Special Services task services for the above referenced project.

On June 16, 2022, the Authority and the Consultant entered into a professional services contract for Program Management relating to EPA's Lead and Copper Rule Revisions. The scope of services included a task for design, general construction, and resident inspection services for contractor replacement of curb boxes (test pits) at 200 customer service line locations. Service line material information obtained during this task (on the resident and ECWA side of the curb box) was entered into the service line predictive model.

The project was bid as unit price contract, and based on the contractor bid, an opportunity to increase the number of curb box replacements is available within the project's original capital budget. The information obtained from the additional curb box replacements will provide additional data for further refinement of the predictive model.

As a result, additional consultant effort beyond that included in the original Professional Services Agreement is required for General Services and Resident Inspection.

The above referenced additional curb box replacements will extend of the duration of the construction contract, requiring an adjustment of the original direct hourly rates for resident inspection as indicated in Table 1. The proposed direct hourly rates for resident inspection have been incorporated into the calculation of the additional fees.

**TABLE 1
CONSULTANT ENGINEER FIXED HOURLY BILLING RATES
RESIDENT INSPECTION**

Title	Original Payable Hourly Rate	Amended Payable Hourly Rate 6/1/2024 – 6/1/2025
Resident Inspector	\$125.00/hour	N/A
Resident Inspector 1	N/A	\$100.97/hour
Resident Inspector 2	N/A	\$114.32/hour
Resident Inspector 3	N/A	\$154.78/hour
Senior Construction Manager	\$180.00/hour	\$192.50/hour

Additional fees included in this amendment to complete the work, utilizing the proposed hourly rate increases for Resident Inspection, are as follows:

- Article 4, § 4.05, Paragraph A.5. Lead Service Line Inventory - General Services to increase the lump sum payment by \$35,000, changing the current figure of \$34,650.00 to \$69,650.00.
- Article 4, § 4.05, Paragraph B.2 Resident Inspection to increase the not-to-exceed payment by \$25,000, changing the current figure of \$65,000.00 to \$90,000.00.

The fixed hourly rates for Program Assistance and Special Services will be adjusted at this time as the need for engineering services under these tasks will continue into 2025. Tables 2 and 3 below summarize the rate adjustments under this amendment.

ECWA and the Consultant discussed the level of services that required and associated additional fees. The additional fees requested in this amendment are reasonable and customary and within the original scope of work.

Budget Information:

Unit: 1030 Water Quality Assurance

2024 Capital Budget Item No.: 101664 Corrosion Control Program Management

TABLE 2
CONSULTANT ENGINEER FIXED HOURLY BILLING RATES
PROGRAM ASSISTANCE

Grade	Original Payable Hourly Rate	Amended Payable Hourly Rate 6/1/2024 – 6/1/2025
Project/Administrative Assistant I	\$75.00	\$80.00
Design Tech II/Field Tech II/Admin II	\$85.00	\$90.00
Drafter I/Field Tech & Admin III & IV	\$95.00	\$100.00
Drafter II/Field Tech & Admin V	\$130.00	\$140.00
CADD Designer/Project Controller	\$140.00	\$150.00
Field Supervisor	\$185.00	\$195.00
Engineer/Scientist	\$130.00	\$140.00
Staff Engineer/Scientist/Architect	\$145.00	\$155.00
Project Engineer/Scientist/Architect	\$160.00	\$170.00
Senior Engineer/Scientist/Architect I	\$180.00	\$190.00
Senior Engineer/Scientist/Architect II	\$200.00	\$210.00
Principle Engineer/Scientist/Architect I	\$225.00	\$240.00
Principle Engineer/Scientist/Architect II	\$250.00	\$270.00
Engineer/Scientist Director	\$275.00	\$295.00

TABLE 3
CONSULTANT ENGINEER FIXED HOURLY BILLING RATES
SPECIAL SERVICES

Grade	Original Payable Hourly Rate	Amended Payable Hourly Rate 6/1/2024 – 6/1/2025
Project/Administrative Assistant I	\$75.00	\$80.00
Design Tech II/Field Tech II/Admin II	\$85.00	\$90.00
Drafter I/Field Tech & Admin III & IV	\$95.00	\$100.00
Drafter II/Field Tech & Admin V	\$130.00	\$140.00
CADD Designer/Project Controller	\$140.00	\$150.00
Field Supervisor	\$185.00	\$195.00
Engineer/Scientist	\$130.00	\$140.00
Staff Engineer/Scientist/Architect	\$145.00	\$155.00
Project Engineer/Scientist/Architect	\$160.00	\$170.00
Senior Engineer/Scientist/Architect I	\$180.00	\$190.00
Senior Engineer/Scientist/Architect II	\$200.00	\$210.00
Principle Engineer/Scientist/Architect I	\$225.00	\$240.00
Principle Engineer/Scientist/Architect II	\$250.00	\$270.00
Engineer/Scientist Director	\$275.00	\$295.00

MWW:jmf
Attachments
cc: L.Kowalski
L.Lester
S. Figler
CONT-MP-091

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

Contract: MP-091 **Project No.:** 202200135
Project Description: EPA LCRR Program Management

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 Production Engineer	<u><i>Richard Wagner</i></u>	Date: <u>8/1/2024</u>
<input checked="" type="checkbox"/> Chief Operating Officer	<u><i>Jeanard F. Koualiki</i></u> For CEE	Date: <u>8/5/2024</u>
<input checked="" type="checkbox"/> Executive Engineer	<u><i>Jeanard F. Koualiki</i></u>	Date: <u>8/2/2024</u>
<input checked="" type="checkbox"/> Director of Administration	<u><i>Devonya Lester</i></u>	Date: <u>08/05/2024</u>
<input checked="" type="checkbox"/> Risk Manager	<u><i>Molly Op Musarra</i></u>	Date: <u>8/5/2024</u>
<input checked="" type="checkbox"/> Chief Financial Officer	<u><i>Oppe John</i></u>	Date: <u>08/05/2024</u>
<input checked="" type="checkbox"/> Legal	<u><i>Mark Carney</i></u>	Date: <u>8/5/2024</u>

APPROVED FOR BOARD RESOLUTION:

<input checked="" type="checkbox"/> Secretary to the Authority	<u><i>[Signature]</i></u>	Date: <u>8/6/2024</u>
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Remarks: Amendment No. 1 to Professional Services Agreement.

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

**AMENDMENT NO. 1
PROFESSIONAL SERVICES CONTRACT**

AMENDMENT, effective August 15, 2024 (“Amendment No. 1”) to the Professional Services Contract (Contract No. MP-091), entered on May 16, 2022, 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 June 16, 2022, the Authority and the Engineer entered into a professional services contract for engineering and consulting services relating to program management of the Authority’s implementation of the EPA’s Lead and Copper Rule Revisions (“LCRR”) (the “Contract”); and

WHEREAS, during the scope of services of the Contract included a task for design, general construction, and resident inspection services for contractor replacement of curb boxes (test pits) at 200 customer service line locations; and

WHEREAS, the Authority obtained service line material information from the replacements of the curb boxes that was entered into the service line predictive model; and

WHEREAS, the Authority has the opportunity to increase the number of curb box replacements and further refine the predictive model; and

WHEREAS, the Engineer has requested an additional fee of \$35,000 be added to the General Services lump sum, and that the not-to-exceed payment for Resident Inspection be increased by \$25,000, for a total of an additional \$60,000 to complete the additional curb box replacements; and

WHEREAS, the Engineer has also requested an increase in the payable hourly rates for Resident Inspection services, Program Assistance and Special Services; and

WHEREAS, the Authority’s Chief Operating Officer and Executive Engineer recommend that the Authority amend the Contract by increasing the lump sum payment for General Services by \$35,000, increasing the not to exceed total for Resident Inspection by \$25,000, and increasing the payable hourly rates for Resident Inspection and Program Assistance and Special Services; 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 4.05, subparagraph (A)(5) to increase the lump sum for General Services by \$35,000, changing the current figure of \$34,650 to \$69,650; and
- (2) The parties agree to delete article 4, paragraph 4.05, subparagraph (B) in its entirety and replace it with the following:

B. Resident Inspection Costs:

	Payable Hourly Rate	Employee Direct Hourly Rate
Resident Inspector 1	\$100.97	\$28-38
Resident Inspector 2	\$114.32	\$32-45
Resident Inspector 3	\$154.78	\$40-60
Senior Construction Manager	\$192.50	\$60-80

The Dollar amount for Estimated Resident Inspection is based on a fixed hour estimate of 400 hours of Resident Inspector Payable Hourly Rate and 50 hours of Senior Construction Manager Payable Hourly Rate. during the duration of the Project. Payment will be made for actual hours worked during the duration of construction. Actual hours will vary based on production rates of the Contractor during construction, unforeseen circumstances that develop during construction, and weather conditions.

1. Estimated Resident Inspection \$59,000.00
 2. TOTAL NOT TO EXCEED RESIDENT INSPECTION: \$90,000.00;
- and

- (3) The parties agree to delete the chart in Appendix B (Program Assistance) of the Contract in its entirety and replace it with the following:

Grade	Hourly Billing Rate
Project/Administrative Assistant I	\$80.00
Design Tech II/Field Tech II/Admin II	\$90.00
Drafter I/Field Tech & Admin III & IV	\$100.00
Drafter II/Field Tech & Admin V	\$140.00
CADD Designer/Project Controller	\$150.00
Field Supervisor	\$195.00
Engineer/Scientist	\$140.00
Staff Engineer/Scientist/Architect	\$155.00
Project Engineer/Scientist/Architect	\$170.00
Senior Engineer/Scientist/Architect I	\$190.00
Senior Engineer/Scientist/Architect II	\$210.00
Principle Engineer/Scientist/Architect I	\$240.00
Principle Engineer/Scientist/Architect II	\$270.00
Engineer/Scientist Director	\$295.00

and

- (4) The parties agree to delete the chart in Appendix C (Special Services) of the Contract in its entirety and replace it with the following:

Grade	Hourly Billing Rate
Project/Administrative Assistant I	\$80.00
Design Tech II/Field Tech II/Admin II	\$90.00
Drafter I/Field Tech & Admin III & IV	\$100.00
Drafter II/Field Tech & Admin V	\$140.00
CADD Designer/Project Controller	\$150.00
Field Supervisor	\$195.00
Engineer/Scientist	\$140.00

Staff Engineer/Scientist/Architect	\$155.00
Project Engineer/Scientist/Architect	\$170.00
Senior Engineer/Scientist/Architect I	\$190.00
Senior Engineer/Scientist/Architect II	\$210.00
Principle Engineer/Scientist/Architect I	\$240.00
Principle Engineer/Scientist/Architect II	\$270.00
Engineer/Scientist Director	\$295.00

and

- (5) The parties agree that the rate changes for Resident Inspection, Program Assistance and Special Services shall be effective as of June 1, 2024; and
- (6) The parties agree all other terms and conditions of the Contract shall remain without change or amendment; and
- (7) 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 _____

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