



# 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 GZA-001  
Sturgeon Point WTP Shoreline Stabilization  
ECWA Project No. 202200039

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The following material is attached:

- Authorization Form requesting Board Authorization to execute the attached Amendment No. 1 to Professional Service Agreement with GZA Geoenvironmental, Inc. (GZA)
- Amendment No. 1 to Professional Service Agreement for the above referenced project.

This project, currently under construction, consists of the stabilization of the shoreline at the Sturgeon Point WTP which has experienced significant erosion due to wave action and recent lack of winter ice cover. Construction of a concrete toe wall, regrading of the slope, and placement of large armor stone began in early May with a September 1, 2024 completion date.

During construction, a number of items developed, resulting in additional consultant effort for General and Resident Inspection Services. These issues were revealed only after excavation of the existing shoreline was initiated and include:

- Deterioration/leaking of the existing 18-inch outfall line requiring the replacement of 90 LF of pipe, tee, and elbow.
- Settling/displacement of the existing 42-inch storm discharge pipe requiring the replacement of 50 LF of pipe and redesign of the concrete toe wall to provide restraint at the pipe exit.
- Significant increase in the erosion of the shale layers adjacent to the existing shore wall requiring additional concrete forming and repair beyond the original scope of work.
- Additional engineering and resident inspection efforts as a result of the items above and the associated additional 30 days of contractor time provided to complete the work.

The consultant agreement with GZA includes Special Services and Contingency allowances, a portion of which have been applied to a part of the additional costs associated with the items identified above.

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Secretary to the Authority

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An Amendment to the existing Professional Services Agreement is necessary to cover the remainder of the additional costs.

The following actions are recommended under Amendment 1 as follows:

- Article 4, § 4.05, Paragraph A.2. Construction and General Services: increase the lump sum payment by \$13,254.60, changing the current figure of \$28,242.00 to \$41,496.60.
- Article 4, § 4.05, Paragraph B.2. Resident Inspection: increase the not-to-exceed payment by \$18,839.25, changing the current figure of \$28,242.00 to \$47,081.25.

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: 2510 Engineering/Construction – Sturgeon Point

2024 Capital Budget Item No.: 101666 Sturgeon Point Shoreline Protection

MWW:jmf

Attachments

cc: L.Kowalski

D. Patton

L.Lester

CONT-GZA-001

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

**Contract:** GZA-001 **Project No.:** 202200039  
**Project Description:** Sturgeon Point WTP - Shoreline Stabilization

**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>[Signature]</i></u>	Date: <u>7/31/2024</u>
<input checked="" type="checkbox"/> Chief Operating Officer	<u><i>[Signature]</i></u>	Date: <u>08/06/2024</u>
<input checked="" type="checkbox"/> Executive Engineer	<u><i>Leonard F. Koralicki</i></u>	Date: <u>8/2/2024</u>
<input checked="" type="checkbox"/> Director of Administration	<u><i>[Signature]</i></u>	Date: <u>07/31/2024</u>
<input checked="" type="checkbox"/> Risk Manager	<u><i>Molly Jo Musarra</i></u>	Date: <u>7/31/2024</u>
<input checked="" type="checkbox"/> Chief Financial Officer	<u><i>[Signature]</i></u>	Date: <u>07/31/2024</u>
<input checked="" type="checkbox"/> Legal	<u><i>Mark Carney</i></u>	Date: <u>7/31/2024</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 TO  
PROFESSIONAL SERVICES AGREEMENT**

AMENDMENT, effective August 15, 2024 (“Amendment No. 1”), to the Professional Services Agreement, effective on February 10, 2022, by and between

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

hereinafter referred to as the “Authority,” and

**GZA GEOENVIRONMENTAL OF NEW YORK**  
300 Pearl Street, Suite 700  
Buffalo, New York 14202

hereinafter referred to as the “Engineer.”

**WHEREAS**, on February 10, 2022 the Authority awarded the Engineer a professional service contract to provide engineering and consulting services relating to the investigation, design, and construction of improvements to the shoreline and outfall structure at the Sturgeon Point Water Treatment Plant (the “Contract”); and

**WHEREAS**, during the construction phase of the Project, the Engineer discovered certain conditions at the shoreline site which required changes to the original scope of work including replacement of 90 linear feet of the existing outfall line, redesign of the concrete toe wall to provide restraint to the existing storm discharge pipe, and additional concrete forming and repair due to erosion of the shale layers adjacent to the existing shore wall; and

**WHEREAS**, the Engineer has requested additional fees totaling \$32,093.85 to cover the costs of the additional work performed; and

**WHEREAS**, the Authority’s Chief Operating Officer and Executive Engineer recommend that the Authority amend the Contract to increase the Engineer’s fee by \$32,093.85; and

**WHEREAS**, in accordance with Article 5, paragraph 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, Paragraph 4.05 (A)(2) to increase the lump sum for Construction and General Services by \$13,254.60, changing the current figure of

\$28,242.00 to \$41,496.60;

- (2) The parties agree to amend Article 4, Paragraph 4.05 (B)(2) to increase the Resident Inspection not to exceed amount by \$18,839.25, changing the current figure of \$28,242.00 to \$47,081.25; 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 hereto 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

**GZA GEOENVIRONMENTAL  
OF NEW YORK**

By \_\_\_\_\_

**STATE OF NEW YORK )**  
**COUNTY OF ERIE ) ss:**

On the \_\_\_\_\_ day of August, 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 )**  
**COUNTY OF ) ss:**

On the \_\_\_\_\_ day of \_\_\_\_\_, 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/se 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