




# 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 

Subject: Contract LA-005  
Amendment No. 1  
Distribution System Improvements - City of Tonawanda  
ECWA Project No. 202100025

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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 LaBella Associates, D.P.C (LaBella).
- Amendment No. 1 to Professional Service Agreement for the above referenced project.

This project, currently under construction, consists of the installation of approximately 9,500 linear feet of new distribution waterline on multiple streets in the City of Tonawanda. Due to the relatively large size of the project, the anticipated level of effort and construction duration was underestimated during the development of the project scope and budget. In addition, due to the location of the work, portions of the construction took longer than anticipated.

Including the additional required inspection services and the longer than anticipated construction duration, the additional not to exceed fee to complete the work is \$62,000.00.

### **Budget Information:**

Unit: 2590 Eng/Const Distribution Mains

Item: 101590 LA-005 Waterline Replacement

MJQ:jmf

Attachments

cc: L.Kowalski

M.Jarmuz

L.Lester

CONT-LA-005-2101-X-01

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

**Contract:** LA-005 **Project No.:** 202100025  
**Project Description:** Distribution System Improvements - City of Tonawanda

**Item Description:**



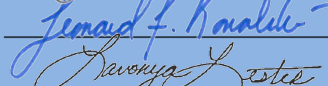

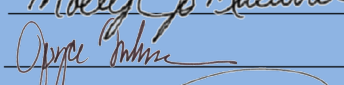


<input type="checkbox"/> Agreement	<input type="checkbox"/> Professional Service Contract	<input checked="" type="checkbox"/> Amendment	<input type="checkbox"/> Change Order
<input type="checkbox"/> BCD	<input type="checkbox"/> NYSDOT Agreement	<input type="checkbox"/> Contract Documents	<input type="checkbox"/> 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>08/05/2024</u>
<input checked="" type="checkbox"/> Risk Manager		Date: <u>8/2/2024</u>
<input checked="" type="checkbox"/> Chief Financial Officer		Date: <u>08/01/2024</u>
<input checked="" type="checkbox"/> Legal		Date: <u>8/2/2024</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. 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 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

**LABELLA ASSOCIATES, D.P.C.**  
300 Pearl Street, Suite 130  
Buffalo, New York 14202

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 installation of new distribution mains and replacement of distribution mains in the City of Tonawanda (the “Contract”); and

**WHEREAS**, the Engineer has requested additional budget of \$62,000 for Resident Inspection services; and

**WHEREAS**, the Authority’s Chief Operating Officer and Executive Engineer recommend that the Authority increase the total not to exceed amount for Resident Inspection Services by \$62,000 to account for additional required inspection services and unanticipated delays that occurred during construction; and

**WHEREAS**, in accordance with Article 3, paragraph 3.02 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 2, Paragraph 2.04 (B)(2) to increase the total not to exceed for Resident Inspection by \$62,000.00, changing the current figure of \$153,000.00 to \$215,000.00;
- (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. 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

**LABELLA ASSOCIATES, D.P.C.**

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