




ERIE COUNTY WATER AUTHORITY

INTEROFFICE MEMORANDUM

December 9, 2024

To: Terrence D. McCracken, Secretary to the Authority

From: Michael J. Quinn, PE, Senior Distribution Engineer 

Subject: Contract NC-041 Amendment #1
Transmission Mains, City of Lackawanna and Town of West Seneca
ECWA Project No. 202000072

Attached are the following documents:

1. ECWA Authorization Form for processing Professional Services Contract Amendment #1 with Nussbaumer & Clarke.
2. Three original copies of Professional Services Contract Amendment #1 for the above-referenced project.

The Amendment is to increase the Design Fee for the above-referenced project.

On February 13, 2020, the Authority and the Consultant entered into a professional services contract for engineering and consulting services relating to the replacement of approximately 6,300 linear feet of transmission main in the City of Lackawanna and the Town of West Seneca. Due to a number of property related issues arising out of the proposed main alignment traversing private property as well as Norfolk and Southern Railroad, Erie County Highway and National Grid rights-of-way, additional engineering services were required to assist with coordination, refine the alignment, prepare site specific Maintenance and Protection of Traffic Plans and receive final approval. In addition, due to ECWA budget availability, the Engineering Department chose to divide the project into multiple phases and to include alternate bid items resulting in rework of the contract documents and additional coordination. Amendment #1 reflects the additional cost for Design Services associated with these factors.

The cost increases due to Amendment #1 are reflected in the following table, which also provides the original contract cost and the overall total contract cost.

To: Terrence D. McCracken
Secretary to the Authority

December 9, 2024

	Original Contract	Amendment No.1	Original Contract + All Amendments
Survey	\$40,000	\$0	\$40,000
Design	\$180,000	\$64,700	\$244,700
General Services	\$83,000	\$0	\$83,000
Estimated Resident Inspection	\$192,000	\$0	\$192,000
Record Drawings	\$17,000	\$0	\$17,000
Estimated Special Services	\$50,000	\$0	\$50,000
TOTALS	\$562,000	\$64,700	\$626,700

This work is within the original scope of the Professional Services Contract dated February 13, 2020, and funds for the amendment are available in Unit 2595 Eng/Const Transmission Mains, Item 101533 NC-041 Transmission Main Replacement.

MJQ:jmf
Attachments
cc: C.Eaton
L.Kowalski, PE
L.Lester
CONT-NC-041-2001-011

**AMENDMENT NO. 1 TO
PROFESSIONAL SERVICES CONTRACT**

AMENDMENT, effective December 19, 2024, to the Professional Services Contract, effective on February 13, 2020, 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
Buffalo, New York 14219

hereinafter referred to as the “Consultant.”

WHEREAS, on February 13, 2020, the Authority awarded the Consultant a professional services contract to provide engineering and consulting services relating to the replacement of approximately 6,300 linear feet of transmission main in the City of Lackawanna and Town of West Seneca to the Authority for the length of the project (the “Contract”); and

WHEREAS, due to a number of property related issues arising out of the proposed main alignment as well as an Authority decision to divide the project into multiple phases, additional engineering services are required to assist with easement coordination, refine the final alignment, receive final easement approval, and provide additional design services related to bidding in such phases; and

WHEREAS, the Engineer has requested additional fees totaling \$64,700 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 by increasing the compensation to the Engineer by \$64,700; and

WHEREAS, in accordance with Paragraph 5 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; and

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

(1) The parties agree to amend paragraph D, subparagraph 1, Design to increase the lump sum for design services by \$64,700, changing the current figure of \$180,000 to \$244,700; and

(2) The parties agree all other terms and conditions of the Contract shall remain unchanged and in effect; 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

NUSSBAUMER & CLARKE, INC.

By _____
Michael T. Marino, P.E., Chief Executive Officer

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On the _____ day of December, 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 202__, before me personally came Michael T. Marino, 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 President/CEO of the Corporation described in the above instrument; and that he signed her name thereto by order of the Board of Directors of said Corporation.

Notary Public