

# CHANGE ORDER NO. 1

Erie County Water Authority  
350 Ellicott Square Building, 295 Main Street  
Buffalo, New York 14203

Contract No.: W-26A Project No.: 201700100 Date: March 8, 2019

Project: Storage Tank Refurbishing - Ground

Contractor: Amstar of Western NY, Inc.  
825 Rein Road  
Cheektowaga, NY 14225

Engineer: Wendel  
375 Essjay Road, Suite 200  
Williamsville, New York 14221

## DESCRIPTION OF CHANGE:

1. Amstar exceeded the Milestone (Substantial) Completion date for the Ward Tank by 41 days. Amstar is responsible for reimbursement to ECWA for Liquidated Damages and Special Damages.
2. Amstar performed additional work on the Pine Hill Tank weir box due to an unforeseen condition.
3. A 30-day time extension to the Benning Tank Milestone date and Substantial Completion date.
4. A 15-day time extension to the Pine Hill Tank Milestone date and Substantial Completion date.

## REASON FOR CHANGE:

1. In accordance with the contract documents (Section 00500 – Agreement), all Liquidated Damages and Special Damages accrued by exceeding the contract completion dates is the financial responsibility of the Contractor.
2. Amstar added a cover plate over below the Pine Hill Tank weir box in order to repair a corroded section of the tank that was within the confines of the previous weir box. The corrosion was not visible with the previous weir box in place. Amstar performed additional coating repair work on the tank interior and exterior due to the installation of the cover plate.
3. A 30-day time extension is proposed under this change order to allow the contractor to perform the additional welding work associated with the Benning Tank. Additional Welding work was an unforeseen condition and was uncovered after the contractor removed the existing coating.
4. A 15-day time extension is proposed under this change order to allow the contractor to perform the additional work associated with the tank overflow box at the Pine Hill Tank.

## COMPENSATION:

1. The Liquidated Damages for the Ward Tank are in the amount of \$1,000 for each day that expires after the Milestone Completion date. The Special Damages are costs incurred as a direct result of missing the milestone date. Liquidated Damages (41 x \$1,000) = \$41,000; Special Damages = \$13,500.40  
Total Credit to Project = \$54,500.40
2. The fee associated with the additional work at the Pine Hill Tank is \$14,656.57.
3. None. Work was performed under the Contingency Allowance.
4. None.

## APPROVALS:

OWNER: \_\_\_\_\_ Date: \_\_\_\_\_

Erie County Water Authority

CONTRACTOR: \_\_\_\_\_ Date: \_\_\_\_\_

Amstar of Western NY, Inc.

ENGINEER: \_\_\_\_\_ Date: 3/14/19

Wendel

**CHANGE IN CONTRACT PRICE:**

**CHANGE IN CONTRACT TIMES:**

**Original Contract Price:**

\$ 656,100.00

**Net changes from previous Change Orders:**

\$ 0.00

**Contract Price prior to this Change Order:**

\$ 656,100.00

**Net Increase/Decrease of this Change Order:**

\$ 39,843.83

**Contract Price with all approved Change Orders:**

\$ 616,256.17

**Original Contract Times:**

Benning Tank Milestone:  
All Work October 31, 2018

Pine Hill Tank Milestone:  
All Work October 31, 2018

Substantial Completion:  
All Work November 30, 2018

**Net Changes from previous Change Orders:**

0 days

**Contract Times prior to this Change Order:**

Benning Tank Milestone:  
All Work October 31, 2018

Pine Hill Tank Milestone:  
All Work October 31, 2018

Substantial Completion:  
All Work November 30, 2018

**Net Increase/Decrease of this Change Order:**

Benning Tank Milestone:  
All Work 30 days

Pine Hill Tank Milestone:  
All Work 30 days

Substantial Completion:  
All Work 184 days

**Contract Times with all approved Change Orders:**

Benning Tank Milestone:  
All Work November 30, 2018

Pine Hill Tank Milestone:  
All Work November 30, 2018

Final Completion:  
All Work June 1, 2019