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COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

June 18, 2012

Erie County Legislature
92 Franklin Street – Fourth Floor
Buffalo, New York 14202

RE: Erie County Sewer District No. 2
Engineering Agreement Dated August 29, 2002
URS Corporation – Change Order No. 9

Dear Honorable Members:

Enclosed please find a memorandum from the Department of Environment and Planning, pertaining to Engineering Change Order No. 9 for the Erie County Sewer District No. 2/URS Corporation Agreement dated August 29, 2002.

Should your honorable body require further information, I encourage you to contact Joseph L. Fiegl, P.E., in the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely,

Mark C. Poloncarz, Esq.
Erie County Executive

By: Richard M. Tobe
Deputy County Executive

MCP/JAC/ms
Enclosure

cc: J. Fiegl – Environment and Planning

MEMORANDUM

To:	Honorable Members of the Erie County Legislature
From:	Department of Environment and Planning
Re:	Erie County Sewer District No. 2 Engineering Agreement Dated August 29, 2002 URS Corporation – Change Order No. 9
Date:	June 11, 2012

SUMMARY

It is requested that the Erie County Legislature approve the attached Engineering Change Order No. 9, to the Erie County Sewer District No. 2/URS Corporation Engineering Agreement dated August 29, 2002. The Change Order is in the amount of $ 96,711.73.

FISCAL IMPLICATIONS

There will be no fiscal impact on the County's General Fund. Funds for this project are included in Sewer District No. 2, Account C.00004 and Sewer District No. 2 Capital Reserve Account C.00008.

REASONS FOR RECOMMENDATION

URS Corporation will be compensated for the following additional services: General Services during construction and Resident Engineering for the Lake Street and Point Breeze Pumping Station Project, Contract 79 A, B, D. The construction project has gone past the schedule listen in the engineering agreement.

BACKGROUND INFORMATION

There have been numerous delays with acceptance of certain installations, equipment and material approval and delivery, coordination with utilities, and coordination of schedules for multiple prime contractors which have extended the contract completion time and depleted the original budget of time allocated in the engineering agreement for general services during construction and resident engineering services for the contract. As a result, the resident engineering and general services during construction budget was increased to maintain continuous engineering and inspection services until April 18, 2012, the completion date for construction activities, for the Lake Street Pumping Station and Point Breeze Pumping Station Project, Contract 79 A, B, D. Additionally, this change order included anticipated budget to close out the construction contracts.

CONSEQUENCES OF NEGATIVE ACTION

The County would not have the inspection and engineering services of the design engineer available for the project.

STEPS FOLLOWING APPROVAL

The County will execute and process the change order.

COMPTROLLER'S OFFICE REVIEW

The proposed legislation has been reviewed by the Comptroller's Office and is related to an authorized capital project for which there are sufficient capital appropriations for the action proposed.

Signed Lorne H. Steinhart Date 6/13/2012
Title Lorne Steinhart
Deputy Comptroller

Maria Whyte JLF
Maria Whyte

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DEPARTMENT OF ENVIRONMENT AND PLANNING
DIVISION OF SEWERAGE MANAGEMENT
ENGINEERING AGREEMENT CHANGE ORDER

Change Order No. 9 Date: June 11, 2012 Sheet: 1 of 2

Contract No. A/E Agreement File No. 2.3.2.URS 8/29/2002

Project: Rehabilitation and Upgrading of 5 Pumping Stations – ECSD No. 2 Resident Engineering, and General Services during construction for Contract 79, A, B, D.

Engineer's Name: URS Corporation, Inc.

Engineer's Address: 77 Goodell St. Buffalo, New York 14203

Description of Change to Contract:

URS Corporation will provide General Services during construction and Resident Engineering Services for the Lake St. and Pt. Breeze Pumping Station Project, Contract No. 79 A, B, and D until April 18, 2012, the Contract completion date. The additional Resident Engineering time and general services is needed to maintain inspection onsite and engineering oversight on the project until the end of active construction. The Change Order will increase the Phase III A Budget General Services by $90,388.16 and Phase III B Resident Engineering Services budget for the project by $34,383.57. Additionally URS has agreed to provide a credit back to the County of $28,000, for a total change order increase of $96,771.33

Reason for Modification:

Erie County requires the Resident Engineer to be on site whenever contractors are working to assure that construction is in conformance with the contract documents. Due to delays in equipment and material approval and delivery, coordination with other utilities and coordination of schedules for multiple contractors the actual construction time has exceeded the initial budget of time allotted for Resident Engineering for Contract No. 79 A, B and D. In order to maintain continuous inspection services, additional Resident Engineering time is needed. Additional General Services are also required for close out of all construction contracts.

Payment:

The Engineer will be compensated pursuant to the terms of the Engineering Agreement. The total amount of the compensation to be paid by the County which the Engineer agrees to accept as full compensation for services under Change Order No. 9 is $96,771.73 (see attached URS letter dated 6/08/2012).

Contract Cost Summary

Original Contract	$1,360,264.87
Change Order No. 1	$ 46,890.94
Change Order No. 2	$ 29,560.72
Change Order No. 3	$ 19,823.32
Change Order No. 4	$ 26,149.28
Change Order No. 5	$ 5,245.03
Change Order No. 6	$ 47,400.66
Change Order No. 7	$ 43,473.53
Change Order No. 8	$ 43,166.49
Change Order No. 9	$ 96,977.73
Revised Total Contract	$1,718,952.57

Authorization

ENGINEER _____ DATE: _____
URS Corporation

COUNTY OF ERIE _____ DATE: _____
Deputy Commissioner

ERIE COUNTY LEGISLATURE COMM # _____ DATE: _____

ERIE COUNTY SEWER DISTRICT NO. 2 BOARD OF MANAGERS DATE: _____

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT & PLANNING

RE: Erie County Sewer District No. 2
Engineering Agreement
URS Corporation – Change Order No. 9

WHEREAS the County of Erie on behalf of Erie County Sewer District No. 2 entered into an agreement with URS Corporation on August 29, 2002 to provide design and Engineering Services associated with the upgrade and improvement of five (5) sewerage pumping stations in Erie County Sewer District No. 2; and

WHEREAS, URS Corporation as part of the agreement is providing General Services during construction and Resident Inspection for the final phase of the agreement, the Lake Street and Point Breeze Pumping Station Modification Project Contract 79A, B, and D; and

WHEREAS, there have been numerous delays in the contracts with acceptance of certain installations, equipment and material deliveries, coordination with utilities, and coordination of schedules with multiple prime contractors that have extended the contract completion time and depleted the budget allocated for general services and resident engineering for the contracts; and

WHEREAS, URS has provided the continuous resident inspection and general engineering services necessary for the successful completion of the contracts, and Change Order No. 9 identifies the additional cost associated with providing the Resident Inspection and General Engineering Services; and

WHEREAS, Erie County Sewer District No. 2 has adequate cash in its capital reserve account C.00008 to fund this Change Order; and

WHEREAS, the Department of Environment and Planning, Division of Sewerage Management recommends the approval of Change Order No. 9 to the County of Erie/URS Corporation Agreement.

NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 9 to the County of Erie/URS Corporation Agreement dated June 11, 2012 be approved in the amount of $96,771.73; and be it further

RESOLVED, that the Department of Environment and Planning, Division of Sewerage Management is hereby directed to execute and process the necessary Change Order, subject to certification of availability of funds from the project fund balance by the Comptrollers Office; and be it further

RESOLVED, that the County Director of Budget and the County Comptroller be authorized to increase the appropriations and estimated revenues in Erie County Sewer District No. 2 project C.00004 by $100,000.00; and be it further

RESOLVED, that the Director of Budget and the County Comptroller be authorized to transfer $100,000.00 from Erie County Sewer District No. 2 Capital Reserve Account C.00008 to Sewer District No. 2 Capital Project C.00004 and to establish all budgeting accounts necessary to facilitate the transfer of $100,000.00; and be it further

RESOLVED, that the Erie County Comptroller is directed to allocate $96,771.73 from Sewer District No. 2 Account C.00004 for payment of this Change Order; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning; and one certified copy each to the County Executive; the Director of Budget, Management and Finance; the Erie County Comptroller; and Kristen Walder, Assistant County Attorney.