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# COUNTY OF ERIE

**CHRIS COLLINS**

COUNTY EXECUTIVE

July 19, 2011

The Honorable  
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. 8**

Honorable Members:

Enclosed please find a memorandum from the Department of Environment and Planning, pertaining to Engineering Change Order No. 8 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 the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely,

CHRIS COLLINS  
Erie County Executive

## 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. 8  
**Date:** July 19, 2011,

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### **SUMMARY**

It is requested that the Erie County Legislature receive and file the attached Engineering Change Order No. 8, to the Erie County Sewer District No. 2/URS Corporation Engineering Agreement dated August 29, 2002. The Change Order is in the amount of \$43,166.49. .

### **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.00002 (430-147).

### **REASONS FOR RECOMMENDATION**

URS Corporation will provide the following additional service: Resident Engineering for the Lake St. and Pt. Breeze Pumping Station Project, Contract 79 A, B, D. The engineering agreement allows the engineer to be compensated for additional work items.

### **BACKGROUND INFORMATION**

There have been numerous delays with 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 resident engineering services for the contract. As a result, the resident engineering budget was increased to maintain continuous inspection services until August 30, 2011, the anticipated completion date for construction activities, for the Lake Street Pumping Station and Point Breeze Pumping Station Project, Contract 79 A, B, D.

### **CONSEQUENCES OF NEGATIVE ACTION**

The County will not have the Design Engineers inspecting their project.

### **STEPS FOLLOWING APPROVAL**

This is a receive and file item.

**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 7/20/2011  
Title Lorne Steinhart  
Deputy Comptroller

 *JEF*  
JEFF HART  
Deputy County Executive



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

Change Order No. 8 Date: June 16, 2011 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, 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 Resident Engineering Services for the Lake St. and Pt. Breeze Pumping Station Project, Contract No. 79 A, B, and D until August 30, 2011, the anticipated Contract completion date. The additional Resident Engineering time is needed to maintain inspection onsite until the end of active construction. The Change Order will increase the Phase III B Resident Engineering Services budget for the project by \$43,166.49. Resident Engineering services are based on cost plus fixed fee and only hours actually expended will be reimbursed.

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.

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. 8 is \$43,166.49 (see attached ECDEP/DSM letter dated 5/20/2011).



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

Change Order No. 8 Date: June 16, 2011 Sheet: 1 of 2

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

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## COUNTY OF ERIE

CHRIS COLLINS

COUNTY EXECUTIVE

DEPARTMENT OF ENVIRONMENT & PLANNING

KATHY KONST  
COMMISSIONER

JOSEPH L. FIGLI, P.E.  
DEPUTY COMMISSIONER

May 26, 2011

Mr. Jeff Burroughs  
URS Corporation  
77 Goodell Street  
Buffalo, New York 14203

RE: Request for Additional Funding  
Phase 3A/3B Services  
Lake St. and Pt. Breeze Pumping Station Project  
Contract 79A, B and D.

Dear Mr. Burroughs,

The Erie County Department of Environment and Planning/Division of Sewerage Management (DEP/DSM) has reviewed the attached URS March 15, 2011 correspondences requesting additional funds for the 3A Construction Services and 3B Resident Inspection Services Budgets for the above referenced construction contract.

The additional funds are necessary for URS to continue providing Contract Administration and Resident Inspection Services for Construction Contract No. 79 that has not been substantially completed due to numerous delays.

According to URS projections, an additional \$70,908.74 is needed to continue to provide Resident Inspection Services and \$41,802.64 is needed to continue to provide Construction Administrative Services up to an anticipated substantial completion date of June 30, 2011.

In reviewing the original ECDEP/DSM/URS Engineering contract and change orders processed to date (CO #1-8), there is only \$95,925.69 in unallocated funds available, to address the \$112,711.38 (\$41,802.64 + \$70,908.74) request. Therefore, URS authorization for 3A Construction Administration Services will be increased \$41,802.64 to \$208,611.84 (\$166,809.20 + \$41,802.64), and authorization for 3B Resident Engineering Services can only be increased by

Mr. Jeff Burroughs  
May 26, 2011  
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\$54,123.05 to \$305,382.91 (\$251,264.86 + \$54,123.05). The balance of funds requested for 3B Resident Inspection Services \$16,785.69 (\$70,908.74 - \$54,123.05) will become available upon execution of an Engineering Change Order (Change Order No. 9).

Considering the current status of the project, the contract will not be completed by the June 30, 2011 completion date estimated in URS's March 15, 2011 correspondence, therefore, the County will process Change Order No. 9 in the amount of \$43,166.49 (\$16,785.69 plus 8 weeks of additional Resident Inspection time at \$3297.60/week). This change order amount would provide for Resident Inspection Services up to August 30, 2011. Resident Inspection Services are based on cost plus fixed fee and only hours actually expended will be reimbursed. Full time Resident Inspection will not be necessary once the performance testing commences. The change order will be provided under separate cover.

Finally, as discussed during our meeting on the above cost, the County requests that URS review the circumstances involved in the attached list of additional work items for Contract 79 and consider providing a suitable credit to the Engineering Agreement for the work items where URS has some responsibility for the costs due to design issues, errors or omissions. As URS pledged to "Stand Behind Their Work", the County expects a suitable credit will be offered.

Thank you for your consideration in the matter.

Should you have any question please call me at 858-7407.

Sincerely,



Edward A. Paolini, P.E.  
Senior Sanitary Engineer

Encl.

CC: J. Fiegl/J. Carr/S. Tirone/2.3.2URS 8/29/2002 CR (encl)

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