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# COUNTY OF ERIE

MARK C. POLONCARZ  
COUNTY EXECUTIVE

July 16, 2013

Erie County Legislature  
92 Franklin Street – 4th Floor  
Buffalo, New York 14202

**IMMEDIATE CONSIDERATION REQUESTED**

**RE: Erie County Sewer District No. 3  
Influent Pumping Station and ORF Improvements  
GHD Consulting Services, Inc.  
Award of Engineering Agreement**

Dear Honorable Members:

Enclosed please find a resolution and an accompanying memorandum from the Department of Environment and Planning pertaining to the Award of an Engineering Agreement with GHD Consulting Services, Inc., 200 John James Audubon Parkway Suite 101, Amherst, New York 14228.

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

Sincerely,

A handwritten signature in blue ink that reads "Mark Poloncarz".

Mark Poloncarz, Esq.  
Erie County Executive

MP/TB/ms

C: J. Fiegl – Environment and Planning

## MEMORANDUM

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Environment and Planning  
**Re:** ECSD No. 3 - Influent Pumping Station and ORF Improvements  
GHD Consulting Services, Inc. - Award of Engineering Agreement  
**Date:** July 2, 2013

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### **SUMMARY**

Award of an engineering agreement to GHD Consulting Services, Inc., formerly Stearns & Wheler LLC, 200 John James Audubon Parkway Suite 101, Amherst, New York in an amount not to exceed \$688,700.00 for engineering services that provide General Services during Construction and Resident Inspection for Phase II Upgrade, Influent Pumping Station and Overflow Retention Facility Improvements, at the Southtowns Advanced Wastewater Treatment Facility is requested.

### **FISCAL IMPLICATIONS**

There will be no impact to the County's General Fund. Funds for this agreement will be made allocated from the Erie County Sewer District No. 3 Capital Reserve and cash.

### **REASONS FOR RECOMMENDATION**

Completion of the influent pumping station and ORF improvements of the treatment plant Phase II upgrades is necessary to accommodate sanitary flow from the Rush Creek Interceptor project. The Rush Creek Interceptor project has been awarded a \$5,000,000 grant and failure to complete the treatment plant upgrades will jeopardize the grant. The new influent pumping station will greatly reduce the potential for sanitary overflows from the treatment plant during severe wet weather events that occur through a permitted outfall. ORF improvements will improve the quality of effluent discharged from the ORF. General services during construction and resident inspection services are required for construction of the influent pumping station and ORF improvements.

### **BACKGROUND INFORMATION**

The Department of Environment and Planning in 2004 solicited proposals from qualified engineering firms for the upgrades at the Southtowns Advanced Wastewater Treatment Facility and ranked them in accordance with the Administrative Code. Please refer to Comm. 10E-24 (2004) for the original Legislative Communication on this item. GHD Consulting Services, Inc., formerly Stearns & Wheler, LLC, was ranked first and an agreement was entered into for the design, general services during construction, and resident inspection services for the upgrades. At the time, only the design phase was authorized to GHD due to lack of regulatory approval of the proposed upgrades, negotiations of the treatment plant's SPDES permit that were on going, and the need to conserve bonding authorization. The treatment plant upgrade concepts have since been approved, the SPDES permit has been obtained and bonding authorization is available. The general services during construction and resident inspection phases of the original agreement are now required to allow construction of the upgrades to proceed.

## **CONSEQUENCES OF NEGATIVE ACTION**

The upgrades at the Southtowns Advanced Wastewater Treatment Facility could not be constructed without the general services during construction and resident inspection engineering services of GHD Consulting Services. The grant for the Rush Creek Interceptor project could be jeopardized. The overflows during severe weather events would continue.

## **STEPS FOLLOWING APPROVAL**

The Engineering Agreement with GHD Consulting Services for general services during construction and resident inspection will be executed.

## **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. It is recommended that this legislation be approved.

Signed 

Stefan Mychajliw  
Comptroller

Date 7/3/13

A RESOLUTION SUBMITTED BY:  
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Erie County Sewer District No. 3  
Influent Pumping Station and ORF Improvements  
GHD Consulting Services, Inc.  
Award of Engineering Agreement

WHEREAS, the Department of Environment and Planning has determined the need to construct the Phase II, Influent Pumping Station and Overflow Retention Facility Improvements, at the Southtowns Advanced Wastewater Treatment Facility; and

WHEREAS, general services during construction and resident inspection engineering services are required to construct the Phase II, Influent Pumping Station and ORF Improvements; and

WHEREAS, GHD Consulting Services, Inc., formerly Stearns & Wheler, LLC, was previously selected to provide the design, general services during construction, and resident inspection of the Phase II, Influent Pumping Station and ORF Improvements; and

WHEREAS, GHD Consulting Services has completed the design and is recommended to provide the general services during construction and resident inspection services for the Phase II, Influent Pumping Station and ORF Improvements, at a cost not to exceed \$688,700.00; and

WHEREAS, Erie County Sewer District No. 3 has adequate cash in its capital reserve account C.00007

NOW, THEREFORE BE IT

RESOLVED, that an agreement with GHD Consulting Services, Inc., 200 John James Audubon Parkway, Suite 101, Amherst, New York to provide general services during construction and resident inspection engineering services in an amount not to exceed \$688,700.00 is hereby approved; and be it further

RESOLVED, that the County Executive, be and hereby is, authorized to execute an agreement with GHD Consulting Services, Inc. subject to an approval as to form by the County Attorney and certification of availability of funds by the Comptroller's Office; and be it further

RESOLVED, that the County Director of Budget and the County Comptroller be authorized to transfer \$750,000.00 from Erie County Sewer District No. 3 Capital Reserve Account C.00007 to Sewer District No. 3 Capital Project C.00012 and to establish all budgeting accounts necessary to facilitate the transfer of \$750,000.00; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each of this resolution to the County Executive, the Erie County Comptroller, the Director of

Budget and Management and Kristen Walder, Assistant County Attorney and two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.