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COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

November 5, 2013

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

RE: Erie County Sewer District No. 3
Engineering Agreement Dated April 15, 2003
URS Corporation – Change Order No. 5

Dear Honorable Members:

Enclosed please find a resolution and an accompanying memorandum from the Department of Environment and Planning, Division of Sewerage Management pertaining to Change Order No. 5 to the URS Corporation agreement dated April 15, 2003.

Should your honorable body require further information, I encourage you to contact Joseph L. Fiegl, P.E. in the Division of Sewerage Management. Thank you for your consideration of this matter.

Sincerely,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/DCM/vb
Enclosure

C: 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. 3 Engineering Agreement Dated April 15, 2003
Date:	October 9, 2013

SUMMARY

It is requested that the Erie County Legislature approve Change Order No. 5 to the URS Corporation (URS) Engineering Agreement dated April 15, 2003. The Change Order is in the amount of $248,235.92.

FISCAL IMPLICATIONS

There will be no fiscal impact to the County's General Fund. Funds for this project are included in Sewer District No. 3, Capital Account C.00012.

REASONS FOR RECOMMENDATION

Change Order No. 5 will compensate the Engineer for completion of additional work items beyond the scope of the original contract due to delays and changes beyond URS's control. Due to changes in the project, additional monies are necessary to fully fund general services and resident engineering during the Rush Creek Interceptor project.

BACKGROUND INFORMATION

Per Legislative Communication 4E-24 (2003), the Erie County Department of Environment and Planning, Division of Sewerage Management (ECDSM) entered into a consultant engineering services agreement with URS on April 15, 2003 for the Rusk Creek Interceptor project.

Based upon the initial scope and the subsequent change orders to date, two (2) engineering reports were prepared titled *Southtowns Sewage Treatment Agency Advanced Wastewater Treatment Facility, Chlorine Contact Time and ORF Capacity Evaluation (URS Corporation, 2005)* and *Elimination of Pumping Stations and the Blasdell Wastewater Treatment Plant (URS Corporation, 2005).* Both reports were submitted to the New York State Department of Environmental Conservation (NYSDEC) for approval; however, formal written comments were not received for several years. Additionally, as the project evolved, several items not contemplated during the original scope development became necessary.

To keep this very important project moving forward, the ECDSM authorized several reallocations of original project scope:

- $58,181.41 from the General Services/Resident Engineering phases of the original project to study concept changes that resulted over time due to the delayed NYSDEC response. The project scope changed to include work tasks to evaluate the alteration of the gravity sewer route for the Rush Creek Interceptor and the design of a wet weather lift station, forcemain and diversion structures.

- $10,815.41 from the General Services phase of the original project to include work tasks for additional stormwater management model (SWMM) simulations, analysis of the option to redirect the forcemain of the proposed wet weather relief pumping station to the Southtowns AWTF headworks, and the preparation of a letter addendum to the 2005 Engineers Report to provide information on work completed since the time of the 2005 submittal.
- $76,303.58 from the General Services/Resident Engineering phases of the original project for out of scope work items including: 1.) Design of the LaBelle Pump Station connection to eliminate a permitted Sanitary Sewer Overflow (SSO); 2.) Alteration of project drawings to reflect project changes at the Blasdell Milestrip Pump Station; 3.) Alteration of forcemain drawings to reflect project configuration changes at the Southtowns AWTF; 4.) Preparation of a joint application permit and State Environmental Quality Review (SEQR) update; and 5.) Response to regulatory review comments.
- $29,162.00 from the Resident Engineering phase of the original project for additional scope work involving assistance with railroad easement agreements, additional survey, updated wetland delineation, preparation of Storm Water Pollution Prevention Plan, preparation of a floodplain permit, and coordination of review comments from the Village of Blasdell, Town of Hamburg, New York State Department of Transportation, United States Army Corps of Engineers, and the NYSDEC.

The above work was reallocated recognizing that Your Honorable Body would be requested to consider authorizing a change order should the project proceed with construction. The ECDSM's persistence in pursuing this initiative was rewarded when the project received a $5 million Water Quality Improvement Project (WQIP) grant from the NYSDEC. Also, key components of the scope reallocated allowed for the September 2012 approval of the Rush Creek Interceptor concept by the NYSDEC. Finally, several of the changes made have decreased the overall construction cost of the project. It is the opinion of the ECDSM that the Rush Creek Interceptor project would not have been in position to receive the WQIP grant or receive NYSDEC approval without completion of the necessary upfront engineering analyses.

Now that NYSDEC approval has been garnered, URS was asked by the ECDSM to re-analyze the budget for General Services/Resident Engineering for construction of the Rush Creek Interceptor project, as the concept has changed since it was originally conceived in 2003. The ECDSM has reviewed URS's proposed budget and concurs that it is commensurate with the level of effort required. Considering the reallocations listed above (along with the time value of the associated costs), an additional $248,235.92 is necessary to properly fund the construction phase services.

The Rush Creek Interceptor project is a tremendously important initiative for Erie County Sewer District No. 3. It will allow for the elimination of four (4) pumping stations and the Blasdell Wastewater Treatment Facility. Most importantly, the project will eliminate three (3) SSOs and the associated environmental and public health benefits. This project is included in the County's Initiatives for a Smart Economy.

CONSEQUENCES OF NEGATIVE ACTION

The County will not have the inspection and engineering services of the design engineer during the construction phase of this project.

STEPS TO FOLLOW 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 _____ Date 10/23/13
Title Greg Gach
Deputy Comptroller

JE Maria R. Whyte
Maria Whyte
Commissioner

DCM:
Encl.

Cc: M. Whyte – Department of Environment and Planning
J. Fiegl /0.11.0 Leg Ltr
J. Carr/D. Millar/S. Tirone/3.3.2.URS 4/15/03

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A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Erie County Sewer District No. 3
Engineering Agreement
URS Corporation – Change Order No. 5

WHEREAS, Erie County on behalf of Erie County Sewer District No. 3 entered into an agreement with URS Corporation on April 15, 2003 to provide design and construction phase services associated with the Rush Creek Interceptor project; and

WHEREAS, URS Corporation as part of the agreement is providing General Services and Resident Inspection during construction of the Rush Creek Interceptor project; and

WHEREAS, there have been numerous delays and concept changes during study and redesign of the Rush Creek Interceptor project; and

WHEREAS, a change order is necessary to fund the General Services and Resident Inspection services during the construction phase of the project; and

WHEREAS, Erie County Sewer District No. 3 has adequate monies in account C.00012 to fund a change order; and

WHEREAS, the Department of Environment and Planning, Division of Sewerage Management recommends the approval of Change Order No. 5 for the April 15, 2003 URS Corporation agreement to provide the budget necessary to complete the engineering services associated with the Rush Creek Interceptor project.

NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 5 to the County of Erie/URS Corporation Agreement, dated April 15, 2013 be approved in the amount of $248,235.92; 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 by the Comptroller's Office; and be it further

RESOLVED, that the Erie County Comptroller is directed to allocate $248,235.92 from Erie County Sewer District No. 3 Account C.00012 for payment of this Change Order; and be it further

RESOLVED, that the Clerk of the Legislature send one (1) certified copy each to the County Executive, the Erie County Comptroller, the Erie County Director of Budget and

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