



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

June 3, 2014

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

**RE: Erie County Sewer District No. 3 Engineering Agreement Close-Out A/E Agreement
Dated April 29, 2010 Conestoga – Rovers & Associates (CRA)**

Honorable Members:

Enclosed please find an accompanying memorandum and proposed resolution from the Erie County Department of Environment and Planning pertaining to the close-out of an Engineering Agreement between Erie County and Conestoga – Rovers & Associates (CRA).

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 of this matter.

Sincerely,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/vb
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. 3 A/E Agreement Dated April 29, 2010 Conestoga – Rovers & Associates (CRA) Engineering Agreement Close-Out
Date: June 3 2014

SUMMARY

It is requested that the Erie County Legislature approve final acceptance of the Erie County Sewer District No. 3/CRA Agreement dated April 29, 2010 in the final amount of \$240,000.00. This includes the attached Change Order No. 1 (Final) in the amount of \$7,208.28.

FISCAL IMPLICATIONS

There will be no fiscal impact to the County's General Fund. Funds for this project will be reimbursed by the Village of Hamburg and are included in Sewer District No. 3, Capital Account C.00073.

REASONS FOR RECOMMENDATION

The Scope of Services under this Agreement have been completed and it is the Division of Sewerage Management's recommendation to finalize this Agreement. Change Order No. 1 (Final) will be issued to compensate CRA for Resident Engineering time associated with a longer than scoped construction period.

BACKGROUND INFORMATION

Pursuant to Legislative communication, 7E-37 (2010), the Erie County Legislature awarded the above referenced Agreement to CRA. CRA was retained to provide Engineering services for the South Buffalo (Hillview) Pumping Station Relocation Project. The work has been satisfactorily completed. However, there were delays with equipment and material approval and deliveries during construction, which depleted the original budget of time allocated in the Engineering Agreement for Resident Engineering Services. As a result, Change Order No. 1 (Final) increased the Resident Engineering budget by \$7,208.28 to maintain continuous inspection services until completion of the construction activities.

CONSEQUENCES OF NEGATIVE ACTION

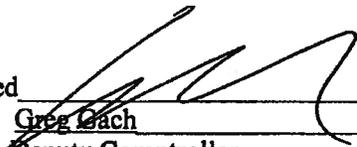
The Contract would remain open and could be subject to possible future claims.

STEPS FOLLOWING APPROVAL

The County of Erie will close out the Engineering Agreement with CRA.

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 
Title Greg Leach
Deputy Comptroller

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Erie County Sewer District No. 3
Engineering Agreement Close-out
A/E Agreement Dated April 29, 2010
Conestoga – Rovers & Associates (CRA)

WHEREAS, The County of Erie has secured the services of CRA to provide Engineering Services for the South Buffalo (Hillview) Pumping Station Project in Erie County Sewer District No. 3 pursuant to the Legislative Communication 7E-37 (2010); and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all engineering services associated with the Agreement have been completed; and

WHEREAS, all funds for this project will be reimbursed by the Village of Hamburg in accordance with an inter-municipal agreement; and

WHEREAS, the Erie County Division of Sewerage Management has recommended the formal close-out of the Engineering Agreement, dated April 29, 2010, with CRA Engineers in the final amount of \$240,000.00, which includes Change Order No. 1 (Final), an increase of \$7,208.28.

NOW, THEREFORE, BE IT

RESOLVED, that the Engineering Agreement dated April 29, 2010 between the County of Erie and CRA Engineers be formally closed in the final amount of \$240,000.00, which includes Change Order No. 1 (Final) an increase of \$7,208.28, allocated in ECSD No. 3, Capital Account C.00073; 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 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.



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

Change Order No. 1 (Final) Date: April 9, 2014

Contract No. A/E Agreement File No. 3.3.2.CRA4/29/2010

Project: ECSD No. 3 South Buffalo Pumping Station Replacement Project

Engineer's Name Conestoga – Rovers & Associates (CRA)

Engineer's Address 285 Delaware Ave., Suite 500, Buffalo, N.Y.14202

Description of Change to Contract:

CRA provided Resident Engineering Services for the Crescent Avenue Pumping Station Project, Contract 43 PS G, and E until Contract completion. The additional Resident Engineering time was needed to maintain inspection onsite until the end of active construction. The Scope of Services under this Engineering Agreement have been completed and the Agreement can now be closed out. The Change Order will compensate the Engineers a total of \$7,760.08 for additional Resident Inspection Services, with \$551.80 being paid out of the existing Post Operations Budget, and the balance, \$7,208.28 being paid out of the Resident Engineering Budget, which will be increased by \$7,208.28. Resident Engineering services are based on cost plus fixed fee and only hours actually expended were reimbursed. Change Order No. 1 (Final) will result in a \$7,208.28 increase to the Agreement, and a final Engineering Agreement amount of \$240,000.00.

Reason for Modification:

In accordance with the Agreement, the Engineer shall be compensated for work performed and authorized.

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 deliveries, the actual construction time has exceeded the initial budget of time allotted for Resident Engineering for Contract No. 43 PS G, and E. In order to maintain continuous inspection services, and fully protect the County's interest, additional Resident Engineering time was necessary. This Change Order compensated the Engineer for the additional Resident Engineering Time and is the final adjustment of all budgets within the Agreement.

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 to the Engineer as full compensation for services under Change Order No. 1(Final) is \$7,760.08 with the net increase to the Engineering Agreement being \$7,208.28 and a final Engineering Agreement amount of \$240,000.00 (See attached, ECSDEP/DSM email to CRA dated February 27, 2014).

Contract Cost Summary:

Original Contract	\$ 232,791.72
Change Order No. 1 (Final)	\$ 7,208.28
Final Contract Amount	\$ <u>240,000.00</u>

Authorization:

ENGINEER _____ Date _____
Conestoga – Rovers & Associates (CRA)

COUNTY OF ERIE _____ Date _____
Deputy Commissioner DSM

ERIE COUNTY LEGISLATURE COMM # _____ Date _____

ERIE COUNTY SEWER DISTRICT NO. 3 BOARD OF MANAGERS Date _____