



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

November 13, 2014

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

**RE: Erie County Sewer District No. 6  
Engineering Agreement Dated Sept. 15, 2008  
CRA Infrastructure and Engineering, Inc. – Change Order No. 1**

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. 1 to the CRA Infrastructure and Engineering, Inc. agreement dated September 15, 2008.

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,

A handwritten signature in blue ink, reading "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP/DCM/bp  
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. 6  
Engineering Agreement Dated September 15, 2008  
CRA Infrastructure and Engineering, Inc. – Change Order No. 1  
**Date:** November 13, 2014

---

### **SUMMARY**

It is requested that the Erie County Legislature approve Change Order No. 1 to the CRA Infrastructure and Engineering, Inc. (CRA) Professional Services Agreement dated September 15, 2008. The Change Order is in the amount of \$38,736.00.

### **FISCAL IMPLICATIONS**

There will be no fiscal impact to the County's General Fund. Funds for this project are included in Sewer District No. 6, Operating Fund 220 and Capital Account C.00069.

### **REASONS FOR RECOMMENDATION**

Change Order No. 1 will compensate the Engineer for completion of additional work items outside the scope of the original contract due to situational changes beyond CRA's control. Additional monies are necessary to fully fund unanticipated services during Phase II of the Lackawanna Wastewater Treatment Plant Elimination Study.

### **BACKGROUND INFORMATION**

Per Legislative Communication 11E-17 (2008), the Erie County Department of Environment and Planning, Division of Sewerage Management (ECDSM) entered into a consultant engineering services agreement with CRA on September 15, 2008 to complete the second phase of the feasibility study to evaluate elimination of the Lackawanna Wastewater Treatment Plant (WWTP) in Erie County Sewer District No. 6. The study was funded, in part, by a grant provided by the New York Department of State under the Local Government Efficiency (formerly the Shared Municipal Services Incentive) Grant Program and by local matching funds. Consequently, a draft final engineering report entitled *Lackawanna Wastewater Treatment Plant Elimination Study - Phase 2* was prepared and submitted to the New York State Department of Environmental Conservation (NYSDEC) for approval.

CRA was retained in a multi-phase project to evaluate the feasibility of conveying sanitary wastewater flows received at the Lackawanna WWTP to the Buffalo Sewer Authority (BSA) for treatment. This would allow for the decommissioning of the Lackawanna WWTP and removal of treated discharges to Smokes Creek while, at the same time, support development along approximately 5-miles of waterfront property on Lake Erie shared by Buffalo and Lackawanna. During the course of the study, a number of situational changes occurred that required extending data collection efforts and revising the evaluation to reflect ongoing project conditions:

- Extension of Smokes Creek Flow Monitoring – To compensate for low flow velocities experienced in Smokes Creek resulting from dry weather conditions, flow monitoring efforts

were extended by two months and additional flow meter installations and data configurations were necessary.

- Lackawanna WWTP State Pollutant Discharge Elimination System (SPDES) Permit – The Lackawanna WWTP SPDES Permit was finalized during the course of the WWTP elimination study. CRA reviewed the final Permit and adjusted the report and associated analyses to accommodate the terms of that Permit.
- BSA Long-Term Control Plan (LTCP) and SWMM Model Revisions – Computer hydraulic modeling was used to determine the potential impact of wastewater flows from the Lackawanna WWTP tributary area on the BSA's existing Combined Sewer Overflows (CSOs). The BSA's LTCP was modified and finalized during the course of the WWTP elimination study modeling efforts. This required additional model simulations to address the LTCP revisions.
- Regulatory Coordination – CRA will assist ECDSM with obtaining regulatory concurrence and will modify the final report to incorporate NYSDEC comments to facilitate agreement.

The ECDSM has reviewed CRA's proposed budget and concurs that it is commensurate with the level of effort required.

### **CONSEQUENCES OF NEGATIVE ACTION**

The County will not have the ability to compensate CRA for services necessary for the successful completion 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 

Title Greg Gach

Deputy Comptroller

Date 11/12/14

  
Maria Whyte  
Commissioner

DCM:bp  
Encl.

Cc: M. Whyte – Department of Environment and Planning  
J. Fiegl /0.11.0 Leg Ltr  
J. Carr/D. Millar/S. Tirone/6.3.6.CRA (C )

**A RESOLUTION SUBMITTED BY:  
DEPARTMENT OF ENVIRONMENT AND PLANNING**

**RE: Erie County Sewer District No. 6  
Engineering Agreement  
CRA Infrastructure and Engineering, Inc. – Change Order No. 1**

WHEREAS, Erie County on behalf of Erie County Sewer District No. 6 entered into an agreement with CRA Infrastructure and Engineering, Inc. on September 15, 2008 to perform services associated with Phase II of the feasibility study evaluating elimination of the Lackawanna Wastewater Treatment Plant and transmitting all flows to the Buffalo Sewer Authority for treatment; and

WHEREAS, the New York State Department of State awarded Erie County and Erie County Sewer District No. 6 a grant for this feasibility study and that grant has been fully paid; and

WHEREAS, there were a number of situational changes during the course of the Lackawanna Wastewater Treatment Plant Elimination study requiring additional services from CRA Infrastructure and Engineering, Inc. to complete the project; and

WHEREAS, a change order is required to compensate CRA Infrastructure and Engineering, Inc. for those additional services; and

WHEREAS, Erie County Sewer District No. 6 has adequate monies in Operating Fund 220 and capital account C.00069 to fund a change order; and

WHEREAS, the Department of Environment and Planning, Division of Sewerage Management recommends approval of Change Order No. 1 for the September 15, 2008 CRA Infrastructure and Engineering, Inc. Agreement.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Change Order No. 1 to the County of Erie/CRA Infrastructure and Engineering, Inc. Agreement, dated September 15, 2008 be approved in the amount of \$38,736.00; 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; and be it further

**RESOLVED**, that the County Director of Budget and the County Comptroller be authorized to modify the Erie County Sewer District No. 6 capital and operating fund budgets and establish additional budget in capital project C.00069 in Erie County Sewer District No. 6 in the amount of \$20,000 and transfer \$20,000 for the change order from the Erie County Sewer District No. 6 operating fund to the Erie County Sewer District No. 6 Capital project as follows:

Erie County Sewer District No. 6 – Cost Center 18610101

	<u>Account</u>	<u>Increase</u>
Operating Fund 220	402190 Use of Fund Balance	\$20,000.00
	570000 Trans-Out	\$20,000.00

Erie County Sewer District No. 6 – Cost Center 18610101

	<u>Account</u>	<u>Increase</u>
Capital Fund 430 (C.00069)	516020 Contract Svs.	\$20,000.00
	486000 Trans-In	\$20,000.00

; 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.

APPROVAL TO DISBURSE CAPITAL PROJECT CASH  
(use a separate form for each capital project)

SEWER CAPITAL C.00069 TITLE Lackawanna WWTP Elimination Feasibility Study (2007)

PROJECT PURPOSE: Evaluate the feasibility of eliminating the Lackawanna WWTP and transmitting all flows to the Buffalo Sewer Authority

PROJ.AUTHORIZATION: BUDGET YEAR        OR DATE OF LEGISLATION 2007


BOND RESOLUTION(S) AUTHORIZING PROJECT: TOTAL \$ 545,000  
DATE(S) 2007 2008 2014  
AMT(S) \$ 150,000 \$ 375,000 \$ 20,000 \$       

CONTRACT PURPOSE: Compensate the Engineer for completion of additional work items beyond the scope of original contract due to situational changes beyond CRA's control.

CONTRACTOR/ENGINEER	\$ AMOUNT	W.B.S.#	TOTAL AVAILABLE APPROPRIATION
CRA Infrastructure and Eng.	\$ 38,736.00		
CO #1			
Total	\$ 38,736.00		

CHANGE ORDERS: PROJECT LEGISLATIVE HISTORY FOR THIS CONTRACT

DATE	DESCRIPTION (Orig. Enc. Inc., Dec)	Amount	SFG Doc#
	Original Contract	\$357,744.91	

REQUESTED BY: 

		Initials	Date	
Amount Allocated	\$500,000	<u>oe</u>	<u>11/12/14</u>	Deputy Commissioner
Amount Available	\$ 45,000	<u>AB</u>	<u>11/5/14</u>	Accountant