

SUSPENSION



COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

May 20, 2016

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

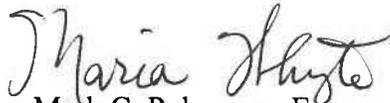
**RE: Erie County Sewer District No. 3  
Change Order – GHD Consulting Services, Inc.  
Construction Administration & Inspection  
Southtowns AWTF Influent Pumping Station & Overflow Retention Facility Upgrades**

Dear Honorable Members:

Enclosed please find a resolution and an accompanying memorandum from the Department of Environment and Planning pertaining to a change order with GHD Consulting Services, Inc. for consulting work associated with the Southtowns Advanced Wastewater Treatment Facility (AWTF) Influent Pumping Station and Overflow Retention Facility Upgrades construction project.

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 on this matter.

Sincerely,

  
Mark C. Poloncarz, Esq.  
Erie County Executive

MP/JF/cs  
Enclosure

Cc: J. Fiegl – Division of Sewerage Management

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## MEMORANDUM

To: Honorable Members of the Erie County Legislature  
From: Department of Environment and Planning  
Re: Erie County Sewer District No. 3  
Change Order – GHD Consulting Services, Inc.  
Construction Administration & Inspection  
Southtowns AWTF Influent Pumping Station & Overflow Retention Facility Upgrades  
Date: May 20, 2016

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### **SUMMARY**

Authorization to execute a change order with GHD Consulting Services, Inc. (GHD) in the amount of \$65,000 for out-of-scope work associated with construction administration and inspection for the Influent Pumping Station and Overflow Retention Facility Upgrades project at the Southtowns Advanced Wastewater Treatment Facility (AWTF) is requested from the Department of Environment and Planning.

### **FISCAL IMPLICATIONS**

There are no fiscal implications to the County's General Fund. Payment for these additional services would be made from Erie County Sewer District No. 3 Capital Account C.00012 in conjunction with a capital reserve allocation.

### **REASONS FOR RECOMMENDATION**

During the course of the construction work at the Southtowns AWTF, there have been a number of tasks completed by GHD that exceeded the scope of services detailed in its July 2013 agreement with the County of Erie. The out-of-scope work included:

- Inspection time above the amount included in the agreement. During the finalization of the scope (which was developed before bid of the project), it was assumed that the general contractor would complete certain tasks concurrently. Due to the need to coordinate with another construction project, the general contractor mobilized quickly and prioritized installation of piping at the beginning of this project. The phasing of this work – while very important for the coordination with a separate construction project – meant concurrent work was done separately which required several months of additional inspection time beyond that which was included in the initial scope.
- Additional construction progress meetings. To ensure proper coordination between three (3) prime contractors working at an active treatment facility that must continue operations regardless of the construction activities, the frequency of progress meetings over the course of the 18-month construction period was increased from what was initially scoped.
- Unanticipated effort involved with influent channel work. Existing record drawings from the early 1980's did not show a conflict between the existing building's upper loadbearing column and subsurface obstructions. This previously unknown conflict required redesign of the improvements in this area and additional coordination with contractors.
- Design work associated with replacing appurtenances in the overflow retention facility that were identified as needing replacement by the contractor.
- Unforeseen engineering associated with the relocation of the Southtowns AWTF plant water loop. During construction it was identified that a conflict existed between the existing plant water loop and the proposed piping. GHD was required to analyze and cost the options, along with the

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standard construction phase services necessary for this work which was not anticipated in the original scope.

The Division of Sewerage Management has reviewed GHD's request and agrees that the items listed were not part of the original scope of services. Further, the budget submitted by GHD for the changes appears to be commensurate with the additional level of effort.

## **BACKGROUND INFORMATION**

Pursuant to Legislative Comm. 14E-9 (2013), GHD was retained by the County of Erie to perform engineering services for the Influent Pumping Station and Overflow Retention Facility Upgrades project at the Southtowns AWTF. In November 2014, onsite construction for this project commenced. Over the course of construction, there have been a number of items that exceeded GHD's original scope of services. As construction of the improvements associated with this project are nearly complete, the cost impacts associated with this additional scope has been established.

## **CONSEQUENCES OF NEGATIVE ACTION**

The consultant would not be reimbursed for its additional costs incurred above and beyond its original scope.

## **STEPS TO FOLLOW APPROVAL**

The Division of Sewerage Management will execute the necessary change order paper work.

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**COMPTROLLER'S OFFICE REVIEW**

The proposed action 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.



Greg Oach *STEFAN MYCHAJLIW*  
Deputy Comptroller

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*JF*  
  
\_\_\_\_\_  
Thomas R. Hersey, Jr. - Commissioner  
Department of Environment and Planning

TH/JF/cs

Encl.

Cc: J. Fiegl – Division of Sewerage Management  
T. Batt/J. Carr/7.3.2.GHD (2013)  
S. Tirone  
J. Mallory

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

RE: Erie County Sewer District No. 3  
Change Order – GHD Consulting Services, Inc.  
Construction Administration & Inspection  
Southtowns AWWTF Influent Pumping Station & Overflow Retention Facility Upgrades

WHEREAS, GHD Consulting Services, Inc. (GHD) was retained pursuant to Legislative Comm. 14E-9 (2013) to perform engineering services for the Influent Pumping Station and Overflow Retention Facility Upgrades project at the Southtowns Advanced Wastewater Treatment Facility (AWTF); and

WHEREAS, over the course of the construction project there have been a number of tasks that either were not within GHD's scope of services or exceeded timeframes set forth in said scope; and

WHEREAS, GHD submitted a request for additional compensation in the amount of \$65,000 for the out-of-scope work associated with this project; and

WHEREAS, the Division of Sewerage Management has reviewed GHD's request, agrees that the items listed were not part of the original scope of services, and has determined that the budget submitted appears to be commensurate with the additional effort.

NOW, THEREFORE, BE IT

RESOLVED, that a change order with GHD in an amount not to exceed \$65,000 for out-of-scope work associated with engineering services for the Influent Pumping Station and Overflow Retention Facility Upgrades project at the Southtowns AWWTF is hereby approved; and be it further

RESOLVED, that the Deputy Commissioner in the Division of Sewerage Management is authorized to execute a change order with GHD for said out-of-scope work; and be it further

RESOLVED, that the County Comptroller and County Director of Budget and Management are authorized to increase appropriations and estimated revenues by \$65,000 in Erie County Sewer District No. 3 Capital Account C.00012; and be it further

RESOLVED, that the County Comptroller and County Director of Budget and Management are authorized to establish budgets as necessary and directed to transfer \$65,000 to Erie County Sewer District No. 3 Capital Account C.00012 from Erie County Sewer District No. 3 Capital Reserve Account C.00007; and be it further

RESOLVED, that the County Comptroller and County Director of Budget and Management are authorized and directed to allocate \$65,000 from Erie County Sewer District No. 3 Capital Account C.00012 for payment of this change order; and be it further

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RESOLVED, that the Clerk of the Legislature one (1) certified copy each to the County Executive, the County Comptroller, and the County Director of Budget and Management; and send two (2) certified copies of this resolution to Joseph Fiegl, P.E., Division of Sewerage Management.



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

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Date: May 16, 2016

Change Order No. 1 Amount \$65,000.00 Bond Account C.00012

Agreement No. A/E Agreement Dated 7/18/13 File No. 7.3.2.GHD 2013

Project Southtowns Influent Pumping Station and ORF Improvements

Engineer's Name GHD Consulting Services, Inc.

Engineer's Address 285 Delaware Avenue, Suite 500, Buffalo, NY 14202

Description of Change to Contract:

Provide additional \$45,000.00 for General Services during Construction and additional \$20,000 for Resident Project Representative services for a total of \$65,000.00 for the influent submersible pumping station and ORF improvements at the Southtowns Treatment Plant per GHD May 12, 2016 letter.

Reason for Modification:

Additional General Services during Construction services was necessary to provide additional construction progress meetings to ensure proper coordination between three prime contractors at an active treatment facility that must continue operations regardless of the construction activities, unanticipated effort involved with the existing influent channel due to a previously unknown conflict with an existing loadbearing column, design work associated with replacing appurtenances in the overflow retention facility that were identified as needing replacement by the contractor, and unforeseen engineering associated with the relocation of the Southtowns AWTF plant water loop.

Additional Resident Project Representative services was necessary to provide inspection time above the amount in the agreement due to the contractor completing certain tasks separately than concurrently as originally assumed to allow the phasing of the installation of piping to be coordinated with another construction project.

Contract Cost Summary:

Original Contract	\$688,700.00
Change Order No. 1	<u>65,000.00</u>
Revised Contract Amount	\$753,700.00

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Change Order No. 1  
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Authorization:

Engineer	_____	Date _____
	Paul J. McGarvey, P.E., BCEE – GHD Consulting Services, Inc	
	_____	Date _____
	Robert Butterworth, P.E. – GHD Consulting Services, Inc	
County of Erie	_____	Date _____
	Joseph L. Fiegl, P.E. – Deputy Commissioner DSM	
Erie County Legislature	Comm # _____	Date _____
Erie County Sewer District No. 3 Board of Managers		Date _____

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May 12, 2016

Mr. Thomas Batt, P.E.  
Erie County Dept. of Environment & Planning  
95 Franklin Street, Room 1034  
Buffalo, NY 14202

Re: Southtowns AWTF Influent Submersible Pump Station and ORF Improvements  
Contract 37 STP  
Erie County Dept. of Environment & Planning  
GHD No. 8616730

Dear Mr. Batt:

GHD respectfully requests additional budget for the above referenced project to provide general services during construction and resident project representative (RPR) services to Erie County DSM. This budget request will allow GHD to continue providing General Services During Construction and RPR services until July 1, 2016.

The request for additional budget for General Services During Construction has been necessitated by the following items that were not part of the original scope of work contained in our July 2013 Engineering Agreement.

Our budget for construction progress meetings was based on one meeting per month over a ten month period as stated in our April 2013 letter contained in the July 2013 Engineering Agreement. As of April 13, 2016 we have had 35 progress meetings with Erie County, the prime contractors and frequently their subcontractors, which have occurred at approximately two week intervals. We estimate these additional 25 meetings at the project site represent over \$40,000 of effort as we had two engineers at a majority of these meetings providing approximately 12 man-hours per meeting to attend the meeting; summarize RFI, submittal, and outstanding issues; prepare minutes and agenda; and general review of work progress. We believe the bi-weekly meetings were very meaningful and beneficial to the County on this \$10M project helping to make it run efficiently without major setbacks.

Significant unanticipated effort was involved with influent channel work. This was the main area where the new pump station work interfaced with major existing structures. During construction it was discovered that the existing building's upper loadbearing column did not align with buried substructure concrete. The existing record drawings did not show this wall section and subsequently identified subsurface obstructions. Further complicating the work in the area of the influent channel was the discovery that one of the slots in the existing wall between the influent and effluent wells was in conflict with the new channel construction. These previously unknown items required a new design of the wing walls, relocation of the slide gate, and cutting of the concrete deck. The grating and handrail around the deck opening had to be redesigned to accommodate the concrete deck opening changes. An attempt was made to negotiate the changed construction effort with the General Contractor; however, an agreement was not reached so the work was negotiated and completed by another contractor not affiliated with the pump station project. We estimate this work involved 60 man-hours of project engineer, manager and structural engineer time or about \$8,000 of effort.

During construction of the project the County requested GHD's engineering assistance to replace the damaged stop logs in the Overflow Retention Facility (ORF) with a slide gate and replacing an existing small gate with a larger gate. The two new gates necessitated modifications to the concrete wall. The

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Mr. Thomas Batt, PE  
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Erie County Dept. of Environment & Planning  
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County also identified the need to relocate water turrets on the west wall to aid in cleaning of the ORF. This effort has been estimated at \$4,000 and included contributions by structural and civil engineers.

There were other unanticipated efforts including the plant water loop and significant paperwork generated by the contractors for which the additional effort is hard to estimate. Conflicting underground utilities required the relocation of the potable plant water loop and backflow preventer on the east side of the plant site, which consumed engineering budget. The General Contractor on the project submitted a substantial amount of shop drawings, request for information, change proposals and other documents that required engineering time to review and formulate responses. We had budgeted for some of this effort, but additional effort was required. As an example, the General Contractor had 40 items approved under the Contingency Allowance; each item required effort to process, review, negotiate, and resolve. This includes added work items the County identified during construction to benefit performance of the treatment facility. Over 250 shop drawings were submitted on the project, many of which involved multiple resubmissions before they were acceptable to Erie County and GHD. 65 RFIs were submitted by the contractors.

GHD strived to absorb into the budget the necessary extra effort involved with the work in the budget. However, the total effort needed consumed budget allocated for equipment startup and closeout of the project including record drawings and O&M manuals, leaving us with insufficient budget to cover our efforts. We estimate an additional \$45,000 will be needed to cover extra effort spent to date and properly finish the General Services During Construction phase of work.

The budget for resident project representative (RPR) has been exceeded due to the total number of months of active construction. The General Contractor mobilized onsite in early November 2014 only a couple weeks after receiving Notice to Proceed from Erie County. This quick mobilization was not anticipated as it was assumed the contractor would need months to execute subcontractor and supplier agreements, prepare and receive approval for shop drawing submittals, and receive delivery of materials (ex. large diameter pipe and structures). GHD staffed the project with a senior RPR in November 2014 and we have been providing continuous RPR services.

Subsequent to signing the agreement, and necessitated by the need to coordinate multiple interrelated projects, Erie County requested to have the construction work associated with the 42-inch forcemain completed prior to work beginning on the pump station. This contributed to the onsite construction period being extended as the contractor was not allowed to work on both the forcemain and pump station portions of the project at the same time. As previously stated, GHD's budget contained in the July 2013 agreement was predicated on the onsite work being accomplished in 10 months with the MBWE RPR being onsite as a second RPR assisting our senior primary RPR. With the stipulation of the forcemain work being completed first, the contractor was given 18 months to complete the project.

Work on the forcemain took approximately 4 months to complete before the General Contractor started work on the pump station. The control building was not completed until December 2015, 13 months from the start of onsite activities. The Electrical Contractor was unable to significantly begin their work on the pump station until after the wet wells and control building were installed. The Electrical Contractor recently substantially completed their work. Sixteen months elapsed from the start of onsite activities by the General Contractor to the substantial completion of work by the Electrical Contractor. This is 6 months more than the originally budgeted 10 months of RPR services.

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Erie County has authorized the partial reallocation of unused budget from completed line items in our contract (MWBE RPR and survey) to offset some of the extended construction duration impact on RPR budget. It is expected that an additional \$20,000 of RPR budget will be necessary to cover effort already expended and additional time necessary for equipment testing, startup, and punch list items.

We respectfully request an amendment to our Engineering Agreement to increase our budget by \$65,000 allowing us to continue providing RPR services and General Services During Construction for these unanticipated developments. We will do everything we can to come in under this number and will invoice the County only for the effort expended completing the project. We appreciate Erie County's consideration of these project needs.

If you have any questions or wish to discuss, please contact our office.

Sincerely,

GHD CONSULTING SERVICES INC.

A handwritten signature in black ink that reads "Paul J. McGarvey". The signature is fluid and cursive, with the first and last names being clearly legible.

Paul J. McGarvey, P.E., BCEE  
Project Director

PJM/snb

Pc: Mr. James Carr, P.E. – ECDSM  
Mr. Joseph Fiegl, P.E. – ECDSM  
File 8616730.0

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COUNTY OF ERIE  
DEPARTMENT OF ENVIRONMENT & PLANNING  
DIVISION OF SEWERAGE MANAGEMENT  
\* \* MEMORANDUM \* \*

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MAY 16 2016 AM 10:39

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**FROM:** Joseph L. Fiegl, P.E., Deputy Commissioner *JLF*  
**TO:** Gregory Gach, Deputy Comptroller  
**DATE:** May 16, 2016  
**RE:** Erie County Sewer District No. 3  
Change Order – GHD Consulting Services, Inc.  
Construction Administration and Inspection  
Southtowns AWWTF Influent Pumping Station & Overflow Retention Facility  
Upgrades

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Enclosed for your review and signature is a Legislative Communication pertaining to the above referenced project. The funds for this project will be allocated from Erie County's Sewer District No. 3 Capital Account C.00012.

Once signed please call x8383 to pick up.

Encl.  
JF:cs

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OFFICE OF THE COMPTROLLER REVIEW

DATE: 5/17/2016

PROJECT TITLE: C.00012 SD#3 A.P.B.I.BLASDELL 1.2M '02

1) IS THE REASON FOR THIS CONTRACT CONSISTENT WITH THE PURPOSE OF THE PROJECT: YES X NO       

2) PROJECT AVAILABLE APPROPRIATION

Total Project Revenues	\$ <u>6,370,046.70</u>
Total Project Appropriations	\$ <u>20,800,000.00</u>
Less: Total Expenditure To Date	\$ <u>13,032,304.19</u>
Total Commitments	\$ <u>5,348,432.94</u>
Available Appropriations As Of Date Of Request	\$ <u>2,419,262.87</u>
Less: Contract Amount	\$ <u>65,000.00</u>
Net Available Appropriations	\$ <u><u>2,354,262.87</u></u>

**Comments:** \$65,000.00 will be transferred in from C.00007. There is \$9,213,610.77  
cash available in the C.00007 project. There are no bond proceeds in the capital reserve  
account that is transferring the money.

Request Approved: 

Request Denied: \_\_\_\_\_

Date: 5/17/16