



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

July 2, 2025

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

**RE: Erie County Sewer Districts Engineer Term Contract Agreement
DiDonato Associates Engineering and Architecture, P.C.
Change Order No. 1 & Work Order No. DD-6**

Dear Honorable Members:

Enclosed please find a memorandum from the Department of Environment and Planning pertaining to Change Order No. 1 and the issuance of a work order for the DiDonato Associates Engineering and Architecture agreement, dated November 21, 2022.

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

Sincerely yours,

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

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:ah
Enclosure

cc: Joseph Fiegl, Deputy Commissioner, Division of Sewerage Management

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Erie County Sewer Districts Engineer Term Contract Agreement
DiDonato Associates Engineering and Architecture, P.C.
Change Order No. 1 & Work Order No. DD-6
Date: July 2, 2025

SUMMARY

It is requested that the Erie County Legislature approve Change Order No. 1 to the DiDonato Associates Engineering and Architecture, P.C. (DiDonato) Agreement, dated November 21, 2022. The Change Order (CO) is for an additional amount of \$150,000.00, bringing the total to \$400,000.00. If approved, the Department of Environment and Planning will issue Work Order (WO) DD-6 in the amount not to exceed \$74,809.20 to DiDonato for resident engineering / inspection services for the Erie County Sewer District (ECSD) Central Region Collections Facility construction project.

FISCAL IMPLICATIONS

There will be no impact to the County's General Fund. The cost of the engineering and inspection work related to WO DD-6 will be paid from ECSD No. 3 Professional Services Account No. 516020. Payment for future work orders will be identified in subsequent Legislative correspondences and will be made from either the Sewer District Capital or Operating Accounts.

REASONS FOR RECOMMENDATION

The Division of Sewerage Management (DSM) is requesting approval of CO No. 1 for DiDonato's agreement dated November 21, 2022, to allow for issuance of work orders to the consultant for additional engineering and construction inspection services for the ECSD No. 3 Contract 80 – Central Region Collections Facility project. DiDonato is the design engineer and construction administrator for the project and hence in the opinion of the DSM can complete this work order in the most efficient and cost-effective manner. Inclusive of CO No. 1, DiDonato's total engineering fees would be 4.5% of the project's construction cost, which is substantially lower than the average of 10% to 20% typically budgeted for construction projects. The County will benefit from DiDonato's familiarity with the project and the continuity of engineering services with the progressing construction work.

BACKGROUND INFORMATION

Your Honorable Body passed Legislative Comm. 16E-11 (2022) authorizing a 3-year Term Agreement with DiDonato for engineering services related to small and/or time critical projects. The resolution for Legislative Comm. 16E-11 (2022) specifically notes "that the amount not to exceed \$250,000.00 over a three (3) year period for an engineering firm may only be increased by a subsequent Legislative resolution." The 3-year Term Agreement ends at the end of 2025.

To date, DiDonato has been issued five Work Orders summing close to \$250,000.

In March 2024, DiDonato was issued WO DD-2 to assist the DSM with a feasibility analysis to determine if the Central Region Collections Facility project would suit the needs of the ECSDs and could be completed within the time constraints of the American Rescue Plan Act (ARPA). Upon validation of the project's feasibility, WO DD-3 was issued to expedite initiation of the design to successfully encumber ARPA funds by the December 2024 deadline. WO DD-4 was a continuation of finalizing the design documents, bid phase services, and anticipated construction administration services. WO DD-5 was issued to cover additional scope, site changes associated with adjacent property transferred from the Village of Blasdell, and regulatory requirements including permits and the stormwater pollution prevention plan (SWPPP).

The DSM's original intention was to utilize DiDonato's inspection services contract for construction phase inspection services; however, DiDonato's work related to sanitary sewers at the new Bills Stadium was more than anticipated and, with other inspection tasks assigned, there is not sufficient available authorization. DiDonato provided a proposal for construction phase inspection services in an amount not to exceed \$150,000. Should this action be approved by Your Honorable Body, WO DD-6 would be issued immediately. Subsequent work orders would be issued as needed through the DSM's standard process.

CONSEQUENCES OF NEGATIVE ACTION

If this request is not approved, there will not be sufficient budget to provide construction inspection and additional engineering for building of the Central Region Collections Facility with DiDonato. Significantly more effort would be required to bring another consultant up-to-speed on the design plans and specifications related to the Central Region Collections Facility (Contracts 80-A, 80-B, 80-C, and 80-D). The loss of continuity efficiencies could cause the ECSDs to incur additional costs.

STEPS TO FOLLOW APPROVAL

The DSM would execute a change order with DiDonato and subsequently issue WO DD-6 for these services.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Erie County Sewer Districts Engineer Term Contract Agreement
DiDonato Associates Engineering and Architecture, P.C.
Change Order No. 1 & Work Order No. DD-6

WHEREAS, pursuant to Legislative Comm. 16E-11 (2022), DiDonato Associates Engineering and Architecture, P.C. (689 Main Street, Buffalo, NY 14203) was retained to provide engineering services for various initiatives in the Erie County Sewer Districts; and

WHEREAS, the Division of Sewerage Management has identified additional engineering services required in the Erie County Sewer Districts and recommends issuance of work orders with DiDonato Associates Engineering and Architecture to complete; and

WHEREAS, the Division of Sewerage Management has determined that proceeding with these work orders would increase the total cost of services under the three-year term agreement above the authorization provided in Legislative Comm. 16E-11 (2022); and

WHEREAS, the Erie County Department of Environment and Planning recommends issuance of a change order to the three-year term agreement with DiDonato Associates Engineering and Architecture to allow for completion of the aforementioned work.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes an increase the total amount for the engineering term agreement between the County of Erie and DiDonato Associates Engineering and Architecture, P.C. (689 Main Street, Buffalo, NY 14203) for the various initiatives in Erie County Sewer Districts by \$150,000.00 to a total of \$400,000.00; and be it further

RESOLVED, that authorization is hereby given to the Deputy Commissioner in the Division of Sewerage Management to execute Change Order No. 1 for this term agreement; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive's Office, Comptroller's Office, Division of Budget and Management, Department of Law, and Division of Sewerage Management.

**ERIE COUNTY DEPARTMENT ENVIRONMENT & PLANNING
DIVISION OF SEWERAGE MANAGEMENT
ENGINEERING/CHANGE ORDER**

CHANGE ORDER NO. 1 DATE: _____ SHEET 1 OF 1

CONTRACT NO. A/E Term Agreement - (2023-2025) FILE NO. 0.3.2.DA(23-25)

PROJECT: Various Projects in Erie County Sewer Districts

ENGINEER'S NAME: DiDonato Associates Engineering and Architecture, P.C.

ENGINEER'S ADDRESS: 689 Main Street, Buffalo, New York 14203

DESCRIPTION OF CHANGE TO CONTRACT:

DiDonato will provide Engineering Services as detailed in the work orders issued.

PAYMENT:

Additional authorization is \$150,000.00:

Original Contract	\$ 250,000.00
CHANGE ORDER No. 1	<u>\$ 150,000.00</u>
Revised Total Amount	\$ 400,000.00

AUTHORIZATION

ENGINEER _____ DATE _____
DiDonato Associates Engineering and Architecture, P.C.

ENGINEER _____ DATE _____
Garry S. Pecak, P.E.
Asst. Deputy Commissioner

COUNTY OF ERIE _____ DATE _____
Joseph Fiegl, P.E., BCEE
Deputy Commissioner

ORIGINAL LEGISLATURE APPROVAL: November 21, 2022, Comm. 16E-11(2022)

LEGISLATURE APPROVAL CHANGE ORDER NO. 1: DATE _____, Comm. _____

mas:

Cc: J. Fiegl/G. Pecak/M. Salah/A. Horton/0.3.2.DA(23-25)

**ERIE COUNTY SEWER DISTRICT NO. 3
WORK ORDER NO. DA-6**

ENGINEER: DiDonato Associates Engineering and Architecture, P.C.

CONTRACT DATE: November 21, 2022

1. Title of Proposal:

Engineering and inspection services for ECSD No. 3 Central Region Collections Facility.

2. Name and Business Address of Proposer:

Michael W. Banks, AIA, LEED AP
DiDonato Associates Engineering and Architecture, P.C. (DA)
689 Main Street
Buffalo, NY 14203

3. Effective Dates of Proposal:

4. Brief Description of Work for Which Proposal is Submitted:

DA will provide construction services, along with additional engineering services for the ECSD 3 Central Region Collections Facility, Contracts 80-A, 80-B, 80-C, and 80-D.

5. Engineering Cost: \$74,809.20

6. Source of Funds: ECSD No. 3 Professional Services Account No. 516020

7. Project No: DA-6

8. Attachments: DA letter, dated 6/10/25 (4 pages)

9. File: 0.3.2.DA (23-25) Eng.

DATE: _____

Accepted By: _____

Prepared By: _____
Matt A. Salah, P.E.

Authorized By: _____
Joseph Fiegl, P.E., BCEE
Deputy Commissioner