



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

September 19, 2025

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

**RE: Erie County Sewer District No. 3
Southtowns Advanced Wastewater Treatment Facility (AWTF) Influent Screening
Replacement Project Construction Inspection
JMDavidson Engineering, D.P.C. - Change Order No. 1**

Dear Honorable Members:

Enclosed please find a memorandum from the Department of Environment and Planning pertaining to Change Order No. 1 to the JMDavidson Engineering, D.P.C. agreement, dated October 5, 2023.

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 on this matter.

Sincerely yours,

A handwritten signature in blue ink, reading "Mark C. Poloncarz", with a long, sweeping underline.

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:ms

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 District No. 3
Southtowns Advanced Wastewater Treatment Facility (AWTF) Influent
Screening Replacement Project Construction Inspection
JMDavidson Engineering, D.P.C. – Change Order No. 1
Date: September 19, 2025

SUMMARY

The Division of Sewerage Management is processing Change Order No. 1 to the JMDavidson Engineering, D.P.C. (JMD) Agreement, dated October 5, 2023. The Change Order is for an additional amount of \$12,113.02, bringing the total to \$122,113.02.

FISCAL IMPLICATIONS

The cost of the additional engineering work related to this communication will be paid from Erie County Sewer District No. 3 Capital Bond Account C.17301.

REASONS FOR RECOMMENDATION

The Division of Sewerage Management is processing Change Order No. 1 to JMD's agreement dated October 5, 2023, to compensate the consultant for additional construction inspection costs for the Southtowns AWTF Influent Screening Replacement Project. This change will ensure that JMD's team will provide inspection services to cover the full estimated construction period, as modified by the contractors, as the construction duration is greater than anticipated at the time of JMD's proposal.

BACKGROUND INFORMATION

On October 5, 2023, the Erie County Legislature passed a resolution [Comm. 16E-21 (2023)] authorizing an agreement with JMD for the Southtowns AWTF Influent Screening Replacement Project Construction Inspection. The budget for construction inspection within this agreement was based on the preliminary construction schedule tasks and length of construction. Since then, changes to the schedule have included various increases to the total number of days when inspection is needed. Specifically, equipment that was scheduled to be delivered in October 2024 did not arrive until June 2025, causing tasks that were scheduled to occur concurrently to be done on separate days. Time was added for various issues with supplied equipment and Contractor installation, that required inspector review for changes and repairs. After discussions with the contractors regarding length of construction, JMD hours estimated in their original proposal were not sufficient to cover the full construction period.

CONSEQUENCES OF NEGATIVE ACTION

This is a receive and file item.

STEPS FOLLOWING APPROVAL

This is a receive and file item.

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.

Signed Timothy C. Callan Date 9/3/25
Title Timothy C. Callan, Ph.D.
Deputy Comptroller

**Erie County Sewer District No. 3
Southtowns Advanced Wastewater Treatment Facility Influent Screening Replacement
Project Construction Inspection
Engineering Agreement – Change Order No. 1
Capital Bond Account C.17301**

TO: COMPTRROLLER'S OFFICE

PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS


REQUESTING DEPARTMENT

COMPLETE ITEMS 1 THROUGH 5

- | | |
|-------------------------|---|
| 1. CONTRACTOR'S NAME | <u>JMDavidson Engineering DPC</u> |
| 2. AMOUNT OF CONTRACT | <u>\$12,113.02</u> |
| 3. PROJECT NUMBER | <u>C.17301</u> |
| 4. PROJECT TITLE | <u>Construction Inspection Change Order No. 1</u> |
| 5. DEPARTMENT CONTACT | <u>Beth Pfalzer x6144</u> |

COMPTRROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

- | | |
|------------------------------------|---|
| 6. AVAILABILITY OF FUNDS | <u>\$4,206,192.05</u> |
| 7. PERFORMED BY | <u></u> |
| Date Sent to Comptroller's Office: | <u>August 28, 2025</u> |

[55 compt_10]

OFFICE OF THE COMPTROLLER REVIEW**DATE:** 8/29/2025**PROJECT TITLE:** C 17301 - ECSD No. 3 Inc & Imp. 10.5M

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

IF NO, RETURN THIS REQUEST TO THE DEPARTMENT

IF YES, COMPLETE THE FOLLOWING VERIFICATION

2) PROJECT AVAILABLE APPROPRIATION

Total Project Revenues	\$ <u>1,731,913.62</u>
Total Project Appropriations	\$ <u>15,648,760.00</u>
Less: Total Expenditure To Date	\$ <u>9,614,668.75</u>
Less: Total Commitments	\$ <u>1,827,899.20</u>
Available Appropriations As Of Date Of Request	\$ <u>4,206,192.05</u>
Less: Contract Amount	\$ <u>12,113.02</u>
Net Available Appropriations	\$ <u>4,194,079.03</u>

Comments: There is no cash within the project.Request Approved: T. C. C. C.Request Denied: Date: 9/3/25

Project Budget Consumption

Projects Budget Consumption Report Date: 08/29/2025 Page: 1 / 4					
Fund/Group Funds Center 4 Funded Program C.17301 (ECSD No 3 Inc 4 Imp 10.5M)					
Commitment Item	Original Budget	Adjustments	Current Budget	Commitment	Amounts
45070 Free On Obligations	10,500,000.00		10,500,000.00		115,302.62
47500 On Order Bond Proc					649,253.00
48400 Interfered Rev Subsidy		5,148,760.00	5,148,760.00		549,353.00
Revenue	10,500,000.00	5,148,760.00	15,648,760.00		1,731,913.62
50400 Maintenance & Repairs					100,295.22
51020 Professional Fee and Fee				1,827,899.20	9,016,686.75
515000 Project Charges					318,404.78
52110 Lab & Tech Exp					101,366.00
CAPITALPROJECTS Capital Projects Exp	10,500,000.00	5,148,760.00	15,648,760.00		
Expense	10,500,000.00	5,148,760.00	15,648,760.00	1,827,899.20	9,614,686.75
Commitment Item				1,827,899.20	7,882,755.13

Capital Trial Balance

Date Printed: 08/29/2025 Client: 100 Page: 2 of 4					
Capital Trial Balance Fiscal Year: 2025 Period: 1 to 5 Projected: C.17301 ECSD No 3 Inc 4 Imp 10.5M					
Account	Per, Tr.	CR	DR	CR	DR
11000 Cash Control Account	6,400,551.24		10,336,819.48		10,336,819.48
12000 For Item (To) Other	179,686.10		9,420,325.33		10,336,819.48
20000 Accounts Payable Control	4,125.18		916,343.55		740,494.31
20100 08/18 Account	3,172.02		9,881,244.20		9,557,683.78
20110 Retained Earnings Program					124.24
20990 Unrecorded/Unrecorded TRD Balance					
Balance Sheet	6,565,335.01		30,515,223.76		31,412,343.82
11000 Premium of Obligations - Bonds	115,302.62				115,302.62
11000 Professional Service Contracts and Fees	8,117,448.63		877,344.32		644,250.00
11000 Professional Service Contracts and Fees	318,404.78				318,404.78
20000 Accounts Payable Control	101,300.00				101,300.00
20110 Lab & Technical Supplies	8,717,688.69		887,314.32		124.24
Revenue					
11000 Maintenance & Repairs					115,302.62
11000 Professional Service Contracts and Fees					644,250.00
20000 Accounts Payable Control					740,494.31
20110 Lab & Technical Supplies					124.24
Balance Sheet					1,731,913.62
Expense					
11000 Maintenance & Repairs					115,302.62
11000 Professional Service Contracts and Fees					644,250.00
20000 Accounts Payable Control					740,494.31
20110 Lab & Technical Supplies					124.24
Balance Sheet					1,731,913.62
Total			31,412,448.09		31,412,448.09