

**ADDENDUM NO. 1 to
PROFESSIONAL SERVICES CONTRACT**

ADDENDUM NO. I (“Addendum No.1”) to the PROFESSIONAL SERVICES CONTRACT (the “Contract”) made this ____ day of June, 2018, between the Erie County Water Authority (the “Authority”) and Wendel WD Architecture, Engineering, Surveying, and Landscaping Architecture, P.C. (the “Consultant”).

RECITALS:

WHEREAS, on May 31, 2018, identified on the Board Agenda as Item No. 6, the Authority’s Senior Distribution Engineer sought authorization from the Authority’s Board of Commissioners (the “Board”) to enter into a Contract for the design and construction of approximately 4,200 linear feet of new transmission waterline from the Ball Pump Station to the northern side of Millersport Highway, and the replacement of approximately 1,800 linear feet of new transmission waterline east of the I-290 Highway near Park Forest Drive to south of the I-290 off ramp at Sheridan Drive, both in the Town of Amherst, with the existing waterlines to be abandoned in place;

WHEREAS, the Board tabled the item for purposes of seeking further clarification as to the payment of services for Resident Inspection services described in Section 2B4 of the Contract; and

WHEREAS, on June 14, 2018, the Board removed Item 6 from the Table and voted to approve the Contract, conditioned on this Addendum No. 1 being signed by both the Authority and the Consultant;

NOW, THEREFORE, in consideration of the mutual promises herein set forth, the parties agree as follows:

1. Pursuant to Section 3A4 of the Contract, the Authority agrees to pay the Consultant the direct cost of labor, times a multiplier based on the hours worked at straight time (without over time premium), in amount not to exceed \$85.00 per hour.
2. Pursuant to Section 3A4 of the Contract, the Authority agrees to pay any and all non-salary, direct expenses. Consultant will provide the Authority with receipts for any non-salary, direct expenses.
3. Pursuant to Section 3A4 of the Contract, the Consultant may bill the Authority monthly on the actual costs incurred in paragraphs 1 and 2 of this Addendum No. 1.

4. Pursuant to Section 3A4 of the Contract, the Authority further agrees to pay the Consultant an additional fixed fee of \$10,900.00, as set forth in Section 3D1 of the Contract. This fixed fee shall be billed separately from the costs incurred in paragraphs 1 and 2 of this Addendum No. 1. Payment for the fixed fee will be made monthly based on the proportion of the construction completed.

IN WITNESS WHERETO, the parties hereto have executed this Addendum No. 1 as of the date first above written.

ERIE COUNTY WATER AUTHORITY

By _____
Jerome D. Schad, Chairman

**WENDEL WD ARCHITECTURE,
ENGINEERING, SURVEYING, AND
LANDSCAPE ARCHITECTURE, P.C.**

By _____
Stewart C. Haney, P.E., President/CEO

STATE OF YORK)
COUNTY OF ERIE) ss:

On the ___ day of June, in the year 2018, before me personally came Jerome D. Schad, to me known, who, being by me duly sworn, did depose and say that he resides in the Town of Amherst, New York, that he is the Chairman of the Board of Commissioners for the Erie County Water Authority described in the above instrument, and he signed his name thereto by the authorization of the Board of Commissioners for the Erie County Water Authority.

Notary Public

STATE OF YORK)
COUNTY OF ERIE) ss:

On the ___ day of June, in the year 2018, before me personally came Stewart C. Haney, P.E., to me known, who, being by me duly sworn, did depose and say that he resides in Williamsville, New York, that he is the President/CEO of the Corporation described in the above instrument; and that he signed his name thereto by the order of the Board of Directors of said Corporation.

Notary Public