

**CITY OF NIAGARA FALLS  
NEW YORK**

March 3, 2020

**TO:** City Council

**FROM:** Mayor Robert M. Restaino

**SUBJECT: CHANGE ORDER #2 – Consultant Services for  
NYSDOT Local Administered Federal Aid Project  
Buffalo Avenue, Phase III, PIN 5761.57**

A contract for the above referenced project was awarded to CHA Companies, Inc. on May 1, 2017 for professional services and design, and subsequently for the tasks associated with Construction Support Services and Construction Inspection in the amount of \$250,000.00. At its October 3, 2018 meeting, the City Council approved Change Order #1 in the amount of \$260,000.00.

In conjunction with the preceding change order on the contract necessitated by deficient and contaminated soils, CHA Companies, Inc. was also required to perform tasks beyond their original scope of services to accommodate this project's deficiencies. These tasks consisted primarily of design and oversight necessary to replace the deficient soils and the legally-required environmental monitoring involved with the radioactive nature of the contamination. Costs associated with these additional tasks is \$17,000.00. It is anticipated, however not yet confirmed, that this overrun will receive the same reimbursement arrangement as the original project via Supplemental Agreements to follow. Should the New York State Department of Transportation approve the funding request, the expectation would be that the City receive 80% reimbursement and the local match would be 20% or \$3,400.00. Funding is available in the respective projects capital account code H0635, to cover up to 100% of the change order should an agreement with NYSDOT not occur.

Will the Council vote to so approve and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel?

Respectfully submitted,

Mayor Robert M. Restaino

Anthony Restaino, City Administrator

John Gerlach P.E., City Engineer

Funding Approval:

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Daniel Morello, City Controller  
Council Meeting: March 11, 2020

Kennedy\_\_\_\_\_ Spanbauer\_\_\_\_\_ Tompkins\_\_\_\_\_ Touma\_\_\_\_\_ Voccio\_\_\_\_\_