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COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

January 21, 2013

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

Re: Environmental Compliance - Expedited Fuel Tank Repairs & Removals

Dear Honorable Members:

The attached resolution seeking your Honorable Body's authorization to reimburse a contractor for its work on the expedited fuel tank repairs and removals project administered by the Department of Public Works. This expedited work was conducted pursuant to the decree issued by the U.S. Environmental Protection Agency.

If you have any questions, please contact Commissioner John C. Loffredo of the Department of Public Works. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/bb
Enclosure

cc: John C. Loffredo, Department of Public Works

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works
Re: Environmental Compliance - Expedited Fuel Tank Repairs & Removals
Date: January 21, 2013

SUMMARY

This resolution is seeking your Honorable Body's authorization for the County to reimburse contractor "Pump Doctor" for several fuel tank repairs and removals. The work was done in an expedited manner in order to avoid any additional fines by the U.S. Environmental Protection Agency ("EPA").

The Department of Public Works (DPW) is requesting authorization to issue the Pump Doctor a contract in an amount not to exceed \$25,000. This amount contains a small allowance for any future corrective work and \$5,100 for work that was done in 2011 for which the contractor has not been paid.

FISCAL IMPLICATIONS

Funds for this contract are available from the approved and adopted 2012 Capital Budget. The SAP project account is A.12003-2012-Countywide Code & Environmental Compliance and the total expense will not exceed \$25,000.

BACKGROUND INFORMATION

When this Administration took office in January 2012, it was discovered that County facilities had been cited for being in violation of EPA regulations and was fined \$275,000 and ordered to correct the violations within 30 days or suffer additional fines. As a result, DPW, after legislative approval immediately engaged the services of Wendel Duchscherer Architects & Engineers (Wendel) and initiated Phase 1 of a project to correct all violations and deficiencies. Wendel, in turn engaged the services of the Pump Doctor, as a sub consultant, to test for fuel tank deficiencies. During the course of testing, a number of deficiencies were discovered and these were corrected in an expedited manner by the Pump Doctor.

CONSEQUENCES OF NEGATIVE ACTION

The contractor will not be paid for the fuel tank repairs and removals that have already made.

STEPS FOLLOWING APPROVAL

The County Executive will enter into a contract with the Pump Doctor so that payments can be made.

**A RESOLUTION SUBMITTED BY
DEPARTMENT OF PUBLIC WORKS**

RE: Environmental Compliance - Expedited Fuel Tank Repairs & Removals

WHEREAS, this Honorable Body has previously authorized the County Executive to enter into Agreements with Wendel Duchscherer Architects & Engineers for County wide environmental compliance including work to address deficiencies for which the County was cited by the US Environmental Protection Agency and fined; and

WHEREAS, Wendel Duchscherer Architects & Engineers subsequently engaged the services of the Pump Doctor, as a sub consultant, to test for fuel tank environmental compliance deficiencies; and

WHEREAS, during the course of testing, a number of deficiencies were discovered and were corrected in an expedited manner by the Pump Doctor in order to avoid additional fines; and

WHEREAS, the Department of Public Works now wishes to reimburse the Pump Doctor for the work performed, and

WHEREAS, it is also probable that additional environmental code deficiencies will be identified during the course of future fuel tank testing; and

WHEREAS, an additional contingency amount will be authorized to fund change orders for this unforeseen corrective work.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an Agreement with the Pump Doctor for past and future fuel tank environmental compliance testing and corrective work in an amount not to exceed \$25,000; and be it further

RESOLVED, that the Comptroller is authorized to make payments for all of the above, for an amount not to exceed \$25,000, from SAP account A.12003-2012-Countywide Code & Environmental Compliance; and be it further

RESOLVED, that two certified copies of this resolution shall be sent to the Commissioner of the Department of Public Works; and one copy each to the Office of the County Executive; the County Comptroller; the County Attorney; and the Director of the Division of Budget and Management.