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COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

March 19, 2013

Erie County Legislature
92 Franklin Street – Fourth Floor
Buffalo, New York 14202

RE: **Erie County Sewer District No. 6**
Contract No. 44SA
Contract Close Out – CMH Company, Inc.

Dear Honorable Members:

Enclosed please find an accompanying memorandum and proposed resolution from the Department of Environment and Planning, Division of Sewerage Management, pertaining to the close out of Contract No.44SA, with CMH Company, Inc.

Should your honorable body require further information, I encourage you to contact Joseph L. Fiegl in the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:EAP:ms
Enclosure

C: J. Fiegl – Environment and Planning

MEMORANDUM

To:	Honorable Members of the Erie County Legislature
From:	Department of Environment and Planning
Re:	Erie County Sewer District No. 6 Contract No. 44SA Contract Close Out – CMH Company, Inc.
Date:	February 20, 2013

SUMMARY

Acceptance and approval of Contract No. 44SA in the final contract amount of $649,288.51 together with Change Order No. 2 (final) providing an increase of $23,157.01 in Erie County Sewer District No. 6 Bond Account C.00001, as well as authorization to issue final payment to the contractor, CMH Company, Inc., is requested.

FISCAL IMPLICATIONS

There will be no impact on the County's General Fund. The funds for this contract were allocated from Erie County Sewer District No. 6 Bond Account No. C.00001.

REASONS FOR RECOMMENDATION

All scheduled improvements required by the contract documents have been completed. As a result, it is the Department's recommendation to finalize this contract.

BACKGROUND INFORMATION

Contract No. 44SA was bid on June 15, 2011 and awarded by the Erie County Legislature on June 30, 2011, Legislative Comm. 10E-10 (2011). This sanitary sewer system improvement contract installed replacement sewers and CIPP lined existing sewers in the Bethlehem Park area in Erie County Sewer District No. 6.

CONSEQUENCES OF NEGATIVE ACTION

Contract default on the part of the County of Erie could be claimed by the Contactor.

STEPS FOLLOWING APPROVAL

The County of Erie will execute the final change order and make a final payment to CMH Company, Inc.

COMPTROLLER'S OFFICE REVIEW

The proposed legislation 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 _____ Date 2/26/13

Title Stefan Mychajliw
Comptroller

_____

Maria Whyte
Commissioner

EAP:ms
Encl.
Cc: M.Whyte
J.Fiegl/0.11.0 Leg.Ltr (w/encl.)
J.Carr/J.Mallory/D.Skowronski/6.3.3.44SA (w/encl.)
S.Tirone

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A RESOLUTION SUBMITTED BY
Department of Environment and Planning

RE: Erie County Sewer District No.6
Contract No. 44SA
Contract Close Out – CMH Company, Inc.

WHEREAS, pursuant to Legislative Comm. 10E-10 (2011) Contract No.44SA was awarded to CMH Company, Inc. for sanitary sewer replacement and lining of existing sewers in the Bethlehem Park Subdivision area in Erie County Sewer District No. 6; and

WHEREAS, the Erie County Division of Sewerage Management has advised that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 44SA, in the final contract amount of $649,288.51 which includes Change Order No. 2 (final), an increase of $ 23,157.01, and recommends approval for final payment.

NOW, THEREFORE BE IT

RESOLVED, that Contract No. 44SA between the County of Erie and CMH Company, Inc. (12701 North Rd. Alden, New York 14004) is accepted in the final contract amount of $649,288.51 which includes Change Order No. 2 (final), an increase of $23,157.01, and is allocated in Erie County Sewer District No. 6 Bond Account C.00001; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract No. 44SA to CMH Company, Inc., for a total contract amount of $649,288.01; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Kristen Walder, Assistant County Attorney and two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.

DEPARTMENT OF ENVIRONMENT AND PLANNING
DIVISION OF SEWERAGE MANAGEMENT
CONSTRUCTION CONTRACT CHANGE FORM

Date: January 11, 2013

Change Order No. 2 (Final) Amount $23,157.01 Bond Account C.00001

Contract No. 44SA File No. 6.3.3.44SA

Project Bethlehem Park Sanitary Sewer Rehabilitation Project Phase III

Contractor's Name CMH Company Inc.

Contractor's Address 12701 North Road Alden, New York 14004

Description of Change to Contract:

The contract quantities were adjusted to reflect final installed quantities (from the as built survey). Bid Item 43, Contingent Items allowance is being adjusted from a total of $30,000.00 to $57,777.47. Items outlined on page 3 were reimbursed from the contingency allowance for a net increase of 27,777.47 for this item. The total change order cost, including Bid Item 43, is an increase of $23,157.01 as shown on Attachment #16, C.O. #2 Final Adjustment of Quantities.

Reason for Modifications:

In accordance with the contract documents, the Contractor shall be compensated for the work performed and authorized. Change order #2 (Final) is the final adjustment of all contract items.

Time Extension:

A no cost time extension was necessary from March 21, 2012 to January 11, 2013 to complete the work, and to process the close-out. All onsite work was completed on October 1, 2012.

Indirect Costs:

There are no indirect costs associated with this Change Order.

Additional Engineering Costs:

There are no additional engineering costs associated with this Change Order.

Contract Cost Summary:

Original Contract	$576,483.50
Change Order No. 1	$49,648.00
Change Order No.2 (Final)	$23,157.01
Final Contract Amount	$649,288.51

Attachments:

Attachments 1 through 15 contain the cost summaries for the Contingent Item No. 43 payments.
Attachment 16 is the Change Order #2 Final Adjustment of Quantities.

Authorization:

Contractor _____ Date 1/15/13
Mark Metz (CMH Company, Inc.)

County of Erie _____ Date _____
Joseph L. Fiegl, P.E., Deputy Commissioner – DSM

Erie County Legislature Comm. # _____ Date _____

Erie County Sewer District No. 6
Board of Managers _____ Date _____

Bid Item 43 Contingency Allowance

Attachment #1 - Warsaw St. additional road restoration cost required due to the existing road saw cuts made by Erie County Sewer District No. 6 prior to the contract.	$2,745.50
Attachment #2 - Manhole #6 was shifted toward the road to avoid the existing water line additional concrete curb and road base removal & replacement were required.	$242.50
Attachment #3 – Point repair of sewer prior to lining at No. 90 Spruce.	$6,010.00
Attachment #4 - Point repair of sewer prior to lining at No. 45 Madison.	$5,410.00
Attachment #5 - Point repair of sewer prior to lining at No. 21 Beech.	$5,860.00
Attachment #6 - Point repair of sewer prior to lining at Adams Street.	$7,334.00
Attachment #7 – Point repair of sewer prior to lining at 108 Walnut, includes credit for a pipe patch not installed.	$4,536.00
Attachment #8 – Point repair of sewer prior to lining at No. 102 & 98 Spruce.	$4,552.00
Attachment #9 – Point repair of sewer and lateral prior to lining at No. 87 Madison.	$7,742.00
Attachment #10 - Restoration of the Spruce Street Park concrete drive, sidewalk and blacktop drive apron after repair work for No. 87 Madison was completed.	$2,984.36
Attachment #11 - Spruce Street Park fence replacement. Necessary due to the repair at No. 87 Madison and lateral extensions for No. 95, 105 & 109 Madison.	$2,800.00
Attachment #12 – Emergency repair of sewer line collapse at 1456 Electric Ave.	$5,015.00
Attachment #13 – Restoration of landscaping removed during sewer repair for 21 Beech Street.	$2,092.89
Attachment #14 - Manhole bench modifications to reduce solids from settling in manholes 3A & 3B.	$1,400.00
Attachment #15 – Back Charge for emergency bypass pumping by ECSD to avoid sewer backups due to a lining repair blockage upstream of Manhole 3A.	($946.78)
ITEM 43 CONTIGENCY TOTAL	$57,777.47
Attachment #16 - Change Order No.2 Final Adjustment of Quantities	$23,157.01