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# COUNTY OF ERIE

**CHRIS COLLINS**

COUNTY EXECUTIVE

September 12, 2011

The Honorable  
Erie County Legislature  
25 Delaware Avenue  
Buffalo, New York 14202

**RE: Erie County Sewer District No. 6 – Contract No.45  
Michelle Drive Pumping Station and Forcemain Close-out**

Honorable Members:

Enclosed please find an accompanying memorandum and proposed resolution from the Department of Environment and Planning pertaining to the Close-Out of Contract No. 45 between Erie County and Milherst Construction, Incorporated.

Thank you for your consideration of this matter. If this Honorable Body requires any further information, kindly contact the Department of Environment and Planning or our office and we will be happy to accommodate your request.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Collins", is written over the signature line.

CHRIS COLLINS  
Erie County Executive

## **MEMORANDUM**

**To:** Honorable Members of the Erie County Legislature  
**From:** Environment and Planning  
**Re:** Erie County Sewer District No. 6  
Contract No. 45  
Michelle Drive Pumping Station and Forcemain Close-Out  
**Date:** September 12, 2011

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### **SUMMARY**

Final acceptance of the Contract dated June 24, 2010 with Milherst Construction, Inc. in the amount of \$149,419.12 is requested. All work has been completed and the Contractor has been paid in full. Close Out of this contract will prevent any future claims by the Contractor against this contract.

### **FISCAL IMPLICATIONS**

This contract does not impact the County's General Fund. The funds for this project are provided by Erie County Sewer District No. 6 Bond Account C.00064.

### **REASONS FOR RECOMMENDATION**

The Contract has been satisfactorily completed in accordance with the approved plans and specifications. As a result, it is the Department's recommendation to finalize and close-out this contract.

### **BACKGROUND INFORMATION**

On June 24, 2010 a Contract was awarded by the Erie County Legislature to Milherst Construction, Inc. The contractor was retained to replace an existing temporary pumping station and forcemain with a larger permanent pumping station and forcemain. The work has been satisfactorily completed.

### **CONSEQUENCES OF NEGATIVE ACTION**

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

### **STEPS FOLLOWING APPROVAL**

The County of Erie will Close-Out the Contract.

**COMPTROLLERS OFFICE REVIEW**

The proposed legislature has been reviewed by the Comptrollers Office and is related to an authorized capital project for which there are sufficient capital appropriations for the action proposed.

Signed Lorne H. Steinhart Date 9/12/2011  
Lorne Steinhart  
Title Deputy Comptroller

JEFFREY HART JH  
Deputy County Executive

A RESOLUTION SUBMITTED BY:  
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Erie County Sewer District No. 6  
Contract No. 45  
Milherst Construction, Inc.  
Contract Close-Out

WHEREAS, the Erie County Legislature has awarded Contract No. 45 to Milherst Construction, Inc.; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has advised the Legislature that all scheduled improvements are now complete; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has recommended the final acceptance of Contract No. 45 in the amount of \$149,419.12 which includes Change Order No. 1 (final), a decrease of (\$1,910.89) and approve final payment.

NOW, THEREFORE, BE IT

RESOLVED, the Contract No. 45 between the County of Erie and Milherst Construction, Inc., 10025 County Road, Clarence Center, New York 14032, be accepted in the amount of \$149,419.12 which includes Change Order No. 1 (final), a decrease of (\$1,910.89); and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 45 between the County of Erie and Milherst Construction, Inc. in the amount of \$149,419.12 and make final payment from Sewer Capital, Erie County Sewer District No. 6, Account C.00064, and return the unused portion \$1,910.89 to Unallocated Account C.00064; and be it further

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