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# COUNTY OF ERIE

**MARK C. POLONCARZ**  
COUNTY EXECUTIVE

June 4, 2013

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

**RE: Erie County Sewer District No. 3  
Contract No. 12ST-A, General  
Contract Close Out – John W. Danforth Company**

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. 12ST-A, General with John W. Danforth Company.

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:TB: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. 3  
Contract No. 12ST-A, General  
Contract Close Out – John W. Danforth Company.  
**Date:** May 13, 2013

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### **SUMMARY**

Acceptance and approval of Contract No. 12ST-A, General in the final contract amount of \$1,874,347.41 together with Change Order No. 2 (final), an increase of \$32,496.41 in Erie County Sewer District No. 3 Bond Account C.00067, as well as authorization to issue final payment to the contractor, John W. Danforth Company 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. 3 Bond Account No. C.00067.

### **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. 12ST-A, General was bid on June 28, 2011 and awarded by the Erie County Legislature on July 21, 2011, Legislative Comm. 13E-14 (2011). This contract installed the general work for the dewatered sludge pump replacements at the Southtowns Sewage Treatment Plant.

### **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 John W. Danforth Company.

**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 5/16/12  
Title Gregory Gach  
Deputy Comptroller

A RESOLUTION SUBMITTED BY  
Department of Environment and Planning

RE: Erie County Sewer District No. 3  
Contract No. 12ST-A, General  
Contract Close Out – John W. Danforth Company.

WHEREAS, pursuant to Legislative Comm. 13E-14 (2011) Contract 12ST-A, General was awarded to John W. Danforth Company for general work for the dewatered sludge pump replacements at the Southtowns Sewage Treatment Plant; and

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

WHEREAS, Erie County Sewer District No. 3 has adequate cash in its capital reserve account C.00007; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 12ST-A, General, in the final contract amount of \$1,874,347.41 which includes Change Order No. 2 (final), an increase of \$ 32,496.41, and recommends approval for final payment.

NOW, THEREFORE BE IT

RESOLVED, that Contract No. 12ST-A, General between the County of Erie and John W. Danforth Company (300 Colvin Woods Parkway, Tonawanda, NY 14150) is accepted in the final contract amount of \$ 1,874,347.41 which includes Change Order No. 3 (final), an increase of \$ 32,496.41, and is allocated in Erie County Sewer District No. 3 Bond Account C.00067; and be it further

RESOLVED, that the County Director of Budget and the County Comptroller be authorized to increase the appropriations and estimated revenues in Erie County Sewer District No. 3 project C.00067 by \$35,000; and be it further

RESOLVED, that the Director of Budget and the County Comptroller be authorized to transfer \$35,000 from Erie County Sewer District No. 3 Capital Reserve Account C.00007 to Sewer District No. 3 Capital Project C.00067 and to establish all budgeting accounts necessary to facilitate the transfer of \$35,000; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract 12ST-A, General, to John W. Danforth Company. for a total contract amount of \$1,874,347.41 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: June 1, 2013

Change Order No. 2 FINAL Amount \$32,496.41 Bond Account C.00007

Contract No. 12ST-A (General/Mechanical) File No. 3.3.3.12ST-A

Project Dewatered Sludge Pumps Replacement Project at the Southtowns AWWTF

Contractor's Name John W. Danforth Company

Contractor's Address 300 Colvin Woods Parkway, Tonawanda, New York 14150

Description of Change to Contract:

Bid Item A-2, Contingency Allowance is being adjusted from \$35,000.00 to \$67,496.41. Seven (7) items as outlined in the attachments on page 2 were paid for using the Contingency Allowance. Total Change Order No. 2 Final cost, is an increase of \$32,496.41.

Reason for Modification:

In accordance with the contract documents, the Contractor shall be compensated for the work performed and authorized.

Time Extension:

A no cost time extension from September 28, 2012 to June 1, 2013 is being granted to process contract close out. All contract work was completed by March 1, 2013.

Indirect Costs:

No indirect costs are a result of this Change Order.

Additional Engineering Costs:

There are no additional engineering costs.

Contract Cost Summary:

Original Contract	\$1,798,000.00
Change Order No. 1	\$43,851.00
<u>Change Order No. 2 FINAL</u>	<u>\$32,496.41</u>
<b>Final Contract Amount</b>	<b>\$1,874,347.41</b>

**ATTACHMENTS**

**Item A-2 Contingency Allowance**

Attachment #1 -	Install CPVC in lieu of ductile iron process drain line from truck loading area.	\$6,987.00
Attachment #2 -	New CPVC water supply and drain lines for (2) hydraulic skids.	\$2,320.00
Attachment #3 -	Acceleration costs for Phase 1 hopper work.	\$15,186.95
Attachment #4 -	Relocate Hopper Y control panel.	\$2,410.00
Attachment #5 -	Premium time for Phase 1 hopper work.	\$6,202.46
Attachment #6 -	Provide labor and materials to reinforce both hoppers.	\$31,640.00
Attachment #7 -	Additional site visit by Schwing Bioset, Inc. to inspect rotated control panel and to modify the programming with new IP addresses.	\$2,750.00

CONTRACTOR \_\_\_\_\_ DATE \_\_\_\_\_  
Patrick J. Reilly, President – John W. Danforth

ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_  
Paul J. McGarvey, P.E., (GHD Consulting Engineers, LLC)

COUNTY OF ERIE \_\_\_\_\_ DATE \_\_\_\_\_  
Joseph L. Fiegl, P.E., Deputy Commissioner - DSM

ERIE COUNTY LEGISLATURE COMMITTEE NO. \_\_\_\_\_ DATE \_\_\_\_\_

ERIE COUNTY SEWER DISTRICT NO. 3 BOARD OF MANAGERS DATE \_\_\_\_\_