

SUSPENSION



COUNTY OF ERIE

MARK C. POLONCARZ  
COUNTY EXECUTIVE

September 30, 2014

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

RE: **Erie County Sewer District No. 2**  
**Contract No. 79-A, General/Mechanical**  
**Contract Close Out – L.P. Ciminelli Construction Corp.**

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.79-A with L.P. Ciminelli Construction Corp.

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,

A handwritten signature in black ink, appearing to read "Mark C. Poloncarz", written over a faint circular stamp.

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP:EP:cs  
Enclosure

C: J. Fiegl – Environment and Planning

# SUSPENSION

## MEMORANDUM

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Environment and Planning  
**Re:** Erie County Sewer District No. 2  
Contract No. 79-A, General/Mechanical  
Contract Close Out – L.P. Ciminelli Construction Corp.  
**Date:** September 30, 2014

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### **SUMMARY**

Acceptance and approval of Contract No. 79-A in the final contract amount of \$5,537,389.71 together with Change Order No.3 (final) providing a decrease of \$83,697.25 in Erie County Sewer District No. 2 Bond Account C.00004, as well as authorization to issue final payment to the contractor, L.P. Ciminelli Construction Corp., 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. 2 Bond Account No. C.00004.

### **REASONS FOR RECOMMENDATION**

All scheduled improvements required by the contract documents have been completed. As a result, it is the recommendation of the County Attorney and the Erie County Department of Environment and Planning to finalize this contract.

### **BACKGROUND INFORMATION**

Contract No. 79-A was bid on June 25, 2009 and awarded by the Erie County Legislature on July 9, 2009 pursuant to Legislative Comm. 11E-7 (2009). This contract provided general and mechanical work for the construction of the Lake Street and Point Breeze Pumping Stations in Erie County Sewer District No.2.

After completion of all improvements and subsequent discussions necessary to effectuate the contract close out, a final change order providing a decrease of \$83,697.25 was developed. This change order addresses claims made by the parties during the course of the project.

### **CONSEQUENCES OF NEGATIVE ACTION**

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

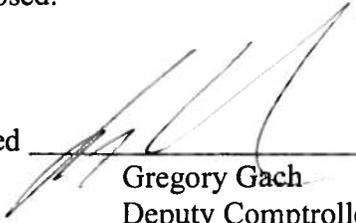
### **STEPS FOLLOWING APPROVAL**

SUSPENSION

**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

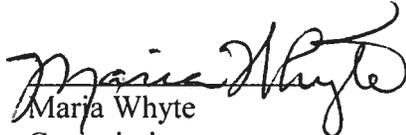


Gregory Gach  
Deputy Comptroller

Date

9/14/14

*JCC  
for  
JF*



Marja Whyte  
Commissioner

EAP:cs

Encl.

Cc: M. Whyte  
J. Fiegl/0.11.0 Leg. Ltr (w/encl.)  
J. Carr/J. Mallory/J. Russell/2.3.3.79-A (w/encl.)  
S. Tirone

# SUSPENSION

## A RESOLUTION SUBMITTED BY Department of Environment and Planning

RE: Erie County Sewer District No. 2  
Contract No. 79-A, General/Mechanical  
Contract Close Out – L.P. Ciminelli Construction Corp.

WHEREAS, pursuant to Legislative Comm. 11E-7 (2009) Contract 79-A was awarded to L.P. Ciminelli Construction Corp. for General and Mechanical work for the Lake Street and Point Breeze Pumping Stations; 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 and the Erie County Attorney recommends acceptance of Contract 79A in the final contract amount of \$5,537,389.71 which includes change order No. 3 (final) a decrease of \$83,697.25 and recommends approval for final payment.

NOW, THEREFORE BE IT

RESOLVED, that Contract No. 79-A between the County of Erie and L.P. Ciminelli Construction Corp. (2421 Main Street Buffalo, New York 14214) is accepted in the final contract amount of \$5,537,389.71 which includes Change Order No. 3 (final), a decrease of \$83,697.25, and is to be allocated in Erie County Sewer District No. 2 Bond Account C.00004; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract 79-A to L.P. Ciminelli Construction Corp., for a total contract amount of \$5,537,389.71; 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.

# SUSPENSION

APPROVAL TO DISBURSE CAPITAL PROJECT CASH  
(use a separate form for each capital project)

SEWER CAPITAL C.00004 TITLE ECSD No. 2 - Southwest Interceptor and Pumping Stations.

PROJECT PURPOSE: Increase and Improvements of Facilities in ECSD No. 2

PROJ. AUTHORIZATION: BUDGET YEAR \_\_\_\_\_ OR DATE OF LEGISLATION \_\_\_\_\_

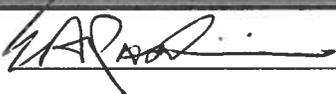
BOND RESOLUTION(S) AUTHORIZING PROJECT: TOTAL \$10,840,000.00  
 DATE(S) \_\_\_\_\_  
 AMT(S) \$10,840,000.00 \$ \_\_\_\_\_ \$ \_\_\_\_\_

CONTRACT PURPOSE: General and Mechanical work for the Lake Street and Point Breeze Pumping Stations.

<u>CONTRACTOR/ENGINEER</u>	<u>\$ AMOUNT</u>	<u>W.B.S.#</u>	<u>TOTAL AVAILABLE APPROPRIATION</u>
L.P. Ciminelli Construction Corp. (\$83,697.25)			
CO #3 (Final)			
Total	(\$83,697.25)		

CHANGE ORDERS: PROJECT LEGISLATIVE HISTORY FOR THIS CONTRACT

<u>DATE</u>	<u>DESCRIPTION (Orig. Enc. Inc., Dec)</u>	<u>Amount</u>	<u>SFG Doc#</u>
	L.P. Ciminelli Construction Corp. (ori.)	\$5,533,000.00	
	Co #1 (inc)	\$44,421.96	
	Co #2 (inc)	\$43,665.00	

REQUESTED BY: 			
	<u>Initials</u>	<u>Date</u>	
Amount Allocated	<u>10,940,000</u> 	<u>9/12/14</u>	Deputy Commissioner
Amount Available	<u>- 0 -</u> 	<u>9/2/14</u>	Accountant