

MARK C. POLONCARZ

COUNTY EXECUTIVE

October 7, 2014

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

RE: E

Erie County Sewer District No. 3

Contract No. 40

Contract Close Out - Milherst Construction, 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. 40 with Milherst Construction, Inc.

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

Sincerely,

Mark C. Poloncarz, Esq.

Erie County Executive

MCP:EP:cs 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. 40

Contract Close Out – Milherst Construction, Inc.

Date:

October 7, 2014

SUMMARY

Acceptance and approval of Contract No. 40 in the final contract amount of \$1,081,979.99 together with Change Order No. 1 (final), an increase of \$123,381.39 in Erie County Sewer District No. 3 Bond Account C.00062, as well as authorization to issue final payment to the contractor, Milherst Construction, 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. 3 Bond Account No. C.00062.

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

In accordance with a merger agreement with the Village of Hamburg, the Village will reimburse Erie County Sewer District No. 3 the full amount of this Contract. Contract No. 40 was bid on June 27, 2012 and awarded by the Erie County Legislature on July 19, 2012, Legislative Comm. 9E-26 (2012). This contract installed sanitary sewers necessary to eliminate three (3) pumping stations in the Village of Hamburg in Erie County Sewer District No. 3.

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 Milherst Construction, 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

Title

Gregory Gach

Deputy Comptroller

58

Maria Whyte Commissioner

EAP:cs

Encl.

Cc:

M.Whyte

J.Fiegl/0.11.0 Leg.Ltr (w/encl.)

J.Carr/J.Mallory/D.Skowronski/ 3.3.3.40 (w/encl.)

S.Tirone

D. Witkowski: Village of Hamburg

V:\Sewerage Management\Project Files\Construction\District 3\40\Close Out Contract 40.docx

A RESOLUTION SUBMITTED BY Department of Environment and Planning

RE: Erie County Sewer District No. 3

Contract No. 40

Contract Close Out - Milherst Construction, Inc.

WHEREAS, pursuant to Legislative Comm. 9E-26 (2012) Contract 40 was awarded to Milherst Construction, Inc. for the installation of sanitary sewers necessary to eliminate three (3) pumping stations in the Village of Hamburg in Erie County Sewer District No. 3; and

WHEREAS, in accordance with a merger agreement with the Village of Hamburg, the Village will reimburse Erie County Sewer District No. 3 the full amount of this contract; 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. 40, in the final contract amount of \$1,081,979.99 which includes Change Order No. 1 (final), an increase of \$123,381.39, and recommends approval for final payment.

NOW, THEREFORE BE IT

RESOLVED, that Contract No. 40 between the County of Erie and Milherst Construction, Inc. (10025 County Road, Clarence Center, New York 14032-0430) is accepted in the final contract amount of \$1,081,979.99 which includes Change Order No. 1 (final), an increase of \$123,381.39 and is allocated in Erie County Sewer District No. 3 Bond Account C.00062; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract 40, to Milherst Construction, Inc. for a total contract amount of \$1,081,979.99; 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.

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

SEWER CAPITAL C.00062	TITLE Brie Coun	ty Sewer Distr	ict No. 3
	Increase	Improvement	(I & I) \$9m
PROJECT PURPOSE: Increase plant including the reconst sewerage pumping stations.	and Improvement	of facilities	
PROJ.AUTHORIZATION: BUDGET		OF LEGISLATION	March 14,2005
DATE(S) 7/5	7/12	TOTAL \$ 9,95	58,598
AMT(S) \$9,000,000	\$958,598	\$	
CONTRACT PURPOSE: Install s stations in the Village of	anitary sewers re Hamburg in ECSD #	quired to elim	inate 3 pumping
CONTRACTOR		W.B.S.#	TOTAL AVAILABLE APPROPRIATION
Milherst Construction, Inc.	\$258,598.60	C.00062	
Total			
CHANGE ORDERS: PROJECT LEGIS			CT
DATE DESCRIPTION (Orig. 1	Enc. Inc. Dec)	Amount	000 D#
CO#1 (Final) Milherst		123,381.	598.00 39
			N
REQUESTED BY: Edward A.	Paolini, P.B.		
	Initial	Date	
Amount Allocated 3/18	148	1	Deputy Commissioner
Amount Available 5,68	(1,853	930/7	Accountant



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

Date: September 24, 2014

Change Order No	1 FINAL Amount \$123,381.39	Bond Account <u>C.00062</u>
Contract No. 40	25° 2 0	File No. <u>3.3.3.40</u>
Project <u>Char</u> <u>Pump</u>	lotte / Sherburn / McKinley Pumping Station Station Demolition	on Eliminations and Brookwood
Contractor's Name	Milherst Construction, Inc.	
Contractor's Address	10025 County Road, Clarence Center, N	ew York 14032-0430

Description of Change to Contract:

- Item 1 Glass Debris Behind Hamburg Town Hall Compensate contractor for additional excavation, hauling and placement of select fill in an unanticipated Glass Debris Area behind Hamburg Town Hall, including select fill for undercut to stabilize trench bottom. A total of 1331 CY of glass debris excavated and replaced with select fill. Refer to Attachment A. TOTAL COST ITEM 1 = \$84,064.00.
- Item 2 -Additional Select Fill Cherry Place Compensate contractor for additional excavation, hauling and placement of select fill required to install the sewer on Cherry Place. 547 CY of additional material was excavated and hauled and replaced with select fill. Refer to Attachment B. TOTAL COST ITEM 2 = \$25,500.00.
- Item 3 Sherburn Ave. MH 9A Waterline Conflict Compensate contractor for modification of manhole and realignment of sewer on Sherburn Ave. at MH 9A. Refer to Attachment C. TOTAL COST ITEM 3 = \$9,572.56.
- Item 4 Sherburn Ave. MH 10 to MH 11 Compensate contractor for additional excavation, hauling and placement of select fill and additional binder between MH 10 and MH 11 on Sherburn Ave. Refer to Attachment D. TOTAL COST ITEM 4 = \$33,748.00.
- Item 5 Final Adjustment of Quantities Contract Items #1 through 43 were adjusted to reflect final quantities, contingency and utility allowances. Refer to Attachment #21. The adjustments included an increase of \$39,179.47 to Item #43, contingency allowances (refer to Attachments 2 through 20) and a decrease in the utility allowance (refer to Attachment 1), resulting in a net decrease of \$29, 503.17 to the original contract. Therefore, the Change Order No. 1 (final) cost is \$123,381.39.

Reason for Modification:

In accordance with the contract documents, the Contractor shall be compensated for the work performed and authorized. Change Order #1 (Final) is the final adjustment of all contract items, and reimbursement for additional work as noted in items 1 through 4 above, (page 1).

Time Extension:

A no cost time extension was necessary from September 19, 2012 to September 11, 2014 to complete the work, and to process the close-out. Onsite work was completed on September 13, 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

\$958,598.60

Change Order No. 1 (Final)

\$123,381.39

Final Contract Amount

\$1,081,979.99

Pay Item #23 Utility Allowance

Attachment #1 -

Relocation of Erie County Water Authority water main at Sta. 4+40 McKinley Pkwy. due to conflict with sewer main.

\$12,228.00.

Pay Item #43 Contingency Allowance

Attachment #2 -

Removal of asbestos by a controlled demolition at the Brookwood Pump Station location. \$9,509.50.

Attachment #3 -

The Town Hall parking lot, from Sta. 6+69 to MH 5 was replaced full depth with binder course and was paid for using Item 17B Binder Course price of \$39.00 / square yard, using contract pay limits. This was done in lieu of 3" binder and 1.5" top, as per contract. 180.3 square yards was used.

\$7.031.70.

Attachment #4 -

Disposal of 100 ton of non-hazardous contaminated soil from the Town Hall property, at agreed price of \$4,022.61. Additionally it was agreed to pay \$40.23 per ton for any quantity exceeding 100 ton. A total of 116.72 was removed. \$4,695.26.

Attachment #5 -

Additional milling required at #4565 and #4565A Clark St. to make the new asphalt overlay meet the existing sidewalks and driveway apron.
\$2,523.67.

Attachment #6 -

Additional milling requested by the Town of Hamburg along the west edge of the parking lot overlay area. \$838.31.

Attachment #7 -Tack coat and 1.5" top course overlay of Town of Hamburg parking lot, behind Town Hall at Item 17A Top Course price of \$8.50 per square yard. 167.0 square vards were used. \$1,419.50 Placement of 3" of binder course on Cherry Pl., full width, including driveway Attachment #8 apron tie-ins, at the agreed price of \$18.24 per square yards. 1,163.3 square yards were used. \$21,218.59. Attachment #9 -Removal of 4.5" of existing asphalt and stone and the grading for placement of the binder course on Cherry Pl. at the agreed price of \$13.49 per square yard. Total area was 1,163.3 square yards. \$15,692.92. Attachment #10 -Cost to remove asbestos cement vent pipe from the abandoned Charlotte Ave. Pump Station and disposal of same at agreed price of \$825.00. \$825.00. Reinstall laterals to #352 and #358 Charlotte Ave. using time and material Attachment #11 method of payment. \$3,864.72. Attachment #12 -Credit for Erie County Central Region equipment and personnel to clean out and dispose of the sanitary waste from Charlotte Ave. and Sherburn Ave. Pump Station wet wells. (\$2,075.64).Attachment #13 -Furnish and install (5) cast iron cleanout frame and covers that were requested to be used in concrete pavement areas. \$482.43. Attachment #14 -Credit for asphalt restoration, that is part of Item #10 (6" Laterals), that was not needed because Cherry Pl. received a full width pavement replacement. (\$1,306.25).Attachment #15 -Additional work required to restore lawns and shoulder along one side of Cherry Pl., due to full width pavement replacement. \$2,983.00. Attachment #16 -Original scope of asbestos removal work for the Sherburn Ave. and the Charlotte Ave. Pumping Stations. \$5,513.20. Attachment #17 -Cost of a 2' section of a 4' diameter precast manhole and a 2' section of a 5' diameter precast manhole, delivered to Southtowns AWWTF, that were not able to be used due to elevation differences. \$777.50. Attachment #18 -Cost of precast MH 9A (eliminated from contract), delivery of unused MH 9A to Southtown AWWTF, and the cost of the unused 16" x 12" manhole boot, also delivered to Southtowns AWWTF. \$2,700.00. Attachment #19-Cost of manhole boot, drop bowl assembly, bracket, fernco coupling and pipe necessary to modify MH 10 and the extra select fill utilized to install realigned

sewer	from	MH	9 to	MH	10
30 1101		TATT	<i>-</i> W	TATT	11.

\$3,325.06.

Attachment #20 -	Credit for 3 replacement trees in the contract, that value (840.0	
Attachment #21 -	Final Adjustment of Quantities, Summary.	
CONTRACTOR		_DATE
J	James L. Collins, Jr. (Milherst Construction, Inc.)	
ENGINEER	Edward A. Paolini, P.E. (ECDEP/DSM)	DATE
	Edward A. Faorini, F.E. (ECDEP/DSIVI)	
COUNTY OF ERIE	Joseph L. Fiegl, P.E., Deputy Commissioner - DSM	DATE
CDIC COINTY I CO		11
ERIE COUNTY LEC	SISLATURE COMMITTEE NO	DATE
ERIE COUNTY SEW	VER DISTRICT NO. 3 BOARD OF MANAGERS	DATE

ATTACHMENT #21

DATE:

CHANGE ORDER NO. 1 (FINAL) ADJUSTMENT OF QUANTITIES

PAGE 1 OF 3

9/24/2014

MILHERST CONSTRUCTION, INC. 10025 COUNTY ROAD

CLARENCE CENTER, NEW YORK 14032-0430

ERIE COUNTY SEWER DISTRICT # 3
CHARLOTTE/SHERBURN/McKINLEY PS ELIMINATIONS
and BROOKWOOD PS DEMOLITION

CONTRACT NO.: 40 NYSEFC 6649-12

DATE BID: JUNE 27, 2012

NOTICE TO PROCEED: September 19, 2012 SCHEDULED COMPLETION DATE: June 16, 2013

ENGINEER: ECDEP-DSM

ITEN	DESCRIPTION	UNIT PRICE	LINIT	Bid Qry.	CONTRACT BID PRICE	Final Quantity	Final Contract Amount	Quantity Adjustment	Cost Adjustmen
	Clearing and Grubbing	\$10,000.00	LS	1	\$10,000.00	1.00	\$10,000.00	0.0	\$0.00
	8" Sanitary Sewer 0 to 8' Depth	\$27.00	LF	651	\$17,577.00	655.0	\$17,685.00	4.0	\$108.00
	8" Sanitary Sewer 8' to 10' Depth	\$24.00	1.F	478	\$11,472.00	493.5	\$11,844.00	15.5	\$372.00
	8" Sanitary Sewer 10' and Over	\$31.00	LF	82	\$2,542.00	89.0	\$2,759.00	7.0	\$217.00
	10" Sanitary Sewer 0' to 8' Depth	\$25.00	LF	410	\$10,250.00	400.5	\$10,012.50	(9.5)	(\$237.50)
2	10" Sanitary Sewer 8' to 10' Depth	\$29.00	LF	631	\$18,299.00	620.0	\$17,980.00	(11.0)	(\$319.00)
1	10" Sanitary Sewer 10' to 12' Depth	\$31.00	LF	987	\$30,597.00	951.0	\$29,481.00	(36.0)	(\$1,116.00)
	10" Sanitary Sewer 12' to 14' Depth	\$38.00	LF	105	\$3,990.00	98.0	\$3,724.00	(7.0)	(\$266.00)
	10" Sanitary Sewer 14' to 16' Depth	\$41.00	LF	456	\$18,696.00	507.0	\$20,787.00	51.0	\$2,091.00
L	10" Sanitary Sewer 16' and Over	\$54.00	LF	391	\$21,114.00	362.0	\$19,548.00	(29.0)	(\$1,566.00)
2/	8" Sanitary Pipe Materials	\$11.50	LF	1211	\$13,926.50	1,237.5	\$14,231.25	26.5	\$304.75
	10" Sanitary Pipe Materials	\$13.75	LF	2985	\$41,043.75	2,938.5	\$40,404.38	(46.5)	(\$639.38)
, 4	Standard Manholes (0 to 8' Depth)	\$3,500.00	ЕЛ	17	\$59,500.00	17	\$59,500.00	0.0	\$0.00
	Drop Manhole Sta. 0+00		EΑ	1	\$6,300.00	1.00	\$6,300.00	0.0	\$0.00
	Drop Manhole Sta. 16+73 (MH #7)		EA	1	\$9,100.00	1.00	\$9,100.00	0.0	\$0.00
5	Drop Manhole Sta. 18+37 (MH #8)	\$9,000.00	EA	1	\$9,000.00	1.00	\$9,000.00	0.0	\$0.00
	Drop Manhole Sta. 19+65 (Eliminated)	\$7,400.00	EA	1	\$7,400.00	0.00	\$0.00	(1.0)	(\$7,400.00)
	Drop Manhole Sta. 33+74 (MII #14)		EA	1	\$4,900.00	1.00	\$4,900.00	0.0	\$0.00
	Drop Manhole Sta. 34+85 (MH #15)	\$4,900.00	EA	1	\$4,900.00	1.00	\$4,900.00	0.0	\$0.00
6	Additional Depth of Manholes	1	LF	35	\$0.35	28.22	\$0.28	(6.78)	(\$0.07)
8	Wye Branches 8"x8"x6"		EA	15	\$900.00	14	\$840.00		
	Wye Branches 10"x10"x6"		EA	42	\$5,040.00	42	\$5,040.00	0.0	(\$60.00)
10	6" House Lateral Sewer Reconnection		LF 1		\$118,900.00	1,236.65	\$123,665.00	47.7	\$0.00
									34,703,00
	Contract Sub Total				\$425,447.60		\$421,701.41	Comm. 20	0 (\$3,846.19)

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CHANGE ORDER NO. 1 (FINAL) ADJUSTMENT OF QUANTITIES

PAGE 2 O F 3

MILHERST CONSTRUCTION, INC.

DATE:

9/24/2014

1 0025 COUNTY ROAD CLARENCE CENTER, NEW YORK 14032-0430

ERIE COUNTY SEWER DISTRICT # 3 CHARLOTTE/SHERBURN/McKINLEY PS ELIMINATIONS and BROOKWOOD PS DEMOLITION

CONTRACT NO.: 40 NYSEFC 6649-12

1 L: 1 - 11

DATE BID: JUNE 27, 2012

NOTICE TO PROCEED: September 19, 2012 SCHEDULED COMPLETION DATE: June 16, 2013

ENGINEER: ECDEP-DSM

ITEM	DESCRIPTION	UNIT PRICE	UNIT	Bid Qry	Contract Bid Price	Final Quantity	Final Contract Amount	Quantity Adjustment	Cost Adjustment
5.5	Highway Crossings by Boring and Jacking							· , , ,	
11	24" Casing Sta. 0+08 to 0+98	\$550.00	LF	90	\$49,500.00	90.0	\$49,500.00	0.0	\$0.00
	20" Casing Sta. 2+30 to 2+80	\$730.00	LF	50	\$36,500.00	50.0	\$36,500.00	0.0	\$0.00
15	Select Material Backfill	\$33.50	CY	3600	\$120,600.00	3,402.7	\$113,990.45	(197.3)	(\$6,609.55)
	Pavement Restoration		n					(13 1.0)	\$0.00
17A	Top Course	\$8.50	SY	7500	\$63,750.00	7,643.0	\$64,965.50	143.0	\$1,215.50
17B	Binder Course	\$39.00	SY	1478	\$57,642.00	1,160.9	\$45,275.10	(317.1)	(\$12,366.90)
17C	Pavement Milling	\$1.50	SY		\$11,250.00	6,480.0	\$9,720.00	(1,020.0)	(\$1,530.00)
18	Driveway Replacement					•	,	(1,525.6)	\$0.00
	Bituminous Macadam	\$45.00	SY	446	\$20,070.00	89.7	\$4,036.50	(356.3)	(\$16,033.50)
	Concrete	\$93.00	SY	23	\$2,139.00	0.0	\$0.00	(23.0)	(\$2,139.00)
19	Restoration	\$6.00	LF	800	\$4,800.00	800.0	\$4,800.00	0.0	\$0.00
22	Utility Test Pits	\$375.00	EA	5	\$1,875.00	7.0	\$2,625.00	2.0	\$750.00
23	Utility Allowance						02,023.00	2.0	\$0.00
NO S	NYSEG	\$10,000.00	LS	1	\$10,000.00	0.0	\$0.00	(1.0)	(\$10,000.00)
SEE NOTES ON PAGE 4 OF 5	National Fuel	\$10,000.00	LS	1	\$10,000.00	0.0	\$0.00	(1.0)	(\$10,000.00)
EE NO	*Erie County Water Authority	\$10,000.00	LS	1	\$10,000.00	1.22	\$12,228.00	0.22	\$2,228.00
S	.VT&T / Verizon	\$10,000.00	LS	1	\$10,000.00	0.0	\$0.00	(1.0)	(\$10,000.00)
34	Maintenance and Protection of Traffic	\$10,000.00	LS	1	\$10,000.00	1.0	\$10,000.00	0.0	\$0.00
35	Field Office	\$9,000.00	LS	1	\$9,000.00	1.0	\$9,000.00	0.0	\$0.00
	Contract Sub Total (this page)				\$427,126.00		\$362,640.55		(\$64,485.45)
	Contract Total				\$852,573.60		\$784,341,96		(\$68,231.64)

Comm. 20E-8

CHANGE ORDER NO. 1 (FINAL) ADJUSTMENT OF QUANTITIES

PAGE 3 OF 3

MILHERST CONSTRUCTION, INC. 10025 COUNTY ROAD

CLARENCE CENTER, NEW YORK 14032-0430

DATE:

9/24/2014

ERIE COUNTY SEWER DISTRICT # 3 CHARLOTTE/SHERBURN/McKINLEY PS ELIMINATIONS and BROOKWOOD PS DEMOLITION

CONTRACT NO.: 40 NYSEFC 6649-12 DATE BID: JUNE 27, 2012

NOTICE TO PROCEED: September 19, 2012 SCHEDULED COMPLETION DATE: June 16, 2013

ENGINEER: ECDEP-DSM

ITEM	DESCRIPTION	UNIT PRICE	UNIT	Bid Qry	Contract Bid Price	Final Quantity	Final Contract	Quantity Adjustment	Cost Adjustmen
37	Abandonment of Pipe, Manholes and Puri Stations	ıp							
	6" Pipe	\$3.50	LF	165	\$577.50	165	\$577.50	0.0	
	8" Pipe	\$2.50	LF		\$3,057.50	1,127	\$2,817.50	(96.0)	\$0.00
	12" Pipe	\$6.00	LF	115	\$690.00	80	\$480.00	(35.0)	(\$240.00) (\$210.00)
	Force Main Pipe	\$900.00	EA	5	\$4,500.00	5	\$4,500.00	0.0	\$0.00
	Manholes	\$400.00	EA	3_	\$1,200.00	3	\$1,200.00	0.0	\$0.00
	Pump Stations	\$14,000.00	EA	4	\$56,000.00	4.00	\$56,000.00	0.0	\$0.00
43	Contingent Items	\$40,000.00	LS	1	\$40,000.00	1.98	\$ 79,178.47	1.0	\$39,178.47
			T T		CONTRACT	ADJUSTME	NT OF ITEMS 1	THROUGH 43 =	(\$29,503.17)
1*	Glass Debris behind Town Hall		$\left \cdot \right $						
2*	Additional select Fill - Cherry Place	\$84,064.00	LS	0	\$0.00 \$0.00	1.00	\$84,064.00	1.0	\$84,064.00
3*	Sherburn Ave. MH 9A Waterlijne Confict	\$9,572.56	LS	0	\$0.00	1.00	\$25,500.00	1.0	\$25,500.00 \$9,572.56
4*	Sherburn Ave. MH 10 to MH 11	\$33,748.00	LS	0	\$0.00	1.00	\$33,748.00	1.0	\$33,748.00
\dashv	ADDITIONAL WORK (1* THROUGH *4) =							\$152,884.56	
	Contract Sub Total (this page)				\$106,025.00		\$297,638.03		\$123,381.39
	Contract Total				\$958,598.60		\$1,081,979.99	FINAL CHANG = \$123,3	E ORDER #1

Comm. 20E-8 Page 13 of 13