



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

March 5, 2014

Erie County Legislature
25 Delaware Avenue
Buffalo, New York 14202

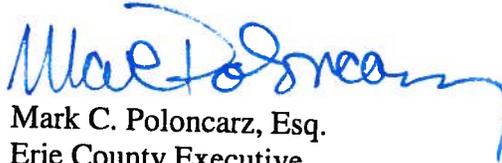
RE: Erie County Sewer Districts No. 3 and No. 6 Siemens Energy Performance Contract – Close Out

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 the Erie County Sewer Districts No. 3 and No. 6 energy performance contract with Siemens Building Technologies, Inc.

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

Sincerely,



Mark C. Poloncarz, Esq.
Erie County Executive

MCP/vb
Enclosure

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Erie County Sewer Districts No. 3 and No. 6
Siemens Energy Performance Contract – Close-Out
Date: March 5, 2014

SUMMARY

Final acceptance and approval of the Erie County Sewer Districts No. 3 and No.6 Siemens Energy Performance Contract in the amount of \$1,092,706.00 is requested.

FISCAL IMPLICATIONS

There will be no impact to the County's General Fund. The funds for this contract were allocated as follows: \$667,359.40 from the Erie County Sewer District (ECSD) No. 3 Capital Account C.00015 and \$425,346.60 from the Erie County Sewer District (ECSD) No. 6 Capital Account 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

Your Honorable Body in legislative communication 21E-16-(2008) approved the execution of an energy performance contract with Siemens Building Technologies, Inc. to implement facility improvement measures at the Southtowns Advanced Wastewater Treatment Facility (ECSD No.3), Wilmuth Pumping Station (ECSD No.6), and Lackawanna Wastewater Treatment Plant (ECSD No.6).

The contract included a three (3) year Performance Assurance Technical Support Program (PATSP) that began after facility improvements were completed. The PATSP consisted of monitoring cost savings to ensure that the contract savings goals were met. All work associated with this contract, including the three (3) year PATSP period, have been completed. The savings goals have been met.

CONSEQUENCES OF NEGATIVE ACTION

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

STEPS FOLLOWING APPROVAL

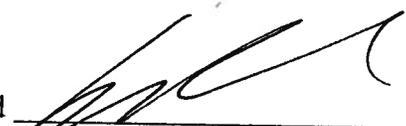
The County of Erie will close out the energy performance contract with Siemens Building Technologies, Inc.

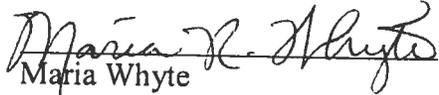
COMPTROLLER'S OFFICE REVIEW

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.

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Signed  Date 3/4/14
Title Greg Gach
Deputy Comptroller

JW

Maria Whyte
Commissioner

cc: J. Fiegl/0.11.0 Leg Ltr
J.Carr/M.Salah/J.Mallory/S.Tirone/0.3.3.Siemens EPC
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**A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING**

**RE: Erie County Sewer Districts No. 3 and No.6 Siemens Energy Performance Contract
– Close Out**

WHEREAS, the Erie County Legislature had awarded the Erie County Sewer Districts No. 3 and No. 6 energy performance contract to Siemens Building Technologies, 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 Contractor has been paid in full; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has recommended the acceptance of the Erie County Sewer Districts No. 3 and No.6 energy performance contract in the final contract amount of \$1,092,706.00.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Sewer Districts No. 3 and No. 6 energy performance contract between the County of Erie and Siemens Building Technologies, Inc., 85 Northpointe Parkway, Suite 8, Amherst, New York 14228, is accepted in the amount of \$1,092,706.00; \$425,346.60 from Erie County Sewer District (ECSD) No. 6 Capital Account C.00001 and \$667,359.40 from Erie County Sewer District (ECSD) No. 3 Capital Account C.00015, and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize the Erie County Sewer Districts No. 3 and No. 6 energy performance contract between the County of Erie and Siemens Building Technologies, Inc., in the amount of \$1,092,706.00; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy each of this Resolution to the County Executive, the Erie County Comptroller, and Kristen Walder, Assistant County Attorney; and two (2) certified copies to Joseph L. Fiegl, P.E. Department of Environment and Planning, Division of Sewerage Management, Rath Building, 10th floor.