



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

July 10, 2015

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

**RE: Erie County Sewer District No. 6
Contract No. 41G
Contract Close-Out – Kohl Construction, Inc.**

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. 41G, with Kohl Construction, Inc.

Should your Honorable Body require further information, I encourage you to contact Deputy Commissioner 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", is written over a faint, larger version of the same signature.

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:JAC:dm
Enclosure

cc: 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. 6
Contract No. 41G
Contract Close-Out – Kohl Construction, Inc.
Date: July 10, 2015

SUMMARY

Acceptance and approval of Contract No. 41G in the final contract amount of \$546,120.00 together with Change Order No. 1 (final) providing a total decrease of \$12,500.00 in Erie County Sewer District No. 6 Bond Account C.00064, as well as authorization to issue final payment to the contractor, Kohl 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.00064.

REASONS FOR RECOMMENDATION

All scheduled improvements required by the contract documents have been completed to the satisfaction of the Division of Sewerage Management. As a result, it is the Department's recommendation to finalize this contract.

BACKGROUND INFORMATION

Contract No. 41G was bid on May 24, 2006 and awarded by the Erie County Legislature on June 22, 2006, Legislative Comm. 8E-21 (2006). This project replaced the existing mechanical bar screens and roof system at the Wilmuth Avenue Pumping Station in Erie County Sewer District No. 6. The Division of Sewerage Management and Kohl Construction recently agreed to final contract amounts pertaining to disputed claims on material escalation costs and delays. Therefore, contract close-out may proceed.

CONSEQUENCES OF NEGATIVE ACTION

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

STEPS FOLLOWING APPROVAL

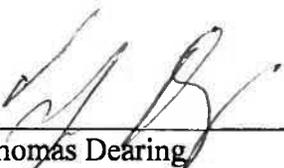
Subject to the completion of all close out paperwork, the County of Erie will execute the final change order and make a final payment to Kohl Construction, Inc.

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 *Bryan Fiume* Date *7/8/15*
Title Gregory Gach
Deputy Comptroller

Bryan Fiume
Associate Deputy Comptroller


Thomas Dearing
Commissioner 

JAC:dm
encl.

- cc: T. Dearing
- J.Fiegl/0.11.0 Leg.Ltr (w/encl.)
- J.Carr/D. Millar/J.Mallory/J. Russell/6.3.3.41G (w/encl.)
- S.Tirone

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Erie County Sewer District No. 6
Contract No. 41G
Contract Close-Out – Kohl Construction, Inc.

WHEREAS, pursuant to Legislative Comm. 8E-21 (2006), Contract No. 41G was awarded to Kohl Construction, Inc. for replacement of the existing mechanical bar screens and the roof system at the Wilmuth Avenue Pumping Station in Erie County Sewer District No. 6; 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. 41G, in the final contract amount of \$546,120.00 which includes Change Order No. 1 (final), a decrease of \$12,500.00, and recommends approval for final payment.

NOW, THEREFORE BE IT

RESOLVED, that Contract No. 41G between the County of Erie and Kohl Construction, Inc. (1427 Two Rod Road, Alden, New York 14004) is accepted in the final contract amount of \$546,120.00 which includes Change Order No. 1 (final), a decrease of \$12,500.00, with \$546,120.00 allocated in Erie County Sewer District No. 6 Bond Account C.00064; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract No. 41G to Kohl Construction, Inc., subject to the completion of all close out paperwork by the contractor to the satisfaction of the Division of Sewerage Management, for a total contract amount of \$546,120.00; 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 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.00064 TITLE Erie County Sewer District No. 6
Increase & Improvement (I & I) 2005

PROJECT PURPOSE: Increase and Improvement of facilities including the
replacement and rehabilitation of sewer lines and related work including pump
Stations and connection to BSA.

PROJ.AUTHORIZATION: BUDGET YEAR _____ OR DATE OF LEGISLATION March 14, 2005

BOND RESOLUTION(S) AUTHORIZING PROJECT: TOTAL \$ 4,000,000

DATE(S) 3/14/05

AMT(S) \$ 4,000,000 \$ _____ \$ _____ \$ _____

CONTRACT PURPOSE: Replace mechanical bar screens and roof system at the
Wilmuth Pump Station.

CONTRACTOR	\$ AMOUNT	W.B.S.	TOTAL AVAILABLE APPROPRIATION
<u>Kohl Construction Inc.</u>	<u>\$(12,500.00)</u>	_____	_____
<u>Final C.O.</u>	_____	_____	_____
TOTAL	<u>\$(12,500.00)</u>	_____	_____

CHANGE ORDERS: PROJECT LEGISLATIVE HISTORY FOR THIS CONTRACT

<u>DATE</u>	<u>DESCRIPTION (Orig. Enc. Inc., Dec)</u>	<u>Amount</u>	<u>SAP Doc#</u>
_____	<u>Original Contract</u>	<u>\$558,620.00</u>	_____

REQUESTED BY: <u><i>James C. Peltier</i></u>															
<table border="0"> <thead> <tr> <th></th> <th><u>Amount</u></th> <th><u>Initials</u></th> <th><u>Date</u></th> <th></th> </tr> </thead> <tbody> <tr> <td>Amount Allocated</td> <td><u>2,874,941</u></td> <td><u>JP</u></td> <td><u>7/4/15</u></td> <td>Deputy Commissioner</td> </tr> <tr> <td>Amount Available</td> <td><u>1,534,770</u></td> <td><u>JP</u></td> <td><u>7/8/15</u></td> <td>Accountant</td> </tr> </tbody> </table>		<u>Amount</u>	<u>Initials</u>	<u>Date</u>		Amount Allocated	<u>2,874,941</u>	<u>JP</u>	<u>7/4/15</u>	Deputy Commissioner	Amount Available	<u>1,534,770</u>	<u>JP</u>	<u>7/8/15</u>	Accountant
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