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COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

July 5, 2016

Erie County Legislature
92 Franklin Street – 4th Floor
Buffalo, New York 14202

RE: Lake Avenue Reconstruction - Town of Orchard Park
Erie County -Project No. CAP-200-15

Dear Honorable Members:

We are forwarding for your Honorable Body's approval a request for a change order to the construction budget for Accadia Site Contracting, Inc., of Depew, New York. We are also recommending that a change order with TY Lin for additional construction inspection services be authorized.

Should your Honorable Body require further information, I encourage you to contact Commissioner John C. Loffredo of the Department of Public Works. Thank you for your consideration on this matter.

Sincerely,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:ws/dab

MEMORANDUM

To:	Honorable Members of the Erie County Legislature
From:	Department of Public Works
Re:	Lake Avenue Reconstruction - Town of Orchard Park Erie County -Project No. CAP-200-15
Date:	July 14, 2016

SUMMARY

A Contract was awarded to Accadia Site Contracting, Inc., for the Lake Avenue Reconstruction Project in the Town of Orchard Park on April 23, 2015, Communication 7E-5. A not to exceed budget of $3,000,000.00 was established for construction. Additional unforeseen work was required to progress and complete the project. A Change Order is now required to pay for the additional construction and the associated construction inspection.

FISCAL IMPLICATIONS

The attached proposed resolution requests that the additional work required for the Lake Avenue Reconstruction be funded from BA123, Fund 420, B.15019- 2015 Capital Overlay program as follows:

B.15019	Lake Avenue (Construction) – Accadia Site	$539,470.10
B.15019	Construction Inspection - TY Lin	$ 8,000.00
TOTAL		$547,470.10

REASONS FOR RECOMMENDATION

It is necessary that this approval be granted so the contract can be finaled out and the Project closed.

BACKGROUND INFORMATION

The Contractor encountered numerous items that could not be anticipated during the design such as additional storm sewer drainage work, topsoil and seeding, work around utilities, additional lawn drains, revised traffic signal conduits, and slag sub-base that was difficult to break up and excavate. Slag can harden similar to cement concrete over time with the presence of excess moisture. This condition did not present itself in the preliminary testing of the sub-base. Along with the additional labor effort the Contractor had to use, a time extension was required to complete the excavation. With this additional time required, the inspection staff was engaged for a longer period also.

CONSEQUENCES OF NEGATIVE ACTION

Without this additional work, the roadway could not be correctly reconstructed, as was planned and necessary, to prevent the previous lifting of the roadway during the winter and the problems posed to the travelling public.

STEPS FOLLOWING APPROVAL

Change Orders will be processed for both Accadia Site Contracting, Inc. and TY Lin. Close out of the project will proceed after the Change Order is completed.

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 appropriations for the action proposed.

GEGORY GACH
Deputy Comptroller
Comptroller's Office

A RESOLUTION SUBMITTED BY
DEPARTMENT OF PUBLIC WORKS

RE: Lake Avenue Reconstruction -Town of Orchard Park
Erie County -Project No. CAP-200-15

WHEREAS, the Lake Avenue reconstruction Project (the "Project") contract was awarded between Accadia Site Contracting, Inc., the responsible low bidder, and the County of Erie, on April 23, 2015, Communication 7E-5.; and

WHEREAS, the funds for the Lake Avenue Reconstruction Project were allocated from the SAP Fund 420, BA123, Project B.15019 2015 Capital Overlay Program in a not to exceed amount of $3,000,000.00; and

WHEREAS, The Contractor encountered numerous unanticipated items and resident concerns along with a major issue with the slag sub-base that was very difficult to break up and excavate; and,

WHEREAS, this excavation required additional labor effort by the Contractor along with a time extension to complete the excavation; and

WHEREAS, with this additional required work, the inspection staff was engaged for a longer period.

NOW, THEREFORE, BE IT

RESOLVED, that the Change Order funds for the Lake Avenue Reconstruction Project be allocated from the SAP Fund 420, BA123, Project B.15019 2015 Capital Overlay Program in an amount of $547,470.10; and be it further

RESOLVED, that the County Executive be authorized to execute Change Orders for the Lake Avenue Reconstruction Project Number CAP-200-15, with the contractor, Accadia Site Contracting, Inc. in the amount of $539,470.10, project engineers Clark Patterson Lee in the amount of $8,000.00; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward five (5) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

TO: GREGORY GACH, COMPTROLLER'S OFFICE

RE: PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

REQUESTING DEPARTMENT	COMPLETE ITEMS 1 THROUGH 5	
	Accadia Site Contracting, Inc.	$539,470.10
1. CONTRACTOR'S NAME	TY Lin	$ 8,000.00
2. AMOUNT OF CONTRACT	$547,470.10	
3. PROJECT NUMBER	B.15019	
4. PROJECT TITLE	2015 Capital Overlay Program	
5. DEPARTMENT CONTACT	Funding questions: Charles A. Sickler, PE at 8372 Letter pickup: Diane Bukowski at 8301	

COMPTROLLER'S OFFICE	COMPLETE ITEMS 6 AND 7
6. AVAILABILITY OF FUNDS	$ 2,083,426.17
7. PERFORMED BY	[illegible]
Date Sent to Comptroller's Office:	July 14, 2016

[55 compt_10]

OFFICE OF THE COMPTROLLER REVIEW **DATE:** 7/18/2016

PROJECT TITLE: B.15019 2015 CAPITAL OVERLAY PROGRAM COUNTYWIDE

1) IS THE REASON FOR THIS CONTRACT CONSISTENT WITH THE PURPOSE OF THE PROJECT: **YES** X **NO** ____

2) PROJECT AVAILABLE APPROPRIATION

Total Project Revenues	$ 14,811,400.00
Total Project Appropriations	$ 14,811,400.00
Less: Total Expenditure To Date	$ 9,808,181.19
Total Commitments	$ 2,919,792.64
Available Appropriations As Of Date Of Request	$ 2,083,426.17
Less: Contract Amount	$ 547,470.10
Net Available Appropriations	$ 1,535,956.07

Comments: $5,003,218.81 cash is available in the project.

Request Approved: [signature]

Request Denied: ____

Date: 7/28/16