



# COUNTY OF ERIE

**MARK C. POLONCARZ**  
COUNTY EXECUTIVE

April 22, 2016

Erie County Legislature  
92 Franklin Street – 4<sup>th</sup> Floor  
Buffalo, New York 14202

**Re: Seneca Street, CR215, Winter Paving Order, Occhino Corporation**

Dear Honorable Members:

The Department of Public Works is requesting authorization for the purchase and payment of the Seneca Street winter paving project.

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,

A handwritten signature in black ink, which appears to read "Mark Poloncarz". The signature is written in a cursive style and is positioned above the printed name and title of the signatory.

Mark C. Poloncarz, Esq.  
Erie County Executive

JCL:WmG/CAS/

cc: John C. Loffredo, Department of Public Works

## MEMORANDUM

To: Honorable Members of the Erie County Legislature  
From: Department of Public Works/Office of the Commissioner  
RE: Seneca Street, CR215, Winter Paving Order, Occhino Corporation  
Date: April 22, 2016

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### **SUMMARY**

The Erie County Department of Public Works (“DPW”) is requesting authorization to pay Occhino Corporation (“Occhino”) for pavement work completed in December 2015, on Seneca Street (“Seneca”) CR215, Town of West Seneca. The payment would be made with a purchase order in the amount of \$273,871.92.

Occhino was directed by DPW to place a temporary layer of asphalt on Seneca, to minimize a safety hazard created by utility work conducted on Seneca Street late in fall 2015. The job was not formally bid due to the nature and timing of the safety hazard.

### **FISCAL IMPLICATIONS**

Occhino Corporation is due \$273,871.92, for the pavement work on Seneca, completed in December, 2015. Funding is available in SAP project B.15019, Fund 420, BA 123, 2015 Capital Overlay Program.

### **REASONS FOR RECOMMENDATION**

Payment is due to Occhino for work completed on Seneca, at the request of DPW. Authorization to pay Occhino with a purchase order is required in order to satisfy the outstanding invoice.

### **BACKGROUND INFORMATION**

The Erie County Water Authority (“ECWA”) began utility reconstruction work in September of 2015. The utility work left seventy-five (75) open trenches, which traversed the width of the street, along the length of Seneca.

DPW determined that the surface conditions on Seneca represented a potential safety hazard to the public. Therefore, DPW directed Occhino to place a temporary layer of asphalt on Seneca. The job was not formally bid due to the nature and timing of the safety hazard. In addition, no contract or purchase order was created in order to pay for the work.

### **CONSEQUENCES OF NEGATIVE ACTION**

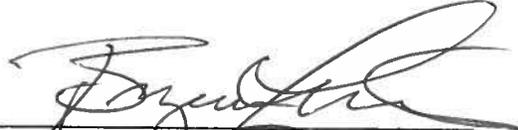
Occhino will not be paid for work completed in December 2015.

**STEPS FOLLOWING APPROVAL**

DPW will submit a purchase requisition for the work completed on Seneca by Occhino, to the Division of Purchase for the issuance of a purchase order. DPW will submit an approved invoice to the Comptroller for payment to Occhino, upon creation of a purchase order in SAP.

**COMPTROLLER'S OFFICE REVIEW**

The proposed legislation has been reviewed by the Office of the Comptroller and is related to an authorized capital project for which there is sufficient funding.



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**GREGORY SACK**  
Deputy Comptroller  
Comptroller's Office

**BRYAN FIUME**  
Associate Deputy Comptroller

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**A RESOLUTION SUBMITTED BY:  
DEPARTMENT OF PUBLIC WORKS  
DIVISION OF HIGHWAYS**

**Re: Seneca Street, CR215, Winter Paving Order, Occhino Corporation**

WHEREAS, the Erie County Water Authority (“ECWA”) began utility reconstruction work in September of 2015 on Seneca Street (“Seneca”) CR215, Town of West Seneca; and

WHEREAS, the ECWA utility work left seventy-five (75) open trenches, which traversed the width of the street, along the length of Seneca; and

WHEREAS, Occhino Corporation (“Occhino”) was directed by the Erie County Department of Public Works (“DPW”) to place a layer of asphalt on Seneca, to minimize the safety hazard created by the open trenches; and

WHEREAS, the work was completed by Occhino in December, 2015, at a cost of \$273,871.92; and

WHEREAS, the job was not formally bid due to the nature and timing of the safety hazard and no contract or purchase order was created in order to pay for the work; and

WHEREAS, the work was completed by Occhino in December 2015, at a cost of \$273,871.92 and the contractor must be paid.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes DPW to submit a purchase requisition to the Division of Purchase in order to issue a purchase order to Occhino for payment of an invoice in the amount of \$273,871.92, for placement of a layer of asphalt on Seneca Street in December 2015; and be it further

RESOLVED, that the payment for this work be made from SAP project B.15019, Fund 420, BA 123, in the amount of \$273,871.92; and be it further

RESOLVED, that the Office of the Comptroller be authorized and hereby directed to make payment to Occhino; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) 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, the Office of the Comptroller, and the Division of Purchase.

PROJECT TITLE: B.15019 2015 CAPITAL OVERLAY PROGRAM COUNTYWIDE

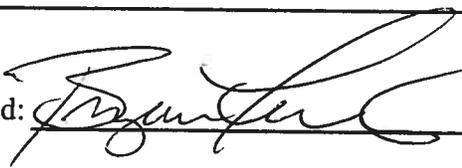
1) IS THE REASON FOR THIS CONTRACT CONSISTENT WITH THE PURPOSE OF THE PROJECT: YES X NO       

2) PROJECT AVAILABLE APPROPRIATION

Total Project Revenues	\$ <u>14,811,400.00</u>
Total Project Appropriations	\$ <u>14,811,400.00</u>
Less: Total Expenditure To Date	\$ <u>8,979,240.62</u>
Total Commitments	\$ <u>2,758,909.39</u>
Available Appropriations As Of Date Of Request	\$ <u>3,073,249.99</u>
Less: Contract Amount	\$ <u>273,871.92</u>
Net Available Appropriations	\$ <u><u>2,799,378.07</u></u>

Comments: \$5,833,590.18 cash is available in the project. An additional \$340,300 is being considered to add to the budget.

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Request Approved:  **BRYAN FIUME**  
Associate Deputy Comptroller

Request Denied: \_\_\_\_\_

Date: 4/23/16