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COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

June 17, 2019

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

**RE: Erie County Sewer District No. 3
Contract BVPS #3 – A (General/Mechanical)
Contract Close Out – Nichols, Long & Moore Construction Corp.**

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 BVPS #3-A with Nichols, Long & Moore Construction Corp.

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 yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:bp
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. 3
Contract BVPS #3-A (General/Mechanical)
Contract Close Out – Nichols, Long & Moore Construction Corp.
Date: June 13, 2019

SUMMARY

Acceptance and approval of Contract BVPS #3-A in the final contract amount of \$2,488,849 together with Change Order No. 1 (final), a decrease of (\$178,151.00) in Erie County Sewer District No. 3 Capital Project C.00062, as well as authorization to issue final payment to the contractor, Nichols, Long & Moore Construction Corp. 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 Capital Project 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

Contract No. BVPS #3-A was bid on April 26, 2017 and awarded by the Erie County Legislature on May 11, 2017 pursuant to Legislative Comm. 7E-9 (2017). This contract involved the demolition of an existing pumping station and construction of a new pumping station 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 Nichols, Long & Moore Construction Corp.

COMPTROLLER'S OFFICE REVIEW

The proposed action 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 John Solacki Date 6/11/19
Title Gregory Gach
Deputy Comptroller
John Solacki
Director of Accounting Services & Cash Management

Erie County Sewer District No. 3
Contract No. BVPS #3-A (General)
Contract Close Out – Nichols, Long & Moore Construction Corp.
Capital Account C.00062

A RESOLUTION SUBMITTED BY
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Erie County Sewer District No. 3
Contract No. BVPS #3-A
Contract Close-Out – Nichols, Long & Moore Construction Corp.

WHEREAS, pursuant to Legislative Comm. 7E-9 (2017), Contract BVPS #3-A was awarded to Nichols, Long & Moore Construction Corp. to construct the Boston Valley Pump Station Improvements in Erie County Sewer District No. 3; 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 BVPS #3-A, in the final contract amount of \$2,488,849 which includes Change Order No. 1 (final), a decrease of (\$178,151) and recommends approval for final payment.

NOW, THEREFORE BE IT

RESOLVED, that Contract BVPS #3-A between the County of Erie and Nichols, Long & Moore Construction Corp. (770 Riverview Blvd., Tonawanda, New York 14150) is accepted in the final contract amount of \$2,488,849 which includes Change Order No. 1 (final), a decrease of (\$178,151) and is allocated in Erie County Sewer District No. 3 Capital Project C.00062; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract BVPS #3-A, to Nichols, Long & Moore Construction Corp. for a total contract amount of \$2,488,849; 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 Erie County Sewer District No. 3
Contract BVPS #3-A (General/Mechanical)

PROJECT PURPOSE: The construction of Boston Valley Pump Station Improvements Project.

PROJ.AUTHORIZATION: BUDGET YEAR _____ OR DATE OF LEGISLATION _____

BOND RESOLUTION(S) AUTHORIZING PROJECT: TOTAL \$ _____
 DATE(S) _____
 AMT(S) _____ \$ _____

CONTRACT PURPOSE: To construct Boston Valley Pump Station Improvements Project in Erie County Sewer District No. 3.

<u>CONTRACTOR</u>	<u>\$ AMOUNT</u>	<u>W.B.S.#</u>	<u>TOTAL AVAILABLE APPROPRIATION</u>
<u>CO#1 (Final) Nichols, Long & Moore Construction Corp.</u>	(<u>\$178,151.00</u>)	<u>C.00062</u>	<u>\$2,667,000.00</u>
Total	(<u>\$178,151.00</u>)		

CHANGE ORDERS: PROJECT LEGISLATIVE HISTORY FOR THIS CONTRACT

<u>DATE</u>	<u>DESCRIPTION (Orig. Enc. Inc., Dec)</u>	<u>Amount</u>	<u>SFG Doc#</u>
<u>5/11/2017</u>	<u>Original Contract Nichols, Long & Moore Construction Corp.</u>	<u>\$2,667,000.00</u>	_____

REQUESTED BY: Garry S. Pecak, P.E.

	<u>Initials</u>	<u>Date</u>	
Amount Allocated _____	_____	_____	Deputy Commissioner
Amount Available _____	_____	_____	Accountant