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# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

April 9, 2013

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

**RE: Erie County Sewer District No. 4  
Contract No. EC-7A, General  
Contract Close Out – Nichols, Long & Moore Construction Corp.**

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 Contract No. EC-7A, General with Nichols, Long & Moore Construction Corp.

Should your honorable body require further information, I encourage you to contact Joseph L. Fiegl in the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely,

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP:TB:ms  
Enclosure

cc: Joseph L. Fiegl, Department of Environment and Planning

## MEMORANDUM

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Environment and Planning  
**Re:** Erie County Sewer District No. 4  
Contract No. EC-7A, General  
Contract Close Out – Nichols, Long & Moore Construction Corp.  
**Date:** March 18, 2013

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### **SUMMARY**

Acceptance and approval of Contract No. EC- 7A, General in the final contract amount of \$3,122,514.07 together with Change Order No. 3 (final), an increase of \$40,804.07 in Erie County Sewer District No. 4 Bond Account C.00063, 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. 4 Bond Account No. C.00063.

### **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. EC-7A, General was bid on June 22, 2010 and awarded by the Erie County Legislature on July 8, 2010, Legislative Comm. 10E-6 (2010). This contract installed the general work for the Vanderbilt Pumping Station, Depew Pumping Station, and Overflow Retention Facility Improvements.

### **CONSEQUENCES OF NEGATIVE ACTION**

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

### **STEPS FOLLOWING APPROVAL**

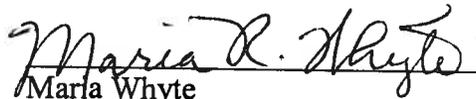
The County of Erie will execute the final change order and make a final payment to Nichols, Long & Moore Construction Corp.

**COMPTROLLER'S OFFICE REVIEW**

The proposed 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  Date 4/1/13  
Title Stefan Mychajliw  
Deputy Comptroller Gregory Gaud

JLF

  
Maria Whyte  
Commissioner

TMB:ms

Encl.

Cc: M. Whyte  
J.Fiegl/0.11.0 Leg.Ltr (w/encl.)  
J.Carr/J.Mallory/J.Russell/4.3.3.EC-7A (w/encl.)  
S.Tirone

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A RESOLUTION SUBMITTED BY  
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Erie County Sewer District No. 4  
Contract No. EC-7A, General  
Contract Close Out – Nichols, Long & Moore Construction Corp.

WHEREAS, pursuant to Legislative Comm. 10E-6 (2010) Contract EC-7A, General was awarded to Nichols, Long & Moore Construction Corp. for general work for the Vanderbilt Pumping Station, Depew Pumping Station and Overflow Retention Facility Improvements; and

WHEREAS, the Erie County Division of Sewerage Management has advised that all scheduled improvements are now completed; and

WHEREAS, Erie County Sewer District No. 4 has adequate cash in its capital reserve account C.00034; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. EC-7A, General, in the final contract amount of \$3,122,514.07 which includes Change Order No. 3 (final), an increase of \$40,804.07, and recommends approval for final payment.

NOW, THEREFORE BE IT

RESOLVED, that Contract No. EC-7A, General between the County of Erie and Nichols, Long & Moore Construction, Corporation (149 Gunville Rd, Lancaster, NY 14086) is accepted in the final contract amount of \$ 3,122,514.07 which includes Change Order No. 3 (final), an increase of \$ 40,804.07, and is allocated in Erie County Sewer District No. 4 Bond Account C.00063; and be it further

RESOLVED, that the County Director of Budget and the County Comptroller are authorized to increase the appropriations and estimated revenues in Erie County Sewer District No. 4 project C.00063 by \$50,000; and be it further

RESOLVED, that the Director of Budget and the County Comptroller be authorized to transfer \$50,000 from Erie County Sewer District No. 4 Capital Reserve Account C.00034 to Sewer District No. 4 Capital Project C.00063 and to establish all budgeting accounts necessary to facilitate the transfer of \$50,000; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract EC-7A, General, to Nichols, Long & Moore Construction Corp. for a total contract amount of \$ 3,122,514.17; 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.



**DEPARTMENT OF ENVIRONMENT AND PLANNING  
DIVISION OF SEWERAGE MANAGEMENT  
CONSTRUCTION CONTRACT CHANGE FORM**

Date: March 15, 2013

Change Order No. 3 FINAL Amount \$40,804.07 Bond Account C.00063

Contract No. EC7-A – General/Mechanical File No. 4.3.3.EC7-A

Project Vanderbilt PS, Depew PS and ORF Upgrades

Contractor's Name Nichols, Long & Moore Construction Corp.

Contractor's Address 149 Gunville Road, Lancaster, New York 14086

**Description of Change to Contract:**

Replacement of 27' of 18" ACP sanitary sewer pipe on William Street in the amount of \$43,814.38.

Adjust the final value of contract bid items to reflect actual installed quantities and work resulting in a decrease to the contract in the amount of \$3,010.31.

Time Extension to March 15, 2013.

Total Change Order amount is \$40,804.07.

**Reason for Modification:**

An existing sanitary sewer on William Street collapsed and required an emergency repair to properly maintain sanitary sewer service and protect the environment from a sanitary overflow. In accordance with contract documents, the Contractor shall be compensated for the actual work performed and authorized and the contract value adjusted accordingly.

**Time Extension:**

A no cost time extension from December 24, 2011 to March 15, 2013 is being granted to perform remedial restoration, and contract close out. All original contract construction was completed by November 9, 2012. William St. repair was completed by 3/6/2013.

**Indirect Costs:**

There are no indirect costs associated with this change order.

**Additional Engineering Costs:**

There will be no additional engineering costs associated with this change order.

**Contract Cost Summary:**

Original Contract	\$3,044,905.00
Change Order No. 1	\$36,805.00
Change Order No. 2	\$0.00
<u>Final Change Order No. 3</u>	<u>\$40,804.07</u>
Final Contract Amount	\$3,122,514.07

Attachment 1:

Emergency William Street sanitary sewer collapse repair = \$43,814.38.

Attachment 2:

Final Adjustment of Quantities Summary

Bid Item A8, Contingency Allowance Attachments:

- #1 Furnish, install and calibrate new flow meter at the Depew ORF = \$3,725.80.
  - #2 Furnish and install new water service to Depew Pumping Station = \$11,800.00.
  - #3 Extend the ORF wall, concrete cap by 70 L.F. = \$10,094.00.
  - #4 Furnish and install a three contact Hydromaster level control at Vanderbilt PS = \$1,107.25
  - #5 Install a 20' x 100' asphalt maintenance pad at the Depew ORF = \$11,519.00.
  - #6 Furnish and install baffle end plate at the Depew ORF = \$6,512.00.
  - #7 Relocate the Borden Road Flow Meter Control Panel = \$5,742.00.
  - #8 Install additional ceiling support for generator exhaust at Vanderbilt PS = \$3,823.00.
  - #9 Reconfigure the piping in the ORF RPZ and flow meter hot box = \$7,408.00.
  - #10 Perform excavation services to facilitate repair of a conduit at the ORF = \$1,977.00.
  - #11 Relocate conduit to allow raising of ORF retaining walls = \$544.29.
  - #12 Construct detention pond at the Vanderbilt PS site = \$6,380.80.
  - #13 CSX Railroad permit = \$1,045.00.
  - #14 Additional asphalt work at the Vanderbilt PS site and at the Depew ORF = \$12,341.02.
  - #15 Furnish and install a radio signal splitter at the Depew PS = \$1,399.00.
  - #16 Replace warning lights at the Vanderbilt PS = \$1,355.00.
  - #17 Furnish and install an exhaust fan at the FRP pump house at Depew ORF = \$1,656.09.
  - #18 VSG work for additional relays at the Vanderbilt Pumping Station = \$1,760.00.
  - #19 Credit for pump bases that did not need to be demolished at Vanderbilt PS = (\$8,188.16).
  - #20 Install a bollard to protect exposed conduit at Vanderbilt PS = \$1,000.00.
  - #21 Purchase I/O point cards for the MOSCAD system and deliver to ECSD #4 = \$615.00.
  - #22 Replace/repair railings in the wetwell at the Vanderbilt Pumping Station = \$10,695.00.
  - #23 Excavate test pit on Losson Road near Transit Road = \$765.00.
  - #24 Relocate steel supports and install generator exhaust at Vanderbilt PS = \$13,781.00.
  - #25 Credit for not installing air release manhole and ARV on CSX property = (\$1,767.00).
- Item A8 Contingency Total = \$107,090.09

Bid Item A9, Gas Utility Allowance Attachment:

#26 Item A9-A Gas Utility Allowance = \$20,000.00.

Authorization:

Contractor \_\_\_\_\_ Date \_\_\_\_\_  
William H. Mellick IV, V.P. - Nichols, Long and Moore

Engineer \_\_\_\_\_ Date \_\_\_\_\_  
Daniel J. Kolkman - CRA Infrastructure & Engineering

County of Erie \_\_\_\_\_ Date \_\_\_\_\_  
Joseph L. Fiegl, P.E. - Deputy Commissioner DSM

Erie County Legislature: Comm # \_\_\_\_\_ Date \_\_\_\_\_

Erie County Sewer District No. 4 Board of Managers Date \_\_\_\_\_  
Comm. 7E-21  
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