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COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

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April 2, 2012

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

**RE: Erie County Sewer District Nos. 1 and 3
Contract No. 65
Mineral Springs Old Metering Building Demolition
and Magnetic Metering Building Replacement Close-out**

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 a contract between Erie County and Pinto Construction Services, Incorporated.

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

Sincerely,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:RN:ms
Enclosure

Cc: Joseph L. Fiegl, P.E., Department of Environment and Planning

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MEMORANDUM

COMPTROLLER'S
RECEIVED

12 MAR 22 AM 8:32

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Erie County Sewer District Nos. 1 and 3
Contract No. 65
Mineral Springs Old Metering Building Demolition
and Magnetic Metering Building Replacement Close-out
Date: March 22, 2012

SUMMARY

Final acceptance of the Contract dated June 2, 2011 with Pinto Construction Services, Inc. in the amount of \$83,977.45 is requested. All work has been completed and the Contractor has been paid in full. Close out of his contract will prevent any future claims by the Contractor against this contract.

FISCAL IMPLICATIONS

This contract does not impact on the County's General Fund. The funds for this project provide by Erie County Sewer District No. 1 Bond Account No. C.00057 and Erie County Sewer District No. 3 Bond Account No. C.00062.

REASONS FOR RECOMMENDATION

The Contract has been completed in accordance with plans and specifications. As a result, it is the Department's recommendation to finalize this contract.

BACKGROUND INFORMATION

On June 2, 2011, a Contract was awarded by the Erie County Legislature to Pinto Construction Services, Inc. The contractor was retained to replace an existing temporary pumping station and force main with a larger permanent pumping station and new force main. The work has been satisfactorily completed.

CONSEQUENCES OF NEGATIVE ACTION

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

STEPS FOLLOWING APPROVAL

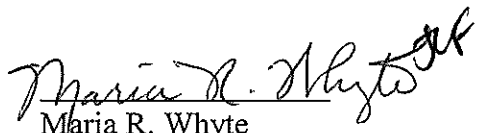
The County of Erie will close-out the Contract.

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 Lorne H. Steinhart
Title Lorne Steinhart
Deputy Comptroller

Date March 22, 2012


Maria R. Whyte
Commissioner

CC: M. Whyte – Commissioner
J. Fiegl/0.11.0 Leg Ltr
M. Salah/0.3.3.65

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A Resolution Submitted By:
Department of Environment and Planning

RE: Erie County Sewer District Nos. 1 and 3
Contract No. 65
Mineral Springs Old Metering Building
Demolition and Magnetic Metering
Building Replacement Close-out

WHEREAS, the Erie County Legislature had awarded Contract No. 65 to Pinto Construction Services, Inc.; and

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

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has recommended the final acceptance of Contract No. 65 in the amount of \$83,977.45 which includes Change Order No. 1 (final), a decrease of (\$13,435.05) and approve final payment; and

NOW, THEREFORE BE IT

RESOLVED, that Contract No. 65 between the County of Erie and Pinto Construction Services, Inc., 1 Babcock Street, Buffalo, New York 14210, be accepted in the amount of \$83,977.45 which includes Change Order No. 1 (final), a decrease of (\$13,435.05); and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 65 between the County of Erie and Pinto Construction Services, Inc. in the amount of \$83,977.45; as follows \$26,994.50 in Erie County Sewer District No. 1 Bond Account No. C.00057 and \$56,982.95 in Erie County Sewer District No. 3 Bond Account No. C.00062 and return the unused portion of \$13,435.05 to Unallocated Account; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy each of this Resolution to the County Executive; Erie County Comptroller's Office; Assistant County Attorney; and two (2) certified copies to Joseph L. Fiegl, P.E. Department of Environment and Planning, Division of Sewerage Management, Rath Building, 10th floor.