



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

July 6, 2020

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

**RE: 2018 Capital Road Overlay Contract A  
Towns of Cheektowaga, Amherst and Tonawanda, Erie County  
Project Number: CAP-141.294.313.580-2018**

Dear Honorable Members:

Enclosed is a resolution and accompanying memorandum requesting authorization for the County of Erie to increase the budget and amend the construction contract with Destro & Brothers Concrete Co., Inc. for the above referenced project.

Should your Honorable Body require further information, I encourage you to contact William E. Geary, Jr., Commissioner of the Department of Public Works. Thank you in advance for your consideration on this matter.

Sincerely yours,

A handwritten signature in blue ink that reads "Mark C. Poloncarz". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP/maa  
Enclosure

cc: William E. Geary, Jr., Commissioner of the Department of Public Works

## **MEMORANDUM**

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Public Works, Division of Highways  
**Re:** 2018 Capital Road Overlay Contract A  
Towns of Cheektowaga, Amherst and Tonawanda, Erie County  
Project Number: CAP – 141.294.313.580-2018  
**Date:** July 6, 2020

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### **SUMMARY**

The 2018 Capital Road Overlay Contract A project (“the Project”) and contract awarded to low bidder Destro & Brothers Concrete, Co., Inc. was authorized by the Legislature via COMM 13E-17 (2018). The Department of Public Works – Division of Highways is requesting a budget increase and authorization for the County Executive to amend the construction contract due to the unanticipated high asphalt prices in 2018 and 2019. A budget increase and related amendment is required to close out this Project.

### **FISCAL IMPLICATIONS**

The Project budget needs to be increased by \$36,315.87 from \$2,499,088.95 to \$2,535,404.82 from available funds in Capital Project B.18006 – 2018 Turn Back of Roads, Fund 420, Funds Center 123 for an amendment to Destro & Brothers Concrete Co., Inc. contract to close out the Project. There are sufficient funds for this action.

### **REASONS FOR RECOMMENDATION**

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

### **BACKGROUND INFORMATION**

Asphalt prices were higher than anticipated in 2018 and 2019 resulting in the need for a budget increase and construction contract amendment to close out the Project.

### **CONSEQUENCES OF NEGATIVE ACTION**

The budget for the Project will not be increased, and further delays in closing the Project may cause additional expense.

### **STEPS FOLLOWING APPROVAL**

The Project budget will be increased and a contract amendment will be executed between Erie County and Destro & Brothers Concrete Co., Inc. for the necessary changes to close the Project.

## **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.



JOHN SOLECKI

Director of Accounting / Cash Management  
Comptroller's Office

B.18006 – 2018 Turn Back of Roads  
2018 Capital Road Overlay Contract A

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

RE: 2018 Capital Road Overlay Contract A  
Towns of Cheektowaga, Amherst and Tonawanda, Erie County  
Project Number: CAP – 141.294.313.580-2018

WHEREAS, the Legislature authorized a construction contract with Destro & Brothers Concrete Co., Inc. for the 2018 Capital Road Overlay Contract A project (“the Project”) via Comm. 13E-17 (2018); and

WHEREAS, asphalt prices were higher than expected in 2018 and 2019 resulting in the need to increase the Project budget in the amount of \$36,315.87 and amend Destro Brothers Concrete Co., Inc. construction contract for the \$36,315.87 asphalt price adjustment; and

WHEREAS, there are funds available in Capital Project B.18006 – 2018 Turn Back of Roads, Fund 420, Funds Center 123.

NOW, THEREFORE, BE IT

RESOLVED, that the Project budget be increased by \$36,315.87 from \$2,499,088.95 to \$2,535,404.82 from available funds in Capital Project B.18006 – 2018 Turn Back of Roads, Fund 420, Funds Center 123; and be it further

RESOLVED, that the Erie County Executive is authorized to amend the 2018 Capital Road Overlay Contract A construction contract with Destro Brothers Concrete Co., Inc. due to higher than expected costs for asphalt; 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, Department of Parks, Recreation, and Forestry and one copy each to the Office of the County Executive, the Division of Budget and Management and the Office of the Comptroller.

TO: JOHN SOLECKI, 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

1. CONTRACTOR'S NAME Destro & Brothers Concrete, Co., Inc.
2. AMOUNT OF CONTRACT \$36,315.87
3. PROJECT NUMBER B.18006 – 2018 Turn Back of Roads
4. PROJECT TITLE 2018 Capital Road Overlay Contract A
5. DEPARTMENT CONTACT Funding questions: Jonathan Rivera at 2210  
Letter pickup: Christy Weber at 8301

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

6. AVAILABILITY OF FUNDS \$57,256.02
  7. PERFORMED BY John Solecki
- Date Sent to Comptroller's Office: 01 July 2020  
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