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# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

July 14, 2021

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

**Re: Erie County Medical Examiner's Office – Morgue Renovation – Phase 5  
Contingency Fund Increase  
IMMEDIATE CONSIDERATION REQUESTED**

Dear Honorable Members:

On December 19, 2019, your Honorable Body awarded construction contracts for the Erie County Medical Examiner's Office – Morgue Renovations – Phase 5 project, including a construction contingency per Comm. 25E-7. The construction contingency needs to be increased due to unforeseen conditions incurred during the execution of the project, brought on by delays during the COVID pandemic, and additional work requested by the Medical Examiner's Office.

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

Sincerely yours,

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP/jh/ro  
Enclosure

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

## **MEMORANDUM**

**To:** Honorable Members of the Erie County Legislature  
**From:** Erie County Department of Public Works  
**Re:** Erie County Medical Examiner's Office – Morgue Renovation – Phase 5  
Contingency Fund Increase  
**Date:** July 14, 2021

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### **SUMMARY**

The Department of Public Works is requesting authorization to increase the Construction Contingency by \$150,000 for Phase 5 of the Erie County Medical Examiner's Morgue Renovations, previously approved by your Honorable Body via Comm. 25E-7 on December 19, 2019. This is necessary due to unforeseen conditions incurred during the execution of the project, delays during the COVID pandemic, and additional work requested by the Medical Examiner's Office

### **FISCAL IMPLICATIONS**

Funds for the project are currently available from the approved, as amended, capital budget, Project A.20058 – 2020 Code & Environmental. Compliance (Ctywide), Fund 410, Funds Center 122.

### **REASONS FOR RECOMMENDATION**

Unforeseen existing plumbing drain lines needed additional rock excavation, which uncovered additional asbestos that needed remediation. The Medical Examiner's Office requested additional security measures for the building security. Complicated phasing during construction required additional changes to the scope of the work, brought on by delays caused by the COVID pandemic.

### **BACKGROUND INFORMATION**

The Contingency Fund increase will allow the Project to be completed.

### **CONSEQUENCES OF NEGATIVE ACTION**

If this project is not completed, the Medical Examiner's Morgue will not be replaced leaving the morgue without the proper working environment for accreditation.

### **STEPS FOLLOWING APPROVAL**

Upon Legislative approval, the Construction Contingency will be increased.

**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 appropriations for the action proposed.



JOHN SOLECKI

Associate Deputy Comptroller  
Comptroller's Office

A.20058 - 2020 Code & Environmental Compliance (Citywide)  
Erie County Medical Examiner's Office - Morgue Renovation - Phase 5 Contingency Fund  
Increase

A RESOLUTION SUBMITTED BY:  
DEPARTMENT OF PUBLIC WORKS

Re: Erie County Medical Examiner's Office – Morgue Renovation – Phase 5 Contingency Fund Increase

WHEREAS, on December 19, 2019 your Honorable Body authorized the Construction Contracts for the Erie County Medical Examiner's Office Morgue Renovation - Phase 5 via Comm. 25E-7 (2019); and

WHEREAS, unforeseen conditions incurred during the execution of the Project, brought on by delays during the COVID pandemic, along with additional work requested by the Erie County Medical Examiner's Office, have made it necessary for the Construction Contingency to be increased.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to increase the current construction contingency fund by \$150,000 from \$222,500 (7% of approved Construction Contracts) to \$372,500 (12% of approved Construction Contracts); and be it further

RESOLVED, that change order reductions will result in these funds being returned to the Construction Contingency fund; and be it further

RESOLVED, that Contract Amendments will be negotiated and issued to the previously approved contractors on site to complete the additional work; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payments for all the above from Project A.20058 – 2020 Code & Environmental Compliance (Ctywide), Fund 410, Funds Center 122; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the Office of the County Executive, the Department of Public Works, the Erie County Medical Examiner's Office, the Office of the Comptroller, and the Division of Budget and Management.

TO: JOHN SOLECKI, COMPTROLLER'S OFFICE

PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST  
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

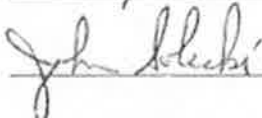
REQUESTING DEPARTMENT

COMPLETE ITEMS 1 THROUGH 5

- |                       |   |
|-----------------------|---|
| 1. CONTRACTOR'S NAME  | <u>Construction Contingency</u>   |
| 2. AMOUNT OF CONTRACT | <u>\$150,000</u>  |
| 3. PROJECT NUMBER     | <u>A.20058 - 2020 Code &amp; Environmental Compliance (Ctywide)</u>                                 |
| 4. PROJECT TITLE      | <u>Erie County Medical Examiner's Office Morgue Renovations – Phase 5 Contingency Fund Increase</u> |
| 5. DEPARTMENT CONTACT | <u>Funding questions: James Hearn X2325<br/>Letter pickup: Christy Weber X8301</u>                  |

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

- |                                    |   |
|------------------------------------|---|
| 6. AVAILABILITY OF FUNDS           | <u>\$172,657.26</u>   |
| 7. PERFORMED BY                    | <u></u> |
| Date Sent to Comptroller's Office: | <u>July 12, 2021</u>  |