



EC LEG SEP 1 '21 PM 12:46

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

August 31, 2021

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

**RE: Erie County Sewer District No. 4
Contract No. 54 (General)
Contract Close Out – Lupini Construction, Inc.**

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. 54 (General) with Lupini Construction, Inc.

Should your Honorable Body require further information, I encourage you to contact Joseph 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. 4
Contract No. 54 (General)
Contract Close Out – Lupini Construction, Inc.
Date: August 31, 2021

SUMMARY

Acceptance and approval of Contract No. 54 (General) in the final contract amount of \$108,972.32 together with Change Order No. 1 (final), a decrease of (\$9,046.68) in Erie County Sewer District No. 4 Capital Account C.17401, as well as authorization to issue final payment to the contractor, Lupini Construction, Inc. is requested.

FISCAL IMPLICATIONS

There will be no impact on the County's General Fund. The funds for this contract were allocated in Erie County Sewer District No. 4 Capital Account C.17401.

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. 54 (General) was bid on June 25, 2020 and awarded by the Erie County Legislature on July 23, 2020 pursuant to Legislative Comm. 13E-4 (2020). This contract constructed the Depew Overflow Retention Facility (ORF) Rehabilitation Project in Erie County Sewer District No. 4.

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 Lupini Construction, Inc.

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 7/23/2021
Title Cheryl Mekarski
Deputy Comptroller

**Erie County Sewer District No. 4
Contract No. 54 (General)
Contract Closeout - Lupini Construction, Inc.
Capital Account C.17401**

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Erie County Sewer District No. 4
Contract No. 54 (General)
Contract Close Out – Lupini Construction, Inc.

WHEREAS, pursuant to Legislative Comm. 13E-4 (2020), Contract 54 (General) was awarded to Lupini Construction, Inc. to construct the Depew Overflow Retention Facility (ORF) Rehabilitation Project in Erie County Sewer District No. 4; 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 recommends closeout of Contract No. 54 (General) and requests approval to issue final payment.

NOW, THEREFORE BE IT

RESOLVED, that Contract No. 54 (General) between the County of Erie and Lupini Construction, Inc. (6081 Trenton Road, Utica, New York 13502) is accepted in the final contract amount of \$108,972.32 which includes Change Order No. 1 (final), a decrease of (\$9,046.68) and is allocated in Erie County Sewer District No. 4 Capital Account C.17401; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract 54 (General), to Lupini Construction, Inc. for a total contract amount of \$108,972.32; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy of this resolution to the County Executive, the Erie County Comptroller, the Director of Budget and Management, Kristen Walder, Assistant County Attorney, and Joseph Fiegl, P.E., Deputy Commissioner, Department of Environment and Planning.

APPROVAL TO DISBURSE CAPITAL PROJECT CASH
(use a separate form for each capital project)

SEWER CAPITAL C.17401 TITLE Erie County Sewer District No. 4

PROJECT PURPOSE: The construction of Depew ORF Rehabilitation Project.

PROJ.AUTHORIZATION: BUDGET YEAR 2020 OR DATE OF LEGISLATION _____

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

CONTRACT PURPOSE: To construct Depew ORF Rehabilitation Project in Erie County Sewer District No. 4.

<u>CONTRACTOR</u>	<u>\$ AMOUNT</u>	<u>W.B.S.#</u>	<u>TOTAL AVAILABLE APPROPRIATION</u>
<u>CO#1 (Final) Lupini Construction, Inc.</u>	<u>(\$9,046.68)</u>	<u>C.17401</u>	<u>\$ 108,972.32</u>
Total	<u>(\$9,046.68)</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>Original Contract Lupini Construction, Inc.</u>	<u>\$ 118,019.00</u>	_____
_____	_____	_____	_____

REQUESTED BY: Mary L. Plesh, P.E.

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