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COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

July 2, 2025

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

RE: Erie County Sewer District No. 6 Lackawanna WRRF and ORF Disinfection Systems Improvements Project Contract Nos. 62-B and 62-D Construction Close Out John W Danforth Company and Frey Electric Construction Co., Inc.

Dear Honorable Members:

Enclosed please find a memorandum from the Department of Environment and Planning pertaining to close out of the Lackawanna Water Resource Recovery Facility (WRRF) and Overflow Retention Facility (ORF) Disinfection Systems Improvements Project, Erie County Sewer District No. 6, Contract No. 62-B HVAC Construction, and No. 62-D Electrical Construction.

Should your Honorable Body require further information, I encourage you to contact the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely yours,

A handwritten signature in blue ink, reading "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:mp

cc: Joseph Fiegl, Deputy Commissioner, Division of Sewerage Management

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Erie County Sewer District No. 6 Lackawanna WRRF and ORF Disinfection Systems Improvements Project Contract Nos. 62-B and 62-D Close Out John W Danforth Company and Frey Electric Construction Co., Inc.
Date: July 2, 2025

SUMMARY

Acceptance and approval of Contract No. 62-B in the final contract amount of \$264,700.00 together with Change Order No. 2 (Final), with no change in cost in Capital Account No. C.21150 and Bond Account No. C.00064, and Contract No. 62-D in the final contract amount of \$309,077.00 together with Change Order No. 3 (Final), with no change in cost in Capital Account No. C.21150 and Bond Account No. C.00064, as well as authorization to issue final payment to the contractors John W Danforth Company for Contract No. 62-B and Frey Electric Construction Co., Inc for No. 62-D, is requested.

FISCAL IMPLICATIONS

There will be no impact on the County's General Fund. The funds for these contracts were allocated from Capital Account No. C.21150 (American Rescue Plan funds) and Bond Account No. C.00064. No additional funding is requested.

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 Nos. 62-B and 62-D were bid on April 19, 2023, and awarded by the Erie County Legislature on May 25, 2023, pursuant to Legislative Comm. 6E-9 (2023). The project consisted of HVAC/mechanical and electrical construction for the Lackawanna WRRF and ORF Disinfection Systems Improvements Project in Erie County Sewer District No. 6. Funding included a New York State Water Quality Improvement Project (WQIP) grant authorization of \$1,160,295.75. Change Order No. 1 for Contract No. 62-D, for installation of additional conduit and wire and provide corrosion resistant materials in corrosive areas. Change Order No. 2 for Contract No. 62-D and Change Order No. 1 for Contract No. 62-B, extended contract time, under a no-cost time extension, for both Contracts by 138 days. The final change orders will amend the contracts at no cost to match the completion date. All funding was reviewed by the Erie County Comptroller's Office prior to various actions by the Erie County Legislature.

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 orders and make final payments to John W Danforth Company and Frey Electric Construction Co., Inc.

A RESOLUTION SUBMITTED BY
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Erie County Sewer District No. 6 Lackawanna WRRF and ORF Disinfection Systems Improvements Project Contract Nos. 62-B and 62-D Construction Close Out John W Danforth Company & Frey Electric Construction Co., Inc.

WHEREAS, pursuant to Legislative Comm. 6E-9 (2023), Contract No. 62-B was awarded to John W Danforth Company for HVAC Construction and No. 62-D was awarded to Frey Electric Construction Co., Inc. for Electrical Construction associated with the Lackawanna Water Resource Recovery Facility (WRRF) and Overflow Retention Facility (ORF) Disinfection Systems Improvements Project in Erie County Sewer District No. 6; and

WHEREAS, the Erie County Division of Sewerage Management has advised that all scheduled improvements are now completed and recommends approval for final payment.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature hereby authorizes Contract No. 62-B between the County of Erie and John W Danforth Company (300 Colvin Woods Parkway, Tonawanda, NY 14150) being accepted in the final contract amount of \$264,700.00, which includes Change Order No. 3 (final), with no cost change; and be it further

RESOLVED, that authorization is hereby given to the Erie County Comptroller to make final payment for Contract No. 62-B, to John W Danforth Company for a total contract amount of \$264,700.00; and be it further

RESOLVED, that authorization is hereby given for Contract No. 62-D between the County of Erie and Frey Electric Construction Co., Inc. (100 Pearce Avenue, Tonawanda, NY 14150) to be accepted in the final contract amount of \$309,077.00, which includes Change Order No. 2 (final), with no cost change; and be it further

RESOLVED, that authorization is hereby given to the Erie County Comptroller to make final payment for Contract No. 62-B, to John W Danforth Company for a total contract amount of \$309,077.00; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive's Office, the Comptroller's Office, Division of Budget and Management, Department of Law, and Division of Sewerage Management.