

ERIE COUNTY WATER AUTHORITY
 AUTHORIZATION FORM
 For Approval/Execution of Documents
 (check which apply)

Contract: W-023 **Project No.:** 201500177
Project Description: Storage Tank Refurbishing
Veterans Park, Van de Water Sludge, and Pleasantview Tanks

Item Description:

Agreement Professional Service Contract Amendment Change Order
 BCD NYSDOT Agreement Contract Documents Addendum
 Recommendation for Award of Contract Recommendation to Reject Bids
 Request for Proposals
 Other Final Payment Application

Action Requested:

Board Authorization to Execute Legal Approval
 Board Authorization to Award Execution by the Chairman
 Board Authorization to Advertise for Bids Execution by the Secretary to the Authority
 Board Authorization to Solicit Request for Proposals
 Other Board Approval

Approvals Needed:

APPROVED AS TO CONTENT:

Department Head Joseph F. Kouah Date: 4-9-19
 Risk Manager [Signature] Date: 4/10/2019
 Director of Administration Laronya Weston Date: 4/9/19
 Executive Engineer [Signature] Date: 4/9/19

APPROVED AS TO FORM:

Legal Margaret A. Murphy Date: 4/10/19

APPROVED FOR BOARD RESOLUTION:

Secretary to the Authority [Signature] Date: 4/10/19

Remarks: Amount certified for Final Payment: \$56,308.46.

Resolution Date: _____ **Item No:** _____



ERIE COUNTY WATER AUTHORITY
INTEROFFICE MEMORANDUM

April 8, 2019

To: Terrence D. McCracken, Secretary to the Authority
From: Leonard F. Kowalski, Senior Distribution Engineer *LFK*
Subject: Contract W-023
Storage Tank Refurbishing
Veterans Park, Van de Water Sludge, and Pleasantview Tanks
ECWA Project No. 201500177
Final Payment Application

The following documents are attached for processing of the Final Pay Application for the above referenced project.

- Blue Authorization Form - this form provides the project name and project number, the action that is being requested of the Board, and it provides a list of approvals that are required prior to being acted on by the Board.
- ECWA Final Payment Application Checklist and Packet.

The checklist indicates that the contractor has provided all of the proper documentation to close out the contract, including the required WMBE Utilization Report – Part D and Final Certified Payrolls, which were already reviewed and approved by Director of EEO (ECWA). The entire Final Pay Application package has to be reviewed by Risk Manager and Legal Department prior to Board action. The amount certified for Final Payment is \$56,308.46.

LFK:jmf
Attachment
cc: R.Stoll
D.Patton
CONT-W-023-1501-I-186-B



March 18, 2019

Mr. Leonard Kowalski
Erie County Water Authority
3030 Union Road
Cheektowaga, New York 14227-1097

**SUBJECT: ERIE COUNTY WATER AUTHORITY
 STORAGE TANK REFURBISHING
 CONTRACT W-23
 ECWA PROJ. NO. 201500177
 WENDEL PROJ. NO. 239831**

Dear Mr. Kowalski:

In accordance with Article 14.04 of the General Conditions, this correspondence will serve as the tentative certificate of substantial completion for the referenced contract. Substantial completion was attained on May 23, 2018. Wendel has inspected the work completed and found the work to be acceptable in accordance with the contract requirements.

This correspondence also certifies that all work has been performed satisfactorily on the above job in accordance with the plans and specifications. However, the Contractor is bound to the guarantee period as set forth in the Contract Document and shall return within that period to make repairs for any failure in the work performed.

Attached to this letter is the following close-out documentation as submitted by the contractor:

1. Evidence of liability insurance to remain in effect
2. Certification that Performance Bond is in effect for two (2) years and Payment Bond is in effect for one (1) year.
3. Contractor's Affidavit for Payment of Debts and Claims
4. Consent of Surety to Final Payment
5. Contractor's Affidavit of Release of Liens
6. General Release 507
7. Final Payment Application 6
8. MWBE Part D

Please call if you have any questions or need additional information.

Sincerely,


Michael Wymer, PE

Enclosures

Cc: Clayton Johnson, PE, ECWA

TO(OWNER): ERIE COUNTY WATER AUTHORITY
295 MAIN STREET
BUFFALO, NY 14203

PROJECT: 201500177
CONTRACT No.: W-23
STORAGE TANK REFURBISHING

APPLICATION NO.: FINAL
PERIOD TO: 3/7/2019

FROM: AMSTAR OF WESTERN NEW YORK INC.
825 REIN ROAD
CHEEKTOWAGA, NY 14225

Architect: WENDEL
Centerpointe Corporate Park
375 Essjay Road
Suite 200
Williamsville, NY 14221

Contract No.: W-23
Amstar Job No: 346
Amstar Invoice: 346-001

CONTRACT: W-23

CONTRACT DATE: August 8, 2016

CONTRACTOR'S APPLICATION FOR PAYMENT

CHANGE ORDER SUMMARY			ADDITIONS	DEDUCTIONS
Change Orders approved in previous months by Owner				
TOTAL			94,569.25	0.00
Approved this Month			49600	
Number				
1	8/1/2017		100,000.00	
2	11/1/2017		94,569.25	
3	9/11/2018		49,600.00	
TOTALS			244,169.25	205,000.00
Net change by Change Orders				39,169.25

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the owner, and that current payment shown herein is now due.

1. ORIGINAL CONTRACT SUM	\$ 1,087,000.00
2. NET CHANGE BY CHANGE ORDERS	\$ 39,169.25
3. CONTRACT SUM TO DATE	\$ 1,126,169.25
4. TOTAL COMPLETED AND STORED TO DATE	\$ 1,126,169.25
5. RETAINAGE:	
a. 5% of Completed work	\$ -
b. 5% of Stored Material	\$ -
Total Retainage (Line 5a+5b)	\$ -
6. TOTAL EARNED LESS RETENTION (Line 4 Less Line 5 Total)	\$ 1,126,169.25
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 From Prior Certificate)	1,069,860.79
8. CURRENT PAYMENT DUE	\$ 56,308.46
9. BALANCE TO FINISH PLUS RETENTION (Line 3 Less Line 6)	\$ -

CONTRACTOR: AMSTAR OF WESTERN NEW YORK INC.

By: [Signature] DATE: 3/13/19

State of: New York County of: Erie
Subscribed and sworn to before me this 13th day of March 2019

Notary Public: [Signature]
My Commission Expires:

LINDA A. PAUTLER
NOTARY PUBLIC
STATE OF NEW YORK
COUNTY OF ERIE
MY COMMISSION EXPIRES NOV 6, 2022

ARCHITECT'S CERTIFICATION FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the above application, the Architect certifies to the owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the work is in accordance with the contract Documents, and the Contractor is entitled to payment of the Amount Certified.

AMOUNT CERTIFIED \$ 56,308.46
(Attached explanation if amount differs from the amount applied for.)
By: [Signature] Date: 3/15/19

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor
Wendel WD Engineering, Architecture, Surveying + Landscape Architecture, P.C.

ENGINEER'S ESTIMATE FOR PAYMENT

ECWA ~ STORAGE TANK REFURBISHING
Project 201500177 - Contract W-23

Contractor: Amstar of Western New York Inc.
825 Rein Road
Cheektowaga, NY 14225

Date of Estimate: 7-Mar-19
Estimate Number: FINAL
For Work done Through: 31-Dec-18

ITEM	DESCRIPTION	ESTIMATED QUANTITY	UNIT	QUANTITY THIS ESTIMATE	QUANTITY PREVIOUS ESTIMATES	QUANTITY TO DATE	UNIT PRICE	AMOUNT THIS ESTIMATE	AMOUNT TO DATE
<u>VETERANS PARK TANK</u>									
3	Veterans Park Tank: Exterior								
	Power Wash Clean Tank Exterior	100%	LS	0%	100%	100%	42,000.00	0.00	42,000.00
	Recoat the Repaired Portions of the Exterior	100%	LS	0%	100%	100%	4,000.00	0.00	4,000.00
4	Veterans Park Tank: Misc Modifications								
	i. Clean & paint piping, bolts & valves in valve vault	100%	LS	0%	100%	100%	2,500.00	0.00	2,500.00
	ii. Remove & replace electrical outlets	100%	LS	0%	100%	100%	500.00	0.00	500.00
	iii. Install additional plate on vandal deterrent system	100%	LS	0%	100%	100%	6,000.00	0.00	6,000.00
	iv. Install closure chain on the roof platform	100%	LS	0%	100%	100%	500.00	0.00	500.00
	v. Install check valve & screen on tank overflow pipe	100%	LS	0%	100%	100%	22,000.00	0.00	22,000.00
	vi. Remove remains of previous overflow pipe, seal opening	100%	LS	0%	100%	100%	10,000.00	0.00	10,000.00
	vii. Clean interior wet stainless steel piping & recoat	100%	LS	0%	100%	100%	15,500.00	0.00	15,500.00
	viii. Repair & coat 300' of cracks, interior walls & floor	100%	LS	0%	91%	91%	33,000.00	0.00	30,000.00
5	Veterans Park Tank: Ring Beam Repair	100%	LS	0%	100%	100%	55,000.00	0.00	55,000.00
10.1	Contingency Allowance for Misc Repairs	100%	LS	0%	0%	0%	5,000.00	0.00	0.00
11.1	CO #2 - Floor Crack Repair **	100%	LS	0%	100%	100%	75,285.00	0.00	75,285.00
11.2	CO #2 - Geotech Investigation ***	100%	LS	0%	100%	100%	12,484.25	0.00	12,484.25
SUBTOTAL - VETERANS PARK TANK							283,769.25	0.00	275,769.25

** Reallocation of \$75,285.00 from Pay Item #9 - VanDeWater Sludge Holding Tank. Work associated with Pay Item #9 was not required for this project. No cost change order

*** Reallocation of \$5,000.00 from Pay Item #10.1 Veterans Park Tank and \$7,284.25 from Pay Item #10.2 VanDeWater Sludge Holding Tank. Work associated with these items was not required for this project. No cost change order.

ENGINEER'S ESTIMATE FOR PAYMENT

ECWA ~ STORAGE TANK REFURBISHING
Project 201500177 - Contract W-23

Contractor: Amstar of Western New York Inc.
825 Rein Road
Cheektowaga, NY 14225

Date of Estimate: 7-Mar-19
Estimate Number: FINAL
For Work done Through: 31-Dec-18

ITEM	DESCRIPTION	ESTIMATED QUANTITY	UNIT	QUANTITY THIS ESTIMATE	QUANTITY PREVIOUS ESTIMATES	QUANTITY TO DATE	UNIT PRICE	AMOUNT THIS ESTIMATE	AMOUNT TO DATE
<u>VAN DE WATER SLUDGE HOLDING TANK</u>									
1.1	Interior Wet Painting								
	Blast & Prime	100%	LS	0%	100%	100%	120,000.00	0.00	120,000.00
	Paint	100%	LS	0%	100%	100%	40,000.00	0.00	40,000.00
2.1	Disposal of Wet Interior Hazardous Abrasive Blast Residue	100%	LS	0%	100%	100%	6,000.00	0.00	6,000.00
6	Van De Water Tank: Misc Modifications								
	i. Remove & install elastomeric joint sealer	100%	LS	0%	100%	100%	1,500.00	0.00	1,500.00
	ii. Remove existing ladder safety cage	100%	LS	0%	100%	100%	2,000.00	0.00	2,000.00
	iii. Install anti-slip covers on ladder rungs	100%	LS	0%	100%	100%	3,000.00	0.00	3,000.00
	iv. Install closure chain at roof platform ladder opening	100%	LS	0%	100%	100%	500.00	0.00	500.00
	v. Modify toe-plate on roof platform	100%	LS	0%	100%	100%	1,500.00	0.00	1,500.00
	vi. Remove & replace roof railing	100%	LS	0%	100%	100%	8,500.00	0.00	8,500.00
	vii. Replace missing bolts on roof manhole	100%	LS	0%	100%	100%	500.00	0.00	500.00
	viii. Install retaining chain on roof manhole	100%	LS	0%	100%	100%	500.00	0.00	500.00
	ix. Remove & replace roof vent	100%	LS	0%	100%	100%	8,500.00	0.00	8,500.00
	x. Remove existing trolley system from interior shell angle	100%	LS	0%	100%	100%	8,500.00	0.00	8,500.00
9	Roof Repair/Steel Reinforcement	98	LBS	0	0.0	0%	45.00	0.00	0.00
10.2	Contingency Allowance for Repairs	100%	LS	0%	0%	0%	7,500.00	0.00	0.00
11.1	Epoxy Seam Sealing and Pit Filling	5	GAL	0.0	0.0	0.0	300.00	0.00	0.00
12	CO #1 Roof Weld Repairs **	100%	LS	0%	100%	100%	100,000.00	0.00	100,000.00
13	CO #3 Jet Mixing System Recoating	100%	LS	0%	100%	100%	45,000.00	0.00	45,000.00
	SUBTOTAL - VAN DE WATER SLUDGE HOLDING TANK						535,000.00	0.00	346,000.00

** Reallocation of \$100,000 from pay item #9. Work associated with pay item #9 was not required for this project. No cost change order.

ENGINEER'S ESTIMATE FOR PAYMENT

ECWA ~ STORAGE TANK REFURBISHING

Project 201500177 - Contract W-23

Contractor: **Amstar of Western New York Inc.**
825 Rein Road
Cheektowaga, NY 14225

Date of Estimate: 7-Mar-19
 Estimate Number: FINAL
 For Work done Through: 31-Dec-18

ITEM	DESCRIPTION	ESTIMATED QUANTITY	UNIT	QUANTITY THIS ESTIMATE	QUANTITY PREVIOUS ESTIMATES	QUANTITY TO DATE	UNIT PRICE	AMOUNT THIS ESTIMATE	AMOUNT TO DATE
<u>PLEASANTVIEW TANK</u>									
1.2	Interior Wet Painting								
	Blast & Prime	100%	LS	0%	0%	100%	350,000.00	0.00	350,000.00
	Paint	100%	LS	0%	0%	100%	88,000.00	0.00	88,000.00
2.2	Disposal of Wet Interior Hazardous Abrasive Blast Residue	100%	LS	0%	100%	100%	10,000.00	0.00	10,000.00
7	Pleasantview Tank: Misc Modifications								
	i. Remove up to 20' of un-used cable tray	100%	LS	0%	100%	100%	2,500.00	0.00	2,500.00
	ii. Prep & install grout & elastomeric joint sealant	100%	LS	0%	100%	100%	4,500.00	0.00	4,500.00
	iii. Remove & install two ladders in the valve vault	100%	LS	0%	100%	100%	6,500.00	0.00	6,500.00
	iv. Clean & paint piping, nuts, bolts & valves in valve vault	100%	LS	0%	100%	100%	5,500.00	0.00	5,500.00
	v. Replace six electrical outlets in valve vault	100%	LS	0%	100%	100%	1,500.00	0.00	1,500.00
	vi. Install explosion proof space heaters in valve vault	100%	LS	0%	100%	100%	3,000.00	0.00	3,000.00
	vii. Power wash clean & seal valve vault concrete	100%	LS	0%	100%	100%	3,500.00	0.00	3,500.00
	viii. Install galvanized steel bolts on dry riser manhole	100%	LS	0%	100%	100%	1,000.00	0.00	1,000.00
	ix. Replace all manhole gaskets	100%	LS	0%	100%	100%	1,000.00	0.00	1,000.00
	x. Relocate conduit away from ladder rail on roof ladder	100%	LS	0%	100%	100%	3,500.00	0.00	3,500.00
	xi. Install new check valve & screen on tank overflow pipe	100%	LS	0%	100%	100%	10,000.00	0.00	10,000.00
	xii. Repair existing siphon pipe	100%	LS	0%	100%	100%	2,500.00	0.00	2,500.00
10.3	Contingency Allowance for Repairs	100%	LS	0%	0%	0%	6,500.00	0.00	0.00
11.2	Epoxy Seam Sealing and Pit Filling	5	GAL	0.0	0.0	0.0	300.00	0.00	0.00
12	CO #2 - Valve Vault H+V **	100%	LS	0%	100%	100%	6,800.00	0.00	6,800.00
13	CO #3 - Valve Vault Repairs	100%	LS	0%	100%	100%	4,600.00	0.00	4,600.00
	SUBTOTAL - PLEASANTVIEW TANK						512,400.00	0.00	504,400.00

** Reallocation of \$6,500.00 from Pay Item #10.3 - Pleasant View Tank and \$300.00 from Pay Item #9 - VanDeWater Sludge Holding Tank. Work associated with these items was not required for this project. No cost change order.

Workers' Compensation Law

Section 57. Restriction on issue of permits and the entering into contracts unless compensation is secured.

1. The head of a state or municipal department, board, commission or office authorized or required by law to issue any permit for or in connection with any work involving the employment of employees in a hazardous employment defined by this chapter, and notwithstanding any general or special statute requiring or authorizing the issue of such permits, shall not issue such permit unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that compensation for all employees has been secured as provided by this chapter. Nothing herein, however, shall be construed as creating any liability on the part of such state or municipal department, board, commission or office to pay any compensation to any such employee if so employed.
2. The head of a state or municipal department, board, commission or office authorized or required by law to enter into any contract for or in connection with any work involving the employment of employees in a hazardous employment defined by this chapter, notwithstanding any general or special statute requiring or authorizing any such contract, shall not enter into any such contract unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that compensation for all employees has been secured as provided by this chapter.