

**CITY OF NIAGARA FALLS  
NEW YORK**

March 3, 2020

**TO:** City Council

**FROM:** Mayor Robert M. Restaino

**SUBJECT: CHANGE ORDER #1  
NYSDOT Local Administered Federal Aid Project  
Buffalo Avenue, Phase III – PIN 5761.57**

A contract for the above referenced project was awarded to Accadia Site Contracting, Inc. on October 3, 2018 in the amount of \$3,494,869.00.

During the course of the work, both unstable subgrade materials and radioactive contaminants were encountered by the contractor. The removal, disposal and subsequent replacement of these soils were beyond the original scope of the project.

The total costs for the additional soil-related remediation is \$380,000.00 (approximately 11% of the original contract amount) bringing the contract total to \$3,874,869.00. It is anticipated, however not yet confirmed, that this overrun will receive the same reimbursement arrangement as the original project via Supplemental Agreements to follow. Should the New York State Department of Transportation approve the funding request, the expectation would be that the City receive 80% reimbursement and the local match would be 20% or \$76,000.00. Funding is available in the respective projects capital account code H0635, to cover up to 100% of the change order should an agreement with NYSDOT not occur.

Will the Council vote to so approve and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel?

Respectfully submitted,

Mayor Robert M. Restaino

Anthony Restaino, City Administrator

John Gerlach P.E., City Engineer

Funding Approval:

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Daniel Morello, City Controller  
Council Meeting: March 11, 2020

Kennedy \_\_\_\_\_ Spanbauer \_\_\_\_\_ Tompkins \_\_\_\_\_ Touma \_\_\_\_\_ Voccio \_\_\_\_\_