

**STATE OF NEW YORK
YATES COUNTY LEGISLATURE
CLERK'S OFFICE**

Penn Yan, N.Y. June 23, 2023

I Hereby Certify, That I have compared the preceding with the original thereof, on file in the office of the Clerk of the County Legislature at Penn Yan, New York, and that the same is a correct transcript therefrom and of the whole of said original; and that said original was duly adopted at a meeting of the County Legislature of Yates County held at Penn Yan, New York on the 23rd day of June 2023.

RESOLUTION NO. 315-23

**AUTHORIZATION TO PROCEED WITH THE REMOVAL & REPLACEMENT
OF ADDITIONAL UNSUITABLE SOILS
(DiFiore Construction, Inc. T&M Not to Exceed)**

WHEREAS, Resolution No. 200-23 authorized a contract with DiFiore Construction, Inc. for the Sitework Construction services on the Yates County Highway, Office of Emergency Services and Public Health Facility Project; and

WHEREAS, this contract includes a unit price for the removal and replacement of Unsuitable Soils at a unit price of \$70.00 per cubic yard; and

WHEREAS, the original contract documents identified the removal of approximately 3,000 cubic yards of unsuitable soils at various locations throughout the project site; and

WHEREAS, during the excavation and mass cut activities, DiFiore Construction and CME Associates have identified areas where additional unsuitable soil removals will be required; and

WHEREAS, the Highway Superintendent is requesting authorization to direct DiFiore Construction, Inc. to proceed on a Time and Material basis for the additional removal and replacements required at the previously identified unit price for a sum not to exceed \$300,000; and

WHEREAS, DiFiore Construction, Inc., CME Associates and Watchdog Building Partners will collectively identify the additional cubic yardage of unsuitable soil materials removed

NOW, THEREFORE, BE IT RESOLVED, that DiFiore Construction, Inc. is authorized to proceed with the identified additional scope of work; and be it further

RESOLVED, that the necessary funds for this change will be allocated from the project contingency line item; and be it further

RESOLVED, the Chairwoman of the Legislature is authorized to execute the appropriate documents to affect the above amendment upon determination of the final cubic yardage removed and the final dollar amount; and be it further

RESOLVED, that copies of this resolution be provided to C & S Engineers, Inc., the Office of Emergency Services Director, the Highway Superintendent, the Director of Public Health, the Director of Finance, the Building Maintenance Supervisor, the County Administrator, Watchdog Building Partners and DiFiore Construction, Inc.

ATTEST



Clerk of the Yates County Legislature