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COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

April 22, 2014

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

**Re: 2014 Highway Projects – Authorization to Contract
IMMEDIATE CONSIDERATION REQUESTED**

Dear Honorable Members:

Please find enclosed a resolution from the Department of Public Works seeking legislative authorization of 2014 highway construction projects and pre-approval of bids for contracting. The resolution includes an Exhibit showing the 2014 proposed road and bridge projects. We are requesting immediate consideration and approval of this resolution at your special session on April 24, 2014.

Representatives from the Department of Public Works and Division of Budget and Management are available to attend your caucus and to answer questions regarding this request.

Thank you for your consideration on this matter.

Sincerely,

A handwritten signature in blue ink, reading "Mark C. Poloncarz", is written over a faint, larger version of the same signature. The signature is positioned below the word "Sincerely," and above the printed name and title.

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/tcc
Enclosure

cc: Robert W. Keating, Director of Budget and Management
John Loffredo, PE, Commissioner of Public Works

MEMORANDUM

To: Erie County Legislature
From: Department of Public Works/Office of the Commissioner
Re: 2014 Highway Projects – Authorization to Contract
Date: April 22, 2014

SUMMARY

This past winter was extremely harsh on the County's highway infrastructure. Due to the deteriorated conditions of County facilities, it is critical the Department of Public Works (DPW) accomplish as many highway rehabilitation projects as possible during this construction season. Every effort should be made to expedite this work. Therefore the normal procedures used to approve and progress this work are recommended to be modified.

In order to commence work on County roads and bridges as expeditiously as possible and to provide relief to the traveling public, legislative preapproval of 2014 highway construction, design and testing contracts and authority to appropriate funds for the 2014 highway work is requested.

FISCAL IMPLICATIONS

The following funding sources in an amount not to exceed \$27,102,324 will be subject to the expedited contract approval process:

Currently Authorized in the 2014 Budget

2014 Approved Capital Budget/Division of Highways Budget (mixture of bond proceeds, federal aid and 2014 budgeted pay-as-you-go funds): \$22,551,000

Funding Authorization Requested in the Attached Resolution

2014 Additional Consolidated Highway Improvement Program State Funds in Adopted 2014-2015 State Budget: \$1,551,324

2013 Budget Adjustment and 2014 Re-appropriation: \$1,000,000

The administration memorialized its intention to designate these funds in Comm. 5E-22 (2014).

Funding to be Authorized in Upcoming Resolution

Surplus Prior Year Transfer Tax Revenue: \$2,000,000

The Transfer Tax Revenue may only be appropriated following a public hearing held by the Erie County Legislature; the Legislature is holding a public hearing on the use of Transfer Tax revenue on April 22, 2014.

REASONS FOR RECOMMENDATION

Every effort should be made to expedite highway rehabilitation projects due to the damage sustained this past winter to the highway infrastructure. The Department of Public Works has met with the Comptroller's Office to develop an acceptable procedure under the expedited pre-approved contract process.

The process will begin with the Department of Public Works utilizing approved bidding procedures starting with the advertisement and award of all 2014 highway construction projects pursuant to applicable Local and New York State public bidding laws. Award contracts will be reviewed by the Comptroller's Office to verify that the source of funds allows for the expedited pre-approved contract process. Contracts will then be forwarded to the County Executive for signature. The Comptroller's Office will issue vendor payments upon complete of appropriate SAP documents by DPW.

CONSEQUENCES OF NEGATIVE ACTION

Many highway rehabilitation projects will be delayed and might not be completed this summer.

STEPS FOLLOWING APPROVAL

Upon approval of this resolution, the County Executive will be authorized to commence the 2014 highway and bridge projects. The County Executive shall execute 2014 construction contracts to the lowest responsible bidders, as well as the design and testing contracts to firms designated by the Commissioner of Public Works. The Comptroller's Office shall then appropriate and release payments as necessary for the projects.

RESOLUTION SUBMITTED BY
DEPARTMENT OF PUBLIC WORKS

Re: 2014 Highway Projects – Authorization to Contract

WHEREAS, this past winter was extremely harsh on the County’s highway infrastructure;
and

WHEREAS, it is critical that the Department of Public Works accomplish as many highway rehabilitation projects as possible this construction season; and

WHEREAS, that due to the severity of the 2013-2014 winter conditions and resulting deterioration of County facilities, every effort must be made to expedite this work, which includes seeking pre-approval from the Erie County Legislature to award highway construction, design and testing contracts and to appropriate funds for 2014 highway work.

NOW, THEREFORE, BE IT

RESOLVED, that in order to best promote the public interest and expedite 2014 highway work, the award of 2014 highway construction, design and testing contracts as designated by the Commissioner of Public Works for projects listed in Exhibit A are hereby preapproved by the Erie County Legislature and the County Executive is hereby authorized and directed to execute said contracts; and be it further

RESOLVED, that pre-approval is contingent upon the advertisement and award of all 2014 highway construction projects pursuant to applicable Local and New York State public bidding laws; and be it further

RESOLVED, that the Commissioner of Public Works shall determine the lowest responsible construction bidder and submit recommendations to the County Executive; and be it further

RESOLVED, that the pre-approved contract authorization shall apply to the 2014 Highway Project contracts, as designated by the Commissioner of Public Works, and shall not exceed \$27,102,324, from the following funding sources:

2014 Approved Capital Budget/Division of Highways Budget (mixture of 2014 bond proceeds, federal aid and 2014 budgeted pay-as-you-go funds):	\$22,551,000
2014 Additional, Unanticipated Consolidated Highway Improvement Program State Funds in Adopted 2014-2015 State Budget:	\$1,551,324
Surplus Prior Year Transfer Tax Revenue:	\$2,000,000
2013 Budget Adjustment and 2014 Re-appropriation:	\$1,000,000

and be it further

RESOLVED, that the appropriation of Transfer Tax Revenue may only occur following a public hearing held by the Erie County Legislature which has taken place on April 22, 2014; and be it further

RESOLVED, that authorization is hereby provided to re-appropriate \$1,000,000 of interfund expense designated for Highway Road Repair into the 2014 Budget; and be it further

RESOLVED, that the reappropriation of 2013 funds and receipt of unanticipated 2014 Consolidated Highway Improvement Program State funds shall be appropriated as follows:

2013 Fund 110		Account	Increase/ (Decrease)
General Fund 110 - Expense Adjustments			
14020	County-wide Interfund Accounts		
	570020	Interfund – Road	1,000,000
500	ECMC		
	502000	Fringe Benefits	(1,000,000)
Total - General Fund 110 Expense Adjustment			0
2014 Fund 210 - Highway Fund			
Revenue			
123	Highways (DPW)		
	407000	Consolidated Highway Aid	1,551,324
	486000	Interfund Revenue Subsidy	1,000,000
Highways (DPW) Total			2,551,324
Expense			
123	Highways (DPW)		
	570000	Interfund Transfer Subsidy	2,551,324
Highways (DPW) Total			2,551,324
Net - Fund 210 - Revenue less Expense			0

and be it further

RESOLVED, that authorization is hereby provided to the Director of Budget and Management to adjust revenue and expense items in order to increase the 2014 Highways Capital Overlay Program by \$2,551,324 from the original pay-as-you-go budgeted amount of \$6,400,000 to \$8,951,324; and be it further

RESOLVED, that the Comptroller’s Office is directed to effectuate the release of funds for these projects based on requests from the Department of Public Works from the above-noted funding sources; and be it further

RESOLVED, that periodic informational reports shall be filed with the Legislature by the Department of Public Works indicating awarded 2014 highway project contracts and contractors; and be it further

RESOLVED, that certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, Office of the County Executive, the Division of Budget and Management and the Office of the Comptroller.

Erie County Department of Public Works - 2014 Highway Projects
Exhibit A

A. Construction Projects

	<u>Project</u>	<u>Town</u>	<u>Mileage</u>	<u>Legislative District</u>
1	Capital Overlay Program			
	Micro pave			
	Center Street (from Beech to Crump)	Aurora-Holland	10.50	11
	East River Road (from Whitehaven to Harvey)	Grand Island	1.40	4
	Seneca Creek (from Transit to Union)	West Seneca	3.00	10
	Whitehaven (from Grand Island Boulevard to East River Road)	Grand Island	3.31	4
	Boston State Road (from Boston Colden to Zimmerman)	Boston-Hamburg	6.25	11
	To be determined	various		various
	Oil and Chip			
	various	various	75.00	various
	Mill and Overlay			
	Eden Evans Center Phase IV (from I-90 exit to Derby Road)	Evans	2.00	11
	Sowles Road (Route 20 to McKinley Parkway)	Hamburg	1.90	9
	Hopkins (from Dodge to Klein - Plaza Drive)	Amherst	1.70	6
			Total	\$6,400,000

2	Federal Aid Construction (Construction, TBD)			
	Clarence Center Road Bridge	Clarence		6
	Swift Mills Road Bridge	Newstead		6
	Tonawanda Rails to Trails	Tonawanda		3 and 4
			Total	\$3,675,000

3	Federal Aid Bridge Preservation - Construction			
	2014 Bridge Joint Replacement Phase II			
	Willet Road over South Br. Smokes Creek	Lackawanna, Hamburg		9
	Alden Crittenden Road over Ellicott Creek	Alden		8
	Bullis Road over Pond Brook	Elma		10
	Willardshire Road over Cazenovia Creek	Elma		10
	Holland Glenwood Road over E. Br. Cazenovia Creek	Holland		10
			Subtotal	\$286,000
	2014 Bridge Painting Phase IV			
	Versailles Plank over Big Sister Creek	Evans		11
	Delamater Road over Big Sister Creek	Evans		11
	Cain Road over Big Sister Creek	Brant-Evans		11
	Boston Colden Road over Abandon RR ROW	Colden		10
	Ward Drive over Big Gulf Creek	Orchard Park		11
	Grover Road over Cazenovia Creek	Aurora		10
			Subtotal	\$620,000
	2014 Bridge Deck Sealing Phase III - 18 Bridges	various		various
			Subtotal	\$240,000
			Total	\$1,146,000

	<u>Project</u>	<u>Town</u>	<u>Mileage</u>	<u>Legislator</u>
4	Small Bridge Inspection Program	various		various
			Total	\$600,000
5	Preservation of Roads Construction - Various Maintenance			
	Goodrich Road (from Lapp Road to Niagara County Line)	Clarence	3.50	6
	Brighton Road (from Niagara Falls Boulevard to Fries)	Amherst	0.71	4
			Total	\$5,000,000
6	Preservation of Roads Construction Highway Safety Improvements <u>(Guiderail, etc.)</u>			
	To Be Determined	various		various
			Total	\$500,000
7	Road Slides Construction			
	Vermont Street Site 9	Holland		10
			Total	\$115,000
8	Preservation of Bridges Construction			
	various bridges	various		various
	Allen Road Bridges (2)	Sardinia		11
	Emery Road Culvert	Aurora		10
			Total	\$2,900,000
9	Dam Preservation Rehabilitation and Regulatory Compliance Construction			
	To Be Determined	various		various
			Total	\$200,000
10	2014 Additional Road Work due to Extraordinary Winter			
	Conner Road (drainage only - contingent on Town taking ownership and completing reconstruction of the road)	Clarence	0.88	6
	Rowley Road (Indian to Borden)	Cheektowaga	1.40	7 and 8
	Bayview Road (McKinley to Abbott)	Hamburg	0.90	9
	Crack Sealing Program	various		various
	Pleasant Avenue (Route 75 to Amsdell)	Hamburg	1.60	9
	Cayuga Creek (Harlem to William)	Cheektowaga	1.50	7
	Waverly Road (Route 39 to South Cascade)	Concord	1.00	11
	Eckhardt Road (Route 75 to East Eden)	Eden	1.09	11
	Lake Avenue (South Park to McKinley)	Hamburg	0.60	9
			Total	\$4,551,324

A. 2014 Construction Total \$25,087,324

B. Design Projects

	Project	Town	Legislator
10	Federal Aid Right-of-Way		
	Clarence Center Road Bridge	Clarence	6
	Salt Road Bridge	Clarence	6
	Swift 11 Road Bridge	Newstead	6
	Tonawanda Rails to Trails	Tonawanda	3 - 4
			Subtotal \$130,000
11	Federal Aid Projects - Design		
	Salt Road Bridges	Clarence	6
	Tonawanda Rails to Trails	Tonawanda	3 - 4
			Subtotal \$500,000
12	Federal Aid Bridge Preservation - Design		
	2014 Bridge Joint Replacement Phase II		
	Willet Road over South Br. Smokes Creek	Lackawanna, Hamburg	9
	Alden Crittenden Road over Ellicott Creek	Alden	6
	Bullis Road over Pond Brook	Elma	10
	Willardshire Road over Cazenovia Creek	Elma	10
	Holland Glenwood Road over E. Br. Cazenovia Creek	Holland	10
			Subtotal \$24,000
	2014 Bridge Painting Phase IV		
	Versailles Plank over Big Sister Creek	Evans	11
	Delamater Road over Big Sister Creek	Evans	11
	Cain Road over Big Sister Creek	Brant-Evans	11
	Boston Colden Road over Abandon RR ROW	Colden	10
	Ward Drive over Big Gulf Creek	Orchard Park	11
	Grover Road over Cazenovia Creek	Aurora	10
			Subtotal \$55,000
	2014 Bridge Deck Sealing Phase III - 18 Bridges	various	various
			Subtotal \$21,000
	2015 Bridge Joint Replacement Phase III		
	Dodge Road over Ransom Creek	Amherst	6
	Boston State Road over Landon Brook	Boston	11
	Como Park Boulevard over Cayuga Creek	Cheektowaga	7
	Tonawanda Creek Road over Cayuga Creek	Amherst	6
	Burr Road over W. Br. Cazenovia Creek	Colden	10
	Sweet Home Road over Diversion Channel	Amherst	5-6
	Mill Road over W. Br. Cazenovia Creek	Aurora	10
	Delamater Road over Big Sister Creek	Evans	11
			Subtotal \$52,000
	2015 Bridge Painting Phase V - Bullis Road over Buffalo Creek	Elma	various
			Subtotal \$55,000
	2015 Bridge Washing and Deck Sealing - Phase IV		
	Bridge Washing - 240 Bridges	various	various
	Deck Sealing - 18 Bridges	various	various
			Subtotal \$44,000
			Total \$251,000
13	FEMA Road - Design		
	FEMA PW 751 Zoar Valley Road	Concord	11
	FEMA PW 907 Zoar Valley Road	Collins	11
	FEMA PW 0867 Lennox Road	Collins	11
			Subtotal \$713,000
14	Road Slides - Design		
	Ketchum Road Reconstruction	North Collins	11
	Vermont Street Site 9	Holland	10
			Subtotal \$171,000
15	Preservation of Bridges and Culverts - Design		
	various	various	various
			Subtotal \$250,000

B. 2014 Design Total \$2,015,000

Erie County Department of Public Works - 2014 Highway Projects Summary

A. 2014 Construction Total	\$25,087,324
B. 2014 Design Total	\$2,015,000
2014 Highway Total	\$27,102,324