

**AMENDMENT TO COMM. 12E-20 (2012)**  
**July 12, 2012**

**Delete the Item in its Entirety and Replace with the Following:**

June 25, 2012

Erie County Legislature  
92 Franklin Street – 4<sup>th</sup> Floor  
Buffalo, New York 14202

**RE: Erie Community College Building Study**

Dear Honorable Members:

This resolution is being submitted requesting authorization for the County Executive to appropriate \$100,000 of assigned fund balance to conduct a space utilization and program needs study and analysis of the Erie Community College (“ECC”) Building Project.

Under an understanding between ECC and the County, each party will contribute \$100,000 for this study. With your authorization, the County’s share will come from the \$7.5 million of assigned fund balance designated for the ECC Building Project which was approved by your Honorable Body on May 10, 2012.

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

Sincerely,

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP  
Enclosure

## **MEMORANDUM**

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Environment and Planning  
**Re:** Erie Community College Building Study  
**Date:** June 25, 2012

---

### **SUMMARY**

The Department of Environment and Planning is requesting authorization to appropriate \$100,000 of assigned fund balance for the study for the ECC Building Project. ECC will contribute \$100,000 of its own funds for its share of the study.

### **FISCAL IMPLICATIONS**

Pursuant to Comm. 8E-21, approved by the Legislature on May 10, 2012, \$7.5 million of assigned fund balance is available for appropriation. This request will appropriate \$100,000 of that assigned fund balance for the study.

### **REASONS FOR RECOMMENDATION**

In order to determine the needs for a new academic building, a study needs to be performed to examine the space and infrastructure utilization needs, as well as academic and program needs associated with a new \$30 million academic center.

### **BACKGROUND INFORMATION**

ECC and the County have been in discussions concerning a \$30 million Building Project for the construction of a new academic building, with the County and ECC each contributing \$7.5 million and the State University of New York contributing \$15 million.

ECC and the County have issued a request for proposals ("RFP") to retain a consultant to do an expedited study of the ECC Building Project, including academic and program needs associated with a new building. The County and ECC have agreed to split the cost for the study with each party contributing \$100,000.

The RFP can be reviewed online at the following website:

[http://www2.erie.gov/purchasing/sites/www2.erie.gov/purchasing/files/uploads/rfps/PROGRAM%20NEEDS%20ANALYSIS%20AND%20SPACE%20UTILIZATION%20ASSESSMENT%20FOR%20ECC\(2\).pdf](http://www2.erie.gov/purchasing/sites/www2.erie.gov/purchasing/files/uploads/rfps/PROGRAM%20NEEDS%20ANALYSIS%20AND%20SPACE%20UTILIZATION%20ASSESSMENT%20FOR%20ECC(2).pdf)

In order not to delay the project, it is recommended the County Executive be authorized to appropriate the \$100,000 County share from the \$7.5 million of assigned fund balance so that a consultant may be retained and the work commenced.

**CONSEQUENCES OF NEGATIVE ACTION**

The project will be delayed.

**STEPS FOLLOWING APPROVAL**

The County and ECC will evaluate the responses to the RFP and determine the appropriate winning bidder and award a contract, subject to Legislature approval.

**A RESOLUTION SUBMITTED BY  
DEPARTMENT OF ENVIRONMENT AND PLANNING**

**RE: Erie Community College Building Study**

**WHEREAS, ECC and the County have been in discussions concerning a \$30 million Building Project for the construction of a new academic building, with the County and ECC each contributing \$7.5 million and the State University of New York contributing \$15 million, and**

**WHEREAS, on May 10, 2012, this Honorable Body approved Comm. 8E-21, assigning \$7.5 million of fund balance for the ECC Building Project, and**

**WHEREAS, in order to determine the needs for a new academic building, a study needs to be performed to examine the space and infrastructure utilization needs, as well as academic and program needs associated with the new \$30 million academic center, and**

**WHEREAS, the Department of Environment and Planning is requesting authorization to appropriate \$100,000 of assigned fund balance for a space utilization and program needs study for the ECC Building Project, and**

**WHEREAS, ECC will contribute \$100,000 of its own funds for its share of the study, and**

**WHEREAS, ECC and the County have issued a request for proposals ("RFP") to retain a consultant to do an expedited study of the ECC Building Project, and**

**WHEREAS, in order not to delay the project, it is recommended the County Executive be authorized to appropriate the \$100,000 County share from the \$7.5 million of assigned fund balance so that a consultant may be retained and the work commenced.**

**NOW, THEREFORE, BE IT**

**RESOLVED, that the County Executive is authorized to appropriate \$100,000 from the \$7.5 million of assigned fund balance in order to conduct the ECC Building Project study, said funds to be appropriated in the 2012 operating budget as follows:**

<b>2012 Budget</b>	
<b>Fund 110 - Department of Environment and Planning</b>	
<b>Revenue</b>	<b>Increase</b>
402190 Appropriated fund Balance	\$100,000
<b>Expense</b>	
570050 Interfund Capital	\$100,000
Net - Revenue less Expense	0

and be it further

RESOLVED, that authorization is hereby provided to accept funding in an amount not to exceed \$100,000 from Erie Community College and to establish a capital budget for the County and College share as follows:

**2012 Budget - Fund 480 - ECC Capital Projects  
ECC – Building Project Study**

<b>Revenue</b>	<b>Increase</b>
486040 ECC Interfund Subsidy	\$100,000
486000 Erie County Interfund	<u>100,000</u>
Total Revenue	\$200,000
<b>Expense</b>	
Capital Projects	\$200,000
Net - Revenue less Expense	0

and be it further

RESOLVED, that the Department of Environment and Planning notes that it will return to the Legislature for approval of a contract with the winning respondent to the RFP to conduct the study; and be it further

RESOLVED, that the Department of Environment and Planning will notify the Legislature of the progress on the building project study as it progresses; and

RESOLVED, that the Clerk of the Legislature be instructed to forward certified copies of this resolution to the Department of Environment and Planning, Office of the County Executive, the Division of Budget and Management, the Office of the Comptroller and William Reuter, Chief Fiscal and Administrative Officer of ECC.

**RESOLUTION****ERIE COMMUNITY COLLEGE  
BOARD OF TRUSTEES****RE: Program Needs Analysis and Space Utilization Assessment**

**WHEREAS**, the Erie County Department of Environment & Planning issued a Request for Proposal (RFP) on June 18, 2012 in connection with a program needs analysis and space utilization assessment for ECC; and

**WHEREAS**, the overall intent of the needs analysis and space utilization assessment is to assist in determining not only the best location for the planned new academic building, but which programs should be housed in this facility; and

**WHEREAS**, the basic scope of the project includes reviewing existing data, analyzing existing academic programs, preparing a gap analysis, identifying partnership opportunities, reviewing existing space and projecting future space needs and performing a location analysis; and

**WHEREAS**, the RFP calls for a pre-proposal meeting on June 26, 2012, with proposals due July 10, 2012 and a selection to be made July 20, 2012; and

**WHEREAS**, a contract will be signed following all necessary County approvals as the contract will be between the County and the consultant selected; and

**WHEREAS**, the State of New York as included in the 2012-2013 State budget a \$15.0 million capital project for ECC entitled "New Academic Building North Campus"; and

**WHEREAS**, the County of Erie has committed \$7.5 million for the Erie Community College Academic Building Construction project utilizing its unreserved fund balance; and

**WHEREAS**, the County of Erie's preliminary agreement was predicated on ECC generating \$7.5 million of their own funds and for the State to provide matching funds totaling \$15.0 million; and

**WHEREAS**, currently ECC has available \$2,500,000 established in a reserve account for its share of the \$7.5 million commitment; and

**WHEREAS**, in order to allow the project to go forward in a timely manner, ECC will as approved by the Erie Community College's Board of Trustees disburse monies currently available to Erie County to cover costs incurred in engaging the consultant to be selected; and

**RESOLUTION****ERIE COMMUNITY COLLEGE  
BOARD OF TRUSTEES****RE: Program Needs Analysis and Space Utilization Assessment**

**WHEREAS**, as noted in the RFP, the County has established a maximum budget for this engagement of \$200,000, inclusive of reimbursable costs, leaving ECC's potential contribution exposure for this engagement of \$100,000; and

**WHEREAS**, approval of this resolution requests Erie County, as ECC's local sponsor to commit to funding a \$7.5 million capital project for a new academic building with any disbursement from such capital project contingent upon State capital matching funds of \$15.0 million; and

**WHEREAS**, any funds expended by ECC for this project from this point forward will be counted towards ECC's \$7.5 million commitment also contingent upon state capital matching funds of \$15.0 million.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the College will advance the funds to Erie County on an as needed basis to pay for project related costs with such amounts from this point forward to come from the \$7.5 million that ECC has committed, and be it further

**RESOLVED**, that the College requests the County Executive to forward a resolution to the Erie County Legislature which supports the program needs analysis and space utilization assessment, and be it finally

**RESOLVED**, that certified copies of this resolution be sent to the Erie County Executive, the Erie County Legislature, the Erie County Department of Environment & Planning, the Office of the County Comptroller, the Department of Public Works, and the Division of Budget and Management.

---

Patricia A. Mertz  
Chairman, ECC Board of Trustees

---

Date