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COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

October 22, 2012

Erie County Legislature
92 Franklin Street – Fourth Floor
Buffalo, New York 14202

RE: Erie County Sewer District Nos. 1-6 and 8
Engineering Term Agreements

Dear Honorable Members:

Enclosed please find a resolution and accompanying memorandum from the Department of Environment and Planning pertaining to proposed agreements to perform engineering services over a three (3) year term for the County Sewer Districts.

Should your honorable body require further information, I encourage you to contact Joseph L. Fiegl, P.E, in the Department of Environment and Planning/Division of Sewerage Management. Thank you for your consideration on this matter.

Sincerely,

Mark Poloncarz, Esq.
Erie County Executive

MP/JF/ms

C: J. Fiegl – Environment and Planning

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Erie County Sewer District Nos. 1-6 and 8
Engineering Term Agreements
Date: October 12, 2012

SUMMARY

Award of engineering agreements to Arcadis/Malcolm Pirnie, 50 Fountain Plaza, Suite 600, Buffalo, New York 14202; Conestoga-Rovers & Associates, 285 Delaware Ave, Suite 500, Buffalo, New York 14202; DiDonato Engineering and Design Professionals, 689 Main Street, Buffalo, New York 14203; URS Corporation, 77 Goodell Street, Buffalo, New York 14203; and Wendel Companies, 140 John James Audubon Parkway, Suite 201, Amherst, New York 14228; each in an amount not to exceed $300,000.00 to perform engineering services related to Erie County Sewer District (ECSD) improvements over a three (3) year term is requested.

FISCAL IMPLICATIONS

There are no fiscal implications to the County's General Fund. Payment under the proposed agreements will be made from either the Sewer District Capital or Operating Accounts.

REASONS FOR RECOMMENDATION

Erie County's Administrative Code (Section 19.08) does not permit the procurement of engineering or other professional services without going through a formal request for proposals (RFP) process, even if an emergency exists. At times, problems arise that require immediate attention to prevent causing more severe issues or significant costs. In some of these instances, the Division of Sewerage Management (DSM) may not have the staff available and/or the in-house expertise to complete. Even in non-urgent circumstances, there are certain assignments where it is not practical to go through a lengthy formal RFP process to bring in the necessary outside help for a relatively small task.

As a result, the DSM widely published (newspaper advertisements, Erie.gov website posting, etc.) a RFP for engineering services for a three (3) year term. A total of thirteen (13) firms responded on September 20, 2012 to the open solicitation. A review committee consisting of staff from the DSM rated all timely received responses to the RFP. Based upon the breadth of experience of the proposers and the anticipated workload, the five (5) top scoring firms have been recommended by the DSM's rating committee.

BACKGROUND INFORMATION

The DSM and the ECSDs are responsible for close to 1,000 miles of sanitary and storm sewers together with almost 100 sewage pumping stations, five (5) overflow retention facilities, and seven (7) wastewater treatment plants. The estimated replacement value of these facilities is well over $1 billion. Operating, maintaining, administering, and improving the assets of the

ECSDs is the core function of the DSM. While the DSM has in-house staff that can complete some tasks, the DSM does not have a full complement of engineering and other technical specialties that are necessary to properly handle all problems that arise. The retention of engineering firms with a wide breadth of experience is particularly important with newly modified State Pollutant Discharge Elimination System (SPDES) permits for the Southtowns Advanced Wastewater Treatment Facility (AWTF), Lackawanna Wastewater Treatment Plant (WWTP), and Blasdell WWTP. All three modified permits have studies and evaluation requirements with very tight timeframes to complete the necessary work.

Due to the needs of the ECSDs, it is being requested that consulting firms be retained to assist the DSM. This will result in more timely responses to resolving small and emergency problems and will also allow existing staff to direct their efforts to other important projects. The DSM's request for the retention of engineering consultants for this type of work is not a new concept for County Government. The Department of Public Works has hired engineers using this same principle in the past and this is the sixth time this process is being requested by the DSM.

CONSEQUENCES OF NEGATIVE ACTION

The DSM does not have the in-house staff that can handle all problems that arise. Unless the DSM has the ability to obtain engineering assistance in a timely fashion, the cost of correcting some problems will rise substantially. In addition, some routine maintenance problems could escalate to emergency situations which will significantly add to the cost of their repair.

STEPS FOLLOWING APPROVAL

The County Executive will be requested to execute three (3) year term agreements with Arcadis/Malcolm Pirnie, Conestoga-Rovers & Associates, DiDonato Engineering and Design Professionals, URS Corporation, and Wendel Companies in amounts not to exceed $300,000.00 each for professional services associated with the above referenced services. Upon execution of an agreement and when the need arises, the DSM will identify projects and will subsequently designate where funds are to be appropriated through implementation of a work order with the applicable consultant. Your Honorable Body will be informed of each work project assigned to one of the firms.

Maria R. Whyte
Commissioner

Encl.

Cc: ECSD Nos. 1-6 & 8 Boards of Managers
M. Whyte
J. Fiegl/0.11.0.Leg. Ltr.
M. Salah/0.2.8.Three-Year Term (2013– 2015)

V:\Sewerage Management\Project Files\RFP's and RFQ's\Engineering Term - 2013-15\Leg Letter - 2013-15 Engineering Term Contract.docx

RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

Re: Erie County Sewer District Nos. 1-6 and 8
Engineering Term Agreements

WHEREAS, the Erie County Department of Environment and Planning through its Division of Sewerage Management has the responsibility to operate and maintain almost 1,000 miles of sewers, close to 100 pumping stations, five (5) overflow retention facilities, and seven (7) wastewater treatment plants worth over an estimated $1 billion; and

WHEREAS, due to the age, condition, and complexity of the existing Erie County Sewer District facilities, numerous problems that arise that require engineering solutions; and

WHEREAS, the Erie County Sewer Districts are also facing increased regulatory requirements that necessitate detailed engineering evaluation and study; and

WHEREAS, it is not practical to issue proposals on each and every small engineering project; and

WHEREAS, it is further recognized that there is the need to have engineering assistance on standby for time critical projects; and

WHEREAS, the Division of Sewerage Management issued a request for proposals for engineering assistance on a term contract basis and received thirteen (13) timely responses from qualified engineering firms; and

WHEREAS, in accordance with Section 19.08 of the Erie County Administrative Code, an evaluation committee scored all responses using a consistent rating matrix; and

WHEREAS, the top five (5) ranked firms submitting proposals have been recommended by the Division of Sewerage Management to perform the requested services.

NOW, THEREFORE BE IT

RESOLVED, that agreements with Arcadis/Malcolm Pirnie, 50 Fountain Plaza, Suite 600, Buffalo, New York 14202; Conestoga-Rovers & Associates, 285 Delaware Ave, Suite 500, Buffalo, New York 14202; DiDonato Engineering and Design Professionals, 689 Main Street, Buffalo, New York 14203; URS Corporation, 77 Goodell Street, Buffalo, New York 14203; and Wendel Companies, 140 John James Audubon Parkway, Suite 201, Amherst, New York 14228; in an amount not to exceed $300,000.00 each for engineering term contract services during the years of 2013, 2014, and 2015 are hereby approved; and be it further

RESOLVED, that the County Executive, be and hereby is, authorized to execute said agreements subject to approval as to form by the County Attorney and approval as to content by the Commissioner of Environment and Planning; and be it further

RESOLVED, that the County Comptroller be authorized to allocate $300,000.00 for each agreement from any of the Sewer Capital projects in fund 430 or from the Sewer Operating Fund 220 (including business areas 181, 182, 183, and 186, account 516020 (Professional Service Contracts)) as determined by the Deputy Commissioner of the Division of Sewerage Management; and be it further

RESOLVED, that the Department of Environment and Planning, Division of Sewerage Management, be required to notify the Legislature of each project assigned to an engineering firm under this resolution; and be it further

RESOLVED, that no individual assignment issued under these agreements be greater than $75,000.00; and be it further

RESOLVED, that one (1) certified copy of this resolution be provided to the County Executive, County Comptroller, County Director of Budget and Management, and Kristen Walder (Assistant County Attorney); and two (2) certified copies of this resolution be provided to Joseph Fiegl, P.E., Deputy Commissioner, Division of Sewerage Management.

ERIE COUNTY DIVISION OF SEWERAGE MANAGEMENT
ENGINEERING TERM ASSIGNMENTS
PROPOSAL REVIEW COMMITTEE RATINGS - SUMMARY

MARK C. POLONCARZ
COUNTY EXECUTIVE

MARIA R. WHYTE
COMMISSIONER

JOSEPH L. FIEGL, P.E.
DEPUTY COMMISSIONER

Commissioner's Certification

Rater (in alphabetical order)	Proposer												
	A/MPI	Bergmann	CDM	CHA	CRA	DiDonato	GPI	KCI/TVGA	Marquis	URS	T.Y. Lin	Wendel	WSA
J. Carr	#1	#7	#12	#12	#2	#4	#4	#9	#11	#6	#8	#3	#9
D. Millar	#4	#12	#3	#7	#2	#6	#8	#9	#13	#1	#11	#5	#10
G. Pecak	#5	#4	#12	#7	#5	#3	#9	#9	#13	#1	#11	#1	#7
M. Salah	#1	#8	#11	#7	#3	#6	#5	#13	#12	#2	#10	#3	#9
K. Zynda	#5	#9	#13	#4	#6	#7	#2	#11	#10	#1	#12	#8	#3
TOTAL	16	40	51	37	18	26	28	51	59	11	52	20	38
AVERAGE RANKING	3.2	8.0	10.2	7.4	3.6	5.2	5.6	10.2	11.8	2.2	10.4	4.0	7.6
OVERALL RANKING	#2	#9	#10	#7	#3	#5	#6	#10	#13	#1	#12	#4	#8

It is my opinion in recommending Arcadis/Malcolm Pirnie (A/MPI), Conestoga-Rovers & Associates (CRA) DiDonato Engineering and Design Professionals (DiDonato), URS Corporation (URS), and Wendel Companies (Wendel), the Erie County Department of Environment and Planning has complied with all applicable provisions of Section 19 08 of the Erie County Administrative Code Scoring sheets and other materials related to this matter are available for review at the Department of Environment and Planning offices during regular business hours.

MARIA R. WHYTE, Commissioner
Erie County Department of Environment and Planning