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COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

November 26, 2012

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

Re: Environmental Compliance - Phase 3

Dear Honorable Members:

This resolution is seeking your Honorable Body's authorization for the County to enter into an Agreement with the firm, Wendel Companies Architects & Engineers, for the Environmental Compliance - Phase 3 project.

If you have any questions, please contact Commissioner John C. Loffredo of the Department of Public Works. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/bb
Enclosure

cc: John C. Loffredo, Department of Public Works

COMPTROLLER'S
RECEIVED

12 NOV 13 AM 9:32

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works
Re: Environmental Compliance Phase 3
Date: November 13, 2012

SUMMARY

This resolution is seeking your Honorable Body's authorization for the County Executive to enter into a contract for engineering services with Wendel Companies, Architects/Engineers.

FISCAL IMPLICATIONS

Funds for this contract are available from the approved and adopted 2012 Capital Budget. The SAP project account is as follows:

A.12003-2012-Countywide Code & Environmental Compliance $253,550.00

REASONS FOR RECOMMENDATION

This project is at the 3rd Phase of the Department of Public Work's (DPW) effort to bring County facilities into compliance with the latest Federal Department of Environmental Protection Agency (DEP) and the State Department of Environmental Conservation (DEC) regulations.

BACKGROUND INFORMATION

When this Administration took office in January 2012, it was discovered that County facilities had been cited for being in violation of various regulations by DEP and fined $275,000. In addition, the County was directed to correct said deficiencies within 30 days or suffer additional fines. DPW immediately initiated Phase 1 of this project to correct said deficiencies. Fortunately, these deficiencies were corrected within the mandated 30 day period. Personnel training and record keeping deficiencies were also addressed in Phase 1.

Phase 2 of this project was a continuation of our efforts and included correction of additional "potential" violations and installation of a series of above ground fuel tanks.

Phase 3 will include additional above ground fuel tank designs, Oil & Water separator designs, Environmental compliance audits, personnel training, record reviews, and a Universal Waste Plan review.

CONSEQUENCES OF NEGATIVE ACTION

DEP and DEC regulations will not be complied with and additional fines will be issued.

STEPS FOLLOWING APPROVAL

The County Executive will enter in to an Agreement with Wendel Companies, Architects/ Engineers for Phase 3 of the Environmental Compliance Project.

COMPTROLLER'S OFFICE REVIEW

The proposed legislation has been reviewed by the Comptroller's Office and is related to an authorized capital project for which there are sufficient appropriations for the action proposed.

Lorne H. Steinhart 11/13/12

LORNE H. STEINHART
Deputy Comptroller
Comptroller's Office

A RESOLUTION SUBMITTED BY
DEPARTMENT OF PUBLIC WORKS

RE: Environmental Compliance - Phase 3 Contract

WHEREAS, this Honorable Body has previously authorized the County Executive to enter into Agreements for Phase 1 and Phase 2 of the Environmental Compliance project with Wendel Companies, Architects/Engineers; and

WHEREAS, an additional Phase 3 is now required to provide, but not limited to, above ground fuel tank designs, Oil & Water separator designs, Environmental compliance audits, personnel training, record keeping reviews, and a Universal Waste plan; and

WHEREAS, the County Executive is now requesting authorization from this Honorable Body, to issue an additional Agreement to Wendel Companies, Architects/Engineers, for Phase 3 of the Environmental Compliance project for a total amount not to exceed $188,550; and

WHEREAS, it is also probable that additional environmental code deficiencies will be identified during the course of the design work; and

WHEREAS, an additional contingency amount should be authorized to fund change orders for this unforeseen design work in an amount not to exceed $65,000.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an Agreement with Wendel Companies, Architects/Engineers, for Phase 3 of the Environmental Compliance project in an amount not to exceed $188,550; and be it further

RESOLVED, the County Executive is also authorized an additional, not to exceed amount of $65,000 to issue Change Orders for unforeseen contingencies, to Wendel Companies Architects/Engineer's, thereby increasing the total amount of the contract to an amount not exceed $253,550; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project account A.12003 – 2012 – Countywide Code & Environmental Compliance, for an amount not to exceed $253,550; and be it further

RESOLVED, that two certified copies of this resolution shall be sent to the Commissioner of the Department of Public Works; and one copy each to the Office of the County Executive; the County Comptroller; the County Attorney; and the Director of the Division of Budget and Management.

OFFICE OF THE COMPTROLLER REVIEW **DATE:** 11/13/12

PROJECT TITLE: A.12003 2012 Countywide Code & Environmental Compliance

1) IS THE REASON FOR THIS CONTRACT CONSISTENT WITH THE PURPOSE OF THE PROJECT: YES ✓ **NO** _____

IF NO, RETURN THIS REQUEST TO THE DEPARTMENT

IF YES, COMPLETE THE FOLLOWING VERIFICATION

2) PROJECT AVAILABLE APPROPRIATION

TOTAL PROJECT REVENUES	$ 1,500,000.00
TOTAL PROJECT APPROPRIATIONS	$ 1,500,000.00
LESS: TOTAL EXPENDITURE TO DATE	$ 175,000.00
TOTAL COMMITMENTS	$ 100,626.21
AVAILABLE APPROPRIATIONS AS OF DATE OF REQUEST	$ 1,224,373.79
LESS: CONTRACT AMOUNT:	253,550.00 ✓
LESS: PRIOR CONTRACT AMOUNT (11/9/12):	135,000.00
NET AVAILABLE APPROPRIATIONS	$ 835,823.79

COMMENTS: Cash in project: $1,325,000.00

REQUEST APPROVED: Lorne H. Steinhart

REQUEST DENIED: _____

DATE: November 13, 2012

TO: LORNE STEINHART, COMPTROLLER'S OFFICE

PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST

CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

REQUESTING DEPARTMENT		COMPLETE ITEMS 1 THROUGH 5
1.	CONTRACTOR'S NAME	Wendel Companies
2.	AMOUNT OF CONTRACT	Contingency Fund $ 65,000.00 ✓ Wendel Companies $188,550.00 ✓
3.	PROJECT NUMBER	A.12003
4.	PROJECT TITLE	Countywide Code & Environmental Compliance
5.	DEPARTMENT CONTACT	Funding questions: Jeffrey P. Zack #8824 Letter pickup: Diane Bukowski at 8301