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COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

November 27, 2012

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

Re: Lake Avenue Bridge over Smokes Creek - Construction Award
Town of Orchard Park - Erie County - PIN 5758.40

Dear Honorable Members:

The Department of Public Works is requesting authorization to award and enter into a contract with the responsible low bidder for the reconstruction of Lake Avenue Bridge over Smokes Creek, to establish a construction contingency, and execute a change order with project engineers Greenman-Pedersen, Inc. of Buffalo, New York for construction inspection and services during construction.

Should your Honorable Body require further information, I encourage you to contact Commissioner John Loffredo of the Department of Public Works. Thank you for your consideration on this matter.

Sincerely,

Mark C. Poloncarz, Esq.
Erie County Executive

cc: John C. Loffredo, Commissioner Public Works

MCP/JGM/dab

COMPTROLLER'S
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MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works
Re: Lake Avenue Bridge over Smokes Creek - Construction Award
Town of Orchard Park - Erie County - PIN 5758.40
Date: November 20, 2012

SUMMARY

Request adoption of a resolution to authorize the County Executive to award and enter into a contract with the responsible low bidder for the Lake Avenue Bridge over Smokes Creek Project once bids are taken and the lowest responsible bidder is determined, establish a construction contingency, and execute a change order with Project Engineers Greenman – Pedersen, Inc. for construction inspection and services during construction.

FISCAL IMPLICATIONS

The total cost for the construction phase of this project is currently estimated at $965,000.00, and is available in B.12002 - 2012 Lake Avenue Bridge Reconstruction. Local share required for this Project is $48,250.00. The Project is under an Agreement with the NYSDOT Locally Administered Federal Aid Program and is eligible for 80% Federal and 15% State reimbursement.

REASONS FOR RECOMMENDATION

Timely award of the contract is necessary so that the contractor can begin work as soon as possible. The project benefits from Federal funds through the Locally Administrated Federal Aid Program.

BACKGROUND INFORMATION

This project is approved by the New York State Department of Transportation in their current Capital Program 5-year Plan to be funded through the Locally Administered Federal Aid Program. In order not to delay the project, it is recommended the County Executive be authorized to execute a contract with the responsible low bidder, establish the construction contingency, and execute a change order with project engineers Greenman – Pedersen, Inc. once bids are taken and analyzed.

CONSEQUENCES OF NEGATIVE ACTION

The construction phase of the Project will not be implemented in a timely manner. As a result, Federal aid for the project could be lost. Negative action would halt project advancement, expose the county traveler to health and safety risks, and jeopardize existing and future reimbursement funding through this program.

STEPS FOLLOWING APPROVAL

The lowest responsible bidder will be determined by the Department of Public Works and a contract will be awarded. The County Executive will execute the construction contract, establish a construction contingency, and execute the negotiated change order with project engineers Greenman – Pedersen, Inc. Construction work will begin as soon as possible depending on the weather. The Department of Public Works will notify the Legislature, for information only, the bid results and contract awardee.

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

LORNE H. STEINHART 11/21/12
Comptroller's Office

· Cash Available: $220,000
· Upon approval of the NYSDOT Supplemental agreement, the project will increase by a total of $916,750 in Federal/Marchiselli Aid.
- LHS

JCL/JGM/dab

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF PUBLIC WORKS
DIVISION OF HIGHWAYS

RE: Lake Avenue Bridge over Smokes Creek - Construction Award
Town of Orchard Park, Erie County - PIN 5758.40

WHEREAS, the Lake Avenue Bridge over Smokes Creek Project PIN 5758.40 will be advertised, bid, and ready for award of construction contract to the responsible low bidder; and

WHEREAS, the Lake Avenue Bridge over Smokes Creek Project PIN 5758.40 will replace a deteriorating bridge; and

WHEREAS, funding for this Federal Aid Project was approved and is available in B.12002 - 2012 Lake Avenue Bridge Reconstruction in the amount of $965,000.00 ($48,250.00 required local share); and

WHEREAS, it is necessary that this approval be granted, so that the contract can be awarded to allow the contractor to begin work as soon as possible; and

WHEREAS, in order to facilitate the Lake Avenue Bridge over Smokes Creek Project it will be necessary for the County to execute the construction contract with the responsible low bidder and establish a construction contingency; and

WHEREAS, a change order must be negotiated with Greenman-Pedersen, Inc. of Buffalo, New York, for construction inspection and engineering services during construction.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to award and execute a contract for the Lake Avenue Bridge over Smokes Creek Project PIN 5758.40 between the County of Erie and the lowest responsible bidder, establish a construction contingency and execute a negotiated change order between the County of Erie and project engineers Greenman-Pedersen, Inc., of Buffalo, New York; and be it further

RESOLVED, that funding for the Lake Avenue Bridge over Smokes Creek Federal Aid Project be allocated from fund B.12002 - 2012 Lake Avenue Bridge Reconstruction in an amount not to exceed $965,000.00 ($48,250.00 local share); and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Erie with the New York State Department of Transportation in connection with the advancement or approval of the Project; and be it further

RESOLVED, that the Department of Public Works will inform the Erie County Legislature, for information only, as to what contractor was the successful low responsible bidder for the Lake Avenue Bridge over Smokes Creek Project PIN 5758.40; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward five (5) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

OFFICE OF THE COMPTROLLER REVIEW **DATE:** 11/21/12

PROJECT TITLE: B.12002 2012 Lake Avenue Bridge Reconstruction

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	$ 220,000.00
TOTAL PROJECT APPROPRIATIONS	$ 220,000.00
LESS: TOTAL EXPENDITURE TO DATE	$ 0
TOTAL COMMITMENTS	$ 0
AVAILABLE APPROPRIATIONS AS OF DATE OF REQUEST	$ 220,000.00
⊛ PLUS: Inc. of approved NYSDOT contract:	916,750.00
LESS: CONTRACT AMOUNT:	965,000.00
NET AVAILABLE APPROPRIATIONS	$ 171,750.00

COMMENTS: Available cash: $220,000.00
Upon approval of the NYSDOT supplemental agreement, the project will be increase by a total of $916,750 in Federal/Marchiselli Aid.

REQUEST APPROVED: Lorne H. Stenhart

REQUEST DENIED: _____

DATE: November 21, 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	Low Bidder and Greenman – Pedersen, Inc.
2. AMOUNT OF CONTRACT	$965,000.00 (not to exceed)
3. PROJECT NUMBER	B.12002
4. PROJECT TITLE	2012 Lake Avenue Bridge Reconstruction
5. DEPARTMENT CONTACT	Funding questions: Charles A. Sickler, PE at 8372 Letter pickup: Diane Bukowski at 8301

COMPTROLLER'S OFFICE	COMPLETE ITEMS 6 AND 7
6. AVAILABILITY OF FUNDS	$ 220,000.00
7. PERFORMED BY	Jackie Pudofes
Date Sent to Comptroller's Office:	November 20, 2012

COMMENTS: Available cash: $220,000.00
Upon approval of the NYSDOT supplemental agreement, the project will be increase by a total of $916,750 in Federal/Marchiselli Aid.

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