ECLEG NOV27'12 AM 9:30

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

November 27, 2012

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

Re: Supplemental Agreement with NYSDOT
Lake Avenue Bridge over Smokes Creek
Town of Orchard Park, Erie County - PIN 5758.40

Dear Honorable Members:

We are forwarding for your approval a proposed resolution authorizing the County of Erie to participate in the Lake Avenue bridge over Smokes Creek project and also authorizing the County Executive to enter into a Supplemental Agreement with the New York State Department of Transportation ("NYSDOT") to pay the Federal and non-Federal share of the cost of the construction and construction inspection phase for this project.

Should your Honorable Body require further information, I encourage you to contact Commissioner John C. 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 of Public Works

MCP/JGM:dab

COMPTROLLER'S
RECEIVED

12 NOV 20 PM 1:06

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works, Office of the Commissioner
Re: Supplemental Agreement with NYSDOT
Lake Avenue Bridge over Smokes Creek
Town of Orchard Park, Erie County - PIN 5758.40
Date: November 20, 2012

SUMMARY

Adoption of a resolution authorizing the County of Erie to enter into a Supplemental Agreement with NYSDOT for the construction and construction inspection phase of the above noted Project.

FISCAL IMPLICATIONS

The total cost of this project phase is currently estimated at $965,000.00 and will be a Locally Administered Federal Aid Project (80% Federal, 15% State, 5% local). Local share required for Project is $48,250.00. Local share funding with revenue is available in B.12002 – 2012 Lake Avenue Bridge Reconstruction.

REASONS FOR RECOMMENDATION

The Erie County Department of Public Works has completed the design phase of the Project and desires to advance the Project by entering into a Supplemental Agreement for the construction phase with the New York State Department of Transportation. The Project benefits from Federal Aid reimbursement through the Locally Administered Federal Aid Program.

BACKGROUND INFORMATION

This Project has been approved by the New York State Department of Transportation in their current Capital Program to be funded with Federal Aid funds and is tentatively scheduled for letting in January, 2013.

CONSEQUENCES OF NEGATIVE ACTION

If the Agreement is not approved, the bridge replacement will not be implemented. Failure to execute this Agreement will jeopardize receipt of the Project and possibly the loss of eligibility for future Federal Aid Program participation.

STEPS FOLLOWING APPROVAL

The County Executive will sign the Supplemental Agreement so that it can be fully executed by the New York State Department of Transportation and the project will proceed on schedule.

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

JCL/JGM/dab

- Cash Available: $220,000
- This is a request to enter into a Supplemental Agreement with the NYSDOT for the construction and construction inspection phases. Upon approval, the budget for this project will increase a total of $916,750 in Federal/Marchiselli Aid.

- LH

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

RE: Supplemental Agreement with NYSDOT
Lake Avenue Bridge over Smokes Creek
Town of Orchard Park, Erie County - PIN 5758.40

WHEREAS, the Lake Avenue Bridge over Smokes Creek Project in the Town of Orchard Park, Erie County, PIN 5758.40 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the County of Erie advanced the Project's Design Phase via Comm. No. 15E-3 adopted on July 21, 2011; and

WHEREAS, the County of Erie desires to advance the Construction and Construction Inspection Phase of the Project, PIN 5758.40 through a Supplemental Agreement that increases the original Project Agreement by the amount of $965,000 ($48,250 required local share).

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature of the County of Erie hereby approves the above subject project; and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and Non-Federal share of the cost of the Preliminary Engineering (Scoping and Design I-VI), and Construction and Construction Inspection Phases of the Project or portions thereof; and be it further

RESOLVED, that the Project Account B.12002 - 2012 Lake Avenue Bridge Reconstruction, fund center 123, fund 420, be increased by the anticipated Federal and State revenue in the amount of $916,750 as follows:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
414000	Federal Aid	$ 0	$772,000	$772,000
405160	NYS Marchiselli Aid	0	144,750	144,750
475000	Gen Oblig Bond Proc	220,000	0	220,000
TOTAL REVENUES		$220,000	$916,750	$1,136,750

APPROPRIATIONS

Capital Projects	Capital Project Exp	$220,000	$916,750	$1,136,750
TOTAL APPROPRIATIONS		$220,000	$916,750	$1,136,750

; and be it further

RESOLVED, that the estimated total sum of the construction phase of the Project, $965,000 is hereby appropriated from B.12002 – 2012 Lake Avenue Bridge Reconstruction and made available to cover the cost of participation in the above phase of the Project; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the Project's Construction and Construction Inspection Phase exceeds the amount appropriated, $965,000 and/or 100% of the full Federal and non-Federal shares of the cost of the Project's Construction and Construction Inspection Phase exceeds $965,000, the Erie County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; 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 and/or Marchiselli Aid on behalf of the County of Erie, (subject to the County of Erie Attorney's approval as to form and content), with the New York State Department of Transportation in connection with the advancement or approval of the Project identified in the State/Local Agreement; and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal-Aid and State-Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the New York State Department of Transportation and also one copy each to the Office of the County Executive, the Office 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
LESS: LOCAL SHARE CONTRACT AMOUNT:	48,250.00
NET AVAILABLE APPROPRIATIONS	$ 171,750.00

COMMENTS: Available cash: $220,000.00
This is a request to enter into a Supplemental Agreement with NYSDOT for the construction & construction inspection phase. Upon approval, the budget for the project will be increased by a total of $916,750 in Federal/Marchiselli Aid.

REQUEST APPROVED: Lorne H. Stewart

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	NYS Department of Transportation
2. AMOUNT OF CONTRACT	$965,000.00
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 Pulsifer
Date Sent to Comptroller's Office:	November 20, 2012

COMMENTS: Available cash: $220,000.00
This is a request to enter into a Supplemental Agreement with NYSDOT for the construction & construction inspection phase. Upon approval, the budget for the project will be increased by a total of $916,750 in Federal/Marchiselli Aid.

[55 compt_10]