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COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

December 18, 2012

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

RE: Ralph Wilson Stadium – 2012 Parking Lot Improvements, Misc Improvements, Sound System Improvements – Phase 3 and Additional A/E Fees

Dear Honorable Members:

The Lease between the Buffalo Bills and the County of Erie requires that the County provide capital improvements to Ralph Wilson Stadium on an annual basis. The Buffalo Bills have requested that the County, through the Department of Public Works, proceed with additional capital improvements to the parking lots, sound system and miscellaneous improvements.

This resolution is requesting authorization for the County Executive to issue Contract Amendments to several of the contractors for accepting alternates that were included in the base bids and for increasing the construction contingency for unforeseen conditions.

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

Sincerely,

Mark C. Poloncarz, Esq.
Erie County Executive

cc: John Loffredo, Department of Public Works

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works
Re: Ralph Wilson Stadium-2012 Parking Lot Improvements, Miscellaneous Improvements, Sound System – Phase 3 Improvements and Additional A/E Fees
Date: November 30, 2012

SUMMARY

The Lease between the Buffalo Bills and Erie County requires that the County provide annual capital maintenance and repairs to the Stadium. The Buffalo Bills have requested that the County proceed with accepting the Alternate for the Sound System-Phase 3 work, the Alternate for additional parking lot paving work in Lot 5, and for increasing the construction contingency amount for RWS-2011 – Miscellaneous Improvements project for unforeseen conditions. The Stadium Engineering Consultant is also requesting additional construction administration fees for the additional Alternate work. Upon Legislative approval, Contract Amendments will be issued to the various firms for the additional work.

FISCAL IMPLICATIONS

Funds are available from the 2012 approved, as amended, capital budget, SAP Project: A.12001-2012 - Rehabilitation of Ralph Wilson Stadium

REASONS FOR RECOMMENDATION

The Buffalo Bills have requested that the County, through the Department of Public Works, proceed with additional work items that were included as Alternates when the project was bid. At the time of contract award, there were insufficient funds to accept all the Alternates. This work must be completed prior to the 2013 football season.

BACKGROUND INFORMATION

The County is required pursuant to the Lease between the Buffalo Bills and Erie County to provide annual capital projects. This work complies with the Lease.

CONSEQUENCES OF NEGATIVE ACTION

The County will be in violation of the Lease between the Buffalo Bills and Erie County.

STEPS FOLLOWING APPROVAL

Contract Amendments will be executed by the County Executive so the Alternate work can proceed. A Contract Amendment will be executed with DiDonato Associates for the additional construction administration.

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.

Cash Available: $2,887,500.00

LORNE H. STEINHART 12/4/12
Deputy Comptroller
Comptroller's Office

MCP:dab

File (DPW.11.30.12.RWS.Parking Lot-Phase 3-reso)

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF PUBLIC WORKS

RE: Ralph Wilson Stadium-2012 Parking Lot Improvements, Miscellaneous Improvements, Sound System-Phase 3-Improvements and Additional A/E Fees

WHEREAS, the County is required pursuant to the Lease Agreement between the Buffalo Bills and Erie County to provide capital improvements to Ralph Wilson Stadium on an annual basis; and

WHEREAS, the Erie County Legislature previously authorized contracts for Parking Lot Improvements and Sound System Upgrades-Phase 3; and

WHEREAS, not all Alternates were accepted in awarding the above noted contracts due to insufficient funds; and

WHEREAS, additional funds are now available to accept Alternates S-2 for additional paving in Lot 5 and for accepting Alternate S-1 for Phase 3 of the Sound System Upgrades; and

WHEREAS, unforeseen field conditions warrant an increase in the construction contingency account for the RWS-2011-Miscellaneous Improvements, Phase 2 project; and

WHEREAS, your Honorable Body has previously approved a general Architectural/Engineering agreement with the engineering firm of DiDonato Associates for providing professional services on County projects; and

WHEREAS, the County Executive is requesting authorization to issue an Agreement Amendment to DiDonato Associates for providing construction administration services for the additional work.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to issue a Contract Amendment to Louis Del Prince & Sons, Inc. for accepting Alternate Bid S-1 for an amount not to exceed $289,5000.00; and be it further

RESOLVED, that the County Executive be authorized to issue a Contract Amendment to Frey Electrical Construction Company, for accepting Alternate Bid No. 1 for an amount not to exceed $518,000.00; and be it further

RESOLVED, that the Construction Contingency for the RWS-2011-Phase 2-Miscellaneous Improvements account be increased by $150,000.00, from $168,331.00 to $318,331.00; and be it further

RESOLVED, that the County Executive is authorized to issue an Agreement Amendment to DiDonato Associates for an amount not to exceed $25,000.00 for additional construction administration services; and be it further

RESOLVED, that the Comptroller's office be authorized to make payment for all the above from SAP Project Account A.12001-2012 – Rehabilitation of Ralph Wilson Stadium for an amount not to exceed $982,500.00

RESOLVED, that two certified copies of this resolution be sent 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.