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Audit faults Erie County for bypassing typical bidding process for 2011 project

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A decision to circumvent typical bidding procedures for a major county project to reconstruct Eden-Evans Center Road in 2011 made it susceptible to "favoritism," county auditors have found.

Auditors in the County Comptroller's Office faulted the Department of Public Works for choosing contractors for the first two phases of the \$7.7 million project through a pre-approved list of vendors, rather than by formally requesting proposals for the entire project.

"Bypassing DPW's normal bidding practice allows management the opportunity to practice favoritism in selecting vendors for projects," auditors warned.

The audit – released by outgoing County Comptroller David Shenk on Monday before his term ended – examined the way the county's Department of Public Works selected contractors and vendors for the project to reconstruct 6.6 miles of Eden-Evans Center Road.

The county in 2011 selected contractors for the project from a pre-approved "Highway Bid Book," which is typically used for smaller road work and emergency repairs. Contractors on the list submit bids annually to supply construction and maintenance materials throughout the summer construction season.

None of the 10 other large capital projects started that year by the Public Works Department used the bid book to select contractors.

"During some of our audit interviews, key DPW personnel stated that they were not aware of any capital projects similar to the magnitude of Eden-Evans that used the Highway Bid Book in lieu of the bid process," auditors stated.

Six contractors – Accadia Site Contracting, All American Companies of Western New York, Amherst Paving, Country Line Stone Co., Gernatt Asphalt Production and Union Concrete & Construction Corp. – provided the bulk of the work and supplies under the first two phases of the project.

The auditors criticized the county for "improperly" using the bid book for such a large project because there are no written guidelines or procedures for the department's use of the pre-approved bid list. County law allows purchases to be made in that way when the county executive declares a public emergency, but auditors found that then-County Executive Chris Collins had not made that declaration.

The decision to use the bid book for the Eden-Evans Center Road project was made in 2011, when Gerard Sentz was commissioner of public works. Sentz was replaced in early 2012 when County Executive Mark C. Poloncarz took office.

The Buffalo Building and Construction Trades Council filed a lawsuit in State Supreme Court in September 2011 over the county's failure to bid out the entire Eden-Evans Center Road project. The lawsuit was withdrawn after Poloncarz took office and "made a commitment to bid out subsequent phases of the project" and all county public work over \$35,000 in accordance with the state's competitive bidding laws, said attorney Anna Falicov..

A contractor for the third phase of the project in 2012 was selected through a competitive "request for proposals" process. Accadia Site Contracting was selected from eight bidders for a \$2.9 million contract for the third phase, said Peter Anderson, a spokesman for Poloncarz.

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