



ECLEG FEB05'13 AM 9:44

# COUNTY OF ERIE

**MARK C. POLONCARZ**  
COUNTY EXECUTIVE

February 4, 2013

Erie County Legislature  
92 Franklin Street – 4<sup>th</sup> Floor  
Buffalo, New York 14202

## **IMMEDIATE CONSIDERATION REQUESTED**

**RE: Ralph Wilson Stadium Complex Site Survey – Change Order**

Dear Honorable Members:

Attached please find a memorandum and proposed resolution authorizing the execution of a change order for a Ralph Wilson Stadium Complex site survey. Erie County will fund this work through bond proceeds in the 2012 capital borrowing.

We are proposing to issue a change order to an existing contract with Nussbaumer and Clarke, Inc., for site survey services. They presently have a contract with the County for the location of underground utilities at the stadium.

Should your Honorable Body require further information, please contact Commissioner John C. Loffredo of the Department of Public Works. Thank you for your consideration with this matter.

Sincerely,

Mark C. Poloncarz, Esq  
Erie County Executive

MCP/CAS/cas

cc: John C. Loffredo, Department of Public Works

13 JAN 32 AM 8:36

## MEMORANDUM

**To:** Erie County Legislature  
**From:** Department of Public Works/Office of the Commissioner  
**Re:** Stadium Complex – Site Survey – Change Order  
**Date:** Jan. 31, 2013

---

### **SUMMARY**

The next effort after the Legislature's approval of the Buffalo Bills/Erie County Stadium Lease MOU (Memorandum of Understanding) is to prepare the final Lease documents. One item contained in the lease documents is an up-to-date Stadium Complex site survey. This survey must be completed by mid-February in order to complete the lease documents and make same available for the NFL's consideration at their March meeting.

### **FISCAL IMPLICATIONS**

Funds for the project are currently available from the approved, as amended 2012 capital budget, SAP Project Account, A.12001 – 2012 – Rehabilitation of Ralph Wilson Stadium.

### **REASONS FOR RECOMMENDATION**

The subject survey work must be completed by mid-February in order to finalize lease documents and make same available to the NFL for their consideration at their March meeting. Presently Nussbaumer and Clarke, Inc. already has a contract with the County for surveying the location of underground utilities at the stadium. Since they are on the site and are familiar with it, it is our recommendation that your Honorable Body authorize the Department of Public Works to issue them a change order, to their existing contract, for the additional site survey.

### **CONSEQUENCES OF NEGATIVE ACTION**

If this resolution authorizing the County to issue Nussbaumer and Clarke, Inc. a change order is not approved, the Stadium Complex site survey will not be completed in time for the NFL's March meeting and the Buffalo Bills / Erie County Lease agreement will not be approved.

### **STEPS FOLLOWING APPROVAL**

Upon approval of this resolution, the Department of Public Works will issue a change order to Nussbaumer and Clarke, Inc., in an amount not to exceed \$ 45,000.00 for a Stadium Complex site survey.

**COMPTROLLER'S OFFICE REVIEW**

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



---

**STEFAN I. MYCHAJLIW**  
Comptroller  
Comptroller's Office

JCL/CAS/cas

File Copy (RESO Stadium Complex Site Survey 1-31-13)

**A RESOLUTION SUBMITTED BY:  
DEPARTMENT OF PUBLIC WORKS**

**RE: Ralph Wilson Stadium Complex Site Survey – Change Order**

**WHEREAS, the Legislature has approved the Buffalo Bills/Erie County Stadium Lease Memorandum of Understanding; and**

**WHEREAS, in order to prepare the final Lease documents it is necessary to prepare an up-to-date Ralph Wilson Stadium Complex site survey; and**

**WHEREAS, this survey must be completed by mid-February in order to complete the lease documents and make same available for the NFL's consideration at their March meeting; and**

**WHEREAS, presently Nussbaumer and Clarke, Inc. has a contract with the County for surveying the location of underground utilities at the stadium; and**

**WHEREAS, Nussmaumer and Clarke, Inc. is already on the site and are familiar with the stadium; and**

**WHEREAS, in order to meet timetables associated with the NFL owners' review and approval of the Lease between the Bills and the County, it is necessary to act expeditiously.**

**NOW, THEREFORE, BE IT**

**RESOLVED, that the County Executive is authorized to issue a change order to Nussbaumer and Clarke, Inc. for an amount not to exceed \$45,000.00 to perform a Stadium Complex site survey; 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 \$45,000.00; and be it further**

**RESOLVED, that four (4) 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.**