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COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

May 21, 2012

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

RE: Beach Road (CR 221) & Eden-Evans Center Road (CR 32)
From Delamater Road to Erie Road
Rehabilitation – Phase 3
Town of Evans, Erie County
Project No. CAP-32.221-12

Dear Honorable Members:

This resolution is being submitted for your authorization to allow the County Executive to enter into an agreement with the responsible low bidder for the rehabilitation of Beach Road and Eden-Evans Center Road Project, establish a construction contingency, and execute a contract with DiDonato Associates for construction inspection services.

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

MCP/WS/db
cc: John C. Loffredo, Department of Public Works

COMPTROLLER'S
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MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works/Office of the Commissioner
Re: Beach Road (CR 221) and Eden Evans Center Road (CR 32)
From Delamater Road to Erie Road
Rehabilitation – Phase 3
Town of Evans, Erie County
Project No. CAP-32.221-12
Date: May 8, 2012

SUMMARY

Request adoption of resolution to authorize the County Executive to award and enter into an agreement with the responsible low bidder for the rehabilitation of Beach Road and Eden Evans Center Road Project once bids are taken on May 31, 2012 and the lowest responsible bidder is determined, establish a construction contingency, and execute a contract with project engineers DiDonato Associates for construction inspection and services during construction.

FISCAL IMPLICATIONS

The total funds available for the construction phase of this project is currently $3,359,516.59
$428,769.63 is available in SAP B.21001 – 2010 Capital Overlay
$20,164.56 is available in SAP B.11001.2 – 2011 Capital Overlay
$557,582.40 is available in SAP B.11005 – 2011 Various County Roads
$2,000,000.00 is available in B.12007 – 2012 Preservation of Roads – Construction
$353,000.00 is available in B.12015 - 2012 Capital Overlay Program.

REASONS FOR RECOMMENDATION

Due to the limited construction season, it is necessary that this approval be granted, so that the contract can be awarded to allow the contractor to begin construction as soon as possible.

BACKGROUND INFORMATION

In order not to delay the project, it is recommended the County Executive be authorized to execute an agreement with responsible low bidder, establish the construction contingency and execute a contract with project engineers DiDonato Associates once bids are taken and analyzed.

CONSEQUENCES OF NEGATIVE ACTION

The construction phase of the Project will not be fully implemented in a timely manner and therefore, not completed. The road will continue to deteriorate and become an increasing hazard to the driving public.

STEPS FOLLOWING APPROVAL

The lowest responsible bidder will be determined by the Department of Public Works, a contract will be awarded, the County Executive will execute the construction contract, establish a construction contingency, and execute the contract with project engineers DiDonato Associates. Construction will begin as soon as possible depending on the weather and the availability of materials. 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 STEINHART 5/10/2012
Deputy Comptroller
Comptroller's Office

JCL/WSS/dab
File Copy

- As of this review, the data entry on SAP for the 2012 projects needs to be completed; however, the project numbers have been assigned.
- Availability of Funds:

Project	$ Available
B.21001	$737,254.65
B.11001	$384,576.01
B.11005	$558,399.69
B.12007	*2012 Project: will be included in the 2012 Capital bond sale. It has been agreed that $2m may be advanced for this project
B.12015	*2012 Pay-As-You-Go Project (cash available: $6.2m)

- LHS

A RESOLUTION SUBMITTED BY
DEPARTMENT OF PUBLIC WORKS
DIVISION OF HIGHWAYS

RE: Beach Road (CR 221) and Eden-Evans Center Road (CR 32)
From Delamater Road to Erie Road
Rehabilitation – Phase 3
Town of Evans, Erie County
Project No. CAP-32.221-12

WHEREAS, the rehabilitation of Beach Road and Eden-Evans Center Road Project will be advertised, bid, and ready for award of construction contract to the responsible low bidder after bids are taken on 31 May 2012; and

WHEREAS, funding for this project was approved and is available as follows:

$428,769.63 is available in B.21001 – 2010 Capital Overlay
$20,164.56 is available in B.11001.2 – 2011 Capital Overlay
$557,582.40 is available in B.11005 – 2011 Various County Roads
$2,000,000.00 is available in B.12007 – 2012 Preservation of Roads – Construction and
$353,000.00 is available in B.12015 - 2012 Capital Overlay Program; and

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

WHEREAS, in order to facilitate the rehabilitation of Beach Road and Eden-Evans Center Road, 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 contract must be negotiated with DiDonato Associates for construction inspection and 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 rehabilitation of Beach Road and Eden-Evans Center Road Project Number CAP-32.221-12, between the County of Erie and the lowest responsible bidder, establish a construction contingency and execute a negotiated contract between the County of Erie and project engineers DiDonato Associates, in an amount not to exceed $3,359,516.59; and be it further

RESOLVED, that the funds for the Beach Road and Eden-Evans Center Road Project be allocated as follows: $428,769.63 in B.21001 – 2010 Capital Overlay, $20,164.56 in B.11001.2 – 2011 Capital Overlay, $557,582.40 in B.11005 – 2011 Various County Roads, $2,000,000.00 in B.12007 – 2012 Preservation of Roads – Construction, and $353,000.00 in B.12015 - 2012

Capital Overlay Program, for a total, not to exceed $3,359,516.59; and be it further

RESOLVED, that the Department of Public Works will inform the Erie County Legislature as to which contractor was the successful lowest responsible bidder for the rehabilitation of Beach Road and Eden-Evans Center Road, Project Number CAP-32.221-12; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) 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.

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	To be determined on 31 May 2012 DiDonato Associates
2. AMOUNT OF CONTRACT	Not to exceed $3,359,516.59
3. PROJECT NUMBER	$428,769.63 is available in SAP B.21001 – 2010 Capital Overlay $20,164.56 is available in SAP B.11001.2 – 2011 Capital Overlay $557,582.40 is available in SAP B.11005 – 2011 Various County Roads $2,000,000.00 is available in B.12007 – 2012 Preservation of Roads – Construction and $353,000.00 is available B.12015- 2012 Capital Overlay Program.
4. PROJECT TITLE	Rehabilitation of Beach Road (CR 32)/ Eden Evans Center Road (CR 221), Town of Evans
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	B.21001 $ 737,254.65 B.11001 $ 384,576.01 $ B.11005 $ 558,399.69 *
7. PERFORMED BY	Jackie Pudsiger

Date Sent to Comptroller's Office: May 9, 2012
[55 compt_10]

* Continued: B.12007 - 2012 project which will be in 2012 bond sale - it was agreed that $2M could be advanced for this project.

B.12015 - 2012 Pay-as-you-go - cash available: $6.2M