

SUSPENSION



COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

April 18, 2012

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

**Re: Seneca Street Bridge Reconstruction
(Over Norfolk Southern Railroad)
Construction Award
Town of West Seneca, Erie County
PIN 5755.25; BIN 3362080**

Dear Honorable Members:

The Department of Public Works is requesting authorization for the County Executive to award and enter into a contract with Union Concrete & Construction Corp., the lowest responsible bidder for the Seneca Street Bridge Reconstruction Project, and to establish a construction contingency and execute a change order with project engineers Greenman-Pedersen, Inc. for construction inspection and services during construction.

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

Sincerely,

Mark C. Poloncarz, Esq.
Erie County Executive

By 
Richard M. Tobe
Deputy County Executive

MCP/dab
Enclosure

cc: John Loffredo, Commissioner of Public Works

MEMORANDUM

COMPTROLLER'S
RECEIVED

12 APR -5 PM 2:37

To: Honorable Members of the Erie County Legislature
From: Department of Public Works
Re: Seneca Street Bridge Reconstruction
(Over Norfolk Southern Railroad)
Construction Award
Town of West Seneca, Erie County
PIN 5755.25; BIN 3362080
Date: April 5, 2012

COMPTROLLER'S
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12 APR 16 AM 10:36

SUMMARY

Request adoption of a resolution to authorize the County Executive to award and enter into a contract with Union Concrete & Construction Corp., the responsible low bidder for the Seneca Street Bridge Reconstruction Project; establish a construction contingency and execute a change order with project engineers Greenman Pedersen, Inc., and Norfolk Southern Railroad Corp for construction inspection and services during construction.

FISCAL IMPLICATIONS

The total cost for the construction phase of this project is currently estimated at \$4,000,000, available in B.00205 – 2008 Various Federal Aid Bridge Construction Projects which includes the low bid of \$2,735,474.95, contingency of \$330,000, and construction services and inspection with Greenman-Pedersen, Inc., and Norfolk Southern Railroad Corp, in the amount of \$934,525.05. The project under an Agreement with NYSDOT Locally Administered Federal Aid Program is eligible for up to 95% reimbursement, 80% Federal funds and 15% NYS Marchiselli funds.

REASONS FOR RECOMMENDATION

Timely award of the contract is necessary so that the contractor can begin construction as soon as possible. The project benefits from Federal and Marchiselli funds through the Locally Administrated Federal Aid Program.

BACKGROUND INFORMATION

This project is approved by the New York State Department of Transportation in their current Capital Program 5-year Plan to be funded through the Locally Administered Federal Aid Program. In order not to delay the project, it is recommended the County Executive be authorized to execute a contract with Union Concrete & Construction Corp., responsible low bidder, establish the construction contingency and execute a change order with project engineers Greenman-Pedersen Inc., once bids are taken and analyzed.

CONSEQUENCES OF NEGATIVE ACTION

The construction phase of the project will not be implemented in a timely manner and therefore, not be completed. As a result, Seneca Street Bridge will not be replaced and Federal and State Aid for the project could be lost. Negative action would halt project advancement, expose the bridge used to health and safety risks because of the road deterioration, and jeopardize existing and future reimbursement funding through this program.

STEPS FOLLOWING APPROVAL

The County Executive will execute the construction contract, establish a construction contingency, and execute the negotiated change order with project engineers Greenman-Pedersen, Inc. Construction will begin as soon as possible depending on the weather and the availability of materials.

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 STEINHART
Deputy Comptroller
Comptroller's Office

JCL/dab

File Copy (HGWY.4.5.12.Seneca St.Award)

- Cash in Project: \$346,120.72
- Claims must be filed in a timely manner to receive the Federal/Marchiselli reimbursements.
- Approval/sign-off is contingent upon approval of the supplemental agreement and funds being in place.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF PUBLIC WORKS

RE: Seneca Street Bridge Reconstruction
(Over Norfolk Southern Railroad)
Construction Award
Town of West Seneca, Erie County
PIN 5755.25; BIN 3362080

WHEREAS, the Seneca Street Bridge Reconstruction Project PIN 5755.25 was advertised and bid on Thursday, March 8, 2012; and

WHEREAS, this project for the reconstruction of the Seneca Street Bridge Reconstruction PIN 5755.25 will improve travel and safety for the traveling public; and

WHEREAS, funding for this project was approved and is available in B.00205 – 2008 Various Federal Aid Bridge Construction Projects in the amount of \$4,000,000; and

WHEREAS, 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 construction of the Seneca Street Bridge Reconstruction Project it will be necessary for the County to execute the construction contract with the lowest responsible bidder, Union Concrete & Construction Corp., a construction inspection and services contract with Norfolk Southern Railroad Corporation and project engineers Greenman-Pedersen, Inc. and establish a construction contingency;

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to award and execute a contract for the Seneca Street Reconstruction Project PIN 5755.25 between the County of Erie and Union Concrete & Construction Corp., the lowest responsible bidder, in the amount of \$2,735,475.95, execute construction inspection and service agreements between the County of Erie and Norfolk Southern Railroad Corp and project engineers Greenman-Pedersen Inc. not to exceed \$934,524.05, and establish a construction contingency in an amount not to exceed \$330,000; and be it further

RESOLVED, that the funds for the Seneca Street Reconstruction Project be allocated from fund B.00205 – 2008 Various Federal Aid Bridge Construction Projects in the amount of \$4,000,000; and be it further

RESOLVED, that the County Executive 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 with the New York State Department of Transportation in connection with the advancement or approval of the Project; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward five (5) 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 | Union Concrete & Construction Corp
Norfolk Southern Railroad Corp
Greenman-Pedersen Inc. |
| 2. AMOUNT OF CONTRACT | \$4,000,000 total (prior resolution pending) |
| 3. PROJECT NUMBER | B.00205 |
| 4. PROJECT TITLE | B.00205 – 2008 Various Federal Aid Bridge
Construction Projects |
| 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 | \$ 346,120.72 * |
| 7. PERFORMED BY | <i>Jackie Pulsifer</i> |
| Date Sent to Comptroller's Office: | April 5, 2012 |

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** Claims must be filed in a timely manner to receive the Federal / Marchiselli reimbursements*