



ECLEG FEB01 '11 AM 9:51

COUNTY OF ERIE

CHRIS COLLINS

COUNTY EXECUTIVE

January 20, 2011

The Honorable
Erie County Legislature
92 Franklin Street – Fourth Floor
Buffalo, New York 14202

**RE: Cemetery Road Bridge Replacements over the Norfolk
Southern Railroad and Plum Bottom Creek,
BIN 3362500 and BIN 3326950
Town of Lancaster, Erie County
PIN 5755.27**

Honorable Members:

The Department of Public Works is requesting the County Executive be authorized to award and enter into an agreement with the responsible, low bidder for the Cemetery Road Bridge Replacement Project, establish a construction contingency and execute a change order with project engineers Erdman Anthony and Associates, Inc. for construction inspection and services during construction.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Collins", is written over the typed name.

CHRIS COLLINS
Erie County Executive

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works/Office of the Commissioner
Re: Cemetery Road Bridge Replacements over the Norfolk
Southern Railroad and Plum Bottom Creek,
BIN 3362500 and BIN 3326950
Town of Lancaster, Erie County
PIN 5755.27
Date: January 20, 2011

SUMMARY

Request adoption of resolution to authorize the County Executive be authorized to award and enter into an agreement with the responsible low bidder for the Cemetery Road Bridge Replacement Project once bids are taken and the lowest responsible bidder is determined, establish a construction contingency, and execute a change order with project engineers Erdman Anthony and Associates, Inc. for construction inspection and services during construction.

FISCAL IMPLICATIONS

The total cost for the construction phase of this project is currently estimated at \$6,992,000.00, and is available in SAP B.20930 - 2009 Cemetery Road Bridge Construction. 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

Due to the Legislative schedule during the months of February and March 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

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 an agreement with responsible low bidder, establish the construction contingency and execute a change order with project engineers Erdman Anthony 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. As a result the bridge noted will not be replaced and Federal and State

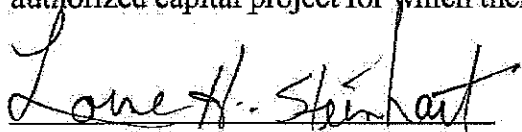
Aid for the project could be lost. Negative action would halt project advancement, expose the County traveler to health and safety risks because of the bridges' deterioration, and jeopardize existing and future reimbursement funding through this program.

STEPS FOLLOWING APPROVAL

The lowest responsible bidder will be determined by the Department of Public Works, Contract will be awarded, and the County Executive will execute the Construction Contract, establish a construction contingency, and execute the negotiated change order with project engineers Erdman Anthony and Associates, Inc. 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 STEINHART

Deputy Comptroller
Comptroller's Office

GJS/EC/ljs

File Copy (DPW.1.20.11-5.Cemetery Road Bridge Replacements.docx)

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF PUBLIC WORKS
DIVISION OF HIGHWAYS

RE: Cemetery Road Bridge Replacements over the Norfolk
Southern Railroad and Plum Bottom Creek,
BIN 3362500 and BIN 3326950
Town of Lancaster, Erie County
PIN 5755.27

WHEREAS, the Cemetery Road Bridge Replacements over the Norfolk Southern Railroad and Plum Bottom Creek Project will be advertised, bid, and ready for award of construction contract to the responsible low bidder; and

WHEREAS, this project for the replacement of two bridges on Cemetery Road, Bridges BR 341-RR-1 and BR 431-3, PIN 5755.27 (the "Project") was authorized by this honorable body via Comm.13E-36 of July 26, 2007, Comm. 21E-12 of November 12, 2008, and Comm. 24E-26 of December 16, 2010; and

WHEREAS, funding for this project was approved and is available in SAP B.20930 - 2009 Cemetery Road Bridge Construction in the amount of \$6,992,000.00; and

WHEREAS, due to the Legislative schedule during the months of February and March 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 replacement of two bridges on Cemetery 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 change order must be negotiated with Erdman Anthony and Associates, Inc. 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 Cemetery Road Bridge Replacements over the Norfolk Southern Railroad and Plum Bottom Creek Project 5755.27 between the County of Erie and the lowest responsible bidder, establish a construction contingency and execute a negotiated change order between the County of Erie and project engineers Erdman Anthony and Associates, Inc., in an amount not to exceed \$6,992,000.00; and be it further

RESOLVED, that the funds for the Cemetery Road Bridge Replacements over the Norfolk Southern Railroad and Plum Bottom Creek Project be allocated from the 2009 Cemetery Road Bridges Construction Project fund (B.20930) in an amount not to exceed \$6,992,000.00; and be it further

RESOLVED, that the County Executive of the County of Erie 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 Department of Public Works will inform the Erie County Legislature, for information only, as to what contractor was the successful lowest responsible bidder for the Cemetery Road Bridge Replacements over the Norfolk Southern Railroad and Plum Bottom Creek Project 5755.27; 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.

PROJECT TITLE: B.20930 2009 Cemetery Rd Bridge – Construction Only

1) IS THE REASON FOR THIS CONTRACT CONSISTENT WITH THE PURPOSE OF THE PROJECT: YES NO

IF NO, RETURN THIS REQUEST TO THE DEPARTMENT

IF YES, COMPLETE THE FOLLOWING VERIFICATION

2) PROJECT AVAILABLE APPROPRIATION

TOTAL PROJECT REVENUES	\$	<u>6,992,000.00</u>
TOTAL PROJECT APPROPRIATIONS	\$	<u>6,992,000.00</u>
LESS: TOTAL EXPENDITURE TO DATE	\$	<u>0</u>
TOTAL COMMITMENTS	\$	<u>0</u>
AVAILABLE APPROPRIATIONS AS OF DATE OF REQUEST	\$	<u>6,992,000.00</u>
LESS: CONTRACT AMOUNT:		<u>6,992,000.00</u>
NET AVAILABLE APPROPRIATIONS	\$	<u>0</u>

COMMENTS: All bonds have been sold in the project. The SAP budget needs to be amended to reflect the aid authorized in the Marchiselli agreement. Claims will need to be submitted to receive the Federal/State Aid reimbursements.

REQUEST APPROVED:

Louise H. Steinhardt

REQUEST DENIED:

DATE:

1/21/2011

ATTACHMENT B:		Multiple Project # for a line		2009 CAPITAL BUDGET BOND RESOLUTION - PROJECT COMPONENTS							
Original Authorization		RED=BAN Proceeds	*Different from authorization	Reso # 123-2009 Dtd. 4/23/09 Comm. 7E-7							
COLUMN #	A	A-1	B	C	D	E	F	G			
LINE NO.	SAP PROJ. NO.	PROJECT DESCRIPTION (object or purpose)	SPECIFIC OR CLASS	ESTIMATED MAXIMUM COST	AMOUNT OF BONDS AUTHORIZED	MAY 2009 BAN PROCEEDS	STATE or FEDERAL AID EXPECTED	LOCAL SOURCE REVENUE	PPU Sec. 11.00a reference	PROJECT DETAILS	CAPITAL BUDGET PAGE REFERENCE
11	B.20902 B.20903 B.20923 B.20924 B.20925 B.20926 B.20927 B.20928 B.20929 B.20930 B.20931	2009 BRIDGE AND ROAD RECONSTRUCTION PROJECTS- FEDERAL AID PROGRAM (COUNTYWIDE)	COMBO	\$ 25,058,300	\$ 613,280	\$ 1,000,000	\$ 20,053,040		15 yrs. Par. 91	This project provides \$5,013,280 to finance the County share of various road projects which are eligible for State and Federal aid. The State and Federal share of this project totals \$20,053,040. Total project cost is \$25,066,300. Roads and bridges scheduled include: Cemetery Road Bridge; Elmwood Ave. signals; Greiner Rd./Shimerville Intersection; Harris Hill/Wehrle Drive Intersection; Harris Hill/Pleasantview Intersection; Maple Road; North Forest Road; Parkview Road Bridge; Pavement Road Bridge; Seneca Street Bridge and Youngs/Aero Intersection.	B-127, 132 & 139
11 a	B.20902	2009 BRIDGE AND ROAD RECONSTRUCTION PROJECTS- FEDERAL AID PROGRAM (COUNTYWIDE)-2009 MAPLE ROAD-CONSTRUCTION ONLY	COMBO		\$ 1,875,000	\$ 900,000 *			15 yrs. Par. 91	This project provides \$5,013,260 to finance the County share of various road projects which are eligible for State and Federal aid. The State and Federal share of this project totals \$20,053,040. Total project cost is \$25,066,300. Roads and bridges scheduled include: Cemetery Road Bridge; Elmwood Ave. signals; Greiner Rd./Shimerville Intersection; Harris Hill/Wehrle Drive Intersection; Harris Hill/Pleasantview Intersection; Maple Road; North Forest Road; Parkview Road Bridge; Pavement Road Bridge; Seneca Street Bridge and Youngs/Aero Intersection.	B-127, 132 & 139
11 b	B.20903	2009 BRIDGE AND ROAD RECONSTRUCTION PROJECTS- FEDERAL AID PROGRAM (COUNTYWIDE)-2009 PARKVIEW RD BRIDGE-CONSTRUCTION ONLY	COMBO		\$ 338,550	\$ 100,000 *			15 yrs. Par. 91	This project provides \$6,013,260 to finance the County share of various road projects which are eligible for State and Federal aid. The State and Federal share of this project totals \$20,053,040. Total project cost is \$26,066,300. Roads and bridges scheduled include: Cemetery Road Bridge; Elmwood Ave. signals; Greiner Rd./Shimerville Intersection; Harris Hill/Wehrle Drive Intersection; Harris Hill/Pleasantview Intersection; Maple Road; North Forest Road; Parkview Road Bridge; Pavement Road Bridge; Seneca Street Bridge and Youngs/Aero Intersection.	B-127, 132 & 139
11 c	B.20923	2009 BRIDGE AND ROAD RECONSTRUCTION PROJECTS- FEDERAL AID PROGRAM (COUNTYWIDE)-2009 BRIDGE PAINTING-CONSTRUCTION ONLY	COMBO		\$ 179,520				15 yrs. Par. 91	This project provides \$5,013,260 to finance the County share of various road projects which are eligible for State and Federal aid. The State and Federal share of this project totals \$20,053,040. Total project cost is \$25,066,300. Roads and bridges scheduled include: Cemetery Road Bridge; Elmwood Ave. signals; Greiner Rd./Shimerville Intersection; Harris Hill/Wehrle Drive Intersection; Harris Hill/Pleasantview Intersection; Maple Road; North Forest Road; Parkview Road Bridge; Pavement Road Bridge; Seneca Street Bridge and Youngs/Aero Intersection.	
11 d	B.20924	2009 BRIDGE AND ROAD RECONSTRUCTION PROJECTS- FEDERAL AID PROGRAM (COUNTYWIDE)-2009 ELMWOOD SIGNALS-CONSTRUCTION ONLY	COMBO		\$ 127,500				15 yrs. Par. 91	This project provides \$5,013,260 to finance the County share of various road projects which are eligible for State and Federal aid. The State and Federal share of this project totals \$20,053,040. Total project cost is \$25,066,300. Roads and bridges scheduled include: Cemetery Road Bridge; Elmwood Ave. signals; Greiner Rd./Shimerville Intersection; Harris Hill/Wehrle Drive Intersection; Harris Hill/Pleasantview Intersection; Maple Road; North Forest Road; Parkview Road Bridge; Pavement Road Bridge; Seneca Street Bridge and Youngs/Aero Intersection.	
11 e	B.20925	2009 BRIDGE AND ROAD RECONSTRUCTION PROJECTS- FEDERAL AID PROGRAM (COUNTYWIDE)-2009 GREINER-SHIMERVILLE INTERSECTION-CONSTRUCTION ONLY	COMBO		\$ 300,000				15 yrs. Par. 91	This project provides \$5,013,260 to finance the County share of various road projects which are eligible for State and Federal aid. The State and Federal share of this project totals \$20,053,040. Total project cost is \$25,066,300. Roads and bridges scheduled include: Cemetery Road Bridge; Elmwood Ave. signals; Greiner Rd./Shimerville Intersection; Harris Hill/Wehrle Drive Intersection; Harris Hill/Pleasantview Intersection; Maple Road; North Forest Road; Parkview Road Bridge; Pavement Road Bridge; Seneca Street Bridge and Youngs/Aero Intersection.	

to be split between proj below as Marchiselli Agreements are req'd.

ATTACHMENT B: Original Authorization		Multiple Project # for a line		2009 CAPITAL BUDGET BOND RESOLUTION - PROJECT COMPONENTS							
COLUMN #		RED= BAN Proceeds	*=Different from authorization	Reso # 123-2009 Dtd. 4/23/09 Comm. 7E-7							
LINE NO.	SAP PROJ. NO.	A PROJECT DESCRIPTION (object or purpose)	A-1 SPECIFIC OR CLASS	B ESTIMATED MAXIMUM COST	C AMOUNT OF BONDS AUTHORIZED	MAY 2009 BAN PROCEEDS	D STATE or FEDERAL AID EXPECTED	E LOCAL SOURCE REVENUE	F PPU Sec. 11.00a reference	G PROJECT DETAILS	H CAPITAL BUDGET PAGE REFERENCE
11 f	B.20926	2009 BRIDGE AND ROAD RECONSTRUCTION PROJECTS- FEDERAL AID PROGRAM (COUNTYWIDE)-2009 HARRIS HILL/WEHRLE INTERSECTION- CONSTRUCTION ONLY	COMBO		\$ 455,340				15 yrs. Par. 91	This project provides \$5,013,260 to finance the County share of various road projects which are eligible for State and Federal aid. The State and Federal share of this project totals \$20,053,040. Total project cost is \$25,066,300. Roads and bridges scheduled include: Cemetery Road Bridge; Elmwood Ave. signals; Greiner Rd./Shimerville Intersection; Harris Hill/Wehrle Drive Intersection; Harris Hill/Pleasantview Intersection; Maple Road; North Forest Road; Parkview Road Bridge; Pavement Road Bridge; Seneca Street Bridge and Youngs/Aero Intersection.	
11 g	B.20927	2009 BRIDGE AND ROAD RECONSTRUCTION PROJECTS- FEDERAL AID PROGRAM (COUNTYWIDE)-2009 YOUNGS/AERO INTERSECTION- CONSTRUCTION ONLY	COMBO		\$ 248,000				15 yrs. Par. 91	This project provides \$5,013,260 to finance the County share of various road projects which are eligible for State and Federal aid. The State and Federal share of this project totals \$20,053,040. Total project cost is \$25,066,300. Roads and bridges scheduled include: Cemetery Road Bridge; Elmwood Ave. signals; Greiner Rd./Shimerville Intersection; Harris Hill/Wehrle Drive Intersection; Harris Hill/Pleasantview Intersection; Maple Road; North Forest Road; Parkview Road Bridge; Pavement Road Bridge; Seneca Street Bridge and Youngs/Aero Intersection.	
11 h	B.20928	2009 BRIDGE AND ROAD RECONSTRUCTION PROJECTS- FEDERAL AID PROGRAM (COUNTYWIDE)-2009 NORTH FOREST RD-CONSTRUCTION ONLY	COMBO		\$ 669,000				15 yrs. Par. 91	This project provides \$5,013,260 to finance the County share of various road projects which are eligible for State and Federal aid. The State and Federal share of this project totals \$20,053,040. Total project cost is \$25,066,300. Roads and bridges scheduled include: Cemetery Road Bridge; Elmwood Ave. signals; Greiner Rd./Shimerville Intersection; Harris Hill/Wehrle Drive Intersection; Harris Hill/Pleasantview Intersection; Maple Road; North Forest Road; Parkview Road Bridge; Pavement Road Bridge; Seneca Street Bridge and Youngs/Aero Intersection.	
11 i	B.20929	2009 BRIDGE AND ROAD RECONSTRUCTION PROJECTS- FEDERAL AID PROGRAM (COUNTYWIDE)-2009 PAVEMENT RD BRIDGE-CONSTRUCTION ONLY	COMBO		\$ 149,350				15 yrs. Par. 91	This project provides \$5,013,260 to finance the County share of various road projects which are eligible for State and Federal aid. The State and Federal share of this project totals \$20,053,040. Total project cost is \$25,066,300. Roads and bridges scheduled include: Cemetery Road Bridge; Elmwood Ave. signals; Greiner Rd./Shimerville Intersection; Harris Hill/Wehrle Drive Intersection; Harris Hill/Pleasantview Intersection; Maple Road; North Forest Road; Parkview Road Bridge; Pavement Road Bridge; Seneca Street Bridge and Youngs/Aero Intersection.	
11 j	B.20930	2009 BRIDGE AND ROAD RECONSTRUCTION PROJECTS- FEDERAL AID PROGRAM (COUNTYWIDE)-2009 CEMETERY RD BRIDGE-CONSTRUCTION ONLY	COMBO		\$ 385,000				15 yrs. Par. 91	This project provides \$5,013,260 to finance the County share of various road projects which are eligible for State and Federal aid. The State and Federal share of this project totals \$20,053,040. Total project cost is \$25,066,300. Roads and bridges scheduled include: Cemetery Road Bridge; Elmwood Ave. signals; Greiner Rd./Shimerville Intersection; Harris Hill/Wehrle Drive Intersection; Harris Hill/Pleasantview Intersection; Maple Road; North Forest Road; Parkview Road Bridge; Pavement Road Bridge; Seneca Street Bridge and Youngs/Aero Intersection.	
11 k	B.20931	2009 BRIDGE AND ROAD RECONSTRUCTION PROJECTS- FEDERAL AID PROGRAM (COUNTYWIDE)-2009 SENECA ST BRIDGE-CONSTRUCTION ONLY	COMBO		\$ 88,000				15 yrs. Par. 91	This project provides \$5,013,260 to finance the County share of various road projects which are eligible for State and Federal aid. The State and Federal share of this project totals \$20,053,040. Total project cost is \$25,066,300. Roads and bridges scheduled include: Cemetery Road Bridge; Elmwood Ave. signals; Greiner Rd./Shimerville Intersection; Harris Hill/Wehrle Drive Intersection; Harris Hill/Pleasantview Intersection; Maple Road; North Forest Road; Parkview Road Bridge; Pavement Road Bridge; Seneca Street Bridge and Youngs/Aero Intersection.	

Fund/Group 120
 Funds Center Highways (DPW) (BD123)
 Funded Program B.20930 (2009 Cemetery Rd Bridge-Construction Only)

Commitment Item	Original Budget	Adjusted Budget	Current Budget	Actuals
445070 Prem On Obligations				34,652.74-
475000 Gen Oblig Bond Proc	385,000.00-		385,000.00-	350,347.26-
* Revenue	385,000.00-		385,000.00-	385,000.00-
CAPITAL PROJECTS Capital Project Exp	385,000.00		385,000.00	
* Expense	385,000.00		385,000.00	
** Commitment Item				385,000.00-

per Comm 24E-26

Adjust
 Commitment

405 160 NYS Marchiselli + 1,048,800.
 414 000 Fed Aid + 5,593,600.
 475 000 Gen Oblig Bonds + 349,600.

+ \$6,992,000.

Rev
 Capital Projects + 6,642,400.



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
REGION FIVE
100 SENECA STREET
BUFFALO, NY 14203-2939

DARRELL F. KAMINSKI, P.E.
ACTING REGIONAL DIRECTOR

STANLEY GEE
ACTING COMMISSIONER

January 3, 2011

Gerard J. Sentz, P.E., Commissioner
Erie County Department of Public Works
95 Franklin Street
Buffalo, New York 14202

RE: SUPPLEMENTAL AGREEMENT NO. 4
COMPTROLLER'S CONTRACT NO. D012343

PIN 5755.27
CR 341, CEMETERY ROAD BRIDGES
OVER ERIE RD & NORFOLK SOUTHERN RR
(FORMERLY CONRAIL), BIN 3362500 AND
OVER NORTH BRANCH PLUMB BOTTOM CREEK
BIN 3326950
TOWN OF LANCASTER, ERIE COUNTY

Dear Mr. Sentz:

In order to progress the above referenced project with Federal Aid, we will need Resolutions and Agreements, signed by the County, indicating its commitment to participate in the administration and funding of the various phases of the project.

The phases of the subject Bridge Replacement Project along with their current estimated costs as well as their current Federal, Non-Federal, State and Local (County) shares are tabulated below. These costs reflect Erie County's request for \$ 6,992,000 of additional funding to implement the project's Construction & Construction Inspection phase.

Phase	Phase Cost	Federal Share (80%)	Non-Federal Share (20%)	State Share	Local Share
PE (Scoping & Design I-VI)	\$ 1,120,000†	\$ 896,000	\$ 224,000	\$ 168,000	\$ 56,000
Right-of-Way Incidentals	\$ 120,500†	\$ 96,400	\$ 24,100	\$ 18,075	\$ 6,025
Right-of-Way Acquisition	\$ 520,500	\$ 416,400	\$ 104,100	\$ 78,075	\$ 26,025
Construction & Inspection	\$ 6,992,000	\$ 5,593,600	\$ 1,398,400	\$ 856,500	\$ 541,900
Agreement Amount	\$ 8,753,000	\$ 7,002,400	\$ 1,750,600	\$ 1,120,650	\$ 629,950

† Includes costs (\$ 19,000 for the Preliminary Engineering phase and \$ 1,000 for the Right-of-Way Incidentals phase) associated with State Forces Oversight Costs of these phases, see attached Supplemental Agreement No. 4, Schedule A, Page 3, Footnote No. 5.

Based on the above, we have enclosed a copy of a Sample Resolution and Supplemental Agreement No. 4 to Marchiselli Agreement No. D012343, under which Erie County would continue to administer the subject project's Preliminary Engineering (Scoping & Design I-VI), Right-of-Way Incidentals, Right-of-Way Acquisition phases as well as its Construction and Construction Inspection phase. The County is currently administering this project's Preliminary Engineering (Scoping & Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition phases under Supplemental Agreement No. 2 to Marchiselli Agreement No. D012343.

Supplemental Agreement No. 3 to Marchiselli Agreement No. D012343, which adjusted the project's Preliminary Engineering and Right-of-Way costs to those shown in the above table and amended the Project's Description by adding the Replacement of the Cemetery Road Bridge over the North Branch of Plum Bottom Creek, BIN 3326950, to the subject project, is currently in the process of being approved by the Department, the NY State Attorney General and the NY State Comptroller.

Under the enclosed Supplemental Agreement No. 4 to Marchiselli Agreement No. D012343, the County must commit to pay, in the first instance, 100% of the Federal and Non-Federal shares of the cost of the subject project's Preliminary Engineering (Scoping & Design I-VI), Right-of-Way Incidentals, Right-of-Way Acquisition and Construction and Construction Inspection phases which currently equals \$ 8,753,000, (see Table - Agreement Amount). The NYSDOT will, via the process described in Exhibit B of Marchiselli Agreement No. D012343, reimburse the County as the project is progressed the Federal share (80%) of the cost these project phases which currently equals \$ 7,002,400 resulting in the current Non-Federal share (20%) of the cost of the project's Preliminary Engineering (Scoping & Design I-VI), Right-of-Way Incidentals, Right-of-Way Acquisition and Construction and Construction Inspection phases which equals \$ 1,750,600. This Non-Federal share includes a \$ 4,000 Deposit, the Non-Federal share (20%) of the \$ 20,000 State Forces Oversight Costs for the project's Preliminary Engineering (Scoping & Design I-VI) and Right-of-Way Incidentals phases, previous paid to NYSDOT by the County via the execution of Marchiselli Agreement No. D012343.

Additionally, since the subject project was included in numerous State Budgets for State Marchiselli Aid funding for its Preliminary Engineering, Right-of-Way and/or Construction phases, the State under the enclosed Supplemental Agreement No. 4 will also reimburse the County to a maximum of \$ 1,120,650 of State Marchiselli Aid as follows:

- 15%, the maximum reimbursement of the current \$ 1,120,000 cost of the project's Preliminary Engineering (Scoping & Design I-VI) phase, which equals \$ 168,000.
- 15%, the maximum reimbursement of the current \$ 120,500 cost of the project's Right-of-Way Incidentals phase, which equals \$ 18,075.
- 15%, the maximum reimbursement of the current \$ 520,500 cost of the project's Right-of-Way Acquisition phase, which equals \$ 78,075.
- approximately 12.2% of the current \$6,992,000 cost of the project's Construction and Construction Inspection phase, which equals \$ 856,500. The remaining \$ 192,900 (2.8%) of State Marchiselli Aid required to reimburse the County, \$ 1,048,800, which equals 15%, the maximum reimbursement of this current \$ 6,992,000 cost will be requested in next year's (SFY 2011-12) State Budget.

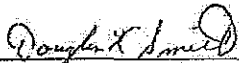
The enclosed Supplemental Agreement No. 4 to Marchiselli Agreement No. D012343 will also extend the project's Contract End Date to December 31, 2013.

Please obtain a Resolution authorizing your County Executive to enter into an Agreement with the State of New York to provide \$ 1,398,400, which equals the current \$ 1,750,600 Non-Federal share of Supplemental Agreement No. 4's estimated \$ 8,753,000 cost of the subject project's Preliminary Engineering (Scoping & Design I-VI), Right-of-Way Incidentals, Right-of-Way Acquisition and Construction and Construction Inspection phases, minus the County's previous appropriation of \$ 352,200 via Resolution Nos. 6D-19, 13E-26 and 21E-12, adopted on April 29, 1999, July 26, 2007 and November 12, 2008, respectively, for the project's Preliminary Engineering and Right-of-Way phases, (see attached Sample Resolution).

Return six (6) original and notarized, one-sided copies of Supplemental Agreement No. 4 to Marchiselli Agreement No. D012343 along with six (6) certified copies of your Resolution to us. Please note that your Municipal Attorney is also required to sign each copy of Supplemental Agreement No. 4.

If you have any questions regarding the enclosed Supplemental Agreement No. 4 to Marchiselli Agreement No. D012343 and/or the agreement process, please call David J. Priebe, in our office in Buffalo, at (716) 847-3137.

Sincerely,



Douglas K. Smith, P.E.
Local Projects Unit

DKS/DJP
Encl.

NYS DOT/Local Agreement - Schedule A for PIN 5755.27

OSC Municipal Contract #: D012343		Contract Start Date: / / (mm/dd/yyyy)		Contract End Date: 12/31/2013 (mm/dd/yyyy) <input checked="" type="checkbox"/> Check, if date changed from the last Schedule A	
Purpose:		<input type="checkbox"/> Original Standard Agreement		<input checked="" type="checkbox"/> Supplemental Schedule A No. 4	
Agreement Type:		<input checked="" type="checkbox"/> Locally Administered Municipality/Sponsor (Contract Payee): County of Erie Other Municipality/Sponsor (if applicable):			
<input type="checkbox"/> State Administered		List participating Municipality(ies) and the % of cost share for each and indicate by checkbox which Municipality this Schedule A applies. [Municipality: % of Cost share [Municipality: % of Cost share [Municipality: % of Cost share			
Authorized Project Phase(s) to which this Schedule applies: <input checked="" type="checkbox"/> PE/Design <input checked="" type="checkbox"/> ROW Incidentals <input checked="" type="checkbox"/> ROW Acquisition <input checked="" type="checkbox"/> Construction/CI/CS					
Work Type: BR REPLACE		County (if different from Municipality): N/A			
Project Description <input type="checkbox"/> (Check, if changed from last Schedule A): CR 341, Cemetery Road Bridge Replacement Project; Additional Project Description (if required): Bridge over Erie Rd & Norfolk Southern RR (Formerly Conrail), BIN 3362500 and Bridge over North Branch Plum Bottom Creek, BIN 3326950, (See Page 3, Footnote No. 2), Town of Lancaster, Erie County Marchiselli Eligible <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					
Approved Marchiselli Allocations in Legislature's Comprehensive List FOR ALL PHASES To compute Total Costs in the last row and column, right click in each field and select "Update Field."					
Check box to indicate change from last Schedule A	State Fiscal Year(s)	Project Phase			TOTAL
		PE/Design	ROW (RI & RA)	Construction/CI/CS	
<input checked="" type="checkbox"/>	Cumulative total for all prior SFYs	\$168,150.00	\$96,400.00	\$786,500.00	\$1,051,050.00
<input checked="" type="checkbox"/>	Current SFY: 10/11	\$0.00	\$0.00	\$70,000.00	\$70,000.00
Authorized Allocations to Date		\$168,150.00	\$96,400.00	\$856,500.00	\$1,121,050.00

A. Summary of allocated MARCHISELLI Program Costs FOR ALL PHASES For each PIN Fiscal Share below, show current costs on the rows indicated as "Current". Show the old costs from the previous Schedule A on the row indicated as "Old". To compute Total Current Costs in the last row, right click in each field and select "Update Field."

PIN Fiscal Share	"Current" or "Old" entry indicator	Federal Funding Program	Total Costs	FEDERAL Participating Share and Percentage	STATE MARCHISELLI Match	LOCAL Matching Share	LOCAL DEPOSIT AMOUNT (Required only if State Administered)
5755.27.121	Current	HBRRP	\$1,120,000.00	\$896,000.00 (80%)	\$168,000.00	\$56,000.00	\$3,800.00
	Old		\$1,120,000.00	\$896,000.00 (80%)	\$168,000.00	\$56,000.00	\$3,800.00
5755.27.221	Current	HBRRP	\$62,000.00	\$49,600.00 (80%)	\$9,300.00	\$3,100.00	\$200.00
	Old		\$62,000.00	\$49,600.00 (80%)	\$9,300.00	\$3,100.00	\$200.00
5755.27.222	Current	HBRRP	\$579,000.00	\$463,200.00 (80%)	\$86,850.00	\$28,950.00	\$0.00
	Old		\$579,000.00	\$463,200.00 (80%)	\$86,850.00	\$28,950.00	\$0.00
5755.27.321	Current	HBRRP	\$6,992,000.00	\$5,593,600.00 (80%)	\$856,500.00	\$541,900.00	\$0.00
	Old		\$	\$	\$	\$	\$
	Current		\$	\$	\$	\$	\$
	Old		\$	\$	\$	\$	\$
	Current		\$	\$	\$	\$	\$
	Old		\$	\$	\$	\$	\$
TOTAL CURRENT COSTS:			\$8,753,000.00	\$7,002,400.00	\$1,120,650.00	\$629,950.00	\$4,000.00

NYS DOT/Local Agreement - Schedule A

B. Summary of Other (including Non-allocated MARCHISELLI) Participating Costs FOR ALL PHASES For each PIN Fiscal Share, show current costs on the rows indicated as "Current". Show the old costs from the previous Schedule A on the row indicated as "Old." To compute Total Current Costs in last row, right click in each field and select "Update Field."

Other PIN Fiscal Shares	'Current' or 'Old' entry indicator	Funding Source	TOTAL	Other FEDERAL	Other STATE	Other LOCAL
	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
TOTAL CURRENT COSTS:			\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

C. Total Local Deposit(s) Required for State Administered Projects:	\$4,000.00
--	------------

D. Total Project Costs To compute Total Costs in the last column, right click in the field and select "Update Field."

Total FEDERAL Cost	Total STATE MARCHISELLI Cost	Total Other STATE Cost	Total LOCAL Cost	Total Costs (all sources)
\$7,002,400.00	\$1,120,650.00	\$0.00	\$629,950.00	\$8,753,000.00

E. Point of Contact for Questions Regarding this Schedule A (Must be completed)	Name: <u>David J. Prieba</u> Phone No: <u>716-847-3137</u>
--	---

See Agreement (or Supplemental Agreement Cover) for required contract signatures.

NYS DOT/Local Agreement - Schedule A

Footnotes: (See CADB Website for link to sample footnotes)

- No. 1 CONTRACT END DATE: The SUBJECT Supplemental No. 4 to D012343 extends the project's Contract End Date to 12/31/2013.....
- No. 2 PROJECT DESCRIPTION: Previously Executed Supplemental No. 3 to D012343 added a second Bridge Replacement, BIN 3326950, the Cemetery Road Bridge over the North Branch Plum Bottom Creek, to the originally described Project to Replace the Cemetery Road Bridge over Erie Road and the Norfolk Southern RR (Formerly Conrail), BIN 3362500.....
- No. 3 ROW PHASE FUNDS: The ROW phase has Two (2) Fiscal Shares Totaling \$ 641,000: Section A, Share 5755.27.221 @ \$ 62,000 and Section A, Share 5755.27.222 @ \$ 579,000. The ROW Incidentals phase currently Totals \$ 120,500 as follows: Share .221 @ \$ 62,000 plus Share .222 @ \$ 58,500. The ROW Acquisition phase currently Totals \$ 520,500; the remainder of Share .222 (\$ 579,000 minus \$ 58,500 for ROW Incidentals).....
- No. 4 MARCHISELLI ALLOCATION TABLE: (a.) PE Phase Reimbursement Amount shown @ \$ 168,150 includes Appropriations @ \$ 80,150 plus \$ 20,500 allocated to the PE phase from the Construction phase via Supplemental No. 1 to Marchiselli Agreement No. D012343 plus \$ 7,500 allocated to the PE phase from the ROW phase via Supplemental No. 2 to Marchiselli Agreement No. D012343 plus \$ 60,000 allocated to the PE phase from the ROW phase via Supplemental No. 3 to Marchiselli Agreement No. D012343. The project's PE phase, Section A, Share 5755.27.121 @ \$ 1,120,000 currently requires Marchiselli totaling \$ 168,000..... (b.) ROW Phase Reimbursement Amount shown @ \$ 96,400 includes Appropriations @ \$ 250,900 minus \$ 7,500 allocated to the PE phase [see (a.) above] via Supplemental No. 2 to Marchiselli Agreement No. D012343 minus \$ 60,000 allocated to the PE phase [see (a.) above] via Supplemental No. 3 to Marchiselli Agreement No. D012343 minus \$ 87,000 allocated to the Construction phase via the SUBJECT Supplemental No. 4 to Marchiselli Agreement No. D012343. The project's ROW phase, Section A, Shares 5755.27.221 & 5755.27.222 @ \$ 641,000 currently requires Marchiselli totaling \$ 96,150 : \$ 18,075 for ROW Incidentals Phase cost @ \$ 120,500 and \$ 78,075 for ROW Acquisition phase cost @ \$ 520,500..... (c.) Construction Phase Reimbursement Amount shown @ \$ 856,500 includes Appropriations @ \$ 790,000 minus \$ 20,500 allocated to the PE phase [see (a.) above] via Supplemental No. 1 to Marchiselli Agreement No. D012343 plus \$ 87,000 allocated to the Construction phase [see (b.) above] via the SUBJECT Supplemental No. 4 to Marchiselli Agreement No. D012343.....
- No. 5 STATE FORCES OVERSIGHT COSTS / DEPOSIT: Section A: Share 5755.27.121, PE (Scoping & Design I-VI) phase @ \$ 1,120,000 includes \$ 19,000 for State Forces Oversight and Share 5755.27.221, ROW Incidentals phase @ \$ 62,000 includes \$ 1,000 for State Forces Oversight, per the previously executed Marchiselli Agreement No. D012343 dated June 2, 1999. Via the Execution of Marchiselli Agreement No. D012343, Erie County was required to Deposit \$ 4,000, the Non-Federal Share (20%) of this \$ 20,000 State Forces Oversight Cost for the project's PE (Scoping & Design I-VI) and ROW Incidentals phases, (See Page 2, Section C). This \$ 4,000 has been deposited; Erie County Check No. 163473 dated February 10, 2000 in the amount of \$ 7,540 included this deposit. This check was transmitted to the State Comptroller's Remittance Control Unit, via a Marchiselli CP 74 for these project phases, on February 29, 2000.....
- No. 6 MARCHISELLI REIMBURSEMENT: The Marchiselli Aid Reimbursement Amount for the Preliminary Engineering phase, Section A, Share 5755.27.121 and and ROW (Incidentals & Acquisition) phase(s), Section A, Shares 5755.27.221 and 5755.27.222, equal 15%, the Maximum Reimbursement of the current cost of these phases. The Marchiselli Aid Reimbursement Amount for the Construction phase, Section A, Share 5755.27.321 equal approximately 12.2% of the current cost of this phase.....

CEMETERY (C)
B. 20930
bje/
replan

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY
CLERK'S OFFICE

BUFFALO, N.Y., December 16, 2010

TO WHOM IT MAY CONCERN:

I HEREBY CERTIFY, That at the 27th Session of the Legislature of Erie County, held in the Legislative Chambers, in the City of Buffalo, on the Sixteenth day of December, 2010 A.D., a Resolution was adopted, of which the following is a true copy:

WHEREAS, a Project for the Cemetery Road (CR 3419) Bridge Replacement over the Norfolk Southern Railroad, BIN 3362500 and Bridge Removal over Plum Bottom Creek, BIN 3326950 Town of Lancaster, Erie County, PIN 5755.27 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal Funds and 20% Non-Federal funds; and

WHEREAS, the County of Erie advanced the above Project by making a commitment of 100% of the non-Federal share of the costs for the Preliminary Engineering (Scoping and Design I-VI) and Right of Way Incidentals and Acquisition via Erie County Resolutions Comm. 13D-15, 13E-36, 21E-12 and 14E-13, adopted on July 15, 1999, July 26, 2007, November 12, 2008 and October 24, 2010, respectively; and

WHEREAS, the County of Erie desires to advance the Construction and Construction Inspection phases through a Supplemental Agreement that increases the previous Project Agreement PIN 5755.27 by \$6,992,000.00 in the new amount of not to exceed \$8,753,000.00; and

WHEREAS, the County of Erie needs to execute a related project agreement with the Norfolk Southern Corporation allowing the County to work over and near their Railroad tracks; and

WHEREAS, a contract was previously awarded for design and engineering services for the Project to the engineering firm of Erdman Anthony and Associates, Inc. on January 24, 2000, via Erie County Resolution Comm. 13D-15, and it has been determined that the contract must be increased to include additional Right of Way and Construction Inspection services in accordance with the Project Supplemental.

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature of the County of Erie hereby approves the above subject project; and be it further

RESOLVED, that the County Legislature of the County of Erie, hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal share of the cost of the Preliminary Engineering (Scoping and Design I-VI), Right of Way Incidental, Right of Way Acquisition, Construction and Construction Inspection Phases of the Project or portions thereof; and be it further

RESOLVED, that the total increased sum in the amount not to exceed of \$6,992,000.00 of which \$349,600.00 is the required local share is hereby appropriated from capital account SAP B.20930 2009 Cemetery Road Bridge Construction; and be it further

RESOLVED, that Project fund budgets in SAP B.20930 be increased by the revenues stated in the agreement, and the appropriations be adjusted to reflect the respective Supplemental agreement increase; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the Project's Preliminary Engineering (Scoping and Design I-VI), ROW Phases and Construction and Construction Inspection Phases exceeds the amount appropriated and/or

Jerry
Charlie
Wayne
Aunette
David
File
Gary Z
Project Manager

ATTEST

ROBERT M. GRABER
Clerk of the Legislature of Erie County

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY
CLERK'S OFFICE

BUFFALO, N.Y., December 16, 2010

TO WHOM IT MAY CONCERN:

I HEREBY CERTIFY, *That at the 27th Session of the Legislature of Erie County, held in the Legislative Chambers, in the City of Buffalo, on the Sixteenth day of December, 2010 A.D., a Resolution was adopted, of which the following is a true copy:*

100% of the full Federal and non-Federal shares of the cost of the Project's Preliminary Engineering (Scoping and Design I-VI), ROW Phases and Construction and Construction Inspection Phases exceeds the current total project allowance of \$8,753,000.00, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

RESOLVED, that the County Executive of the County of Erie 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 providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal-Aid and State-Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, that the County Executive be authorized to execute related project agreement with the Norfolk Southern Corporation; and be it further

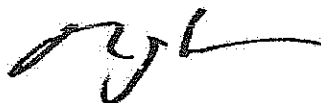
RESOLVED, that the County Executive be authorized to execute a negotiated Change Order, in accordance with the NYSDOT Supplemental agreement, between the County of Erie project engineers Erdman Anthony and Associates, Inc. for the expanded work scope; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the New York State Department of Transportation and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

REFERENCE: COMM. 24E-26 (2010)

ATTEST



ROBERT M. GRABER
Clerk of the Legislature of Erie County

TO: LORNE STEINHART, DEPUTY, COMPTROLLER'S OFFICE

COMPTROLLER'S
RECEIVED

JJ JAN 20 PH 3:48

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 LOW BIDDER TBD
Erdman Anthony & Associates
- 2. AMOUNT OF CONTRACT Not to exceed \$6,992,000.00
- 3. PROJECT NUMBER B.20930
- 4. PROJECT TITLE 2009 Cemetery Road Construction
- 5. DEPARTMENT CONTACT Funding questions: Charles A. Sickler, PE at 8372
Letter pickup: Lynn Sacha at 8301

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

- 6. AVAILABILITY OF FUNDS
- 7. PERFORMED BY

\$ # see comments below
Jackie Puley

Date Sent to Comptroller's Office: _____

[55 comp 107

COMMENTS: All bonds have been sold in the project. The SAP budget needs to be amended to reflect the aid authorized in the Marchiselli agreement. Claims will need to be submitted to receive the Federal/State Aid reimbursements.