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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: Pavement Road (CR 139) Bridge Replacement over the CSX Railroad
and Bridge Removal over an Abandoned Railroad,
BIN 3362540 and BIN 33262530
Town of Lancaster, Erie County
PIN 5755.38**

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 Pavement (CR 139) Road Bridge Replacement and Bridge Removal Project, establish a construction contingency and execute a Change Order with project engineers Urban Engineers of NY, PC 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,

CHRIS COLLINS
Erie County Executive

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works/Office of the Commissioner
Re: Pavement Road Bridge (CR 139) Replacement over the CSX Railroad
and Bridge Removal over an Abandoned Railroad,
BIN 3362540 and BIN 33262530
Town of Lancaster, Erie County
PIN 5755.38
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 Pavement Road Bridge Replacement and Bridge Removal Project once bids are taken and the lowest responsible bidder is determined, establish a construction contingency, and execute a Change Order with project engineers Urban Engineers of NY, PC for construction inspection and services during construction.

FISCAL IMPLICATIONS

The total cost for the construction phase of this project is currently estimated at \$3,000,000.00, and is available in SAP B.00179 - 2007 Pavement Road 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 Urban Engineers of NY, PC once bids are taken and analyzed.

CONSEQUENCES OF NEGATIVE ACTION

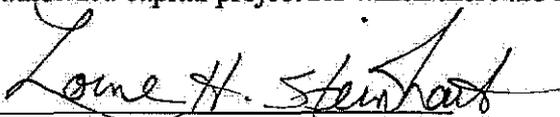
The Construction Phase of the Project will not be fully implemented in a timely manner and therefore, not completed. As a result the bridge noted will not be replaced and Federal and State Aid for the project could be lost. Negative action would halt project advancement, expose the County traveler to 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 Urban Engineers of NY, PC. 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

All bonds have been sold, so claims will need to be submitted in a timely manner to receive the Federal + state Aid reimbursements.

GJS/EC/ls

File Copy (DPW.1.20.11-6.Pavement Road Bridge Replacement.docx)

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

RE: Pavement Road Bridge Replacement
over the CSX Railroad and Bridge
Removal over an Abandoned Railroad,
BIN 3362540 and BIN 33262530
Town of Lancaster, Erie County
PIN 5755.38

WHEREAS, the Pavement Road Bridge Replacement over the CSX Railroad and Bridge Removal over an Abandoned Railroad 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 one bridge and the abandonment of another on Pavement Road, Bridges BR 139-RR-1 and BR 139-RR-2, PIN 5755.38 (the "Project") was authorized by this honorable body via Comm. 14E-20 of July 6, 2000, Comm. 5E-9 of March 25, 2010, and Comm. 21E-6 of November 18, 2010; and

WHEREAS, funding for this project was approved and is available in SAP B.00179 - 2007 Pavement Road Construction in the amount of \$3,000,000.00; 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 one bridge and the abandonment of another on Pavement 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 Urban Engineers of NY, PC 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 Pavement Road Bridge Replacement over the CSX Railroad and the Removal of a Bridge over an Abandoned Railroad Project 5755.38 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 Urban Engineers of NY, PC in an amount not to exceed \$3,000,000.00; and be it further

RESOLVED, that the funds for the Pavement Road Bridge Replacement over the

CSX Railroad and Removal of the Bridge over an Abandoned Railroad Project be allocated from the 2007 Pavement Road Construction Project fund (B.00179) in an amount not to exceed \$3,000,000.00; 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 Pavement Road Bridge Replacement over the CSX Railroad and Removal of the Bridge over an Abandoned Railroad Project 5755.38; 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.00179 2007 Cemetery Rd Bridge Reconstruction-PIN 5755.38

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 \$ 3,798,000.00

TOTAL PROJECT APPROPRIATIONS \$ 3,798,000.00

LESS: TOTAL EXPENDITURE TO DATE \$ 344.63

TOTAL COMMITMENTS \$ 0

AVAILABLE APPROPRIATIONS AS OF DATE OF REQUEST \$ 3,797,655.37

LESS: CONTRACT AMOUNT: 3,000,000.00

NET AVAILABLE APPROPRIATIONS \$ 797,655.37

COMMENTS: All bonds have been sold. Claims will need to be submitted to receive the Federal/State Aid reimbursements.

Claims must be submitted in a timely manner.

REQUEST APPROVED:

Lorne H. Steinhart

REQUEST DENIED:

DATE:

1/21/2011

2007 Consolidated Reso and Amendments

2007 Consolidated Reso & Amendments		Amendment		2007 CAPITAL BUDGET BOND RESOLUTION - PROJECT COMPONENTS							
RED= BAN Proceeds * Different from authorization		Multiple Project # for a line		Reso # 120-2007 Dtd. 4/19/07 Comm. 3E-40							
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	B.00197	INTERSECTION IMPROVEMENTS - VARIOUS (right-of-way acquisition) - HARRIS HILL @ WEHRLE & PLEASANTVIEW PIN 5756.47 ROW	S	\$ 51,000	\$ 2,550	\$ 2,550	\$ 48,450		30 yrs par. 21	This project will provide funding for ROW acquisition. The location for the proposed acquisition is Harris Hill at Wehrle and Pleasant View (PIN 5756.47). The total cost of this project in 2007 is estimated to be \$51,000. The State reimburse \$7,550 and Federal government \$40,800 for the majority of the project. County cost represents the balance.	P. B233 & B238
12	B.00172, B.00198	TONAWANDA CREEK ROAD RECONSTRUCTION	S	\$ 3,200,000	\$ 575,000		\$ 2,625,000		10 yrs. par. 20(b)	This project will fund the reconstruction of Tonawanda Creek road, between Westphalenger and Transit Roads. A slope failure along the south bank of Tonawanda Creek resulted in the loss of the roadway for approximately 250 feet. The Federal government will reimburse \$2,250,000 and the State government \$375,000 of the construction costs for the majority of the project. County cost represents the balance.	P. B233 & B238
12-a	B.00198	TONAWANDA CREEK ROAD RECONSTRUCTION (construction only)	S	\$ 3,150,000	\$ 525,000	\$ 525,000	\$ 2,625,000		10 yrs. par. 20(b)	This project will fund the reconstruction of Tonawanda Creek road, between Westphalenger and Transit Roads. A slope failure along the south bank of Tonawanda Creek resulted in the loss of the roadway for approximately 250 feet. The Federal government will reimburse \$2,298,875 and the State government \$328,125 of the construction costs for the majority of the project. County cost represents the balance.	P. B233 & B238
12-b	B.00172	TONAWANDA CREEK ROAD RECONSTRUCTION (right-of-way acquisition only)	S	\$ 50,000	\$ 50,000	\$ 50,000	\$ -		30 yrs. par. 21	This project will fund the acquisition of rights-of-way for Tonawanda Creek road, between Westphalenger and Transit Roads. County cost represents 100 percent of the total cost of the project.	P. B233 & B238
13	B.00170, B.00177, B.00178, B.00179 & B.00180	BRIDGE RECONSTRUCTION PROJECTS FEDERAL AID PROGRAM - DPW (COUNTYWIDE)	C	\$ 17,850,000	\$ 882,500		\$ 16,967,500		20 yrs., par. 10	The Capital Budget provides \$882,500 to finance the County share of funding for the reconstruction of various bridges which are eligible for State and Federal aid. County cost represents five (5) percent of the total project. The State reimburses 15 percent (\$2,647,500) and Federal government 80 percent (\$14,120,000). Bridges to be completed are Freeman Road Bridge (PIN 5756.38), Seneca Street Bridge (PIN 5755.25), Cemetery Road Bridge (PIN 5755.27) and Pavement Road Bridges (PIN 5755.38).	P. B233 & B239
13-a	B.00170, B.00177, B.00178, B.00179 & B.00180	BRIDGE RECONSTRUCTION PROJECTS FEDERAL AID PROGRAM - DPW (COUNTYWIDE) (construction only)	C	\$ 15,838,000	\$ 791,900		\$ 15,046,100		10 yrs. par. 20(b)	The Capital Budget provides \$791,900 to finance the County share of funding for the reconstruction of various bridges which are eligible for State and Federal aid. County cost represents five (5) percent of the total project. The State reimburses 15 percent (\$2,375,700) and Federal government 80 percent (\$12,670,400). Bridges to be completed are Freeman Road Bridge (PIN 5756.38), Seneca Street Bridge (PIN 5755.25), Cemetery Road Bridge (PIN 5756.27) and Pavement Road Bridges (PIN 5755.38).	P. B233 & B239

2007 Consolidated Reso and Amendments

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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
13-a (1)	B.00170	BRIDGE RECONSTRUCTION PROJECTS FEDERAL AID PROGRAM - DPW (COUNTYWIDE)(construction only)- FREEMAN RD BR CONSTRUCTION - PIN 5756.38.	C	\$ 2,500,000	\$ 126,000	\$ 126,000	\$ 2,375,000		10 yrs. par. 20(b)	The Capital Budget provides \$791,900 to finance the County share of funding for the reconstruction of various bridges which are eligible for State and Federal aid. County cost represents five (5) percent of the total project. The State reimburses 15 percent (\$2,375,700) and Federal government 80 percent (\$12,670,400). Bridges to be completed are Freeman Road Bridge (PIN 5756.38), Seneca Street Bridge (PIN 5755.25), Cemetery Road Bridge (PIN 5755.27) and Pavement Road Bridges (PIN 5755.38).	P. B233 & B239
13-a (2)	B.00177	BRIDGE RECONSTRUCTION PROJECTS FEDERAL AID PROGRAM - DPW (COUNTYWIDE)(construction only)- SENECA ST BR RECONSTRUCTION - PIN 5755.25	C	\$ 3,200,000	\$ 160,000	\$ 160,000	\$ 3,040,000		10 yrs. par. 20(b)	The Capital Budget provides \$791,900 to finance the County share of funding for the reconstruction of various bridges which are eligible for State and Federal aid. County cost represents five (5) percent of the total project. The State reimburses 15 percent (\$2,375,700) and Federal government 80 percent (\$12,670,400). Bridges to be completed are Freeman Road Bridge (PIN 5756.38), Seneca Street Bridge (PIN 5755.25), Cemetery Road Bridge (PIN 5755.27) and Pavement Road Bridges (PIN 5755.38).	P. B233 & B239
13-a (3)	B.00178	BRIDGE RECONSTRUCTION PROJECTS FEDERAL AID PROGRAM - DPW (COUNTYWIDE)(construction only)- CEMETERY RD BR RECONSTRUCTION - PIN 5755.27	C	\$ 2,890,000	\$ 144,500	\$ 144,500	\$ 2,745,500		10 yrs. par. 20(b)	The Capital Budget provides \$791,900 to finance the County share of funding for the reconstruction of various bridges which are eligible for State and Federal aid. County cost represents five (5) percent of the total project. The State reimburses 15 percent (\$2,375,700) and Federal government 80 percent (\$12,670,400). Bridges to be completed are Freeman Road Bridge (PIN 5756.38), Seneca Street Bridge (PIN 5755.25), Cemetery Road Bridge (PIN 5755.27) and Pavement Road Bridges (PIN 5755.38).	P. B233 & B239
13-a (4)	B.00179	BRIDGE RECONSTRUCTION PROJECTS FEDERAL AID PROGRAM - DPW (COUNTYWIDE)(construction only)- PAVEMENT RD BR RECONSTRUCTION - PIN 5755.38	C	\$ 3,798,000	\$ 189,900	\$ 189,900	\$ 3,608,100		10 yrs. par. 20(b)	The Capital Budget provides \$791,900 to finance the County share of funding for the reconstruction of various bridges which are eligible for State and Federal aid. County cost represents five (5) percent of the total project. The State reimburses 15 percent (\$2,375,700) and Federal government 80 percent (\$12,670,400). Bridges to be completed are Freeman Road Bridge (PIN 5756.38), Seneca Street Bridge (PIN 5755.25), Cemetery Road Bridge (PIN 5755.27) and Pavement Road Bridges (PIN 5755.38).	P. B233 & B239
13-a (5)	B.00180	BRIDGE RECONSTRUCTION PROJECTS FEDERAL AID PROGRAM - DPW (COUNTYWIDE)(construction only)- UNANTICIPATED BR RECONSTRUCTION	C	\$ 3,450,000	\$ 172,500	\$ 172,500	\$ 3,277,500		10 yrs. par. 20(b)	The Capital Budget provides \$791,900 to finance the County share of funding for the reconstruction of various bridges which are eligible for State and Federal aid. County cost represents five (5) percent of the total project. The State reimburses 15 percent (\$2,375,700) and Federal government 80 percent (\$12,670,400). Bridges to be completed are Freeman Road Bridge (PIN 5756.38), Seneca Street Bridge (PIN 5755.25), Cemetery Road Bridge (PIN 5755.27) and Pavement Road Bridges (PIN 5755.38).	P. B233 & B239
13-b	B.00199, B.00200	BRIDGE RECONSTRUCTION PROJECTS FEDERAL AID PROGRAM - DPW (COUNTYWIDE)(right-of-way acquisition only)	C	\$ 1,812,000	\$ 60,600		\$ 1,751,400		30 yrs. par. 21	The Capital Budget provides \$60,600 to finance the County share of funding for rights-of-way acquisition for various bridges which are eligible for State and Federal aid. County cost represents five (5) percent of the total project. The State reimburses 15 percent (\$271,800) and Federal government 80 percent (\$1,449,600). Bridges for which rights-of-way are to be acquired are: Cemetery Road Bridge (PIN 5755.27) and Pavement Road Bridges (PIN 5755.38).	P. B233 & B239

Fund/Group 410..520
 Funds Center * (*)
 Funded Program B.00179 (07 Pavement Rd Br Reconstruction-PIN 5755.38)

Commitment Item	Original Budget	Adjustments	Current Budget	Commitment	Actuals
405160 Marchiselli Aid	600,000.00-	30,300.00	569,700.00-		
410170 Federal Road Aid	3,200,000.00-	161,600.00	3,038,400.00-		
445070 Prem On Obligations					17,092.35-
475000 Gen Oblig Bond Proc	200,000.00-	10,100.00	189,900.00-		172,807.65-
* Revenue	4,000,000.00-	202,000.00	3,798,000.00-		189,900.00-
550110 Bond Issue Costs					344.63
CAPITALPROJECTS Capital Project Exp	4,000,000.00	202,000.00-	3,798,000.00		
* Expense	4,000,000.00	202,000.00-	3,798,000.00		344.63
** Commitment Item					189,555.37-

COMPTROLLER'S
RECEIVED

11 JAN 20 PM 3:48

TO: LORNE STEINHART, DEPUTY, 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 LOW BIDDER TBD
Urban Engineers
2. AMOUNT OF CONTRACT Not to exceed \$3,000,000.00
3. PROJECT NUMBER B.00179
4. PROJECT TITLE 2007 Pavement Road Bridges 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

All bonds sold. Claims need
\$ to be submitted to receive Fed/st
reimb.
Jackie Pulisjes

Date Sent to Comptroller's Office: _____

[55 compt_10]