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## COUNTY OF ERIE

**CHRIS COLLINS**  
COUNTY EXECUTIVE

April 1, 2011

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

**RE: Federal-Aid Highway and Marchiselli-Aid Local Project Agreement with NYSDOT and Contract for Engineering Design Services for the Reconstruction of Savage Road Bridge over Dry Creek (BR 225-1), Town of Sardinia  
NYS PIN 5757.30, BIN 3328500**

Honorable Members:

We are forwarding for your approval a proposed resolution to authorize the County Executive to enter into a Federal-Aid Highway and Marchiselli-Aid Local Project Agreement with the New York State Department of Transportation which commits the County of Erie to advance the Federal share, and obligate the non-Federal share of the cost of the project and to authorize the County Executive to execute a related project Contract with project engineers Wendel Duchscherer Architects & Engineers, PC of Amherst, NY.

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: Federal-Aid Highway and Marchiselli-Aid Local Project Agreement with  
NYSDOT and Contract for Engineering Design Services for the Reconstruction of  
Savage Road Bridge over Dry Creek (BR 225-1), Town of Sardinia  
NYS PIN 5757.30, BIN 3328500  
Date: April 1, 2011

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### **SUMMARY**

Request the adoption of a resolution to authorize the County Executive to enter into a Federal-Aid Highway and Marchiselli-Aid Local Project Agreement with the New York State Department of Transportation that commits the County of Erie to advance the Federal share, and obligate the non-Federal share of the cost of design of the project and to authorize the County Executive to execute a related project Contract with project engineers Wendel Duchscherer Architects & Engineers, PC, of Amherst, NY.

### **FISCAL IMPLICATIONS**

The engineering design cost of this project is currently estimated at \$150,000.00. This current design cost in the amount of \$150,000.00 (\$7,500.00 local share) is available from SAP Project B.00151 Unanticipated Federal Aid Road & Bridge Program. Funds will be transferred from WBS element B.00151.97 to WBS Element B.00151.2 upon approval of this resolution. The Agreement is currently 95% reimbursable, 80% Federal funds and 15% NYS Marchiselli funds.

### **REASONS FOR RECOMMENDATION**

NYSDOT has submitted to the Erie County Department of Public Works a Federal-Aid Highway and Marchiselli-Aid Local Project Agreement for the design of the reconstruction of Savage Road Bridge. By executing this Agreement with NYSDOT, Erie County will be eligible for federal and state reimbursement. This will enable Erie County to negotiate a Contract for engineering design services with Wendel Duchscherer Architects & Engineers, PC of Amherst, NY. This locally administered Federal Aid Project reimburses Erie County up to the maximum 95% of the total Project cost.

### **BACKGROUND INFORMATION**

This project is approved by the New York State Department of Transportation in their current Capital Program to be funded with Federal Aid and Marchiselli funds. Project design engineering will start upon approval of this resolution.

### CONSEQUENCES OF NEGATIVE ACTION

This action is required to ensure project advancement and financing through Federal and NYS Marchiselli program funds to pay for costs for the design of the reconstruction of the bridge. Negative action would halt design and jeopardize existing and future reimbursement funding through this program.

### STEPS FOLLOWING APPROVAL

The County Executive will sign the Agreement so that it can be fully executed by the New York State Department of Transportation and a contract will be executed with Wendel Duchscherer Architects & Engineers, PC.

### 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.

*⊗ This is a request to enter into a Federal Highway Aid Highway + Marchiselli Aid Local Project Agreement with the NYSDOT. All bonds have been sold (local shares). There is no cash available in the project and an advance of \$188,438.11. There will be enough funding available once claims are filed and the reimbursements are received.*

Lorne W. Steinhart  
LORNE STEINHART  
Deputy Comptroller  
Comptroller's Office

GJS/JGM/ljs

File (DPW.3.10.11-3.Savage Road Bridge.docx)

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

RE: Federal-Aid Highway and Marchiselli-Aid  
Local Project Agreement with New York State  
Department of Transportation and related  
Contract for Engineering Design Services for  
the Reconstruction of Savage Road Bridge over  
Dry Creek (BR 225-1), Town of Sardinia  
NYS PIN 5757.30, BIN 3328500

WHEREAS, a Project for the Reconstruction of BR 225-1, Savage Road Bridge over Dry Creek, in the Town of Sardinia, Erie County, P.I.N. 5757.30, BIN 3328500 (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 desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Design I-VI) phase of the Project, PIN 5757.30; and

WHEREAS, a contract for engineering design services for the above noted Project between the County of Erie and the engineering firm of Wendel Duchscherer Architects & Engineers, PC of Amherst, New York is necessary for the design of the reconstruction of the bridge.

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 shares of the cost of the Preliminary Engineering (Design I-VI) Phase of the Project or portions thereof; and be it further

RESOLVED, that the sum of \$150,000.00 of which the local share required is \$7,500.00 is hereby appropriated from B.00151 Unanticipated Federal Aid Road & Bridge Program and made available to cover the cost of participation in the Preliminary Engineering (Design I-VI) Phase of the Project. Funds will be transferred from WBS element B.00151.97 to WBS Element B.00151.2 upon approval of this resolution; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the full Federal and non-Federal shares of the cost of the Project's Preliminary Engineering (Design I-VI) Phase exceeds the amount appropriated above, 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 a negotiated Contract in an amount not to exceed the allowable Project design amount between the County of Erie and project engineers Wendel Duchscherer Architects & Engineers, PC of Amherst, New York for the design of the reconstruction of Savage Road Bridge over Dry Creek; 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 be it further

RESOLVED, that two (2) 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.

OFFICE OF THE COMPTROLLER REVIEW

DATE: 3/21/11

PROJECT TITLE: B.00151 2006-Unanticipated Rd & Br Design & Construction

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>2,000,000.00</u>
TOTAL PROJECT APPROPRIATIONS	\$ <u>2,000,000.00</u>
LESS: TOTAL EXPENDITURE TO DATE	\$ <u>288,438.11</u>
TOTAL COMMITMENTS	\$ <u>55,761.89</u>
AVAILABLE APPROPRIATIONS AS OF DATE OF REQUEST	\$ <u>1,655,800.00</u>
LESS: CONTRACT AMOUNT:	<u>150,000.00</u>
NET AVAILABLE APPROPRIATIONS	\$ <u>1,505,800.00</u>

COMMENTS: This is a request to enter into a Federal Aid Highway & Marchiselli Aid  
Local Project Agreement with the NYSDOT. All bonds have been sold (local share).  
There is no cash available in the project and an advance of \$188,438.11. There will be enough  
funding available once claims are filed and the reimbursements are received.

REQUEST APPROVED: *Loane H. Stewart*

REQUEST DENIED: \_\_\_\_\_

DATE: 3/21/2011

Fund/Group: 410..520  
 Funds Center \*  
 Indec. Program B.00151 (2005 Unanticipated Rd & Br Design & Construct)

Commitment Item	Original Budget	Adjustments	Current Budget	Commitment	Actuals
405160 March St Rd Aid	300,000.00-		300,000.00-		
410170 Federal Road Aid	1,600,000.00-		1,600,000.00-		
475000 Gen Oblig Bond Proc	100,000.00-		100,000.00-		100,000.00-
Revenue	2,000,000.00-		2,000,000.00-		100,000.00-
516020 Pro Ser Cnt And Fees CAPITALPROJECTS: Capital Project Exp	2,000,000.00		2,000,000.00	55,761.89	288,438.11
Expense	2,000,000.00		2,000,000.00	55,761.89	288,438.11
Commitment Item				55,761.89	188,438.11

fund(s): 400.599 Fiscal Year: 2011 Project(s): B.00151 2006 Unanticipated Rd & Br Design & Construction  
 Period: 1 to 16

Account	Prev	YTD debit	YTD credit	End Bal
117000 CASH CONTROL ACCOUNT				
124000 A/R - OTHER				
130000 DUE FROM (DUE TO) OTHER FUNDS	188,438.11-			188,438.11-
200000 ACCOUNTS PAYABLE CONTROL ACCT				
200200 GR/FR ACCOUNT				
389999 UNRESERVED/UNDESIGNATED FUND BALANCE	188,438.11-			188,438.11-
Balance Sheet				
405160 MARCHISELL AID				
410170 FED PORTION - MARCHISELL AID				
475000 GENERAL OBLIGATION BOND PROCEEDS	100,000.00-			100,000.00-
Revenues	100,000.00-			100,000.00-
516020 PROFESSIONAL SERVICE CONTRACTS AND FEES	288,438.11			288,438.11
Expenditures	288,438.11			288,438.11
* Total				

TO: LORNE STEINHART, Deputy Comptroller  
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 New York State DOT Agreement  
For Contract with Wendel DuChescherer, PC
2. AMOUNT OF CONTRACT Design amount \$150,000.00 (local share \$7,500.00)
3. PROJECT NUMBER B,00151.2
4. PROJECT TITLE 2006 Unanticipated Federal Aid Road & Bridge  
Program
5. DEPARTMENT CONTACT Funding questions: Charles A. Siekler, PE x8372  
Letter pickup: Lynn Sacha x 8301

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

6. AVAILABILITY OF FUNDS \$ \* See below
7. PERFORMED BY *Patrick Pulsifer*
- Date sent to Comptroller's Office: March 18, 2011

\* COMMENTS: This is a request to enter into a Federal Aid Highway & Marchiselli Aid  
Local Project Agreement with the NYSDOT. All bonds have been sold (local share).  
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funding available once claims are filed and the reimbursements are received.