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## COUNTY OF ERIE

**CHRIS COLLINS**

COUNTY EXECUTIVE

March 22, 2011

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

**RE: FEMA DR-1857-NY  
Geotechnical Engineering Services  
Project on Zoar Valley Road CR 457  
FEMA PW 868  
Town of Concord, NY**

Honorable Members:

The storms of August 2009 severely damaged the transportation infrastructure of southern Erie County and resulted in federally declared disaster DR-1857-NY. Zoar Valley Road was among the roads damaged by the storms. One of the large projects identified by the NYS Office of Emergency Management and FEMA on Zoar Valley Road is PW 868. The accompanying resolution permits the County to negotiate and enter into a contract with a local consulting firm for necessary geotechnical engineering services.

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: FEMA DR-1857-NY  
Geotechnical Engineering Services  
Project on Zoar Valley Road CR 457  
FEMA PW 868  
Town of Concord, NY  
Date: March 22, 2011

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### **SUMMARY**

PW 868 is one of five large projects on Zoar Valley Road identified by FEMA as a result of the August 2009 storms. PW 868 involves road reconstruction to address roadway and embankment damage and/or failure. The attached resolution empowers the County Executive to execute all necessary contracts to provide geotechnical engineering services to complete the work.

### **FISCAL IMPLICATIONS**

Approved Project costs are eligible for reimbursement, 75% - FEMA; 12.5% - New York State Office of Emergency Management (NYSOEM); and Erie County's local share only 12.5%. Erie County must pay in the first instance 100% of approved project costs and then apply for reimbursement. A not to exceed amount of \$30,000.00 will be allocated from SAP account B.20921.1 - 2009 FEMA 1857 - NY Projects to permit execution of the necessary contracts for geotechnical engineering services through completion of construction with the selected firm.

### **REASONS FOR RECOMMENDATION**

Public mobility and safety on Zoar Valley Road were negatively impacted by the August 2009 storms. Proceeding with the project noted will provide increased mobility and safety for local residents and the traveling public.

### **BACKGROUND INFORMATION**

The storms of August 2009 significantly damaged five separate sites on Zoar Valley Road. All five were qualified by the New York State Office of Emergency Management (NYSOEM) and FEMA for participation in FEMA's Public Assistance program which, including NYSOEM's participation provides the funding assistance noted above under Fiscal Implications. PW 868 is one of the five sites.

### **CONSEQUENCES OF NEGATIVE ACTION**

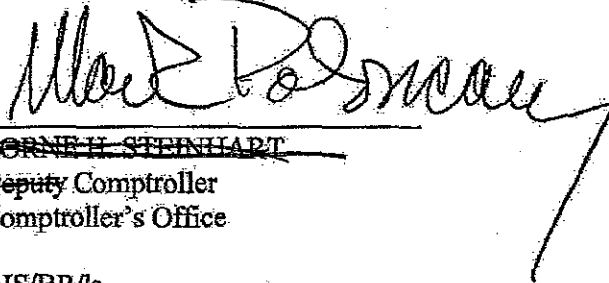
The opportunity to address this site on Zoar Valley Road that is susceptible to storm damage and only have to bear 12.5% of approved costs will be lost and the negative impacts to public mobility and safety will remain.

### **STEPS FOLLOWING APPROVAL**

Contracts will be negotiated and executed with the selected consulting firm to provide the required geotechnical engineering services through completion of construction.

**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. STEINBART~~  
~~Deputy Comptroller~~  
Comptroller's Office

GJS/BR/ls

File Copy (DPW.3.22.10-2.Zoar Valley Road – Geotechnical Engineering Services.docx)

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

RE: FEMA DR-1857-NY  
Geotechnical Engineering Services  
Project on Zoar Valley Road CR 457  
FEMA PW 868  
Town of Concord, NY

WHEREAS, the transportation infrastructure of Southern Erie County was significantly damaged by the storms of early August 2009; and

WHEREAS, Federal Disaster DR-1857-NY was declared for parts of Erie County as a result of the August storms making available assistance from the New York State Office of Emergency Management (NYSOEM) and the Federal Emergency Management Agency (FEMA) under FEMA's Public Assistance program; and

WHEREAS, under the Public Assistance program, with the participation of NYSOEM, approved costs are eligible for reimbursement from FEMA – 75%, and NYSOEM – 12.5% with Erie County providing the remaining 12.5%; and

WHEREAS, among the projects identified by FEMA and eligible for reimbursement was PW 868 (Project) on Zoar Valley Road in the Town of Concord; and

WHEREAS, your honorable body has previously authorized Empire Geo Services, Inc. as a qualified Term Agreement General Architectural/Engineering firm via Comm.14E-19 of July 17, 2008; and

WHEREAS, it is desired to construct the Project during the 2011 construction season.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized and directed to negotiate and execute all necessary contracts for the Project with geotechnical engineering firm Empire Geo Services, Inc. for an aggregate amount not to exceed \$30,000.00; and be it further

RESOLVED, that funds in the amount of \$30,000.00 be allocated from SAP Account B.20921.1 - 2009 FEMA 1857 - NY Projects; and be it further

RESOLVED, that two 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: 3/28/11

PROJECT TITLE: B.20921 2009 FEMA 1857-NY

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 \$ 10,000,000.00

TOTAL PROJECT APPROPRIATIONS \$ 10,000,000.00

LESS: TOTAL EXPENDITURE TO DATE \$ 7,702,988.51

TOTAL COMMITMENTS \$ 170,533.33

AVAILABLE APPROPRIATIONS AS OF DATE OF REQUEST \$ 2,126,478.16

LESS: CONTRACT AMOUNT: 30,000.00

NET AVAILABLE APPROPRIATIONS \$ 2,096,478.16

COMMENTS: State/Federal Aid reimbursable.

REQUEST APPROVED: *Mark F. Donohue*

REQUEST DENIED:       

DATE: March 28 2011

Fund/Group 410.520  
 Funds Center \*  
 Funded Program B.20921 (2009 FEMA 1057-NY) (\* )

Commitment Item	Original Budget	Original Commitment	Current Budget	Current Commitment	Actuals
405150 State Aid SEMO		1,150,000.00-	1,150,000.00-		513,952.54-
412540 Federal Aid FEMA		7,000,000.00-	7,000,000.00-		3,082,636.78-
414020 Misc Federal Aid		600,000.00-	600,000.00-		
420499 Other Local Source Rev					
486000 Interfund Rev Subsidy		1,250,000.00-	1,250,000.00-		1,250,000.00-
* Revenue		10,000,000.00-	10,000,000.00-		4,846,589.32-
506200 Maintenance & Repair					11,340.53
506400 Highway Supplies					1,003,730.57
516020 Pro. Ser. Cnt. And Fees				170,533.33	6,686,183.41
911200 ID Comptroller's Srv					1,734.00
CAPITALPROJECTS Capital Project Exp		10,000,000.00	10,000,000.00		
* Expense		10,000,000.00	10,000,000.00	170,533.33	7,702,988.51
** Commitment Item				170,533.33	2,856,399.19

Fund(s): 400..599

Fiscal Year: 2011

Project(s): B.20921

2009 FEMA 1857-NY

Period: 1 to 16

Account	Pre	AD DEBIT	AD CREDIT	End Bal
117000 CASH CONTROL ACCOUNT	1,734.00-	1,031,227.31	1,124,910.90-	95,417.59-
121000 AR CONTROL STATE CUSTOMERS	1,161,194.21		468,100.28-	693,093.93
121002 AR CONTROL LOCAL CUSTOMERS				
121005 AR CONTROL BREE EMPLOYEES				
130000 DUE FROM (DUE TO) OTHER FUNDS	3,411,015.37-	536,027.95		2,874,987.42-
131000 DUE FROM PRIMARY GOV'T				
200000 ACCOUNTS PAYABLE CONTROL ACCT	183,671.70-	588,882.95	429,743.25-	24,532.00-
200200 GR/IR ACCOUNT		429,743.25	429,743.25-	
200210 DISCOUNTS CLEARING				
205400 UNCLASSIFIED CASH RECEIPTS		9,609.74	564,165.85-	554,556.11-
389999 UNRESERVED/UNDESIGNATED FUND BALANCE				
* Balance Sheet	2,435,226.86-	2,595,491.20	3,016,663.53-	2,856,399.19-
405150 STATE EMERGENCY MGMT OFFICE (SEMO)	512,727.75-	148.44	1,373.23-	513,952.54-
412540 F E M A	3,075,290.65-	890.38	8,236.51-	3,082,636.78-
414020 MISCELLANEOUS FEDERAL AID				
420499 OTHER LOCAL SOURCE REVENUE				
485000 INTERFUND REVENUE SUBSIDY	1,250,000.00-			1,250,000.00-
* Revenues	4,838,018.40-	1,038.82	9,609.74-	4,846,589.32-
506200 MAINTENANCE & REPAIR SUPPLIES	11,340.53			11,340.53
506400 HIGHWAY SUPPLIES	1,003,730.57			1,003,730.57
515020 PROFESSIONAL SERVICE CONTRACTS AND FEES	6,256,440.16	429,743.25		6,686,183.41
690001 FICO Rec Man Cst All	1,734.00			1,734.00
* Expenditures	7,273,245.25	429,743.25		7,702,988.51
** Total		3,026,273.27	3,026,273.27-	

B. 20921

# STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY  
CLERK'S OFFICE

BUFFALO, N.Y., NOVEMBER 19, 2009

TO WHOM IT MAY CONCERN:

**I HEREBY CERTIFY**, That at the 22nd Session of the Legislature of Erie County, held in the Legislative Chambers, in the City of Buffalo, on the Nineteenth day of November, 2009 A.D., a Resolution was adopted, of which the following is a true copy:

WHEREAS, in the beginning of August 2009, significant rains and flooding occurred severely damaging the infrastructure owned by and within Erie County, Cattaraugus County and Chautauque County; and

WHEREAS, due to the amount of devastation to both municipal owned facilities as well as loss to individuals, the President issued a Declaration of Disaster for both Public Assistance (PA) and Individual Assistance (IA); the preliminary damage assessment to Erie County owned facilities is \$10 million; and

WHEREAS, this Declaration opens the path for partial reimbursement from both State Emergency Management Office (SEMO) expected to be 12.5% of the damage and the Federal Emergency Management Agency (FEMA) expected to be at 75%; and

WHEREAS, due to the severity of damage, Federal Highway Administration (FHWA) funding is available for repairs on certain roadways expected to be at 80%.

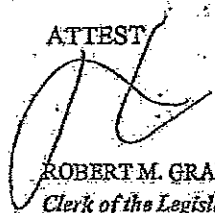
NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature authorizes the County Executive to enter into contract and to accept any and all funds from the State and Federal governments related to this disaster; and be it further

RESOLVED, that the Erie County Legislature authorizes the County Executive to participate in the FHWA Emergency Response Program; and be it further

RESOLVED, the Erie County Legislature authorizes the establishment of a capital project combining the FEMA, SEMO, FHWA and local match fund, to be budgeted as follows:

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., NOVEMBER 19, 2009

TO WHOM IT MAY CONCERN:

**I HEREBY CERTIFY**, That at the 22nd Session of the Legislature of Erie County, held in the Legislative Chambers, in the City of Buffalo, on the Nineteenth day of November, 2009 A.D., a Resolution was adopted, of which the following is a true copy:


Fund 210 Highways	
Expense	Decrease
506400 Highway Supplies	\$1,250,000.00
	Increase
570000 Interfund Transfer	\$1,250,000.00
	Total
Fund 420 - Storm Repairs	
Revenue	Increase
405150 State Aid - SEMO	\$1,150,000.00
412540 Federal Aid FEMA	\$7,000,000.00
414020 Misc Federal Aid (FHWA)	\$600,000.00
436000 Interfund Revenue Subsidy	\$1,250,000.00
	Total
	\$10,000,000.00
Expense	
Capital Projects	\$10,000,000.00
	Net

and be it further

RESOLVED, that two 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.

REFERENCE:           COMM. 20E-12 (2009)

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., JULY 17, 2008

TO WHOM IT MAY CONCERN:

**I HEREBY CERTIFY**, That at the 15th Session of the Legislature of Erie County, held in the Legislative Chambers, in the City of Buffalo, on the Seventeenth day of July, 2008 A.D., a Resolution was adopted, of which the following is a true copy:

WHEREAS, the Department of Public Works advertised for Request for Qualifications from Architectural/Engineering and Testing Services firms; and

WHEREAS, the County Executive is requesting approval to enter into General Architectural/Engineering and Testing Services Agreements with the firms having the necessary expertise, experience and personnel to provide the required services; and


WHEREAS, the General Architectural/Engineering and Testing Services Agreements will be for a period of three years, from the date of this Legislative Resolution and the County Executive has the option for two one year Agreement extensions, for a total maximum Agreement Term of five years.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into General Architectural/Engineering and Testing Services Agreements with each of the following firms for providing Architectural/Engineering and Testing Services for construction projects with the Department of Public Works:

<i>CONSULTANTS</i>
Abate Associates
Advanced Architecture & Planning, P.C.
American Consulting Professionals of New York
Barron & Associates, P.C.
Bergmann Associates
BHNT Architects, P.C.
Buffalo Engineering, P.C.
CJ Brown Energy, P.C.
C&S Companies
Clark Patterson Lee
Clinton Brown Company Architecture, P.C.
Clough Harbour & Associates LLP
DiDonato Associates
EI Team, Inc.
Empire Geo Services, Inc.
Erdman Anthony
Fisher Associates, P.R., L.S., P.C.
Flynn Battaglia Architects, P.C.
Foit-Albert Associates

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., JULY 17, 2008

TO WHOM IT MAY CONCERN:

**I HEREBY CERTIFY**, That at the 15th Session of the Legislature of Erie County, held in the Legislative Chambers, in the City of Buffalo, on the Seventeenth day of July, 2008 A.D., a Resolution was adopted, of which the following is a true copy:

FRA. T.Y. Lin International
Greenman-Pedersen, Inc.
GZA Geo Environmental of New York
Habiterra Architecture & Landscape Architecture, P.C.
Harrington Sandberg Architecture & Engineering, P.C.
Hatch Mott MacDonald
Kidney Architects, P.C.
LiRo Engineers, Inc.
McMahon & Mann Consulting Engineers, P.C.
ME Engineering, P.C.
Nussbaumer & Clarke, Inc.
Parsons Brinckerhoff
Robson Woese, Inc.
Stantec Consulting Services, Inc.
Stevater & Associates, Architects
TVGA Consultants
TranSystems
Urban Engineers of New York, P.C.
URS Corporation
Watts Architecture & Engineering, P.C.
Wendel Duchescherer Architects and Engineers
Wm. Schutt & Associates, P.C.
Young-Wright Architectural
Zaxis Architectural, P.C.

and be it further

RESOLVED, that the General Architectural/Engineering and Testing Services Agreements will remain in effect for three years from the approved date of this Legislative Resolution, with the option for two one year extensions of the Agreements for a maximum Term Agreement of five years; and be it further

RESOLVED, that two 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, Management and Finance, and the Office of the Comptroller.

REFERENCE: COMM. 14E-19 (2008)

ATTEST

  
ROBERT M. GRABER  
Clerk of the Legislature of Erie County

TO: LORNE H. STEINHART, COMPTROLLER'S OFFICE

COMPTROLLER'S  
RECEIVED

PROPOSED RESOLUTIONS REQUIRING RULE 55 11 MAR 28 AM 10:24

CONTRACT APPROVAL CHECKLIST  
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

REQUESTING DEPARTMENT

COMPLETE ITEMS 1 THROUGH 5

1. CONTRACTOR'S NAME Empire Geo-Services, Inc.
2. AMOUNT OF CONTRACT Total Not to Exceed \$30,000.00
3. PROJECT NUMBER B.20921.1
4. PROJECT TITLE 2009 FEMA 1857 - NY Projects
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

No cash in the project.  
\$ State/Federal Aid reimbursable.

7. PERFORMED BY

Jackie Pulsifer

Date Sent to Comptroller's Office:

March 28, 2011

[55 compt\_10]