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COUNTY OF ERIE

CHRIS COLLINS

COUNTY EXECUTIVE

June 22, 2011

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

**RE: Reconstruction of Newton Road Bridge (BR 110-2)
Over Big Gulf Creek
Town of Orchard Park, Erie County
Project No. BR-110-2-11**

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 reconstruction of Newton Road Bridge Project, establish a construction contingency and execute a contract with Foit-Albert Associates for construction inspection and services during construction, and a change order to Nussbaumer & Clarke, Inc. for construction design 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,

A handwritten signature in black ink, appearing to read "JFC", is written over the printed 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: Reconstruction of Newton Road Bridge (BR 110-2)
Over Big Gulf Creek
Town of Orchard Park, Erie County
Project No. BR-110-2-11
Date: June 22, 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 reconstruction of Newton Road Bridge Project once bids are taken and the lowest responsible bidder is determined, establish a construction contingency, and execute a change order with project engineers Nussbaumer & Clarke, Inc. for design construction services and a contract with Foit-Albert Associates for construction inspection and services during construction.

FISCAL IMPLICATIONS

The total cost for the construction phase of this project is currently estimated at \$700,000.00, and is available in SAP B.11026 - 2011 Preservation of Bridges and Culverts Construction.

REASONS FOR RECOMMENDATION

Due to the summer Legislative recess during the months of August and September 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

The bridge is dire need of replacement and has been on the Highway Department's list for many years. The replacement is necessary for the safety of the traveling public.

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 of this, the bridge may have to be closed to traffic as its' condition worsens.

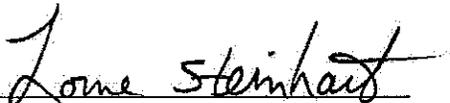
STEPS FOLLOWING APPROVAL

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 Nussbaumer & Clarke, Inc. and a contract with Foit-Albert Associates. 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

Ⓜ Currently there is no cash in the project; however, this project will be part of the upcoming 2011 Bond Sale. Once the Bond Sale occurs, then there will be sufficient funding for the requested action. - *LS*

GJS/EC/Is
File Copy (DPW.6.22.11-10.Newton Road Bridge Reconstruction.docx)

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

RE: Reconstruction of Newton Road Bridge (BR 110-2)
Over Big Gulf Creek
Town of Orchard Park, Erie County
Project No. BR-110-2-11

WHEREAS, the reconstruction of Newton Road Bridge 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 the bridge on Newton Road, BR 110-2 (the "Project") was authorized by this honorable body via Comm.12E-13 of July 9, 2009; and

WHEREAS, funding for this project was approved and is available in SAP B.11026 - 2011 Preservation of Bridges and Culverts Construction; and

WHEREAS, due to the Legislative schedule during the summer months of August and September 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 reconstruction of Newton Road Bridge, 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 Nussbaumer & Clarke, Inc. for design construction services and a contract must be negotiated with Foit-Albert Associates 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 reconstruction of Newton Road Bridge Project Number BR110-2-11, 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 Nussbaumer and Clarke, Inc. and Foit-Albert Associates in an amount not to exceed \$700,000.00; and be it further

RESOLVED, that the funds for the reconstruction of Newton Road Bridge Project be allocated from the 2011 Preservation of Bridges and Culverts Project fund (B.11026) in an amount, not to exceed \$700,000.00; 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 reconstruction of Newton Road Bridge, Project Number BR 110-2-11; 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.

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY
CLERK'S OFFICE

BUFFALO, N.Y., JULY 9, 2009

TO WHOM IT MAY CONCERN:

I HEREBY CERTIFY, *That at the 14th Session of the Legislature of Erie County, held in the Legislative Chambers, in the City of Buffalo, on the Ninth day of July, 2009 A.D., a Resolution was adopted, of which the following is a true copy:*

WHEREAS, bids were taken for the 2009 Capital Overlay Contract A, in the Towns of Hamburg and Evans, and the Village of Angola, New York, and for the 2009 Capital Overlay Contract B, in the Towns of Concord, Sardinia and Wales, New York on June 25, 2009. The low bidder was Amherst Paving, Inc., of Amherst, New York, for both Contracts, at low bid amounts of \$2,084,003.11 and of \$2,384,106.36, respectively; and

WHEREAS, it is also necessary to enter into an agreement with the engineering firm of DiDonato Associates, P.E., P.C., of Buffalo, New York for construction inspection services for these overlays; and

WHEREAS, the 2009 Capital Overlay Contract C may be bid and ready for award of construction contract to the responsible low bidder in the next month; and

WHEREAS, your honorable body will be on summer recess during the period when it may be necessary to award this work to complete this construction season; and

WHEREAS, funds for these projects will be taken from the appropriate Capital Bond Fund Accounts including 2008 Preservation of Roads (B.00190) and 2009 Capital Overlay Program (B.20901).

NOW, THEREFORE, BE IT

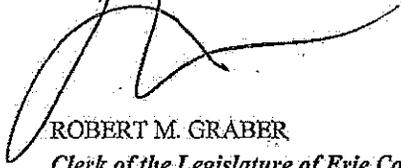
RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract for Erie County Projects 2009 Capital Overlay A and 2009 Capital Overlay B between the County of Erie and the low bidder, Amherst Paving, Inc., of Amherst, New York at low bid amounts of \$2,084,003.11 and \$2,384,106.36, respectively; and be it further

RESOLVED, that amounts of \$2,084,003.11 and \$2,384,106.36 be allocated from 2008 Preservation of Roads (B.00190) and additional amounts of \$208,400.00 and \$238,400.00 be allocated for a Department of Public Works, Division of Highways construction contingency fund with authorization for the County Executive to approve change orders in an amount not to exceed the previously stated amounts, also to be allocated from 2008 Preservation of Roads (SAP Account B.00190); and be it further

RESOLVED, that an amount of \$60,000.00 be allocated from the 2008 Preservation of Roads (SAP Account B.00190) for a contract with DiDonato Associates, P.E., P.C., of Buffalo, New York for construction inspection services; and be it further

RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract and enter into an agreement and contract as necessary for Erie County Project 2009 Capital Overlay C between the County of Erie and the lowest responsible bidder, within the approved budget funding limits established and in an amount not to exceed \$1,200,000.00 for construction and \$120,000.00 for contingency; and be it further

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 9, 2009

TO WHOM IT MAY CONCERN:

I HEREBY CERTIFY, *That at the 14th Session of the Legislature of Erie County, held in the Legislative Chambers, in the City of Buffalo, on the Ninth day of July, 2009 A.D., a Resolution was adopted, of which the following is a true copy:*

RESOLVED, that the County Executive will inform the Erie County Legislature, for information only, as to what contractor was the successful lowest responsible bidder for 2009 Capital Overlay C; and be it further

RESOLVED, that the funds for the 2009 Capital Overlay C be taken from the 2009 Capital Overlay program (B.20901) in an amount not to exceed \$1,200,000.00 for construction with \$120,000.00 for contingency; and be it further

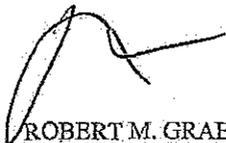
RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Office of Budget, Management and Finance, and the Office of the Comptroller.

REFERENCE:

COMM. 12E-13 (2009)

AS AMENDED

ATTEST



ROBERT M. GRABER

Clerk of the Legislature of Erie County

OFFICE OF THE COMPTROLLER REVIEW

DATE: 6/27/11

PROJECT TITLE: B.11026 2011 Preservation of Bridges & Culverts - 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 \$ 1,000,000.00

TOTAL PROJECT APPROPRIATIONS \$ 1,000,000.00

LESS: TOTAL EXPENDITURE TO DATE \$ 0

TOTAL COMMITMENTS \$ 0

AVAILABLE APPROPRIATIONS AS OF DATE OF REQUEST \$ 1,000,000.00

LESS: CONTRACT AMOUNT: 700,000.00

NET AVAILABLE APPROPRIATIONS \$ 300,000.00

COMMENTS: There is currently no cash in the project, however, this project will be part of the upcoming 2011 Bond Sale. Once the Bond Sale occurs, there will be sufficient funding for the action requested.

REQUEST APPROVED: Louise Steinhart

REQUEST DENIED: _____

DATE: June 27, 2011

ATTACHMENT B:		2011 CAPITAL BUDGET BOND RESOLUTION - PROJECT COMPONENTS								
COLUMN #		A	A-1	B	Bond Reso # 78-2011, dtd. 4/28/11				G	
LINE NO.	SAP PROJ. NO.	PROJECT DESCRIPTION (object or purpose)	SPECIFIC, CLASS OR COMBINATION	ESTIMATED MAXIMUM COST	AMOUNT OF BONDS AUTHORIZED	STATE or FEDERAL AID EXPECTED	LOCAL SOURCE REVENUE	PPU Sec. 11.00a reference	CAPITAL BUDGET PAGE REFERENCE	PROJECT DESCRIPTION
9	B.11022	2011 FEMA, FHWA AND EWP MATCH/ROAD RECONSTRUCTION (COUNTYWIDE)	C	\$ 17,000,000	\$ 1,887,500	\$ 15,512,500		15 yrs. Par. 20	B-107, 111 & 118	This project will provide the local County share match to funds supplied by FHWA, FEMA and WEP. Work will consist of repairs to damaged infrastructure due to declared disasters. The State and Federal share of this project totals \$15,512,500. Total project cost is \$17,000,000. Funds will be used on infrastructure including but not limited to: Zoar Valley Road, New Oregon Road, Vermont Hill Road, Jennings Road, Lanox Road, West Becker Road, Hunters Creek Road, Springville Boston Road, Vaughn Street and West Tilden Road.
10	B.11023	2011 FEMA PROJECTS/ROAD DESIGN (COUNTYWIDE)	S	\$ 100,000	\$ 100,000			15 yrs. Par. 20	B-107, 111 & 118	This will fund engineering design services for two projects previously damaged by severe storms: Zoar Valley Road Site 2 and Vermont Street Site 9.
11	B.11024	2011 FEMA PROJECTS/ROAD RIGHT-OF-WAY (COUNTYWIDE)	C	\$ 10,000	\$ 10,000			20 yrs. Par. 10	B-107, 111 & 118	This will fund ROW acquisition for Vermont Street Site 9, Town of Holland.
12	B.11025	2011 PRESERVATION OF ROADS CONSTRUCTION (COUNTYWIDE)	C	\$ 1,500,000	\$ 1,500,000			15 yrs. Par. 20	B-107, 112 & 118	This is the fourth year of a fifteen year program to maintain our 1,187 centerline miles of roads. The plan is to rebuild or rehabilitate various roads throughout the County based on pavement condition rating needs. Roads have been evaluated and ranked based on conditions with specific estimates developed per road to address concerns.
13	B.11026	2011 PRESERVATION OF BRIDGES AND CULVERTS CONSTRUCTION (COUNTYWIDE)	C	\$ 1,000,000	\$ 1,000,000			20 yrs. Par. 10	B-107, 112 & 118	This is the fourth year of a fifteen year program to maintain the 278 bridges greater than 20' on County highways and 460 small bridges with a span between 5' to 20' that have to be maintained and/or replaced.
14	B.11027	2011 PRESERVATION OF BRIDGES AND CULVERTS DESIGN (COUNTYWIDE)	S	\$ 122,900	\$ 122,900			5 yrs. Par. 62(2nd)	B-107, 112 & 118	This is the fourth year of a fifteen year program to maintain the 278 bridges greater than 20' on County highways and 460 small bridges with a span between 5' to 20' that have to be maintained and/or replaced.
15	B.11028	2011 BLOOMINGDALE/JOHN AND DUERR ROAD; BRIGHTON AND EAST AVENUE (COUNTYWIDE)	C	\$ 1,000,000	\$ 1,000,000			15 yrs. Par. 20	B-107, 112 & 118	This project is a two year program for complete reconstruction of Bloomingdale/John Duerr, Brighton, and East Ave located in Akron, Orchard Park and Tonawanda.
16	B.11029	2011 DAM SAFETY AND PRESERVATION RECONSTRUCTION (COUNTYWIDE)	C	\$ 750,000	\$ 750,000			20 yrs. Par. 10	B-107, 112 & 118	This project will fund the reconstruction of the ten dams that are owned by the County. Inspections would be done on an as needed basis and repairs made to meet the NYSDEC guidelines. Presently, the County owns one high hazard dam and one medium hazard dam with the remaining being low hazard dams.
17	B.11030	2011 EMERGENCY BRIDGE WORK-DESIGN (COUNTYWIDE)	S	\$ 150,000	\$ 150,000			5 yrs. Par. 62(2nd)	B-107, 113 & 118	The County has 278 bridges greater than 20' on County highways and 460 small bridges with a span between 5' to 20' that have to be maintained. This project would be used to address emergency design work for bridges that are flagged during the inspection cycles.
18	B.11031	2011 EMERGENCY BRIDGE WORK-RECONSTRUCTION (COUNTYWIDE)	C	\$ 500,000	\$ 500,000			20 yrs. Par. 10	B-107, 113 & 118	The County has 278 bridges greater than 20' on County highways and 460 small bridges with a span between 5' to 20' that have to be maintained. This project would be used to address emergency reconstruction work for bridges that are flagged during the inspection cycles.
19	B.11032	2011 ENVIRONMENTAL COMPLIANCE SPDES (COUNTYWIDE)	S	\$ 300,000	\$ 300,000			5 yrs. Par. 62(2nd)	B-107, 113 & 118	This project, State Pollutant Discharge Elimination System (SPDES), is the second year of a multi-year project to complete the mapping of storm water shed area, storm sewer system and receiving waters. New York State DEC MS4 permit held by the County requires that the mapping, to the extent possible, take place within the five year life of the permit with preliminary storm sewer shed mapping.
20	A.11007	2011 VIDEO AND DOOR CONTROL UPGRADES - ERIE COUNTY CORRECTIONAL FACILITY & HOLDING CENTER	C	\$ 1,800,000	\$ 1,900,000			5 yrs. Par. 32	B-107, 114, & 119	This project will fund replacement of the security video system with new upgraded components such as cameras, data processing/storage equipment and user interfaces. It will also replace existing deteriorated control mechanisms for the security doors throughout both facilities.
21	A.11008	2011 PUBLIC HEALTH LAB INSTRUMENTATION IMPROVEMENTS (BUFFALO)	S	\$ 710,000	\$ 454,400	\$ 255,600		5 yrs. Par. 32	B-107, 114-115, & 119	This project will fund necessary laboratory instrumentation upgrades to meet diagnostic testing capabilities and capacities. Current instrumentation is based on older technology and has reached its useful lifespan. Improvement of instrumentation will provide state-of-the-art capabilities to support testing of public health significance that is not duplicated in the western region of New York State. State aid of \$255,600 is available for this project making the total project \$710,000.
22	A.11009	2011 MEDICAL EXAMINER - SOFTWARE UPGRADES (BUFFALO)	C	\$ 260,000	\$ 260,000			5 yrs. Par. 32	B-107, 115, & 119	This project will fund the replacement of the current PathAssist software program that tracks and reports on death and toxicology casework, including drinking and drug intoxication while driving cases. PathAssist is no longer supported by its parent company nor is it supported by the County's DISS department. The replacement software is VeriQ CME & LIMS software and the project includes software, installation and transition of all old files over an eight week period.
23	E.11001	2011 ERIE COMMUNITY COLLEGE EQUIPMENT (COUNTYWIDE)	C	\$ 1,800,000	\$ 1,800,000			5 yrs. Par. 32	B-108, 115, & 120	This project provides for the acquisition of various pieces of equipment. This includes vehicles, buildings and grounds equipment, laboratory and technical equipment as well as furniture and fixtures for all three campuses.

TO: LORNE STEINHART, COMPTROLLER'S OFFICE

PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

11 JUN 24 PM 3:51
COMPTROLLER'S
RECEIVED

REQUESTING DEPARTMENT

COMPLETE ITEMS 1 THROUGH 5

1. CONTRACTOR'S NAME
Consultant – Nussbaumer & Clarke, Inc.
Consultant – Foit-Albert Associates
Contractor - TBD
2. AMOUNT OF CONTRACT
Not to Exceed \$700,000.00
3. PROJECT NUMBER
B.11026
4. PROJECT TITLE
2011 Preservation of Bridges and Culverts
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
There is currently no cash in the project, however, this project will be part of the upcoming 2011 Bond Sale. Once the Bond Sale occurs, there will be sufficient funding for the action requested.
 7. PERFORMED BY
Jackie P. Pfeiffer
- Date Sent to Comptroller's Office: June 23, 2011