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COUNTY OF ERIE

CHRIS COLLINS
COUNTY EXECUTIVE

August 15, 2011

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

**RE: Rath Building Mechanical and Electrical Renovations
Energy Efficiency and Conservation Block Grant Program
Grant #122DOE EECBG_0912**

Honorable Members:

This resolution seeks approval for the County Executive to enter into a contract with the lowest responsible bidders for the Rath Building Mechanical & Electrical Renovations - Energy Efficiency and Conservation Block Grant Program (EECBG). Bids for the project were accepted in the Division of Real Estate and Asset Management on June 16, 2011. A copy of the bid tabulations are attached for your reference.

The Heating, Ventilation, Air Conditioning (HVAC) equipment including exhaust fans and domestic water heaters are over 40 years old, operate with reduced efficiencies, have structural deficiencies and require constant maintenance. These systems need to be replaced with new energy efficient equipment which will save Erie County maintenance/operating costs and reduce energy consumption.

Should your honorable body require further information, I encourage you to contact the Department of Public Works, Division of Real Estate and Asset Management. Thank you for your consideration on this matter.

Sincerely,

CHRIS COLLINS
Erie County Executive

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Division of Real Estate and Asset Management
Re: Rath Building Mechanical and Electrical Renovations
Energy Efficiency and Conservation Block Grant Program
Grant #122DOE EECBG_0912
Date: August 15, 2011

SUMMARY

The Heating, Ventilation, Air Conditioning (HVAC) equipment including domestic water heaters are original to the Rath Building and are over 40 years old and well beyond their useful life. These systems operate with reduced efficiencies, have structural deficiencies and require constant maintenance. These systems need to be replaced to reduce maintenance/operating costs and energy consumption. New equipment is necessary to increase operational effectiveness and reliability while reducing energy usage operational costs. This project will include the replacement of main high capacity air handling units, equipment controls and domestic water heaters.

Bids were received and reviewed and a recommendation is being made to award a contract to the lowest responsible bidders.

The low bidders are DV Brown & Associates, Inc. (Mechanical Contract), DV Brown & Associates, Inc. (Plumbing Contract), and Weydman Electric (Electrical Contract).

FISCAL IMPLICATIONS

Funds for this Project are available from the DOE Efficiency & Conservation Block Grant #122DOE EECBG_0912 and the previously approved 2011 County budget, as amended, SAP Project A.11003.1 –Countywide Code and Environmental Compliance.

REASONS FOR RECOMMENDATION

Replacement of the antiquated HVAC and plumbing systems in the Rath Building will reduce maintenance costs, operating and energy consumption. Renovations to these systems will improve operations, improve space conditions (temperature and airflow), reduce system downtime, increase reliability and reduce operating costs. Additionally, the heat exchangers of the air handling units have warped over the years, creating a structurally unsound condition that could lead to rupture of the heat exchanger and shutdown of the unit. Shut down of the units would lead to shutdown (no occupancy) of certain floors of the building.

BACKGROUND INFORMATION

The Heating, Ventilation, Air Conditioning (HVAC) equipment including and domestic water heaters are original to Rath Building and are over 40 years old and well beyond their useful life. These systems operate with reduced efficiencies, have structural deficiencies and require constant maintenance. These systems need to be replaced to reduce maintenance/operating costs and energy consumption. New equipment is necessary to increase operational effectiveness and reliability while reducing energy usage operational costs.

CONSEQUENCES OF NEGATIVE ACTION

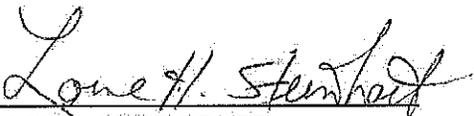
The existing systems operate with reduced efficiencies, have structural deficiencies and require constant maintenance. The older equipment utilizes more energy as compared to today's equipment and must be replaced to reduce energy consumption and increase system reliability.

STEPS FOLLOWING APPROVAL

Contracts will be executed by the County Executive with DV Brown, Inc. and Weydman Electric so that construction work may begin.

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. STEINHART
Deputy Comptroller
Comptroller's Office

*Cash in project: \$1,250,000
Part of the 2011 Bond Sale. Bond proceeds
must be posted to this project. Imminent
ALS*

MM/KMM/lis

File Copy (REAM.8.15.11-1.Rath Building EECBG Renovations.docx)

A RESOLUTION SUBMITTED BY:
DIVISION OF REAL ESTATE AND ASSET MANAGEMENT

RE: Rath Building Mechanical and
Electrical Renovations
Energy Efficiency and Conservation
Block Grant Program
Grant #122DOE EECBG_0912

WHEREAS, the Erie County Division of Real Estate and Asset Management received bids for the Rath Building Mechanical and Electrical Renovations - Energy Efficiency and Conservation Block Grant Program (EECBG) project on June 16, 2011; and

WHEREAS, the Erie County Division of Real Estate and Asset Management is recommending award of contract to the lowest responsible bidders, along with the engineer; and

WHEREAS, your honorable body has previously approved a General Architectural/Engineering Agreement with the Engineering firm of CJ Brown Energy, PC for providing professional services on Erie County projects; and

WHEREAS, the County Executive is seeking authorization from your honorable body to enter into construction contracts with DV Brown & Associates, Inc. and Weydman Electric for the Rath Building Mechanical and Electrical Renovations - Energy Efficiency and Conservation Block Grant Program (EECBG) project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidders for the Rath Building Mechanical and Electrical Renovations - Energy Efficiency and Conservation Block Grant Program (EECBG) project as follows:

Mechanical Construction Work

DV Brown & Associates, Inc. for a base bid and total contract in the amount of \$2,617,000.00

Plumbing Construction Work

DV Brown & Associates, Inc. for a total bid and contract in the amount of \$183,000.00

Electrical Construction Work

Weydman Electric for a base bid and total contract in the amount of \$124,000.00

; and be it further

RESOLVED, that the sum of \$158,000.00 be allocated to a construction contingency fund with authorization for the County Executive to approve change orders in an amount not to exceed the contingency; and be it further

RESOLVED, that deduct change orders will result in these funds returned to the contingency fund; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment as follows:

A.11003.1 –Countywide Code and Environmental Compliance in the amount of \$469,124.00 and DOE Efficiency & Conservation Block Grant; Grant #:122DOEECBG_0912 in the amount of \$2,612,876.00. Total payments will not exceed \$3,082,000.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Division of Real Estate and Asset Management, 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., June 30, 2011

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 Thirtieth day of June, 2011 A.D., a Resolution was adopted, of which the following is a true copy:

WHEREAS, the Federal Government, through the American Recovery and Reinvestment Act of 2009, appropriated over \$2.7 billion to the United States Department of Energy (US DOE) for the Energy Efficiency and Conservation Block Grant (EECBG) Program; and

WHEREAS, through the allocation formula established for EECBG, the US DOE has made \$2,903,000 available to Erie County government to implement projects that will reduce energy use and greenhouse gas emissions within the County; and

WHEREAS, it is necessary to revise the existing budget to implement energy efficiency equipment improvements in the Rath Building,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to revise the County's grant budget and file the new grant budget with the US DOE; and be it further

RESOLVED, that the grant budget for the US DOE Energy Efficiency and Conservation Block Grant is hereby revised in the Department of Environment and Planning, Business Area 162, as follows:

Energy Efficiency and Conservation Block Grant
Grant Period: (12/29/2009-12/29/2012)
SAP Grant Account #162EECBG_BNE0912

REVENUE:

Account	Description	Current Budget	Revision	Revised Budget
414140	FA-ARRA USDOE EECBG	\$2,903,000.00	(\$2,612,875.17)	\$290,124.83

TOTAL REVENUE: \$290,124.83

APPROPRIATIONS:

Account	Description	Current Budget	Revisions	Revised Budget
500000	Full-Time	\$312,000.00	\$(288,522.14)	\$23,477.86
500020	Salaries	\$124,800.00	\$(115,604.58)	\$9,195.42
	Regular PT			
	Wages			
502000	Fringe Benefits	\$210,144.00	\$(200,441.87)	\$9,702.13
506200	Maintenance	\$28,000.00	\$(28,000)	\$0.00
510000	and Repair	\$1,100.00	\$(1,100)	\$0.00
	Local Mileage			
	Reimbursemen t			

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., June 30, 2011

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 Thirtieth day of June, 2011 A.D., a Resolution was adopted, of which the following is a true copy:

Account	Description	Current Budget	Revisions	Revised Budget
510200	Training and Education	\$5,000.00	\$(4,916.02)	\$83.98
516020	Professional Services Cont. & Fees	\$270,000.00	\$(31,656.50)	\$238,343.50
530000	Other Expenses	\$19,793.00	\$(19,793.00)	\$0.00
575000	Inter-Fund Expense Non-Subsidy	\$1,900,000.00	\$(1,900,000.00)	\$0.00
916200	ID Env & Planning Services	\$32,163.00	\$(22,841.06)	\$9,321.94

TOTAL APPROPRIATIONS: \$290,124.83

and be it further

RESOLVED, that the grant budget for the US DOE Energy Efficiency and Conservation Block Grant is hereby established in the Department of Public Works, Business Area 122, as follows:

DOE Energy Efficiency and Conservation Block Grant
Grant Period: (12/29/2009-12/29/2012)
SAP Grant Account #122DOE EECBG_0912

REVENUE:

Account	Description	Current Budget	Revision	Revised Budget
414140	FA-ARRA USDOE EECBG	-0-	\$2,612,876	\$2,612,876

TOTAL REVENUE: \$2,612,876

APPROPRIATIONS:

Account	Description	Current Budget	Revision	Revised Budget
516020	Contractual Services	-0-	\$2,612,876	\$2,612,876

TOTAL APPROPRIATIONS: \$2,612,876

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., June 30, 2011

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 Thirtieth day of June, 2011 A.D., a Resolution was adopted, of which the following is a true copy:*

RESOLVED, that the Director of Budget and Management is hereby authorized to implement any budget amendments as required to comply with federal, state and other local source approved funding requirements; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; Director of the Division of Budget and Management; Commissioner of Environment and Planning; Commissioner of Public Works; the County Comptroller; the Commissioner of Personnel; and the County Attorney.

REFERENCE: COMM. 10E-8 (2011)

ATTEST



ROBERT M. GRABER
Clerk of the Legislature of Erie County

BIDDER	BASE BID	TOTAL BID
U.S. VETERANS CONSTRUCTION & MANAGEMENT CORP.	\$141,500	\$191,500
J. ANDO PLUMBING	\$161,000	\$211,000
DV BROWN & ASSOCIATES, INC.	\$133,000	\$183,000
JR SWANSON PLUMBING COMPANY, INC.	\$137,650	\$187,650
MOLLENBERG BETZ, INC.	\$174,457	\$224,457
MLP PLUMBING & MECHANICAL, INC.	\$164,400	\$214,400
MKS PLUMBING CORP.	\$161,995	\$211,995

Erie County
 Division of Real Estate and Asset Management

Information Included In This Report Does Not Indicate Award of Contract. For Informational Purposes Only.

PROJECT TITLE: A.11003 2011 Countywide Code & Environmental Compliance

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 \$ 1,250,000.00

TOTAL PROJECT APPROPRIATIONS \$ 1,250,000.00

LESS: TOTAL EXPENDITURE TO DATE \$ 0

TOTAL COMMITMENTS \$ 0

AVAILABLE APPROPRIATIONS AS OF DATE OF REQUEST \$ 1,250,000.00

LESS: CONTRACT AMOUNT: 469,124.00

NET AVAILABLE APPROPRIATIONS \$ 780,876.00

COMMENTS: Cash in project \$ 1,250,000.00

Included in the 2011 Bond Sale. Bond proceeds are not yet posted to this project - Imminent.

REQUEST APPROVED: Lane W. Steinbock

REQUEST DENIED: _____

DATE: August 22, 2011

Fund/Group 410..520
 Funds Center * (*)
 Funded Program A.11003 (2011 Countywide Code & Environmental Complan)

Commitment Item	Original Budget	Adjustments	Current Budget	Commitment	Actuals
475000 Gen. Oblig Bond Proc	1,250,000.00-		1,250,000.00-		
* Revenue	1,250,000.00-		1,250,000.00-		
CAPITALPROJECTS Capital Project Exp	1,250,000.00		1,250,000.00		
* Expense	1,250,000.00		1,250,000.00		
** Commitment Item					

Included in 2011 Bond Sale. Bond proceeds are not posted to the project yet.

ATTACHMENT B:		2011 CAPITAL BUDGET BOND RESOLUTION - PROJECT COMPONENTS								
COLUMN #		A	A-1	B	C	D	E	F	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 Soc. 11.80a reference	CAPITAL BUDGET PAGE REFERENCE	PROJECT DESCRIPTION
1	A.11002	2011 REHABILITATION OF RALPH WILSON STADIUM (ORCHARD PARK)	S	\$ 2,800,000	\$ 2,800,000			15 yrs. Par. 19(c)	B-107, 109 & 118	The County must provide annual capital maintenance and repairs to the County owned stadium facilities pursuant to the terms of the Lease Agreement between the Erie County Stadium Corporation and the Buffalo Bills. The current Lease Agreement expires 7/30/2013. Funding in the 2011 Capital Budget continues the rehabilitation program at the Stadium.
2	A.11003	2011 COUNTYWIDE CODE AND ENVIRONMENTAL COMPLIANCE (COUNTYWIDE)	C	\$ 1,250,000	\$ 1,250,000			15 yrs. Par. 12(a)(2)	B-107, 109 & 118	This project will include funding for the design and construction for building code compliance issues, testing and abatement of asbestos containing materials (ACM), testing and abatement of mold containing materials and other environmental concerns. The County has been cited by the EPA and NYS DEC for violations at various facilities throughout the County.
3	A.11004	2011 COUNTYWIDE ROOF REPLACEMENT & EXTERIOR WATERPROOFING (COUNTYWIDE)	C	\$ 1,000,000	\$ 1,000,000			15 yrs. Par. 12(a)(2)	B-107, 109 & 118	Many of the County's buildings are in need of exterior renovations in order to keep them in a water-tight condition. This project will address areas such as caulking, waterproofing, masonry repointing and miscellaneous work to maintain and preserve the building exteriors.
4	A.11005	2011 COUNTYWIDE BUILDING & FACILITY IMPROVEMENTS (COUNTYWIDE)	C	\$ 750,000	\$ 750,000			15 yrs. Par. 12(a)(2)	B-107, 110 & 118	Many of the County-owned buildings are in need of rehabilitation to improve energy performance and reduce maintenance costs. This project will correct deficiencies and replace antiquated equipment with new state-of-the-art equipment which will in turn reduce maintenance and operational costs.
5	A.11006	2011 COUNTYWIDE MECHANICAL ELECTRICAL & PLUMBING IMPROVEMENT (COUNTYWIDE)	C	\$ 500,000	\$ 500,000			10 yrs. Par. 5	B-107, 110 & 118	The existing HVAC, plumbing, fire detection, fire protection and electrical systems in various buildings are well beyond their useful lives. This project will address those issues.
	B.11006	2011 BRIDGE AND ROAD RECONSTRUCTION PROJECTS - FEDERAL AID PROGRAM (COUNTYWIDE)	COMBO	\$ 18,620,000	\$ 1,379,400	\$ 17,240,600		15 yrs. Par. 91	B-107, 110 & 118	This project provides \$1,379,400 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 \$17,240,600. Total project cost is \$18,620,000. Roads and bridges scheduled include: Cemetery Road Bridges, Seneca Street Bridge, Pavement Road Bridges, bridge painting and Greiner-Shimerville Intersection Improvements.
6-a	B.11005	2011 BRIDGE AND ROAD RECONSTRUCTION PROJECTS - FEDERAL AID PROGRAM - CEMETERY RD BRIDGE CONSTRUCTION	COMBO		\$ 420,400			15 yrs. Par. 91	B-107, 110 & 118	This project provides \$1,379,400 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 \$17,240,600. Total project cost is \$18,620,000. Roads and bridges scheduled include: Cemetery Road Bridges, Seneca Street Bridge, Pavement Road Bridges, bridge painting and Greiner-Shimerville Intersection Improvements.
6-b	B.11006	2011 BRIDGE AND ROAD RECONSTRUCTION PROJECTS - FEDERAL AID PROGRAM - SENECA ST BRIDGE CONSTRUCTION	COMBO		\$ 245,000			15 yrs. Par. 91	B-107, 110 & 118	This project provides \$1,379,400 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 \$17,240,600. Total project cost is \$18,620,000. Roads and bridges scheduled include: Cemetery Road Bridges, Seneca Street Bridge, Pavement Road Bridges, bridge painting and Greiner-Shimerville Intersection Improvements.
6-c	B.11007	2011 BRIDGE AND ROAD RECONSTRUCTION PROJECTS - FEDERAL AID PROGRAM - PAVEMENT RD BRIDGE CONSTRUCTION	COMBO		\$ 254,000			15 yrs. Par. 91	B-107, 110 & 118	This project provides \$1,379,400 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 \$17,240,600. Total project cost is \$18,620,000. Roads and bridges scheduled include: Cemetery Road Bridges, Seneca Street Bridge, Pavement Road Bridges, bridge painting and Greiner-Shimerville Intersection Improvements.
6-d	B.11008	2011 BRIDGE AND ROAD RECONSTRUCTION PROJECTS - FEDERAL AID PROGRAM - BRIDGE PAINTING	COMBO		\$ 160,000			15 yrs. Par. 91	B-107, 110 & 118	This project provides \$1,379,400 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 \$17,240,600. Total project cost is \$18,620,000. Roads and bridges scheduled include: Cemetery Road Bridges, Seneca Street Bridge, Pavement Road Bridges, bridge painting and Greiner-Shimerville Intersection Improvements.
6-e	B.11009	2011 BRIDGE AND ROAD RECONSTRUCTION PROJECTS - FEDERAL AID PROGRAM - GREINER SHIMERVILLE INTERSECTIONS	COMBO		\$ 300,000			15 yrs. Par. 91	B-107, 110 & 118	This project provides \$1,379,400 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 \$17,240,600. Total project cost is \$18,620,000. Roads and bridges scheduled include: Cemetery Road Bridges, Seneca Street Bridge, Pavement Road Bridges, bridge painting and Greiner-Shimerville Intersection Improvements.
	B.11010 B.11011 B.11012 B.11013 B.11014 B.11015	2011 FEDERAL AID PROJECTS DESIGN (COUNTYWIDE)	S	\$ 1,720,000	\$ 214,700	\$ 1,505,300		15 yrs. Par. 62(2nd)	B-107, 111 & 118	Design work on Federal aid projects throughout the County. Federal aid totals \$1,505,300 making a total project of \$1,720,000. Roads and bridges scheduled include: Abbott Road Bridge, Pavement Road Bridges, North Forest Road, bridge painting, Harris Hill at Wehrle and Pleasant View Intersection Improvements and Colvin Signals.

TO: LORNE STEINHART, 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 | DV Brown & Associates, Inc. (Mechanical)
DV Brown & Associates, Inc. Plumbing
Weydman Electric (Electrical) |
| 2. AMOUNT OF CONTRACT | \$2,617,000.00 (Mechanical)
\$ 183,000.00 (Plumbing)
\$ 124,000.00 (Electrical)
\$ 158,000.00 (Construction Contingency) |
| 3. PROJECT NUMBER | A.11003.1
Grant #:122DOEECBG 0912 |
| 4. PROJECT TITLE | Rath Building Mechanical and Electrical
Renovations |
| 5. DEPARTMENT CONTACT | Funding questions: Kevin M. Madoo, PE at 8824
Letter pickup: Lynn Sacha at 8301 |

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

- | | |
|------------------------------------|------------------------|
| 6. AVAILABILITY OF FUNDS | \$ 1,250,000. |
| 7. PERFORMED BY | <i>Jackie Pulsifer</i> |
| Date Sent to Comptroller's Office: | August 19, 2011 |

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