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COUNTY OF ERIE

CHRIS COLLINS
COUNTY EXECUTIVE

August 26, 2011

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

**Re: Supplemental Agreement with NYSDOT
Bridge Deck Sealing Project
Various Towns and Villages
Erie County
PIN 5760.13**

Honorable Members:

The Department of Public Works, Division of Highways is requesting authorization for the County Executive to enter into a Supplemental Agreement to participate in the above noted Project with the New York State Department of Transportation and to advance the Federal and pay the non-Federal share of the cost of Construction and Construction Inspection Phases for this project.

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 "J. Collins", is written over the word "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: Supplemental Agreement with NYSDOT
Bridge Deck Sealing Project
Various Towns and Villages
PIN 5760.13, Erie County
Date: August 26, 2011

SUMMARY

Adoption of a resolution authorizing the County Executive to enter into a Supplemental Agreement with the New York State Department of Transportation (NYSDOT) for the construction and construction inspection phases of the above noted project.

FISCAL IMPLICATIONS

The total cost of this non-Marchiselli Locally Administered Federal Aid project phase is currently estimated at \$140,000.00. The total project is eligible for 80% Federal reimbursement, and Erie County is required to pay 20% of the local share in the amount of \$28,000.00. Local share funding with anticipated federal revenue is available from B.00182 – 2008 Capital Overlay Program (PAYGO).

REASONS FOR RECOMMENDATION

The Erie County Department of Public Works has completed the design phase of the Project and desires to advance the Project by entering into a Supplemental Agreement for the construction phase with the NYSDOT. The Project benefits from Federal Aid reimbursement through the Locally Administered Federal Aid Program.

BACKGROUND INFORMATION

This project has been approved by the New York State Department of Transportation in their current Capital Program to be funded with Federal Aid funds and is tentatively scheduled for letting in December 2011.

CONSEQUENCES OF NEGATIVE ACTION

If the Agreement is not approved, concrete bridge decks on County bridges will continue to deteriorate causing the need for more expensive repairs. Failure to execute this Agreement will jeopardize receipt of the Project and possibly the loss of eligibility for future Federal Aid Program participation.

STEPS FOLLOWING APPROVAL

Upon the Erie County Legislature's approval, the Highway Division will proceed with execution

of the Supplemental Agreement with the New York State Department of Transportation and the project will proceed on schedule.

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
LORNE H. STEINHART
Deputy Comptroller
Comptroller's Office
8/26/2011

• cash in project/Availability of Funds: \$31,847.50
• This is a request to enter into a Supplemental Agreement with the NYSDOT. This request is contingent upon receipt of the NYSDOT Supplemental Agreement.
Upon approval, the budget for B.00182 will be increased by \$112,000 in federal Aid, which along with the local share (\$28,000), will bring the total NYSDOT contract to \$140,000. JHS

GJS/JGM

File Copy (DPW.8.15.11-7.Bridge Deck Dealing NYSDOT SA1.docx)

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

RE: Supplemental Agreement with NYSDOT
Bridge Deck Sealing Project
Various Towns and Villages
PIN 5760.13, Erie County

WHEREAS, the Bridge Deck Sealing Project in various Towns and Villages, Erie County, PIN 5760.13 (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, depending on the Federal Aid Funding Program; and

WHEREAS, the County of Erie desires to advance the Construction and Construction Inspection Phases of the Project, PIN 5760.13, contingent upon execution of a Supplemental Agreement with the New York State Department of Transportation (NYSDOT) that increases the original Project Agreement in the amount of \$140,000.00, and payment of the required local share of \$28,000.00.

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 share of the cost of the Construction and Construction Inspection Phases of the Project or portions thereof; and be it further

RESOLVED, that the Project Fund B.00182 – 2008 Capital Overlay, fund center 1231010, fund 420, be increased by the anticipated Federal revenue in the amount of \$112,000.00 as follows:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
414000	Federal Aid	\$ 0	\$112,000	\$112,000
475000	Gen Oblig Bond Proc	\$3,800,000	\$ 0	\$3,800,000
486000	Interfund Rev Subsidy	<u>\$3,068,117</u>	<u>\$ 0</u>	<u>\$3,068,117</u>
TOTAL REVENUES		<u>\$6,868,117</u>	<u>\$112,000</u>	<u>\$6,980,117</u>

APPROPRIATIONS

Capital Projects	Capital Project Exp	<u>\$6,868,117</u>	<u>\$112,000</u>	<u>\$6,980,117</u>
TOTAL APPROPRIATIONS		<u>\$6,868,117</u>	<u>\$112,000</u>	<u>\$6,980,117</u>

; and be it further

RESOLVED, that upon execution of the agreement with the NYSDOT, the estimated total sum of the construction phase of the Project, \$140,000.00 is hereby appropriated from B.00182.10 – 2008 Overlay Program and made available to cover the cost of participation in the above phase of the Project; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the Project's Construction and Construction Inspection Phases exceeds the amount appropriated, \$140,000.00 and/or 100% of the full Federal and non-Federal shares of the cost of the Project's Construction and Construction Inspection Phases exceeds \$140,000.00, 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 on behalf of the County of Erie, (subject to the County of Erie Attorney's approval as to form and content), with the New York State Department of Transportation in connection with the advancement or approval of the Project identified in the State/Local Agreement; 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 Project costs and all Project costs within appropriations therefore that are not so eligible; 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 also one copy each to the Office of the County Executive, the Office of Budget and Management, and the Office of the Comptroller.

PROJECT TITLE: B.00182 2008 Capital Overlay #1

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 \$ 6,868,117.00

TOTAL PROJECT APPROPRIATIONS \$ 6,868,117.00

LESS: TOTAL EXPENDITURE TO DATE \$ 6,836,269.50

TOTAL COMMITMENTS \$ 0

AVAILABLE APPROPRIATIONS AS OF DATE OF REQUEST \$ 31,847.50

LESS: LOCAL SHARE AMOUNT: 28,000.00

NET AVAILABLE APPROPRIATIONS \$ 3,847.50

COMMENTS: Cash in project: \$31,847.50

This is a request to enter into a Supplemental Agreement with NYSDOT. This request is contingent upon receipt of the NYSDOT Supplemental Agreement. Upon approval, the budget for B.00182 will be increased by \$112,000 in Federal Aid, which along with the \$28,000 local share, will bring the total NYSDOT contract to \$140,000.

REQUEST APPROVED: Lorne Stenhardt

REQUEST DENIED: _____

DATE: August 26, 2011

Fund/Group 410..520
 Funds Center *
 Funded Program B.00182 (08 Capital Overlay Program (*))

Commitment Item	Original Budget	Adjustments	Current Budget	Commitment	Actuals
445070 Prem On Obligations					342,027.07-
475000 Gen Oblig Bond Proc		3,800,000.00-	3,800,000.00-		3,457,972.93-
486000 Interfund Rev Subsidy	2,200,000.00-	868,117.00-	3,068,117.00-		3,068,117.00-
* Revenue	2,200,000.00-	4,668,117.00-	6,868,117.00-		6,868,117.00-
501000 Overtime					557,834.49
502000 Fringe Benefits					42,165.51
506400 Highway Supplies					5,394,447.76
516020 Pro Ser Cat And Fees					806,389.84
545000 Rental Charges					28,535.75
550110 Bond Issue Costs					6,896.15
CAPITALPROJECTS Capital Project Exp	2,200,000.00	4,668,117.00	6,868,117.00		
* Expense	2,200,000.00	4,668,117.00	6,868,117.00		6,836,269.50
** Commitment Item					31,847.50-

Fund(s): 400..599

Fiscal Year: 2011

Project(s):B.00182

08 Capital Overlay Program

Period: 1 to 16

Account	Prev. Yr.	YTD Debit	YTD Credit	End Bal
117000 CASH CONTROL ACCOUNT	31,847.50			31,847.50
130000 DUE FROM (DUE TO) OTHER FUNDS				
200000 ACCOUNTS PAYABLE CONTROL ACCT				
200200 GR/IR ACCOUNT				
240510 BOND ANTICIPATION NOTES - CAPITAL				
389999 UNRESERVED/UNDESIGNATED FUND BALANCE				
* Balance Sheet	31,847.50			31,847.50
445070 PREMIUM ON OBLIGATIONS - BONDS	342,027.07-			342,027.07-
475000 GENERAL OBLIGATION BOND PROCEEDS	3,457,972.93-			3,457,972.93-
486000 INTERFUND REVENUE SUBSIDY	3,068,117.00-			3,068,117.00-
* Revenues	6,868,117.00-			6,868,117.00-
501000 OVERTIME	557,834.49			557,834.49
502000 FRINGE BENEFITS	42,165.51			42,165.51
506400 HIGHWAY SUPPLIES	5,394,447.76			5,394,447.76
516020 PROFESSIONAL SERVICE CONTRACTS AND FEES	806,389.84			806,389.84
545000 RENTAL CHARGES	28,535.75			28,535.75
550110 BOND ISSUE COSTS	6,896.15			6,896.15
* Expenditures	6,836,269.50			6,836,269.50
** Total				

COMPTROLLER'S RECEIVED

TO: LORNE STEINHART, DEPUTY, COMPTROLLER'S OFFICE

11 AUG 25 PM 12:30

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 NYS Department of Transportation
- 2. AMOUNT OF CONTRACT \$140,000.00
- 3. PROJECT NUMBER B.00182
- 4. PROJECT TITLE 2008 Capital Overlay Program
- 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 \$ 31,847.50 *
- 7. PERFORMED BY *Jackie Pulisifer*
- Date Sent to Comptroller's Office: August 23, 2011

COMMENTS: Cash in project: \$31,847.50

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