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COUNTY OF ERIE

CHRIS COLLINS
COUNTY EXECUTIVE

September 1, 2011

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

**Re: Bridge Deck Sealing Project Construction Award
Various Towns and Villages, Erie County, PIN 5760.13**

Honorable Members:

The Department of Public Works is requesting the County Executive be authorized to award and enter into a contract with the responsible, low bidder for the Bridge Deck Sealing Project, establish a construction contingency, and execute a change order with project engineers Clough Harbour Associates, of Buffalo, New York for construction inspection and services during construction.

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 "CK", 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: Bridge Deck Sealing Project, Construction Award, Various Towns and Villages,
Erie County, PIN 5760.13
Date: September 1, 2011

SUMMARY

Request adoption of a resolution to authorize the County Executive to award and enter into a contract with the responsible low bidder for the Bridge Deck Sealing Project once bids are taken and the lowest responsible bidder is determined, establish a construction contingency, and execute a Change Order with project engineers Clough Harbour Associates for construction inspection and services during construction.

FISCAL IMPLICATIONS

The total cost for the construction phase of this project is currently estimated at \$140,000.00, and is available in B.00182 – 2008 Capital Overlay Program. The Project is contingent upon receipt of an Agreement with the New York State Department of Transportation (NYSDOT) Locally Administered Federal Aid Program that is eligible for 80% reimbursement.

REASONS FOR RECOMMENDATION

Timely award of the contract is necessary so that the contractor can begin bridge deck sealing as soon as possible. The project will benefit from Federal funds through the Locally Administrated Federal Aid Program.

BACKGROUND INFORMATION

This project is approved by the NYSDOT in their current Capital Program 5-year Plan to be funded through the Locally Administered Federal Aid Program. In order not to delay the project, it is recommended the County Executive be authorized to execute a contract with the responsible low bidder, establish the construction contingency, and execute a change order with project engineers Clough Harbour Associates once bids are taken and analyzed. The Project is contingent upon receipt of a Supplemental Agreement with the NYSDOT.

CONSEQUENCES OF NEGATIVE ACTION

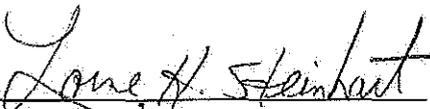
The construction phase of the Project will not be implemented in a timely manner and therefore, not completed. As a result, Bridge Deck Sealing Project will not start and Federal aid for the project could be lost. Negative action would halt project advancement, expose the county traveler to health and safety risks because of bridge deterioration, and jeopardize existing and future reimbursement funding through this program.

STEPS FOLLOWING APPROVAL

The Department of Public Works anticipates receiving an Agreement from NYSDOT prior to these actions. The lowest responsible bidder will be determined by the Department of Public Works and a contract will be awarded. The County Executive will execute the construction contract, establish a construction contingency, and execute the negotiated change order with project engineers Clough Harbour Associates. Bridge deck sealing will begin as soon as possible depending on the weather. 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 H. STEINHART
Deputy Comptroller
Comptroller's Office

- Cash in Project/Availability of funds: \$31,847.50
- This request is contingent upon receipt of the NYSDOT Supplemental Agreement and approval of the previous resolution to allow the County to enter into the NYSDOT Agreement.
- Upon completion of these steps, the budget for B.00182 will increase by \$112,000 in Federal A.O., which, along with the local share of \$28,000, will bring the total NYSDOT contract to \$140,000.

GJS/JGM

File Copy (DPW.8.15.11-6.Bridge Deck Sealing Award of Contract.docx)

-LKS

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

Re: Bridge Deck Sealing Project
Construction Award
Various Towns and Villages
Erie County
PIN 5760.13

WHEREAS, the Bridge Deck Sealing Project PIN 5760.13 will be advertised, bid, and ready for award of construction contract to the responsible low bidder; and

WHEREAS, the Bridge Deck Sealing Project PIN 5760.13 will improve the condition of County bridges; and

WHEREAS, funding for this project is contingent upon receipt of a Supplemental Agreement from the New York State Department of Transportation (NYSDOT) and is available in B.00182 – 2008 Capital Overlay Program in the amount of \$140,000.00; and

WHEREAS, it is necessary that this approval be granted, so that the contract can be awarded to allow the contractor to begin bridge deck sealing as soon as possible; and

WHEREAS, in order to facilitate the Bridge Deck Sealing Project 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 Clough Harbour Associates of Buffalo, New York for construction inspection and services during construction.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to award and execute a contract for the Bridge Deck Sealing Project PIN 5760.13 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 Clough Harbour Associates of Buffalo, New York, upon receipt of a Supplemental Agreement from NYSDOT; and be it further

RESOLVED, that funding for the Bridge Painting Project be allocated from fund B.00182.10 – 2008 Capital Overlay Program in an amount not to exceed \$140,000.00; 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 with the New York State Department of Transportation in connection with the advancement or approval of the Project; 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 Department of Public Works will inform the Erie County Legislature, for information only, as to what contractor was the successful low responsible bidder for the Bridge Deck Sealing Project PIN 5760.13; 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.

OFFICE OF THE COMPTROLLER REVIEW

DATE: 8/25/11

PROJECT TITLE: B.00182 2008 Capital Overlay #2

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>6,868,117.00</u>
TOTAL PROJECT APPROPRIATIONS	\$	<u>6,868,117.00</u>
LESS: TOTAL EXPENDITURE TO DATE	\$	<u>6,836,269.50</u>
TOTAL COMMITMENTS	\$	<u>0</u>
AVAILABLE APPROPRIATIONS AS OF DATE OF REQUEST	\$	<u>31,847.50</u>
PLUS: INC IN BUDGET CONTINGENT ON NYSDOT AGREEMENT RECEIPT & APPROVAL :		<u>112,000.00</u>
LESS: CONTRACT AMOUNT:		<u>140,000.00</u>
NET AVAILABLE APPROPRIATIONS	\$	<u>3,847.50</u>

COMMENTS: Cash in project: \$31,847.50

This request is contingent upon receipt of the NYSDOT Supplemental Agreement and approval of the previous resolution to allow us to enter into the NYSDOT Agreement. Upon completion of these steps, 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:

Louise H. Steinbart

REQUEST DENIED:

DATE:

August 26, 2011

TO: LORNE STEINHART, DEPUTY, COMPTROLLER'S OFFICE COMPTROLLER'S RECEIVED

PROPOSED RESOLUTIONS REQUIRING RULE 53 AUG 25 PM 12:30

CONTRACT APPROVAL CHECKLIST
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

REQUESTING DEPARTMENT

COMPLETE ITEMS 1 THROUGH 5

- 1. CONTRACTOR'S NAME Low Bidder and Clough Harbour Associates
- 2. AMOUNT OF CONTRACT \$140,000.00 (not to exceed)
- 3. PROJECT NUMBER B.00182.10
- 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 Pucay*
- Date Sent to Comptroller's Office: August 23, 2011

COMMENTS: Cash in project: \$31,847.50

This request is contingent upon receipt of the NYSDOT Supplemental Agreement and approval of the previous resolution to allow us to enter into the NYSDOT Agreement. Upon completion of these steps, 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.

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