



ECLEG DEC05'11 AM10:37

COUNTY OF ERIE

CHRIS COLLINS

COUNTY EXECUTIVE

November 29, 2011

Immediate Consideration Requested

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

**RE: Change Orders for Construction and Construction Engineering and Inspection Services
for the Reconstruction of Wehrle Drive (CR 290), Town of Amherst
Erie County Project No. FA-290-07, NYS PIN 5755.19**

Honorable Members:

We are forwarding for your approval a proposed resolution to authorize the County Executive to execute project change orders with construction contractor DiPizio Construction Co., Inc. of Cheektowaga, New York and project engineers Stantec Consulting Services Inc. of Rochester, New York.

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: Change Orders for Construction and Construction Engineering and Inspection Services
for the Reconstruction of Wehrle Drive (CR 290), Town of Amherst
Erie County Project No. FA-290-07, NYS PIN 5755.19
Date: November 29, 2011

SUMMARY

We request adoption of a resolution to authorize the County Executive to execute project change orders with construction contractor DiPizio Construction Co., Inc. of Cheektowaga, New York and project engineers Stantec Consulting Services Inc. of Rochester, New York.

FISCAL IMPLICATIONS

The total construction cost of this project is currently estimated at \$18,743,000.00. The project was previously approved and appropriated via Comm. 8E-24 of May 8, 2008 (SAP B.00007 and B.00169) and Comm. 24E-8 of December 16, 2010 (SAP B.21004). The current Project construction increase in the amount of \$452,362.55 is available from SAP Projects B.00169.1 (\$176,473.00) 2007 Wehrle Drive Reconstruction Program, B.00180.1 (not to exceed \$171,889.55) 2007 Unanticipated Federal Aid Program, and B.21004.2 (\$104,000.00) 2010 Wehrle Drive Reconstruction. The Project construction increase is necessary for change orders to DiPizio Construction Co. and Stantec Consulting Services for unanticipated on-site work scope and quantity changes. Should additional State and Federal funding become available, the project budget will be increased.

REASONS FOR RECOMMENDATION

The Erie County Department of Public Works has agreed to the Project increase due to unanticipated on-site work scope and quantity changes. The increase will be used to negotiate change orders to the construction contract with DiPizio Construction Co., Inc. of Cheektowaga, New York, and construction inspection services contract with Stantec Consulting Services Inc. of Rochester, New York.

BACKGROUND INFORMATION

This project is almost complete. The increased funding will allow the project to be completed.

CONSEQUENCES OF NEGATIVE ACTION

This action is required to pay for costs related to unanticipated on-site work scope and quantity changes. Negative action would halt project completion.

STEPS FOLLOWING APPROVAL

The County Executive will sign negotiated change orders with DiPizio Construction Co. and Stantec Consulting Services.

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 STEINHART
Deputy Comptroller
Comptroller's Office

11/29/2011

Projects B.001694 B.21004 - No cash in projects. therefore, claims must be filed in timely manner to receive federal/Marchetti reimbursements.

Project B. 00180 - \$172,186.95

GJS/JGM/lis
File (DPW.9.16.11-1.Wehrle Drive.docx)

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

RE: Change Orders for Construction and Construction
Engineering and Inspection Services for the
Reconstruction of Wehrle Drive (CR 290)
Town of Amherst
Erie County Project No. FA-290-07, NYS PIN 5755.19

WHEREAS, bids were taken for the reconstruction of Wehrle Drive (CR 290), in the Town of Amherst, on March 27, 2008, and awarded to the low bidder DiPizio Construction Co., Inc. of Cheektowaga, New York. The project was approved and appropriated via Comm. 8E-24 of May 8, 2008 (SAP B.00007 and B.00169) and Comm. 24E-8 of December 16, 2010 (SAP B.21004); and it has been determined that the contract must be increased due to unanticipated on-site work scope and quantity changes; and

WHEREAS, the County of Erie entered into a contract for design and engineering services for the above noted project with the engineering firm of Stantec Consulting Services Inc. of Rochester, New York. The contract was approved and appropriated via Comm. 8E-24 of May 8, 2008 (SAP B.00007 and B.00169) and Comm. 24E-8 of December 16, 2010 (SAP B.21004), and it has been determined that the contract must be increased to include additional construction engineering services and construction inspection services due to unanticipated on-site work scope and quantity changes; and

WHEREAS, should additional State and Federal funding become available, the project budget will be increased.

NOW, THEREFORE, BE IT

RESOLVED, that the 2007 Consolidated Bond Resolution description, which included B.00180 Unanticipated Bridge Reconstruction, is hereby amended to include Unanticipated Road Reconstruction for unanticipated on-site work scope and quantity changes related to the reconstruction of Wehrle Drive with authorization to utilize any unused funds on other Erie County road projects; and be it further

RESOLVED, that the current Project construction amount of \$18,743,000.00 be increased by the amount of \$452,362.55 which is appropriated from capital accounts SAP B.00169.1 (\$176,473.00) 2007 Wehrle Drive Reconstruction Program, B.00180.1 (not to exceed \$171,889.55) 2007 Unanticipated Federal Aid Program, and B.21004.2 (\$104,000.00) 2010 Wehrle Drive Reconstruction; and be it further

RESOLVED, that the County Executive is authorized to execute negotiated change orders in an amount not to exceed the allowable Project construction increase between the County of Erie and project contractor DiPizio Construction Co., Inc. of Cheektowaga, New York as well as project engineers Stantec Consulting Services Inc. of Rochester, New York for unanticipated on-site work scope and quantity changes; and be it further

RESOLVED, should additional State and Federal funding become available, the project budget

will be increased; 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.

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY
CLERK'S OFFICE

BUFFALO, N.Y., MAY 8, 2008

TO WHOM IT MAY CONCERN:

I HEREBY CERTIFY, That at the 9th Session of the Legislature of Erie County, held in the Legislative Chambers, in the City of Buffalo, on the Eighth day of May, 2008 A.D., a Resolution was adopted, of which the following is a true copy:

WHEREAS, bids were taken for the Reconstruction of the Federal Aid Project for Wehrle Drive (CR 290), in the Town of Amherst, on March 27, 2008, the low bidder was DiPizio Construction Co. Inc. of Cheektowaga, New York at a low bid amount of \$15,589,200.00; and

WHEREAS, a Contract was previously awarded for design and engineering services for the above noted project to the engineering firm of Stantec Consulting Services, Inc. of Buffalo, New York on May 20, 1999, at the 10th session of the Legislature of Erie County, Communication No. 8D-10, and it has been determined that the Contract must be increased to include additional engineering design services, Right-of-Way services and construction inspection services.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to execute a Contract for Erie County Project No. FA-290-07, NYS PIN 5755.19 for the Reconstruction of Wehrle Drive (CR 290), between the County of Erie and the low bidder, DiPizio Construction Co. Inc. of Cheektowaga, New York at a low bid amount of \$15,589,200.00; and be it further

RESOLVED, that an amount of \$15,589,200.00 be allocated from the Wehrle Drive Reconstruction Program (SAP Account B.00169), and an additional amount of \$1,558,920.00 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 \$1,558,920.00 to be allocated from the Wehrle Drive Reconstruction Program - SAP Account B.00007 in the amount of \$201,000.00 and SAP Account B.00169 in the amount of \$1,357,920.00; and be it further

RESOLVED, that an amount of \$650,880.00 be allocated from the Wehrle Drive Design Program (SAP Account B.00007) for a change order to the Contract for engineering services, Right-of-Way services and services during construction, construction reimbursables, and construction inspection with Stantec Consulting Services Inc. of Buffalo, New York; 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. 8E-24 (2008)

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., December 16, 2010

TO WHOM IT MAY CONCERN:

I HEREBY CERTIFY, That at the 27th Session of the Legislature of Erie County, held in the Legislative Chambers, in the City of Buffalo, on the Sixteenth day of December, 2010 A.D., a Resolution was adopted, of which the following is a true copy:

WHEREAS, a Project for the Pavement Reconstruction of Wehrle Drive (CR 290), from Ellicott Creek to Transit Road, in the Town of Amherst, Erie County, P.I.N. 5755.19 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds or 90% Federal funds and 10% non-Federal funds, depending on the Federal funding program; and

WHEREAS, the County of Erie advanced the Project by making a commitment of 100% of the non-Federal share of the costs of the Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition, and Construction and Construction Inspection phases of the Project via Comm. 8E-25, adopted on May 8, 2008; and

WHEREAS, the County of Erie desires to advance the Project, PIN 5755.19 through a Supplemental Agreement that increases the previous Project Agreement's construction phase by \$700,000.00 in the new agreement amount of \$23,337,219.00; and

WHEREAS, bids were taken for the reconstruction of the Federal Aid Project for Wehrle Drive (CR 290), in the Town of Amherst, on March 27, 2008, and awarded to the low bidder DiPizio Construction Co., Inc. of Cheektowaga, New York via Comm. 8E-24 adopted on May 8, 2008; and it has been determined that the contract must be increased due to unanticipated on site work scope and quantity changes; and

WHEREAS, the contract for design and engineering services for the above noted project between the County of Erie and the engineering firm of Stantec Consulting Services Inc. of Hamburg, New York was amended on May 8, 2008, via Comm. 8E-24, and it has been determined that the Contract must be increased to include additional construction engineering services and construction inspection services due to unanticipated on site work scope and quantity changes.

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 100% of the non-Federal share of the cost of the Preliminary Engineering (Scoping) phase of the project and in the first instance 100% of the Federal and non-Federal shares of the cost of the Preliminary Engineering (Design I-VI), Right-of Way Incidentals and Right-of-Way Acquisition, and Construction & Construction Inspection Phases of the Project or portions thereof; and be it further

RESOLVED, that the increased Project construction amount of \$700,000.00 of which the local share required is \$36,873.00 is hereby appropriated from capital account B.21004 2010 Wehrle Drive Reconstruction; and be it further

RESOLVED, that Project SAP B.21004 revenues and appropriations be adjusted to reflect the Supplemental Agreement construction increase; 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., December 16, 2010

TO WHOM IT MAY CONCERN:

I HEREBY CERTIFY, That at the 27th Session of the Legislature of Erie County, held in the Legislative Chambers, in the City of Buffalo, on the Sixteenth day of December, 2010 A.D., a Resolution was adopted, of which the following is a true copy:

RESOLVED, that in the event the amount required to pay the non-Federal share of the cost of the Project's Preliminary Engineering (Scoping) Phase and in the first instance 100% of the Federal and non-Federal shares of the costs of the Project's Preliminary Engineering (Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition, and Construction and Construction Inspection Phases exceeds the amount appropriated and/or 100% of the full Federal and non-Federal shares of the cost of the Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition, and Construction and Construction Inspection Phases exceeds the total Project allowance of \$23,337,219.00, 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 and/or Marchiselli 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 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 and State-Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further.

RESOLVED, that the County Executive be authorized to execute negotiated Change Orders in an amount not to exceed the allowable Project construction increase between the County of Erie and project contractor DiPizio Construction Co., Inc. of Cheektowaga, New York as well as project engineers Stantec Consulting Services Inc. of Hamburg, New York for unanticipated on site work scope and quantity changes; 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 one copy each to the Office of the County Executive, the Division of Budget and Management of the Office of the Comptroller.

REFERENCE: COMM. 24F-8 (2010)

ATTEST



ROBERT M. GRABER
Clerk of the Legislature of Erie County

OFFICE OF THE COMPTROLLER REVIEW

DATE: 11/29/11

(revised from 9/28/11)

PROJECT TITLE: B.00169 2007 Wehrle Drive Reconstruction - PIN 5755.19

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 \$ 20,065,000.00

TOTAL PROJECT APPROPRIATIONS \$ 20,065,000.00

LESS: TOTAL EXPENDITURE TO DATE \$ 17,732,380.07

TOTAL COMMITMENTS \$ 0

AVAILABLE APPROPRIATIONS AS OF DATE OF REQUEST \$ 2,332,619.93

LESS: CONTRACT AMOUNT: 176,473.00

NET AVAILABLE APPROPRIATIONS \$ 2,156,146.93

COMMENTS: Cash in project: \$0

Eligible for Federal/Marchiselli Aid. Claims must be submitted for reimbursement to the project.

REQUEST APPROVED:

Louise M. Spinkhart

REQUEST DENIED:

DATE:

11/29/2011

This was originally signed by me on 9/30/2011; however, funding changes were req'd so this is being re-considered + re-processed.

LHS

Fund/Group 410..520
 Funds Center *
 Funded Program B.00169 (* '07 Wehrle Drive (PIN 5755.19)-Rd Reconstruct)

Commitment Item	Original Budget	Adjustments	Current Budget	Commitment	Actuals
405160 Marchisella Aid	3,000,000.00-		3,000,000.00-		2,677,838.73-
410170 Federal Road Aid	16,000,000.00-		16,000,000.00-		11,172,799.98-
414000 Federal Aid					3,483,635.85-
445070 Prem On Obligations					90,007.11-
466000 Misc Receipts					824.23-
475000 Gen Oblig Bond Proc	1,000,000.00-		1,000,000.00-		909,992.89-
486010 Resid Equity Tran-In		65,000.00-	65,000.00-		65,000.00-
* Revenue	20,000,000.00-	65,000.00-	20,065,000.00-		18,400,098.79-
500030 Seasonal - Wages					1,189.34-
501000 Overtime					
502010 Employer FICA					73.74-
502020 Employer FICA-Medicare					17.25-
502050 Workers Compensation					
502060 Unemployment Ins					
502070 Hosp & Med-Retirees					
502100 Retirement					
516020 Pro Ser Cnt And Fees					17,680,322.38
550110 Bond Issue Costs					1,814.78
562000 Capital Labor Trans					51,523.24
CAPITALPROJECTS Capital Project Exp	20,000,000.00	65,000.00	20,065,000.00		
* Expense	20,000,000.00	65,000.00	20,065,000.00		17,732,380.07
** Commitment Item					667,718.72-

Fund(s): 400..599

Fiscal Year: 2011

Project(s):B.00169

'07 Wehrle Drive (PIN 5755.19)-Rd Reconstruction

Period: 1 to 16

Account	Pre. yr	YTD Debit	YTD Credit	End Bal
117000 CASH CONTROL ACCOUNT	361,684.58	6,864,157.67	7,225,842.25-	
117200 MISCELLANEOUS CASH	10.48		10.48-	
121000 AR CONTROL - STATE CUSTOMERS	2,870,863.24	5,794,069.77	7,367,187.98-	1,297,745.03
124000 A/R - OTHER				
130000 DUE FROM (DUE TO) OTHER FUNDS	2,585,089.85-	3,715,291.48	1,760,227.94-	630,026.31-
200000 ACCOUNTS PAYABLE CONTROL ACCT	994,056.56-	2,534,406.39	1,540,349.83-	
200110 SALARIES PAYABLE ACCRUALS				
200200 GR/IR ACCOUNT		1,482,249.02	1,482,249.02-	
200530 NYS RETIREMENT CONTRIBUTION - EMPLOYER				
240510 BOND ANTICIPATION NOTES - CAPITAL				
389999 UNRESERVED/UNDESIGNATED FUND BALANCE				
Balance Sheet	346,588.11-	20,390,174.33	19,375,867.50-	667,718.72
405160 MARCHISELLI AID	2,267,470.03-	157,098.00	567,466.70-	2,677,838.73-
410170 FED PORTION - MARCHISELLI AID	9,144,713.64-	935,248.00	2,963,334.34-	11,172,799.98-
414000 FEDERAL AID	3,483,635.85-			3,483,635.85-
445070 PREMIUM ON OBLIGATIONS - BONDS	90,007.11-			90,007.11-
466000 MISCELLANEOUS RECEIPTS	824.23-			824.23-
475000 GENERAL OBLIGATION BOND PROCEEDS	909,992.89-			909,992.89-
486010 RESIDUAL EQUITY TRANSFERS IN	65,000.00-			65,000.00-
Revenues	15,961,643.75-	1,092,346.00	3,530,801.04-	18,400,098.79-
500030 SEASONAL EMP. WAGES	1,189.34-			1,189.34-
501000 OVERTIME				
502010 EMPLOYER FICA	73.74-			73.74-
502020 EMPLOYER FICA - MEDICARE	17.25-			17.25-
502050 WORKER'S COMPENSATION				
502060 UNEMPLOYMENT INSURANCE				
502070 HOSPITAL & MEDICAL - RETIREES				
502100 RETIREMENT				
516020 PROFESSIONAL SERVICE CONTRACTS AND FEES	16,256,174.17	1,424,148.21		17,680,322.38
550110 BOND ISSUE COSTS	1,814.78			1,814.78
562000 CAPITAL LABOR TRANSFER	51,523.24			51,523.24
Expenditures	16,308,231.86	1,424,148.21		17,732,380.07
* Total		22,906,668.54	22,906,668.54-	

OFFICE OF THE COMPTROLLER REVIEW

DATE: 9/28/11-
11/29/11 (revision for
funding in B.O)

PROJECT TITLE: B.00180 2007 Unanticipated Rd Br Reconstruction

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 \$ 3,450,000.00

TOTAL PROJECT APPROPRIATIONS \$ 3,450,000.00

LESS: TOTAL EXPENDITURE TO DATE \$ 313.05

TOTAL COMMITMENTS \$ 0

AVAILABLE APPROPRIATIONS AS OF DATE OF REQUEST \$ 3,449,686.95

LESS: CONTRACT AMOUNT: 171,889.55 (no charge)

NET AVAILABLE APPROPRIATIONS \$ 3,277,797.40

COMMENTS: Cash in project: \$172,186.95

REQUEST APPROVED: Lorne H. Steinbock

REQUEST DENIED: _____

DATE: 11/29/2011

OFFICE OF THE COMPTROLLER REVIEW

DATE: 9/28/11-
11/29/11 (revision to
funding in B.00169)

PROJECT TITLE: B.21004 2010 Wehrle Drive 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 \$ 805,000.00

TOTAL PROJECT APPROPRIATIONS \$ 805,000.00

LESS: TOTAL EXPENDITURE TO DATE \$ 365,024.74

TOTAL COMMITMENTS \$ 334,975.26

AVAILABLE APPROPRIATIONS AS OF DATE OF REQUEST \$ 105,000.00

LESS: CONTRACT AMOUNT: 104,000.00 (no change)

NET AVAILABLE APPROPRIATIONS \$ 1,000.00

COMMENTS: Cash in project: \$0
Eligible for Federal/Marchiselli Aid. Claims must be submitted for reimbursement to the project.

REQUEST APPROVED: Lore H. Steinhart

REQUEST DENIED: _____

DATE: 11/29/2011

TO: LORNE STEINHART, COMPTROLLER'S OFFICE

COMPTROLLER'S RECEIVED

PROPOSED RESOLUTIONS REQUIRING RULE 55 11 NOV 25 AM 11:02

CONTRACT APPROVAL CHECKLIST
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

REQUESTING DEPARTMENT

COMPLETE ITEMS 1 THROUGH 5

- 1. CONTRACTOR'S NAME DiPizio Construction Company
Stantec Consulting Services
- 2. AMOUNT OF CONTRACT Construction Increase Not to Exceed \$452,362.55
- 3. PROJECT NUMBER B.00169.1 (176,473.00)
B.00180.1 (\$171,889.55)
B.21004.2 (\$104,000.00)
- 4. PROJECT TITLE 2007 Unanticipated Federal Aid Program
2007 and 2010 Wehrle Drive Reconstruction
- 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 \$ * see below
- 7. PERFORMED BY *Jackie Pulayfer*
- Date Sent to Comptroller's Office: November 23, 2011 (Revised)

* B.00169 & B.21004 - no cash in projects. Claims must be filed to receive Federal/Marchiselli reimbursements.
B.00180- \$ 172,186.95