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COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

February 21, 2012

ED

Erie County Legislature
92 Franklin Street – 4th Floor
Buffalo, New York 14202

**Re: Colvin Boulevard at Highland Avenue
Construction Award
Town of Tonawanda
Erie County
PIN 5756.86**

Dear 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 Colvin Boulevard at Highland Avenue Project, establish a construction contingency, and execute a change order with project engineers TVGA Consultants of Buffalo, New York for construction inspection and services during construction.

Should your honorable body require further information, I encourage you to contact John Loffredo, Department of Public Works. Thank you for your consideration on this matter.

Sincerely,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:dab
Enclosure

Cc: John C. Loffredo, Department of Public Works

4E-9

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works
Re: Colvin Boulevard at Highland Avenue
Construction Award
Town of Tonawanda
Erie County
PIN 5756.86
Date: February 10, 2012

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 Colvin Boulevard at Highland Avenue Project once bids are taken and the lowest responsible bidder is determined; establish a construction contingency; and execute a change order with project engineers TVGA 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 B.21002 - 2010 Colvin Signals Construction. The Project is under an Agreement with the NYSDOT Locally Administered Federal Aid Program and is eligible for 80% Federal and 15% State reimbursement.

REASONS FOR RECOMMENDATION

Timely award of the contract is necessary so that the contractor can begin work as soon as possible. The project benefits from Federal funds through the Locally Administered Federal Aid Program.

BACKGROUND INFORMATION

This project is approved by the New York State Department of Transportation 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 TVGA once bids are taken and analyzed.

CONSEQUENCES OF NEGATIVE ACTION

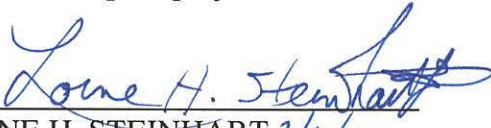
The construction phase of the Project will not be implemented in a timely manner. As a result, Federal aid for the project could be lost. Negative action would halt project advancement, expose the county traveler to health and safety risks, and jeopardize existing and future reimbursement funding through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

STEPS FOLLOWING APPROVAL

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 TVGA. Construction work 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 2/12/2012
Acting Comptroller
Comptroller's Office

- Cash in Project / Availability of Funds: \$158,000.
- The availability of funding for the proposed action in this resolution is contingent upon the approval of the first of two resolutions submitted for this project.
- Upon approval claims will need to be submitted in a timely manner in order to receive the federal reimbursement.

- LOK

JCL/dab
File (HgwY.Colvin Award Reso)

RESOLUTION SUBMITTED BY:
DEPARTMENT OF PUBLIC WORKS
DIVISION OF HIGHWAYS

**RE: Colvin Boulevard at Highland Avenue
Construction Award
Town of Tonawanda
Erie County
PIN 5756.86**

WHEREAS, the Colvin Boulevard at Highland Avenue Project PIN 5756.86 will be advertised, bid, and ready for award of construction contract to the responsible low bidder; and

WHEREAS, the Colvin Boulevard at Highland Avenue Project PIN 5756.86 will improve the intersection; and

WHEREAS, funding for this Federal Aid Project was approved and is available in B.21002 2010 Colvin Signals Construction in the amount of \$700,000.00; and

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

WHEREAS, in order to facilitate the Colvin Boulevard at Highland Avenue 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 TVGA Consultants, of Buffalo, New York, for construction inspection and engineering 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 Colvin Boulevard at Highland Avenue Project PIN 5756.86 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 TVGA Consultants, of Buffalo, New York; and be it further

RESOLVED, that funding for the Colvin Boulevard at Highland Avenue Federal Aid Project be allocated from fund B.21002 2010 Colvin Signals Construction in an amount not to exceed \$700,000.00; 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 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 Colvin Boulevard at Highland Avenue Project PIN 5756.86; 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.

COMPTROLLER'S
RECEIVED

12 FEB 10 AM 10:35

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 Low Bidder and TVGA Consultants
2. AMOUNT OF CONTRACT \$700,000.00 (not to exceed)
3. PROJECT NUMBER B.21002
4. PROJECT TITLE 2010 Colvin Signals, Construction only
5. DEPARTMENT CONTACT Funding questions: Charles A. Sickler, PE at 8372
Letter pickup: Diane Bukowski at 8301

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

6. AVAILABILITY OF FUNDS \$ 158,000.00 *
 7. PERFORMED BY Jackie Rulsifer
- Date Sent to Comptroller's Office: February 10, 2012

*

COMMENTS: Cash in project @ 2/10/12: \$158,000

The availability of funding for the proposed action in this reso is contingent on the approval of the 1st of 2 proposed resos submitted for this project. Upon approval, claims will need to be submitted in a timely fashion in order to receive the Federal reimbursement.

OFFICE OF THE COMPTROLLER REVIEW

DATE: 2/10/12PROJECT TITLE: B.21002 2010 Colvin Signals 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	\$	<u>158,000.00</u>
TOTAL PROJECT APPROPRIATIONS	\$	<u>158,000.00</u>
LESS: TOTAL EXPENDITURE TO DATE	\$	<u>0</u>
TOTAL COMMITMENTS	\$	<u>0</u>
AVAILABLE APPROPRIATIONS AS OF DATE OF REQUEST	\$	<u>158,000.00</u>
PLUS PROPOSED INC-SUPPLEMENTAL AGREEMENT WITH NYSDOT		<u>542,000.00</u>
LESS: CONTRACT AMOUNT:		<u>700,000.00</u>
NET AVAILABLE APPROPRIATIONS	\$	<u>0</u>

COMMENTS: Cash in project @ 2/10/12: \$158,000

The availability of funding for the proposed action in this reso is contingent on the approval
of the 1st of 2 proposed resos submitted for this project. Upon approval, claims will need to be
submitted in a timely fashion in order to receive the Federal reimbursement.

REQUEST APPROVED: 

REQUEST DENIED: _____

DATE: February 13, 2012