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COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

October 22, 2013

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

**RE: Federal-Aid Highway Local Project Agreement with NYSDOT and
Contract for Engineering Design Services for the
Reconstruction of Swift Mills Road Bridge over Murder Creek (BR 255-2),
BIN 3326520 - Town of Newstead - PIN 5757.29**

Dear Honorable Members:

The Department of Public Works, Division of Highways is requesting authorization for the County Executive to execute an agreement to participate in the Federal Aid project for the Reconstruction of Swift Mills Road Bridge over Murder Creek with the New York State Department of Transportation. The Department is also requesting authorization to enter into an agreement with Nussbaumer & Clarke, Inc. for the Reconstruction of Swift Mills Road Bridge.

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,

Mark C. Poloncarz, Esq.
Erie County Executive

Enclosure
MCP/ec/dab

cc: John Loffredo, Department of Public Works

MEMORANDUM

COMPTROLLER'S
RECEIVED

To: Honorable Members of the Erie County Legislature
From: Department of Public Works
Re: Federal-Aid Highway Local Project Agreement with NYSDOT and
Contract for Engineering Design Services for the
Reconstruction of Swift Mills Road Bridge over Murder Creek (BR 255-2),
BIN 3326520 -Town of Newstead - PIN 5757.29
Date: October 9, 2013

13 OCT 10 AM 10:21

SUMMARY

This resolution is seeking authorization for the County Executive to execute an agreement to participate in the Federal Aid project with the New York State Department of Transportation. Additionally, the Department is requesting authorization to enter into an agreement with Nussbaumer & Clarke, Inc. for design engineering services for the Reconstruction of Swift Mills Road Bridge.

FISCAL IMPLICATIONS

The preliminary design engineering cost of this project is currently estimated at \$225,000.00 and requires a local share of \$45,000.00. This amount, with the addition of federal revenue, is available from SAP Project B.20937, 2009 Swift Mills Road Bridge Design, Fund Center 123, Fund 420. The Agreement is eligible for 80% Federal funds reimbursement, and should the agreement receive future Marchiselli reimbursement the project revenue will be adjusted. The negotiated agreement between Erie County and Nussbaumer & Clarke, Inc., will not exceed \$225,000.00, the amount of the Project's allowance.

REASONS FOR RECOMMENDATION

Swift Mills Road Bridge Reconstruction project is eligible for this program as a Locally Administered Federal Aid Project which allows the County of Erie to utilize available capital funds to leverage Federal funds towards the reconstruction of its aging infrastructure. Nussbaumer & Clarke, Inc. is recommended as Project Design Engineers because of their necessary expertise, experience, and manpower to provide the County of Erie with the service required. Erie County may be reimbursed up to the maximum 80% of the total Project cost.

BACKGROUND INFORMATION

This project is approved by the New York State Department of Transportation in their current Capital Program to be funded with Federal Aid funds. Project design engineering will start upon approval of this resolution.

CONSEQUENCES OF NEGATIVE ACTION

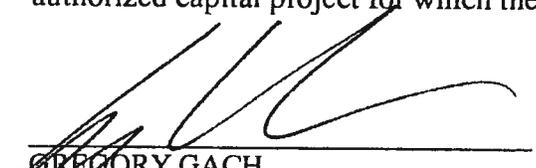
This action is required to ensure project advancement and financing through Federal program funds to pay for costs for the design of the reconstruction of the bridge. Negative action would halt design and jeopardize existing and future reimbursement funding available through this program.

STEPS FOLLOWING APPROVAL

Highway Division will proceed with execution of agreements in accordance with the Federal and NYSDOT guidelines. Upon the Erie County Legislature's approval, an agreement will be negotiated and executed with Nussbaumer & Clarke, Inc. Once the agreement is executed design work will begin immediately thereafter.

COMPTROLLER'S OFFICE REVIEW

The proposed legislation has been reviewed by the Office of the Comptroller and is related to an authorized capital project for which there are sufficient appropriations for the action proposed.



GREGORY GACH
Deputy Comptroller
Comptroller's Office

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

Re: Federal-Aid Highway Local Project Agreement with NYSDOT and Contract for Engineering Design Services for Reconstruction of Swift Mills Bridge over Murder Creek (BR 255-2), BIN 3326520 Town of Newstead - PIN 5757.29

WHEREAS, a Project for Reconstruction of Swift Mills Bridge over Murder Creek (BR 255-2), Town of Newstead PIN 5757.29 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the appointment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, the County of Erie desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Scoping & Design I-VI) of the Project: PIN 5757.29; and

WHEREAS, the total Project is currently estimated at \$225,000.00 and the County is required to pay the estimated local share for the Project in the amount of \$45,000.00 which is available from Project B.20937, 2009 Swift Mills Bridge Design, Fund Center 123, Fund 420; and

WHEREAS, your Honorable Body has previously authorized Nussbaumer & Clarke, Inc. as a qualified, Term Agreement General Architectural/Engineering firm via Comm.13E-26 of July 18, 2013.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature 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 shares of the cost of the Preliminary Engineering (Scoping & Design I-VI) phase of the Project or portions thereof; and be it further

RESOLVED, that the Project B.20937, 2009 Swift Mills Road Bridge Design, Fund Center 123, Fund 420, be increased by the anticipated Federal revenue in the amount of \$180,000 as follows:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
414000	Federal Aid	\$ 0	\$ 180,000	\$ 180,000
475000	Gen Oblig Bond Proc	<u>\$108,800</u>	<u>\$ 0</u>	<u>\$ 108,800</u>

TOTAL REVENUES		<u>\$108,800</u>	<u>\$ 180,000</u>	<u>\$ 288,800</u>
APPROPRIATIONS				
Capital Projects	Capital Project Exp	<u>\$108,800</u>	<u>\$ 180,000</u>	<u>\$ 288,800</u>
TOTAL APPROPRIATIONS		<u>\$108,800</u>	<u>\$ 180,000</u>	<u>\$ 288,800</u>

; and be it further

RESOLVED, that should New York State Marchiselli funds be made available, the Project, the budget be adjusted to reflect an increase in revenue, and decrease in local share; and be it further

RESOLVED, that the estimated total sum of Project phase, \$225,000.00 is hereby appropriated from B.20937, 2009 Swift Mills Road Bridge Design and made available to cover the cost of participation in the above phase of the Project; and be it further

RESOLVED that the County Executive be authorized to execute a negotiated Contract in an amount not to exceed the allowable Project design amount between the County of Erie and Nussbaumer & Clarke, Inc. as Project Design Engineers; 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 cost of the Project's Preliminary Engineering (Scoping & Design I-VI) phase exceeds \$225,000.00 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 eligible 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 ten (10) certified copies of this resolution be forwarded 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, the Office of the County Attorney, and the Office of the Comptroller.

TO: GREGORY GACH - 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 | NYS Department of Transportation
Nussbaumer & Clarke, Inc. |
| 2. AMOUNT OF CONTRACT | \$225,000.00 |
| 3. PROJECT NUMBER | B.20937 |
| 4. PROJECT TITLE | 2009 Swift Mills Road Bridge Design |
| 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 | \$ 168,800 + 180,000 contingent on
agreement with NYSBOT |
| 7. PERFORMED BY | Don Usher |
| Date Sent to Comptroller's Office: | October 9, 2013 |

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