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COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

May 17, 2013

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

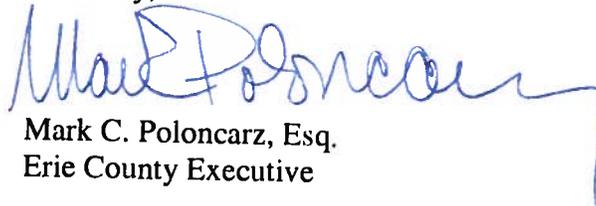
**Re: Supplemental Agreement with NYSDOT and Construction Award
Abbott Road Bridge over Neuman Creek
Town of Orchard Park, Erie County - PIN 5758.74**

Dear Honorable Members:

Please find attached a resolution authorizing the County Executive to enter into a Supplemental Agreement with the New York State Department of Transportation to pay in the first instance the Federal and non-Federal share of the cost of the construction and construction inspection phase for the reconstruction of the Abbott Road Bridge over Neuman Creek. We are also requesting the County Executive be authorized to award and enter into a contract with the responsible low bidder, establish a construction contingency, and execute a new contract with a project engineer chosen from Erie County's approved Term Agreement list for construction inspection and services during construction.

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

Sincerely,



Mark C. Poloncarz, Esq.
Erie County Executive

Enclosure
MCP/JGM/dab

cc: John C. Loffredo, Department of Public Works

MEMORANDUM

COMPTROLLER'S
RECEIVED

13 MAY -8 PM 3:16

To: Honorable Members of the Erie County Legislature
From: Department of Public Works, Office of the Commissioner
Re: Supplemental Agreement with NYSDOT and Construction Award
Abbott Road Bridge over Neuman Creek
Town of Orchard Park, Erie County - PIN 5758.74
Date: May 8, 2013

SUMMARY

Adoption of a resolution authorizing the County of Erie to enter into a Supplemental Agreement with NYSDOT for the construction and construction inspection phase of the above noted Project. Also requesting authorization for the County Executive to award and enter into a contract with the responsible low bidder; establish a construction contingency; and negotiate a new contract with a project engineer chosen from Erie County's approved Term Agreement list for construction inspection and services during construction.

FISCAL IMPLICATIONS

The total cost of this project phase is currently estimated at \$950,000.00 and will be a Locally Administered Federal Aid Project (80% Federal, 20% local). Local share required for the Project is \$190,000.00. Local share funding with revenue is available in B.13001 – 2013 Abbott Road Bridge Reconstruction.

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 New York State Department of Transportation. The Project benefits from Federal Aid reimbursement through the Locally Administered Federal Aid Program. Timely award of the contract is necessary so that the contractor can begin work as soon as possible.

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 will be bid on May 9, 2013.

CONSEQUENCES OF NEGATIVE ACTION

If the Agreement is not approved, the bridge replacement will not be implemented. Failure to execute this Agreement will jeopardize receipt of the Project and possibly the loss of eligibility for future Federal Aid Program participation. Negative action would halt project advancement and expose the county traveler to health and safety risks.

STEPS FOLLOWING APPROVAL

The County Executive will sign the Supplemental Agreement so that it can be fully executed by the New York State Department of Transportation and the project will proceed on schedule. The County Executive will execute the construction contract with the responsible low bidder, establish a construction contingency, and execute the negotiated new contract with a project engineer chosen from Erie County's approved Term Agreement list. Construction work will begin as soon as possible depending on the weather.

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.

A handwritten signature in black ink, appearing to read 'G. Gach', is written over a horizontal line.

Gregory Gach
Deputy Comptroller
Comptroller's Office

JCL/JGM/dab

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

**Re: Supplemental Agreement with NYSDOT and Construction Award
Abbott Road Bridge over Neuman Creek
Town of Orchard Park, Erie County - PIN 5758.74**

WHEREAS, the Abbott Road Bridge over Neuman Creek Project in the Town of Orchard Park, Erie County, PIN 5758.74 (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; and

WHEREAS, the County of Erie advanced the Project's Design Phase via Comm. No. 15E-6 (2011) adopted on July 21, 2011; and

WHEREAS, the County of Erie desires to advance the Construction and Construction Inspection Phase of the Project, PIN 5758.74 through a Supplemental Agreement with NYSDOT that increases the Project Agreement by the amount of \$950,000 (\$190,000 required local share); and

WHEREAS, the Abbott Road Bridge over Neuman Creek Project PIN 5758.74 will be advertised, bid, and ready for award of construction contract with the responsible low bidder; and

WHEREAS, the Abbott Road Bridge over Neuman Creek Project PIN 5758.74 will replace a deteriorating bridge; and

WHEREAS, local share funding for this Federal Aid Project was approved and is available in B.13001 - 2013 Abbott Road Bridge Reconstruction in the amount of \$190,000; 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 Abbott Road Bridge over Neuman Creek 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 new contract must be negotiated with a project engineer chosen from Erie County's approved Term Agreement list for construction inspection and engineering services during construction

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 Preliminary Engineering (Scoping and Design I-VI), and Construction and Construction Inspection Phases of the Project or portions thereof; and be it further

RESOLVED, that the Project Fund B.13001 - 2013 Abbott Road Bridge Reconstruction, fund center 123, fund 420, be increased by the anticipated Federal revenue in the amount of \$760,000 as follows:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
414000	Federal Aid	\$ 0	\$760,000	\$760,000
445070	Prem on Obligation	35,205		35,205
475000	Gen Oblig Bond Proc	<u>224,795</u>	<u>0</u>	<u>224,795</u>
TOTAL REVENUES		<u>\$260,000</u>	<u>\$760,000</u>	<u>\$1,020,000</u>

APPROPRIATIONS

Capital Projects	Capital Project Exp	<u>\$260,000</u>	<u>\$760,000</u>	<u>\$1,020,000</u>
TOTAL APPROPRIATIONS		<u>\$260,000</u>	<u>\$760,000</u>	<u>\$1,020,000</u>

; and be it further

RESOLVED, that the \$190,000 local share of the estimated total sum of the construction phase of the Project, \$950,000, is hereby appropriated from B.13001 – 2013 Abbott Road Bridge Reconstruction 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 Phase exceeds the amount appropriated, \$950,000 and/or 100% of the full Federal and non-Federal shares of the cost of the Project's Construction and Construction Inspection Phase exceeds \$950,000, 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, (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 and State-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 the County Executive be authorized and is hereby directed to award and execute a contract for the Abbott Road Bridge over Neuman Creek Project PIN 5758.74 between the County of Erie and the responsible low bidder, establish a construction contingency, and execute a negotiated new contract between the County of Erie and a project engineer chosen from Erie County's approved Term Agreement list; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to 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 Division of Budget and Management, and the Office of the Comptroller.

TO: GREGORY GACH, DEPUTY, 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 | <u>NYS Department of Transportation, responsible low bidder, and project engineer chosen from Erie County's approved Term Agreement list</u> |
| 2. AMOUNT OF CONTRACT | <u>\$950,000.00</u> |
| 3. PROJECT NUMBER | <u>B.13001</u> |
| 4. PROJECT TITLE | <u>2013 Abbott Road Bridge Reconstruction</u> |
| 5. DEPARTMENT CONTACT | <u>Funding questions: Charles A. Sickler, PE at 8372
Letter pickup: Diane Bukowski at 8301</u> |

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

- | | |
|------------------------------------|--------------------|
| 6. AVAILABILITY OF FUNDS | <u>\$</u> |
| 7. PERFORMED BY | <u></u> |
| Date Sent to Comptroller's Office: | <u>May 9, 2013</u> |

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