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COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

June 18, 2013

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

RE: Supplemental Agreement with NYSDOT - Bridge Painting Project Construction Award - Various Towns, Erie County - PIN 5760.27

Dear Honorable Members:

Please find enclosed for your approval a proposed resolution authorizing the County Executive to enter into a Supplemental Agreement with the New York State Department of Transportation for the Construction Phase of the County's bridge painting project.

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

Sincerely,

Mark C. Poloncarz, Esq.
Erie County Executive

Enclosure
MCP:EC/dab

cc: John C. Loffredo, Commissioner

COMPTROLLER'S
RECEIVED
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MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works
Re: Supplemental Agreement with NYSDOT - Bridge Painting
Project Construction Award -Various Towns, Erie County - PIN 5760.27
Date: June 10, 2013

SUMMARY

Request adoption of resolution to authorize the County Executive to enter into a Supplemental Agreement with the New York State Department of Transportation for the Construction Phase of the Project.

FISCAL IMPLICATIONS

The total cost of the authorized project is currently estimated at $435,000. The Design Phase in the amount of $50,000 was previously appropriated via Comm. 17E-9 of October 25, 2012. This Supplemental Agreement adds the Construction phase at a cost of $385,000, of which 80% will be reimbursed with Federal funds. The required 20% local share for this phase is $77,000 which is available in Fund 420, BA 123, B.21011, 2010 Bridge Painting Construction.

REASONS FOR RECOMMENDATION

Erie County has completed the Design Phase of this Project and would allow construction in Summer of 2013. The County's entrance into a contract with the New York State Department of Transportation allows for 80% of the cost of Construction Phase to be funded by Federal funds.

BACKGROUND INFORMATION

This Project was approved by the New York State Department of Transportation in their current Capital Program 5-year Plan with funding from the Locally Administered Federal Aid Program and to be let in the Summer of 2013.

CONSEQUENCES OF NEGATIVE ACTION

The Construction Phase of the Project will not be fully funded and therefore, not completed. As a result the bridges noted will not be painted nor their life expectancy prolonged, and Federal Aid for the project could be lost.

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.

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 account balances for the action proposed. It is recommended that this legislation be approved.

GREGORY GACH
Deputy Comptroller
Comptroller's Office

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

RE: Supplemental Agreement with NYSDOT - Bridge Painting Project Construction Award -Various Towns, Erie County -PIN 5760.27

WHEREAS, the Federal Aid Bridge Painting Project, four (4) Bridges, BIN 3326850, 3327860, 3328110 and 3328430, in the Towns of Alden, Evans, Aurora and Concord, in Erie County, PIN 5760.27 (the Project) is eligible for funding under Title 23 US Code, as amended, that calls for the appointment of the costs of such programs to be borne at the ratio of 80% Federal Funds and 20% Non-Federal funds; and

WHEREAS, the Design Phase in the amount of $50,000 was previously approved by the County Legislature and funds appropriated via Comm. 17E-9 on October 25, 2012; and

WHEREAS, in order to facilitate the Construction Phase for the painting of four bridges, it will be necessary for the County to execute Supplemental Agreement No. 1 with New York State Department of Transportation in the amount of $385,000.00; and

WHEREAS, the County of Erie desires to advance the Construction phase of this project by making a commitment of 100% of the Non-Federal share of the costs of the project, PIN 5760.27; and

WHEREAS, the total Construction Phase of the project is $385,000 and the County is required to provide the local share portion of the Project phase in the amount of $77,000.

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature hereby approves the Department of Public Works' Federal Aid bridge painting project construction phase 5760.27; and be it further

RESOLVED, that the County Legislature hereby authorizes the County to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Construction Phase of the Project or portions thereof; and be it further

RESOLVED, that the Project Fund B.21011, 2010 Bridge Painting Construction, fund center 123, fund 420, be increased by the anticipated Federal revenue in the amount of $308,000 as follows:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
410170	Federal Road Aid	$ 0	$ 0	$ 0
414000	Federal Aid	$ 776,000	$ 308,000	$1,084,000

475000	Gen Oblig Bond Proc	$ 249,800	$ 0	$ 249,800
TOTAL REVENUES		$1,025,800	$ 308,000	$1,333,800
APPROPRIATIONS				
Capital Projects	Capital Project Exp	$1,025,800	$ 308,000	$1,333,800
TOTAL APPROPRIATIONS		$1,025,800	$ 308,000	$1,333,800

; and be it further

RESOLVED, that the amount of the construction phase of the project is $385,000 with a local share of $77,000 is hereby appropriated from B.21011, 2010 Bridge Painting Construction, 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 exceeds the amount appropriated above and/or 100% of the full Federal and non-Federal shares of the cost of the Project exceeds the amount appropriated above, 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 is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid should it become available, on behalf of the County of Erie with the New York State Department of Transportation in connection with 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 Clerk of the Legislature forward six (6) certified copies of this Resolution to the Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation; 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.

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	New York State DOT
2.	AMOUNT OF CONTRACT	Supplemental No. 1 $385,000 (construction phase)
3.	PROJECT NUMBER	B. 21011
4.	PROJECT TITLE	2010 Federal Aid Bridge Painting Project
5.	DEPARTMENT CONTACT	Funding questions: Charles A. Sickler x8372 Letter pickup: Diane Bukowski x 8301
COMPTROLLER'S OFFICE		COMPLETE ITEMS 6 AND 7
6.	AVAILABILITY OF FUNDS	$
7.	PERFORMED BY	

Date sent to Comptroller's Office: June 10, 2013

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