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COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

July 9, 2013

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

RE: Intersection Improvement Project PIN 5758.22
CR 269, Strickler Road at CR 282, County Road-Town of Clarence
NYSDOT Agreement and Construction Award

Dear Honorable Members:

Please find attached a proposed resolution requesting authorization to participate in a Federal Aid project for the intersection improvement at Strickler Road and County Road, for the County Executive to enter into an agreement with the New York State Department of Transportation and the lowest responsible bidder. Additionally, we are requesting authorization to enter into an agreement with Bergmann Associates for construction engineering and inspection services.

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

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

Enclosure
MCP/WSS/dab

cc: John C. Loffredo, Department of Public Works

MEMORANDUM

COMPTROLLER'S
RECEIVED
13 JUN 27 AM 9:27

To: Honorable Members of the Erie County Legislature
From: Department of Public Works
Re: Intersection Improvement Project PIN 5758.22,
CR 269, Strickler Road at CR 282, County Road -Town of Clarence
NYSDOT Agreement and Construction Award
Date: June 27, 2013

SUMMARY

The Department of Public Works, Division of Highways recommends that your Honorable Body provide authorization to participate in the construction phase of the Federal aid project for the Intersection Improvement at Strickler Road and County Road PIN 5758.22 (the "Project"), the County Executive to enter into an agreement with the New York State Department of Transportation and award construction to responsible low bidder. Additionally, we request authorization for the County Executive to enter into a Project construction engineering and inspection contract with Bergmann Associates.

FISCAL IMPLICATIONS

The total cost of the project construction phase is currently estimated at $430,000. The project, through the Locally Administered Federal Aid Program is eligible for 90% Federal reimbursement in the amount of $387,000 and Erie County is required to contribute 10% as local share in the amount of $43,000 which is available in Fund 420, Business Area 123, Project B.00151, 2006 Unanticipated Road & Bridge Design and Construction (Countywide) Program. The award of construction to the responsible low bidder and the negotiated construction engineering and inspection services agreement with Bergmann Associates will not exceed the agreement allowance of $430,000.

REASONS FOR RECOMMENDATION

To allow the Highway Division to utilize available capital funds to leverage Federal funds to perform much needed safety improvement at this intersection.

BACKGROUND INFORMATION

NYSDOT has implemented a program entitled High Risk Rural Roads Program to assist in the funding of situations such as at this intersection, where accidents have occurred above the state-wide average for similar intersections. Under this program, expenses will be reimbursable to the County up to 90%.

CONSEQUENCES OF NEGATIVE ACTION

The County will not be able to utilize the additional Federal Aid and this intersection will not be able to be improved at this time.

STEPS FOLLOWING APPROVAL

Highway Division will proceed with execution of agreements in accordance with the Federal and NYSDOT guidelines. Award of construction to the responsible low bidder and an agreement will be negotiated and executed with Bergmann Associates in order to have contractor begin construction as soon as possible.

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

JCL/WSS/dab

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

RE: Intersection Improvement Project PIN 5758.22, CR 269, Strickler Road at CR 282, County Road, Town of Clarence, NYSDOT Agreement and Construction Award

WHEREAS, the Intersection Improvement Project PIN 5758.22 (the Project), CR 269, Strickler Road at CR 282, County Road in the Town of Clarence, in Erie County 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 90% Federal funds and 10% 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 Construction and Construction Inspection phase of the project, PIN 5758.22; and

WHEREAS, the total Project construction is $430,000, and the County is required to provide the local share portion for the Project in the amount of $43,000 from B.00151, 2006 Unanticipated Road & Bridge Design and Construction (Countywide) Program, fund 420, business area 123.; and

WHEREAS, approval is necessary to award of construction to the lowest responsible bidder and contracts must be negotiated with Bergmann Associates, for engineering construction and inspection services to allow the work to begin as soon as possible.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the intersection improvement project at Strickler Road and County Road PIN 5758.22; 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 and Construction Inspection phase of the Project or portions thereof; and be it further

RESOLVED, that authorization is granted to accept anticipated Federal revenue in the amount of $387,000 in Project B.00151, 2006 Unanticipated Road & Bridge Costs – Design & Construction (Countywide) Program, Fund 420, Business Area 123; and be it further

RESOLVED, that the estimated total sum of the construction phase of the Project, $430,000 is hereby appropriated from B.00151, 2006 Unanticipated Road & Bridge Costs – Design & Construction (Countywide) Program 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 cost of the projects' Construction and Construction Inspection phase exceeds $430,000, the County Legislature shall 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 on behalf of the County of Erie, (subject to the County 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 therefor that are not so eligible; and be it further

RESOLVED, that the County Executive be authorized to execute award of construction for the Project to the lowest responsible bidder(s) and negotiated contract between the County of Erie and project engineers Bergmann Associates for construction engineering services and inspection for the Project in an amount not to exceed the allowable Project construction amount of $430,000 and the Legislature will be notified, for information purposes, of the winning bidder(s); 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

RE: 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	NYSDOT Responsible Low Bidder Bergmann Associates
2. AMOUNT OF CONTRACT	$430,000.00 (not to exceed)
3. PROJECT NUMBER	B.00151
4. PROJECT TITLE	2006 Unanticipated Road & Bridge -Design & Construction (Countywide)
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	$ 912,212.48
7. PERFORMED BY	[illegible]
Date Sent to Comptroller's Office:	June 27, 2013