



ECLEG JUL09'13 #11245

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

July 9, 2013

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

Re: Emery Park Culvert Replacement (PK-20) - Construction Award

Dear Honorable Members:

The Department of Public Works is requesting the County Executive be authorized to award and enter into a contract with the lowest responsible bidder for the Emery Park Culvert over a tributary of the east branch of Cazenovia Creek Project, establish a construction contingency, and execute a change order with project engineers Wm. Schutt Associates for construction inspection and services during construction.

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

Sincerely,

A handwritten signature in blue ink that reads "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/cd

cc: John C. Loffredo, Commissioner of Public Works

MEMORANDUM

COMPTROLLER'S
RECEIVED

To: Honorable Members of the Erie County Legislature
From: Department of Public Works
Re: Emery Park Culvert Replacement (PK-20)
Town of Aurora - Construction Award
Date: June 26, 2013

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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 Emery Park Culvert over a tributary of the east branch of Cazenovia Creek Project once bids are taken and the lowest responsible bidder is determined, establish a construction contingency, and execute a change order with project engineers Wm. Schutt Associates for construction inspection and services during construction.

FISCAL IMPLICATIONS

The total cost for the construction phase of this project is currently estimated at \$600,000.00, and is available in Fund 410, BA 164, A.13009 - 2013 Emery Park Culvert Replacement.

REASONS FOR RECOMMENDATION

Timely award of the contract is necessary so that the contractor can order material as soon as possible. Parks Department desires access between October 5 – November 15 therefore, structure must be constructed before October 5.

BACKGROUND INFORMATION

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 Wm. Schutt Associates once bids are taken and analyzed.

CONSEQUENCES OF NEGATIVE ACTION

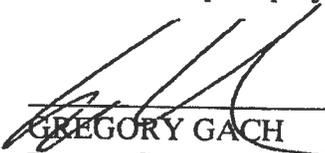
The construction phase of the Project will not be implemented in a timely manner. Negative action would halt project advancement, possibly causing Parks Department to restrict or close access to the ski lodge area in Emery Park indefinitely.

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 Wm. Schutt Associates. 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.



GREGORY GACH
Deputy Comptroller
Comptroller's Office

JCL/WSS/dab

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

Re: Emery Park Culvert Replacement (PK-20) - Construction Award

WHEREAS, the Emery Park Culvert over a tributary of the east branch of Cazenovia Creek Project will be advertised, bid, and ready for award of construction contract to the responsible low bidder; and

WHEREAS, the Emery Park Culvert over a tributary of the east branch of Cazenovia Creek Project will replace a deteriorating culvert that threatens to restrict public access to parts of Emery Park, including the ski lodge area; and

WHEREAS, funding for this Project was approved and is available in Fund 410, Business Area 164, Project A.13009 - 2013 Emery Park Culvert Replacement in the amount of \$600,000.00; and

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

WHEREAS, in order to facilitate the Emery Park Culvert over a tributary of the east branch of Cazenovia 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 contract must be negotiated with Wm. Schutt Associates 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 Emery Park Culvert over a tributary of the east branch of Cazenovia Creek Project with the lowest responsible bidder, establish a construction contingency and execute a negotiated contract with project engineers Wm. Schutt Associates; and be it further

RESOLVED, that funding for the Emery Park Culvert over a tributary of the east branch of Cazenovia Creek Project be allocated from Fund 410, Business Area 164, Project B.13009-2013 Emery Park Culvert Replacement in an amount not to exceed \$600,000.00; 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 Emery Park Culvert over a tributary of the east branch of Cazenovia Creek Project; 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.

