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# COUNTY OF ERIE

**MARK C. POLONCARZ**  
COUNTY EXECUTIVE

July 9, 2013

Erie County Legislature  
92 Franklin Street – 4<sup>th</sup> Floor  
Buffalo, New York 14202

**Re: Emery Park Dam Rehabilitation and Decommissioning – Construction Award**

Dear Honorable Members:

This resolution is seeking authorization for the County Executive to enter into and award a contract to the lowest responsible bidder for the Emery Park Dam Decommissioning Project, establish a construction contingency, and execute a contract with project engineers, Bergmann 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,

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP/cd

cc: John C. Loffredo, Commissioner of Public Works

MEMORANDUM

13 JUN 26 AM 10:47

To: Honorable Members of the Erie County Legislature  
From: Department of Public Works  
Re: Emery Park Dam Rehabilitation and Decommissioning  
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 Dam Rehabilitation and Decommissioning Project once bids are taken and the lowest responsible bidder is determined; establish a construction contingency, and execute a change order with project engineers, Bergmann Associates, for construction inspection and services during construction.

**FISCAL IMPLICATIONS**

The total cost for the construction phase of this project is currently estimated at \$744,363.96, and is available from Fund 420, Business Area 123, B011029.1 – 2011 Dam Safety and Preservation -- Construction

**REASONS FOR RECOMMENDATION**

Timely award of the contract is necessary so that the contractor can order material to be made as soon as possible. We need to decommission this dam and reservoir as it is no longer used as a water source for the park.

**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 Bergmann Associates once bids are taken and analyzed.

**CONSEQUENCES OF NEGATIVE ACTION**

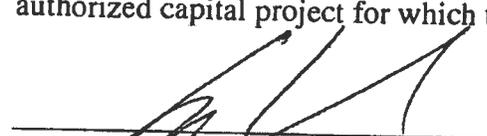
The construction phase of the Project will not be implemented in a timely manner. Negative action would halt project advancement, which could cause the County to have to repair and maintain in a safe condition a high hazard dam.

### **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 Bergmann 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.



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GREGORY GACH  
Deputy Comptroller  
Comptroller's Office

JCL/CPD/dab

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

Re: Emery Park Dam Rehabilitation and Decommissioning – Construction Award

WHEREAS, the Emery Park Dam Rehabilitation and Decommissioning Project will be advertised, bid, and ready for award of construction contract to the responsible low bidder; and

WHEREAS, the Emery Park Dam Rehabilitation and Decommissioning Project will replace a deteriorating culvert and address deficiencies in this dam that is classified as a high hazard dam; and

WHEREAS, funding for this Project was approved and is available in Fund 420, Business Area 123, Project B.11029.1 - 2011 Dam Safety and Preservation -- Construction in the amount of \$744,363.96; and

WHEREAS, it is necessary that this approval be granted, so that the contract can be awarded to allow the contractor to order material and start work, by the County executing the construction contract with the responsible low bidder and by establishing a construction contingency; and

WHEREAS, a contract must be negotiated with Bergmann Associates for construction inspection and engineering services during construction for this project.

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 Dam Rehabilitation and Decommissioning Project between the County of Erie and the lowest responsible bidder, establish a construction contingency and execute a negotiated contract between the County of Erie and project engineers Bergmann Associates of Buffalo, New York; and be it further

RESOLVED, that funding for the Emery Park Dam Decommissioning Project be allocated from Fund 420, Business Area 123, Project B.11029.1- 2011 Dam Safety and Preservation -- Construction in an amount not to exceed \$744,363.96; 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 Dam Rehabilitation and Decommissioning 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.

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

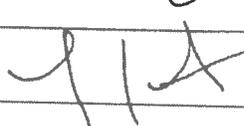
REQUESTING DEPARTMENT

COMPLETE ITEMS 1 THROUGH 5

- |                       |  |
|-----------------------|--|
| 1. CONTRACTOR'S NAME  | <u>Low Bidder and Bergmann Associates</u>  |
| 2. AMOUNT OF CONTRACT | <u>\$744,363.96 (not to exceed)</u>  |
| 3. PROJECT NUMBER     | <u>B.11029.1 2011 Dam Safety and Preservation – Construction</u>                                   |
| 4. PROJECT TITLE      | <u>Emery Park Dam Rehabilitation and Decommissioning</u>   |
| 5. DEPARTMENT CONTACT | <u>Funding questions: Charles A. Sickler, PE at 8372<br/>Letter pickup: Diane Bukowski at 8301</u> |

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

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|------------------------------------|---|
| 6. AVAILABILITY OF FUNDS           | <u>\$ <sup>- c -</sup></u>  |
| 7. PERFORMED BY                    | <u></u> |
| Date Sent to Comptroller's Office: | <u>June 26, 2013</u>  |

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