



ECLEG JUL09'13 AM 10:50

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

July 9, 2013

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

**RE: Award of Contract – Erie County Rainwater Harvesting Cisterns CWSRF
Project No. C9-6646-14-00**

Dear Honorable Members:

The Department of Environment and Planning, on behalf of the Western New York Stormwater Coalition, has been awarded a grant from the New York State Environmental Facilities Corporation to design and construct Rainwater reuse Cisterns at five municipal facilities in Erie County.

Plans and specifications, known as the Erie County Rainwater Harvesting Cisterns Installation CWSRF Project No. C9-6646-14-00, were prepared, and construction bids were received on June 4, 2013. The lowest responsible bidder, N.P.F. and Sons, Inc., has been recognized as successfully performing similar work in Erie County. Therefore, this resolution seeks approval to award the contract for CWSRF Project No. C9-6646-14-00 to N.P.F. and Sons, Inc.

Should your Honorable Body require further information, I encourage you to contact Deputy Commissioner Thomas Hersey in the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely yours,

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

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:TH/cw
Enclosure

cc: Thomas R. Hersey, Jr., Deputy Commissioner – Environment and Planning

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Award of Contract – Erie County Rainwater Harvesting Cisterns CWSRF
Project No. C9-6646-14-00
Date: June 27, 2013

SUMMARY

Authorization to award a construction contract to N.P.F. and Sons, Inc. for the Erie County Rainwater Harvesting Cisterns CWSRF Project No. C9-6646-14-00 in the bid amount of \$522,600.00 is requested. The necessary bid tabulations, Engineer's estimate, Engineer's recommendation, the contractors proposed revised bid description, and suggested resolution for award are enclosed.

FISCAL IMPLICATIONS

There will be no impact on the County's General Fund. The funds for this contract will be provided by a Grant from the New York State Environmental Facilities Corporation.

REASONS FOR RECOMMENDATION

Completion of the project will provide for the recycling of approximately 2 million gallons of rainwater for use in municipal operations. This will replace the use of municipal potable water for these operations and provide a cost savings to the municipality as well as reduce the impact of stormwater from these sites on downstream communities and drainage systems.

BACKGROUND INFORMATION

New York State has made the implementation of green infrastructure a priority. The New York State Stormwater Management Design Manual update, released in August 2010, specifies increased use of green infrastructure as a way to manage stormwater flows. By reducing the amount of Stormwater entering the systems, this will reduce contaminated overflows into local water bodies.

The Western New York Stormwater Coalition's 42 municipalities have worked collaboratively to comply with state and federal stormwater management requirements since 2002. This project will create five (5) demonstration sites for rainwater harvesting and will serve as a case study for other regulated municipalities in both Western New York and statewide.

Plans and specifications were prepared for the Department of Environment and Planning by Audubon Architecture, Engineering, Surveying & Landscape Architecture, P.C. for the purpose of receiving bids. Construction bids were received on June 4, 2013.

NFP and Sons, Inc. were the only bidders and bid at a total bid price of \$573,500 which exceeded our engineer's estimate of \$570,680 as well as the available grant budget to pay for the work. A meeting was held to negotiate revisions to the contractor's bid to bring the cost within the resources available in the grant budget. As a result of the negotiations, the contractor provided a reduced bid total bid cost of \$522,600.

CONSEQUENCES OF NEGATIVE ACTION

Without the Legislature's approval to award this contract the Department of Environment and Planning will be unable utilize the grant resources available to construct the cistern systems and meet the conditions of the grant agreement with the NYS Environmental Facilities Corporation.

STEPS FOLLOWING APPROVAL

The low bidder will be issued a Notice of Award and the Department will initiate the process of executing the contract documents. A Notice to Proceed will be provided upon receipt of the necessary insurance certificates, bonds, MBE/WBE Utilization Plan and execution of the contract.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

Re: Award of Contract – Erie County Rainwater Harvesting Cisterns CWSRF Project No. C9-6646-14-00

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for the Erie County Rainwater Harvesting Cisterns CWSRF Project No. C9-6646-14-00 on June 4, 2013

<u>Contract</u>	<u>Low Bidder</u>	<u>Amount</u>
CWSRF Project No. C9-6646-14-00	N.F.P. & Sons, Inc.	\$522,600

and

WHEREAS, the aforementioned lowest responsible bidder has successfully performed similar work in Erie County.

NOW, THEREFORE BE IT

RESOLVED, that the County Legislature does hereby award the Erie County Rainwater Harvesting Cisterns CWSRF Project No. C9-6646-14-00 to N.F.P. & Sons, Inc. in an amount not-to-exceed amount of \$522,600; and be it further

RESOLVED, that the County Executive be, and is hereby authorized to execute the Contract with the aforementioned lowest, responsible bidder subject to approval as to form by the County Attorney and certification of availability of funds; and be it further

RESOLVED, that the Comptroller is authorized and directed to allocate \$522,600 from Erie County Rainwater Harvesting Cisterns CWSRF Project No. C9-6646-14-00 account; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each of this resolution to the County Executive; the Director of the Division of Budget and Management; the Comptroller's Office; Kristen M. Walder, Assistant County Attorney; and send two (2) certified copies of this resolution to Thomas R. Hersey, Jr., Department of Environment and Planning.



June 20, 2013

Mr. Thomas Hersey
Deputy Commissioner
Erie County Department of Environment & Planning
95 Franklin Street, Room 1086
Buffalo, New York 14202

**SUBJECT: RECOMMENDATION OF AWARD
ERIE COUNTY RAINWATER HARVESTING CISTERN INSTALLATION PROJECT
CWSRF PROJECT NO. C9-6648-14-00**

Dear Mr. Hersey,

As you are aware, one bid was received for the above referenced project. Wendel has reviewed the original bid submitted by NFP and Sons, Inc. (NFP), with a base bid amount of \$573,500, and their revised bid proposal letter dated June 18, 2013 in the amount of \$522,600 (attached). The revised bid was submitted as a result of scope negotiations with NFP because the original base bid amount was higher than the grant funding available for construction. Based on Wendel's discussion with NFP and the Erie County Department of Environment & Planning regarding the revised bid proposal, and based on Wendel's positive experiences with NFP on two recent projects, Wendel recommends that this project be awarded to NFP and Sons, Inc. in the amount of \$522,600 with the scope changes outlined in the above referenced June 18, 2013 letter.

If you have any questions or need additional information, please feel free to contact our office.

Sincerely,

WENDEL

A handwritten signature in cursive script that reads "Jaime M. Davidson".

Jaime M. Davidson, PE

Enclosures

cc: Mutasem Salah, PE, ECDSM (w/enclosures)

PROJECT : Erie County Rainwater Harvesting Cisterns Installation		TABULATION OF BIDS	
CONTRACT : CWSRF Project No. C9-6646-14-00		PAGE 1	
DATE : June 4, 2013			
++ INDICATES CONTRACTOR ERROR		NO. 1 NFP and Sons Inc. North Tonawanda, New York 14120 Yes	
ITEM #	DESCRIPTION	QUANTITY UNITS	UNIT PRICE EXTENDED TOTAL
1	Tonawanda Senior Center Cistern Installation complete	1 LS	109,500.00 109,500.00 0
2	Tonawanda Highway Garage Cistern Installation Complete	1 LS	167,000.00 167,000.00 0
3	Orchard Park Highway Garage Cistern Installation Complete	1 LS	101,000.00 101,000.00 0
4	Aurora West Falls Highway Garage Cistern Installation Complete	1 LS	171,000.00 171,000.00 0
5	Contingent Items	1 LS	25,000.00 25,000.00 0
		CONTRACTOR TOTAL= \$ 573500.00 0	
MIN BID = 573500.00		ACTUAL TOTAL= \$ 573500.00	
		BID RANKING 1	

PROJECT : Erie County Rainwater Harvesting Cisterns Installation		TABULATION OF BIDS	
CONTRACT : CWSRF Project No. C9-6646-14-00		PAGE 1	
DATE : June 4, 2013			
++ INDICATES CONTRACTOR ERROR		NO. 1 NFP and Sons Inc. North Tonawanda, New York 14120 Yes	
ITEM #	DESCRIPTION	QUANTITY UNITS	UNIT PRICE EXTENDED TOTAL
	Alternate Item A: Botanical Gardens Cistern Installation Complete	1 LS	111,000.00 111,000.00 0
		CONTRACTOR TOTAL= \$ 111000.00 0	
MIN BID = 111000.00		ACTUAL TOTAL= \$ 111000.00	
		BID RANKING 1	

Engineer's Estimate

4.2 OPINION OF PROBABLE CONSTRUCTION COSTS

Table 4-1 provides opinion of probable construction costs for each of the five participating sites based on the analysis described in Section 2.

PROJECT BUDGET SUMMARY

1.0	Town of Tonawanda - Senior Center	\$	98,150.00
2.0	Town of Tonawanda - Highway Garage	\$	168,450.00
3.0	Buffalo - Erie County Botanical Gardens	\$	108,970.00
4.0	Village of Orchard Park - Highway Garage	\$	98,180.00
5.0	Village of East Aurora - EC DPW Maintenance Facility	\$	145,820.00
	Subtotal:	\$	619,570.00
	General Requirements (5%):	\$	30,980.00
	Mobilization (3%):	\$	18,590.00
	Construction Contingency (10%):	\$	61,957.00
	Total Construction Site Work Budget:	\$	731,097.00
	Grant Amount:	\$	626,000.00
	In-Kind Match:	\$	62,600.00
	Total Project Budget:	\$	688,600.00
	Less Legal, Administration and Tech Force:	\$	(18,000.00)
	Less Engineering Fees:	\$	(99,920.00)
	Total Remaining for Construction and In-Kind:	\$	570,680.00
	Funding Variance:	\$	(160,417.00)

N.F.P. & Sons, Inc.

General Contractors WBE Excavation Trucking
Proudly Serving Western New York for over 45 Years
7311 Ward Rd.

North Tonawanda, NY 14120
Phone: (716) 695-2926 Fax: (716) 695-2928

June 18, 2013

Erie County Environment and Planning
Mr. Thomas Hersey – Deputy Commissioner
95 Franklin Street – Room 1086
Buffalo, NY 14202

RE: Erie County Rainwater Harvesting Cisterns Installation, CWSRF Project No. C9-6646-14-00

Mr. Hersey,

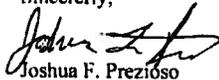
As per our contract negotiation meeting on Friday June 7, 2013 we have revised the following bid items:

Item 1 - Tonawanda Senior Center Cistern Installation, complete.	Original Bid Amount \$109,500.00
Revision - Install pre-cast concrete cistern in lieu of SRPE cistern, volume to remain unchanged	Deduct <\$4,000.00>
Revision - Municipality Haul Stone purchased by NFP and Sons: 100 Tons @ \$5.00 / Ton	Deduct <\$ 500.00>
Item 1 - Tonawanda Senior Center Cistern Installation, complete	Revised Bid Amount \$105,000.00
Item 2 - Tonawanda Highway Garage Cistern Installation, complete	Original Bid Amount \$167,000.00
Revision - Install minimum 27,000 gallon pre-cast concrete cistern in lieu of 30,000 gallon pre-cast concrete cistern	Deduct <\$8,000.00>
Revision - Municipality Haul Stone Purchased by NFP and Sons: 525 Tons @ \$5.00 / Ton	Deduct <\$2,625.00>
Item 2 - Tonawanda Highway Garage Cistern Installation, complete	Revised Bid Amount \$156,375.00
Item 3 - Orchard Park Highway Garage Cistern Installation, complete	Original Bid Amount \$101,000.00
Revisions - Municipality to Haul Stone Purchased by NFP and Sons: 250 Tons @ \$5.00 / Ton	Deduct <\$1,250.00>
Item 3 - Orchard Park Highway Garage Cistern Installation, complete	Revised Bid Amount \$99,750.00
Item 4 - Aurora West Falls Highway Garage Cistern Installation, complete	Original Bid Amount \$171,000.00
Revision - Install minimum 27,000 gallon pre-cast concrete cistern in lieu of 30,000 gallon SRPE cistern -	Deduct <\$26,000.00>
Revision - Municipality to Furnish and Deliver Stone to Job Site: 400 Tons @ \$13.25 / Ton	Deduct <\$ 5,300.00>
Item 4 - Aurora West Falls Highway Garage Cistern Installation, complete	Revised Bid Amount \$139,700.00
Contingency	Original Bid Amount \$25,000.00
Revisions - Deduct 3,225.00 from contingency	Deduct <\$ 3,225.00>
Contingency	Revised Bid Amount \$21,775.00

Total Revised Bid Amount \$ 522,600.00

Please feel free to contact me with any questions or comments regarding these revisions.

Sincerely,



Joshua F. Prezioso

Project Manager

Cc: T. Walck - Wendel