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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: Rath Building – EECBG Grant – Mechanical and Electrical Renovations  
Construction Contingency Increase and Erie County Correctional Facility  
Chillers**

Dear Honorable Members:

On September 15, 2011, your Honorable Body awarded construction contracts for the Rath Building Mechanical and Electrical Energy Improvement project, including a construction contingency. This resolution is requesting your Honorable Body's authorization to increase the construction contingency for installation of a new chiller in the Rath Building to replace an old non-working chiller. The County has pre-purchased the new chiller direct from the manufacturer earlier this year through the Division of Purchase.

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

Sincerely,

Mark. C. Poloncarz, Esq.  
Erie County Executive

MCP/bb  
Enclosure

cc: John C. Loffredo, Commissioner

## MEMORANDUM

COMPTROLLER'S  
RECEIVED

13 JUN 19 AM 9:26

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Public Works  
**Re:** Rath Building-EECBG Grant-Mechanical and Electrical Renovations  
Construction Contingency Increase  
**Date:** June 18, 2013

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### **SUMMARY**

In 2009 the County received an Energy Improvement & Conservation Grant from the US Dept. of Energy (EECBG Grant) for implementing energy conservation measures in County owned facilities. A majority of the grant was used to replace the forty (40) plus years old, six (6) air handling units, located on the 5<sup>th</sup> floor of the Rath Building. At the time the project was bid, there were insufficient funds to perform all the work, including replacing the 40 plus year old redundant Chiller in the Rath Building. The County has already purchased a replacement chiller through the Division of Purchasing and is now seeking authorization to increase the construction contingency so a change order can be executed by the County Executive to have DV Brown & Associates install the new chiller.

### **FISCAL IMPLICATIONS**

Funds for the project are available from the previously approved, as amended Capital Budget for 2013, SAP Project Account: A.13006 – 2013 - Countywide, Mechanical. Electrical and Plumbing Improvement

### **BACKGROUND INFORMATION**

The redundant Chiller in the Rath Building is over forty (40) years old and doesn't work anymore, and is costly and unfeasible to repair. It now needs replacement.

The two (2) chillers at the Erie County Correctional Facility (ECCF) are original to the building and are unreliable for constant use. Replacing both chillers at the Erie County Correctional Facility now, will ensure the County can provide the required air quality to comply with the DOJ and COC requirements.

### **CONSEQUENCES OF NEGATIVE ACTION**

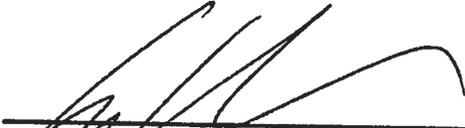
If the Rath Building and Erie County Correctional Facility chillers are not replaced, air quality in the buildings may become compromised and the buildings will have to be closed.

### **STEPS FOLLOWING APPROVAL**

Upon approval by the Erie County Legislature, the County Executive will enter into a Contract Amendment for A/E services with the firm of Buffalo Engineering, PC so the work can proceed.

**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

**RESOLUTION SUBMITTED BY:  
DEPARTMENT OF PUBLIC WORKS**

**Re: Rath Building-EECBG Grant-Mechanical and Electrical Renovations  
Construction Contingency Increase and Erie County Correctional Facility Chillers**

**WHEREAS, on September 11, 2011 this Honorable Body authorized the County Executive to enter into a contract with DV Brown & Associates for providing Mechanical and Electrical Energy Improvements to the mechanical equipment located on the fifth floor of the Rath Building; and**

**WHEREAS, the replacement of the redundant Rath Building chiller was eliminated from the project scope; and**

**WHEREAS, the County has purchased a replacement chiller earlier this year through the Division of Purchasing directly from the manufacturer; and**

**WHEREAS, the Construction Contingency must be increased in order to fund the installation of the chiller via change order to DV Brown & Associates' contract; and**

**WHEREAS, your Honorable Body has previously authorized the County Executive to enter into a General Architectural/Engineering services agreement with the firm of Buffalo Engineering, PC, for providing professional design and construction document services on Erie County projects; and**

**WHEREAS, the County Executive is requesting authorization to issue an Agreement Amendment to the firm of Buffalo Engineering, PC for providing design and construction documents services for the Rath Building and Erie County Correctional Facility chiller replacements.**

**NOW, THEREFORE, BE IT**

**RESOLVED, that the County Executive is hereby authorized to increase the current construction contingency fund by \$100,000.00 from \$183,000.00 to \$283,000.00; and be it further**

**RESOLVED, that the deduct change orders will result in these funds returned to the Contingent Fund; and be it further**

**RESOLVED, that the County Executive is authorized to execute an Agreement Amendment with the firm of Buffalo Engineering, PC for providing professional design and construction services for the Rath Building and Erie County Correctional Facility chiller replacement projects for an amount not to exceed \$43,000.00 including reimbursables; and be it further**

**RESOLVED, that the Comptroller's office be authorized to make payment for the above from SAP Project Account A.13006-2013-Countywide Mechanical, Electrical and Plumbing Improvement for an amount to exceed \$143,000.00; and be it further**

**RESOLVED**, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, 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 Buffalo Engineering PC
2. AMOUNT OF CONTRACT Buffalo Engineering PC \$ 43,000.00  
Construction Contingency \$100,000.00
3. PROJECT NUMBER A.13006
4. PROJECT TITLE Countywide Mechanical, Electrical & Plumbing  
Improvements
5. DEPARTMENT CONTACT Funding questions: Jeffrey P. Zack #8824  
Letter pickup: Diane Bukowski at 8301

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

6. AVAILABILITY OF FUNDS \$ 447,900
7. PERFORMED BY [Signature]
8. Date sent to Comptroller's Office: June 18, 2013

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