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COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

September 9, 2013

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

Re: Ralph Wilson Stadium Lease Renovation Work & Annual Capital Maintenance Projects

Dear Honorable Members:

As you may be aware, the construction schedule for the Lease Renovation work at Ralph Wilson Stadium pursuant to the agreement between the County, Buffalo Bills and the State is extremely aggressive. During the performance of the lease work, conditions may be discovered that will require additional work to be performed which falls under the classification of Annual Capital Maintenance work.

Since this maintenance work is separate but associated with the lease work, the Buffalo Bills have requested that the Department of Public Works obtain prior legislative approval for this maintenance work to be performed, in order not to delay the Stadium Lease Renovation work. Attached please find a memorandum and proposed resolution authorizing the Commissioner of Public Works to expedite this maintenance work.

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

Sincerely,

Mark C. Poloncarz, Esq
Erie County Executive

MCP:dab

MEMORANDUM

To: Erie County Legislature
From: Department of Public Works
Re: Stadium Lease Renovation Work & Annual Capital Maintenance Projects
Date: August 19, 2013

SUMMARY

The construction schedule for the Stadium Lease Renovation work is extremely aggressive. This lease work is overseen by the "Lease Construction Management Group". This group consists of representatives from the Bills, State, County and Construction Manager. However there are only three voting members in the Group. They are: one member from the Buffalo Bills, one from the State and one from the County. Also, there is a two member subcommittee (one Bills and one County voting member) which oversees the coordination of the county maintenance work with the lease work.

The Bills have requested that certain maintenance work be performed in conjunction with the lease work. Also, during the execution of the lease work, conditions may be discovered that will require additional maintenance work to be performed, which also falls under the classification of Annual Capital Maintenance work.

The following is a general, but not a complete list of the types of maintenance work involved:

1. Hazardous material abatement
2. Area-wide traffic study by outside consultant
3. Water usage analysis
4. Electrical load test and monitoring
5. Any other lease work that requires additional maintenance work

In some cases contractors or consultants will already be on the jobsite that can perform the necessary maintenance work. In other cases, the work will have to be bid or proposals received.

Since this maintenance work is separate but associated with the lease work, the Buffalo Bills have requested that the Department of Public Works expedite the approval process of same in order not to delay the Stadium Lease Renovation work.

FISCAL IMPLICATIONS

Last year the Buffalo Bills agreed to reserve \$1 million from the county's 2012 stadium maintenance allocation for work as it relates to the Stadium Lease Renovation work. To date only \$89,000 has been spent, leaving \$911,000 remaining in this reserve fund - A.120011. These funds will be used for the subject maintenance work.

REASONS FOR RECOMMENDATION

In order to comply with the Buffalo Bills request, the Commissioner of Public Works will have to have prior legislative authorization to bid or negotiate contracts and the County Executive to issue the subject maintenance contracts for a total amount, not to exceed \$911,000.

CONSEQUENCES OF NEGATIVE ACTION

The Stadium Lease Renovation Work will be delayed and might not be completed on schedule and/or the necessary maintenance work will not be performed.

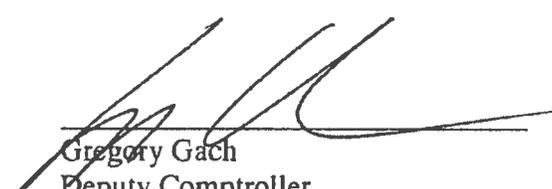
STEPS FOLLOWING APPROVAL

Upon approval of this resolution, the Commissioner of Public Works will be authorized to select maintenance contractors or consultants and contracts issued by the following procedure:

1. Receive formal or informal bids to determine the lowest responsible bidder and receive consultant proposals to determine the most suitable one for the job.
2. If bidding the maintenance work or receiving consultant proposals is not viable because of schedule or economic reasons; a contractor or consultant will be selected and the terms and conditions of the contract will be negotiated by the Commissioner.
3. The Commissioner will submit the proposed contracts to the Lease Construction Management Group's Maintenance subcommittee for approval.
4. The County Executive will issue contracts or change orders to contractors or consultants designated by the Commissioner of Public Works and approved by the Lease Construction Management Group's Maintenance Projects subcommittee.

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

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

**Re: Ralph Wilson Stadium Lease Renovation Work & Annual Capital Maintenance
Projects**

WHEREAS, the Erie County Legislature has previously approved the Buffalo Bills/Erie County Stadium Lease; and

WHEREAS, the construction schedule for Stadium Lease Renovation work is extremely aggressive; and

WHEREAS, during the performance of this work, conditions may be discovered that will require additional work to be performed which falls under the classification of Annual Capital Maintenance work; and

WHEREAS, the Buffalo Bills have requested that the Department of Public Works expedite the approval process of this maintenance work in order not to delay the Stadium Lease Renovation work; and

WHEREAS, the following is a general, but not a complete list of the types of maintenance work involved:

1. Hazardous material abatement
5. Area-wide traffic study by outside consultant
6. Water usage analysis
7. Electrical load test and monitoring
8. Any other lease work that requires additional maintenance work

; and

WHEREAS, there is \$911,000 in available funds in Capital Account A.120011 for the subject maintenance work.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve and authorize the Commissioner of Public Works and the County Executive to select contractors or consultants and issue the subject maintenance contracts through the following procedure:

1. Receive formal or informal bids to determine the lowest responsible bidder and receive consultant proposals to determine the most suitable one for the work.
2. If bidding or receiving consultant proposals is not viable because of schedule or economic reasons, as determined by the Lease Construction Management Group's Maintenance subcommittee, a contractor or consultant will be selected and the terms and conditions of the contract will be negotiated by the Commissioner.

3. The Commissioner will submit the proposed contracts to the Lease Construction Management Group's Maintenance subcommittee for approval.
4. The County Executive will issue contracts or change orders to contractors or consultants designated by the Commissioner of Public Works and approved by the Lease Construction Management Group's Maintenance Projects subcommittee.

; and be it further

RESOLVED, that the total amount of all of the subject maintenance contracts shall not exceed \$911,000 for which funds are available for appropriation and are hereby authorized as necessary for appropriation from Capital Account A.120011; and be it further

RESOLVED, that certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, Office of the County Executive, the Division of Budget and Management, the Office of the Comptroller and the Buffalo Bills.

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

To be determined

2. AMOUNT OF CONTRACT

Not to exceed \$911,000

3. PROJECT NUMBER

To be determined

4. PROJECT TITLE

Stadium Annual Capital Maintenance Projects

5. DEPARTMENT CONTACT

Funding questions: John Loffredo, P.E. (7555)
Letter pickup: Diane Bukowski at 8301

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

6. AVAILABILITY OF FUNDS

\$ 1,253,803.77

7. PERFORMED BY

Don Urban

Date Sent to Comptroller's Office:

August 19, 2013

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