

SUSPENSION



COUNTY OF ERIE

MARK C. POLONCARZ  
COUNTY EXECUTIVE

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September 12, 2013

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

**RE: Design Services Agreement  
Black Rock Canal Park Improvements Project – Phase II**

Dear Honorable Members:

Enclosed please find a proposed resolution authorizing the execution of an agreement with Nussbaumer and Clarke, Inc. for engineering and design and construction oversight services for improvements to Erie County's Black Rock Canal Park in Buffalo, New York.

Nussbaumer and Clarke, Inc. is just completing engineering and construction management services for improvements to the initial phase of Erie County's Black Rock Canal Park. Erie County desires to continue immediately onto the next phase of park improvements which include the entry road and the main parking area in accordance with the Park's Master Plan.

Erie County started construction of the \$2.1 million of improvements to the Black Rock Canal Park last year. The initial work included a new dog park and removal of two acres of black top and transforming it into new green space, roadway and parking, all in eco-friendly manner. The Erie County Parks Department and Department of Environment & Planning desire to continue fulfilling the Park Master Plan.

Should your honorable body require any further information, I encourage you to contact Commissioner Maria Whyte in the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP/cp  
Enclosure

C: Commissioner Maria R. Whyte  
Commissioner Troy Schinzel

15E-38

## MEMORANDUM

To: Honorable Members of the Erie County Legislature  
From: Department of Environment and Planning  
Re: Design Services Agreement  
Black Rock Canal Park Improvements Project – Phase II  
Date: September 12, 2013

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### **SUMMARY**

It is recommended that the Erie County Legislature approve the attached resolution authorizing the County Executive to execute an agreement for design services with Nussbaumer and Clarke, Inc. The design services pertain to Phase II improvements to the Black Rock Canal Park in the City of Buffalo.

### **FISCAL IMPLICATIONS**

The proposed resolution requests that a total amount of \$189,600.00 be allocated from the available funds in the SAP Account A. 21016 Black Rock Canal Park. The sources of funding for this project are from NYS Multimodal Program and the Niagara River Greenway Commission allocation process.

### **REASON FOR RECOMMENDATION**

It is necessary that these approvals be granted, so that the work can be completed within the targeted timeframes from funding sources. It is important to have the Phase II of the Park Improvements design under way soon so that construction can begin in the spring of 2014. Nussbaumer and Clarke, Inc. has just successfully completed the Phase I of park improvements and is very familiar with the park property, necessary permits from approval agencies, required easements from the City of Buffalo and New York State Thruway Authority and is very knowledgeable of the Park's Master Plan.

### **BACKGROUND INFORMATION**

The requirements for Requests for Proposals in Section 19.08 of the Erie County Administrative Code are requested to be waived since the remaining timeframe of the funding sources is very short. Nussbaumer and Clarke's previous experience on Phase I of park improvements will expedite the public outreach and design of the next phase of park improvements.

Black Rock Canal Park, formerly known as the Ontario Street Boat Launch, is located along the Niagara River and is in need of much repair and updating. Phase II of the project will continue to implement new eco-friendly materials as a test pilot for future Erie County park improvements.

### **CONSEQUENCES OF NEGATIVE ACTION**

The Project will be delayed and thus threaten the County's ability to draw down the remaining Niagara River Greenway funds in a timely manner.

### **STEPS FOLLOWING APPROVAL OF RESOLUTION**

A design services agreement with Nussbaumer and Clarke, Inc. for engineering and construction management services will be executed by the County Executive.

**COMPTROLLERS OFFICE REVIEW**

The proposed legislation has been reviewed by the Office of the Comptroller and is related to an authorized Capital Project A.21016 for which there are sufficient account balances for the action proposed.



Gregory Gach  
Deputy Commissioner

**A RESOLUTION SUBMITTED BY:  
DEPARTMENT OF ENVIRONMENT AND PLANNING**

**RE: Design Services Agreement  
Black Rock Canal Park  
Improvements Project – Phase II**

**WHEREAS, the County park known as Black Rock Canal Park is within the City of Buffalo; and**

**WHEREAS, the County is embarking on a \$2.1 million multi-phased improvement project to Black Rock Canal Park; and**

**WHEREAS, Erie County is looking to complete Phase II improvements which includes enhancements to the main parking area and entry road; and**

**NOW, THEREFORE, BE IT**

**RESOLVED, that the County Executive be authorized to execute a Contract for Engineering and Construction Management Services with Nussbaumer and Clarke, Inc. for Phase II Improvements to Black Rock Canal Park, in an amount not to exceed \$172,400.00; and be it further**

**RESOLVED, that an amount of \$172,400.00 be allocated from SAP Account A.21016 for Engineering and Construction Management Services an additional amount of \$17,200.00 be allocated for a Department of Environment and Planning design contingency fund with authorization for the County Executive to approve contract amendments with Nussbaumer and Clarke, Inc., not to exceed \$17,200.00 also to be allocated from SAP Account A.21016; and be it further**

**RESOLVED, that the source of said funds are available within the Erie County Department of Environment and Planning Budget in SAP Account No. 21016, Black Rock Canal Park; and be it further**

**RESOLVED, that the requirement for a request for proposal in Section 19.08 of the Erie County Administrative Code is hereby waived due to the unique knowledge and experience of Nussbaumer and Clarke, Inc. concerning conditions at Black Rock Canal Park and their ability to expedite the design process in a manner consistent with the completion timeframes established by various grantor agencies; and be it further**

**RESOLVED, that certified copies of this resolution shall be forwarded to the Office of the County Executive; the Commissioner of the Department of Environment and Planning; the Commissioner of the Department of Parks, Recreation and Forestry; the Director of the Division of Budget and Management; the Comptroller's Office and the County Attorney.**