COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

November 18, 2013

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

Re: Erie Community College – Academic Building – Project Management Agreement with the Dormitory Authority of the State of New York (DASNY)

Dear Honorable Members:

Enclosed please find a memorandum and proposed resolution pertaining to the execution of a contract for project management services relative to the new academic building for Erie Community College.

Should your honorable body require further information, I encourage you to contact Deputy Commissioner Thomas J. Dearing at the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/cw
Enclosure

cc: Commissioner Maria R. Whyte
Deputy Commissioner Thomas J. Dearing
Commissioner John C. Loffredo

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Erie Community College – Academic Building – Project Management Agreement with the Dormitory Authority of the State of New York (DASNY)
Date: **November 18, 2013**

SUMMARY

The resolution authorizes the County Executive to execute an agreement with DASNY, Erie Community College (ECC) and State University of New York (SUNY) for project management services relative to the new academic building for ECC. DASNY will undertake the main management role on behalf of Erie County and Erie Community College inclusive of contracting with an architectural design firm, performance of construction management services, procuring applicable equipment and furnishings for the building execution and management of project labor agreements, oversight of MBE/WBE requirements, direct contracting with building trade contractors, and other related services.

FISCAL IMPLICATIONS

The proposed resolution authorizes the County Executive to execute the above noted agreement having a total contract amount of $29,643,997. It further authorizes the County Executive to execute contract amendments to the aforementioned agreement in a cumulative amount not to exceed $73,303.

The County share of the contract is 25% ($7,410,999) of the total contract amount. The proposed resolution also requests that this County share be allocated from available funds in the SAP Account E.12002, ECC Building Project. An additional $18,326 is being requested from the same account for the County share (25%) of contract contingencies. The source of funding for the total project is being shared between Erie County (25%), Erie Community College (25%), and New York State (50%). Reference should be made to Attachment A to this memorandum for the project budget including estimated line items.

ECC and SUNY will disburse their funds directly to DASNY based on a distribution schedule outlined in the project management agreement.

REASONS FOR RECOMMENDATION

DASNY has broad experience in project management services, especially within the parameters of the State University of New York (SUNY) facilities construction system. DASNY will provide a seamless approach to the engagement given their in-house capacity in procurement, construction management, contractor bidding, etc.

The ECC Board of Trustees was briefed on the suggested role for DASNY at their October 24, 2013 meeting and was receptive to using DASNY in the role described within this memorandum.

A joint undertaking between DASNY, ECC, and Erie County occurred in the early 1990's. The Flickinger Athletic Center was designed and constructed in the manner being suggested for the new academic building. The process worked well and resulted in the Center being built "on time and on budget" for World University Games use in 1993.

BACKGROUND INFORMATION

The requirements for Requests for Proposals in Section 19.08 of the Erie County Administrative Code are requested to be waived since DASNY is uniquely capable of providing the desired comprehensive project management services.

The value in utilizing DASNY lies in their unique ability to perform project management services. They would hold the contracts with the architect and any special consultants required for inspections, as well as perform direct construction management services.

CONSEQUENCES OF NEGATIVE ACTION

The schedule for project completion would be delayed, thus straining the ability to attain the targeted building opening date.

STEPS FOLLOWING APPROVAL

The contract will be prepared and executed by all parties.

COMPTROLLERS OFFICE REVIEW

The proposed legislation has been reviewed by the Office of the Comptroller and is related to an authorized Capital Project E.12002 for which there are sufficient account balances for the action proposed.

GREGORY GACH
Deputy Comptroller

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Erie Community College – Academic Building – Project Management Agreement with the Dormitory Authority of the State of New York (DASNY)

WHEREAS, Erie County is desirous of engaging comprehensive project management services for a new academic building for Erie Community College; and

WHEREAS, the Erie County Legislature approved a Memorandum of Understanding (MOU) between Erie County and Erie Community College on July 18, 2013; and

WHEREAS, said MOU outlines the roles and responsibilities of all parties relative to the design and construction of a new academic building for ECC; and

WHEREAS, the MOU identified the ECC North Campus as the preferred location and noted the possible use of DASNY for project management services; and

WHEREAS, Erie County and ECC are desirous of moving forward with various project management elements of the capital improvement.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to execute a contract with DASNY, and other organizations, including but not limited to Erie Community College and the State University of New York, which may be necessary parties to said contract, in an amount not to exceed $29,643,997, for the purpose of providing project management services associated with the new academic building for ECC; and be it further

RESOLVED, that the County Executive be authorized to execute contract amendments to the aforementioned contract in a cumulative amount not to exceed $73,303 with the County share of said amount being $18,326; and be it further

RESOLVED, that Erie County's share of the funding amount for the project (25%) shall be allocated from SAP Account No. E.12002, ECC Building Project, and disbursed directly to DASNY according to a schedule to be agreed upon; and be it further

RESOLVED, that ECC's and New York State's shares of the funding amount for the project, 25% and 50% respectively, shall be disbursed directly to DASNY according to a schedule to be agreed upon; and be it further

RESOLVED, that the requirement for Request for Proposals in Section 19.08 of the Erie County Administrative Code is hereby waived since DASNY is uniquely qualified to provide the comprehensive project management services sought by Erie County; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward certified copies of this resolution to the Department of Environment and Planning, 10th Floor, Rath Building; the Office of the County Executive; the Director of the Division of Budget and Management; the Office of the Comptroller; the Office of the County Attorney; and the President of ECC.

ATTACHMENT A

Erie Community College New Academic Building October 24, 2013

PROJECT BUDGET

Erie Community College – New Academic (STEM) Building		
GSF		**60,000 GSF**
Design Duration		**12 Months**
Bid Duration		**4 Months**
Construction Duration		**18 Months**
Project Hard Costs		
Total Construction Estimate*		**$23,244,000**
Change Order (C.O.) Contingency	5.00%	$1,162,200
Total Construction Estimate w/ C.O. Contingency		$24,406,200
Project Soft Costs		
Design Consultants		
Subtotal		**$1,502,750**
Construction Consultants		
Subtotal		**$365,550**
Other Project Costs		
Special Permits/Advertise/DOL/Safety	0.50%	$116,220
LEED Registration – Flat Fee	$900	$900
LEED Submission Fee to USGBC ($.045/SF)	$0.045	$2,700
Subtotal		**$119,820**
Project Soft Cost Contingency	5%	$93,415
Subtotal		**$2,081,535**
DASNY Labor	6.05%	$1,406,262
Total Estimated Project Soft Costs		**$3,487,797**
FF&E**		$1,750,000
SUMMARY OF COSTS		
Total Hard Dollar Costs		**$24,406,200**
Total Soft Costs		**$3,487,797**
FF&E**		**$1,750,000**
Total Estimated Project Budget		**$29,643,997**
Dollars per SF Hard Dollars		$406.77
Dollars per SF Total Project Cost		$498.78

* Includes all design, bidding & escalation contingencies
** Estimated FF&E Costs Slightly Higher than Study