



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

June 23, 2014

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

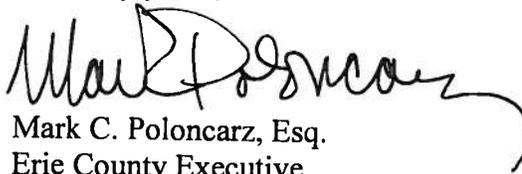
**Re: Acceptance of Marchiselli Funds for Supplemental Agreement
with NYSDOT and Construction Change Orders
East Robinson and North French Roads Reconstruction
Town of Amherst, Erie County - PIN 5755.43**

Dear Honorable Members:

We are forwarding the proposed resolution accepting Marchiselli funds for a Supplemental Agreement with the New York State Department of Transportation, and adjusting related project budget for the East Robinson and North French Roads Reconstruction project. We are also requesting the County Executive be authorized to approve construction change orders with the responsible low bidder Accadia Site Contracting, Inc. and project engineer Greenman - Pedersen, Inc.

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

Sincerely yours,



Mark C. Poloncarz, Esq.
Erie County Executive

MCP/dab
Enclosure

cc: John C. Loffredo, Department of Public Works

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works
Re: Acceptance of Marchiselli Funds for Supplemental Agreement
with NYSDOT and Construction Change Orders
East Robinson and North French Roads Reconstruction
Town of Amherst, Erie County - PIN 5755.43
Date: June 18, 2014

SUMMARY

Legislative authorization of a resolution accepting Marchiselli funds for a Supplemental Agreement with NYSDOT; and increasing related project budget is sought for the East Robinson and North French Roads Reconstruction project. Also we are requesting authorization for the County Executive to approve construction change orders with the responsible low bidder Accadia Site Contracting, Inc. and project engineer Greenman - Pedersen, Inc.

FISCAL IMPLICATIONS

The total cost of this project phase is currently estimated at \$14,165,575 approximately 71% Federal funds, 12% NYS Marchiselli funds, and 17% local share. Erie County received notification of Marchiselli funds for a Supplemental Agreement. This additional revenue will adjust the current project budget, Fund 420, SAP B.12001 2012 East Robinson and North French Roads Reconstruction with an increase of \$294,275.00.

REASONS FOR RECOMMENDATION

The construction phase of the project is continuing and the Erie County Department of Public Works desires to execute change orders with low bidder Accadia Site Contracting, Inc. and project engineer Greenman – Pedersen, Inc. with the additional revenue.

BACKGROUND INFORMATION

This ongoing construction project has been approved by the New York State Department of Transportation, and is funded with Federal Aid and State funds, as well as local funds. Due to poor soil conditions and utility conflicts, change orders must be approved for the responsible low bidder Accadia Site Contracting, Inc. and project engineer Greenman – Pedersen, Inc.

CONSEQUENCES OF NEGATIVE ACTION

If the Agreement is not approved, reimbursement of State Marchiselli funds may be jeopardized. Negative action would stop payment owed to Accadia Site Contracting, Inc. and project engineer Greenman – Pedersen, Inc.

STEPS FOLLOWING APPROVAL

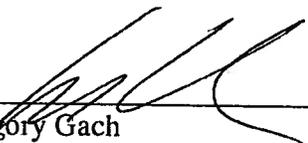
The DPW will submit a budget journal entry to reflect the anticipated receipt of the Marchiselli funds per fully executed Supplemental Agreement with the New York State Department of Transportation to the Department of Budget & Finance. The County Executive will execute the construction change orders with the responsible low bidder Accadia Site Contracting, Inc. and project engineer Greenman – Pedersen, Inc.

STEPS FOLLOWING APPROVAL

The DPW will submit a budget journal entry to reflect the anticipated receipt of the Marchiselli funds per fully executed Supplemental Agreement with the New York State Department of Transportation to the Department of Budget & Finance. The County Executive will execute the construction change orders with the responsible low bidder Accadia Site Contracting, Inc. and project engineer Greenman – Pedersen, Inc.

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.



Gregory Gach
Deputy Comptroller
Comptroller's Office

JCL/JGM/dab

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF PUBLIC WORKS
DIVISION OF HIGHWAYS

Re: Acceptance of Marchiselli Funds for Supplemental Agreement
with NYSDOT and Construction Change Orders
East Robinson and North French Roads Reconstruction
Town of Amherst, Erie County - PIN 5755.43

WHEREAS, the East Robinson and North French Roads Reconstruction Project in the Town of Amherst, Erie County, PIN 5755.43 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs such program; and

WHEREAS, the County of Erie advanced the project's construction phase via Comm. Nos. 8E-11 (2013) and 8E-12 (2013) both adopted on May 9, 2013; and

WHEREAS, the County of Erie desires to accept Marchiselli funds for the construction phase of the project, PIN 5755.43 through a Supplemental Marchiselli Agreement with NYSDOT that increases the Project Agreement by \$294,275 and related project budget in Fund 420, B.12001, 2012 East Robinson and North French Roads Reconstruction; and

WHEREAS, the East Robinson and North French Roads Reconstruction Project PIN 5755.43 has been advertised, bid, and awarded to the responsible low bidder Accadia Site Contracting, Inc.; and

WHEREAS, the SAP project is currently estimated at \$14,165,575; and

WHEREAS, it is necessary that this approval be granted, so that the project budget can be increased for change orders for Accadia Site Contracting, Inc. and Project Engineer Greenman – Pedersen, Inc. for work related to poor soil conditions and utility conflicts.

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature of the County of Erie hereby approves the above subject project; and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and Non-Federal share of the cost of the preliminary engineering (Scoping and Design I-VI), and construction phase of the project or portions thereof; and be it further

RESOLVED, that the Project Fund B.12001 - 2012 East Robinson North French Roads Reconstruction, Fund Center 123, Fund 420, be increased by the anticipated State revenue in the amount of \$294,275 as follows:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
405160	NYS Marchiselli	\$1,399,000	\$294,275	\$1,693,275
414000	Federal Aid	10,072,300	0	10,072,300
475000	Gen Oblig Bond Proc	<u>2,400,000</u>	<u>0</u>	<u>2,400,000</u>
TOTAL REVENUES		<u>\$13,871,300</u>	<u>\$294,275</u>	<u>\$14,165,575</u>
APPROPRIATIONS				
Capital Projects	Capital Project Exp	<u>\$13,871,300</u>	<u>\$294,275</u>	<u>\$14,165,575</u>
TOTAL APPROPRIATIONS		<u>\$13,871,300</u>	<u>\$294,275</u>	<u>\$14,165,575</u>

; and be it further

RESOLVED, the estimated total sum of the construction phase of the project, \$14,165,575 is hereby appropriated from B.12001 – 2012 East Robinson North French Roads Reconstruction and made available to cover the cost of participation in the construction phase of the project; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the project's construction phase exceeds the amount appropriated, \$14,165,575 and/or 100% of the full Federal and non-Federal shares of the cost of the Project's Construction Phase exceeds \$14,165,575, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Erie; and be it further

RESOLVED, should additional Federal Aid become available for this project, Erie County Legislative approval would be requested to enter into a new supplemental agreement with New York State Department of Transportation and the project budget adjusted accordingly; and be it further

RESOLVED, that the County Executive be authorized and is hereby directed to approve change orders for the East Robinson and North French Roads Project PIN 5755.43 for the responsible low bidder Accadia Site Contracting, Inc. and Project Engineer Greenman – Pedersen, Inc.; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified

copies of this resolution to the Department of Public Works, Office of the Commissioner, , and also 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 | NYS Department of Transportation
Accadia Site Contracting, Inc.
Greenman – Pedersen, Inc. |
| 2. AMOUNT OF CONTRACT | \$14,165,575 |
| 3. PROJECT NUMBER | B.12001 |
| 4. PROJECT TITLE | 2012 E. Robinson and N. French Roads
Reconstruction |
| 5. DEPARTMENT CONTACT | Funding questions: Charles A. Sickler, PE at 8372
Letter pickup: Diane Bukowski at 8301 |

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

- | | |
|------------------------------------|-------------------|
| 6. AVAILABILITY OF FUNDS | \$ 14,165,575.00 |
| 7. PERFORMED BY | <i>Don Wilson</i> |
| Date Sent to Comptroller's Office: | June 17, 2014 |

[55 compt_10]

OFFICE OF THE COMPTROLLER REVIEW

DATE: 6-17-2014

PROJECT TITLE: B.12001 2012 E. ROBINSON & N. FRENCH ROADS RECONST.

1) IS THE REASON FOR THIS CONTRACT CONSISTENT WITH THE PURPOSE OF THE PROJECT: YES X NO _____

IF NO, RETURN THIS REQUEST TO THE DEPARTMENT

IF YES, COMPLETE THE FOLLOWING VERIFICATION

2) PROJECT AVAILABLE APPROPRIATION

TOTAL PROJECT REVENUES \$ 4,810,575.00

TOTAL PROJECT APPROPRIATIONS \$ 14,165,575.00

LESS: TOTAL EXPENDITURE TO DATE \$ 4,197,022.16

TOTAL COMMITMENTS \$ 7,218,843.31

AVAILABLE APPROPRIATIONS AS OF DATE OF REQUEST \$ 2,749,709.53

LESS: CONTRACT AMOUNT: 294,275.00

NET AVAILABLE APPROPRIATIONS \$ 2,455,434.53

COMMENTS: \$613,552.84 project cash balance, resolution is dependent on legislative
Approval accepting a supplemental agreement with the NYSDOT for \$294,275.00 in State Aid.

REQUEST APPROVED:  _____

REQUEST DENIED: _____

DATE: 6/17/14