



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 Federal and Marchiselli Funds for Supplemental Agreement
with NYSDOT and Construction Change Orders
Savage Road Bridge over Dry Creek Reconstruction
Town of Sardinia, Erie County - PIN 5757.30**

Dear Honorable Members:

We are forwarding the proposed resolution accepting Federal and Marchiselli funds for a Supplemental Agreement with the New York State Department of Transportation, and adjusting the related project budget. We are also requesting the County Executive be authorized to approve construction Change Orders with the responsible low bidder D&H Excavating, Inc. and Project Engineer, Wendel.

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 Federal and Marchiselli Funds for Supplemental Agreement with NYSDOT and Construction Change Orders
Savage Road Bridge over Dry Creek Reconstruction
Town of Sardinia, Erie County - PIN 5757.30
Date: June 23, 2014

SUMMARY

Legislative authorization is requested of a resolution accepting Federal and Marchiselli funds for a Supplemental Agreement with NYSDOT, and increasing related project budget. Also we are requesting authorization for the County Executive to approve construction Change Orders with the responsible low bidder D&H Excavating, Inc., and Project Engineer, Wendel.

FISCAL IMPLICATIONS

The total cost of this project's construction phase is currently estimated at \$1,202,250 which is approximately 70% Federal funds, 13% NYS Marchiselli funds, and 17% local share. Erie County received notification of Federal and Marchiselli funds for a Supplemental Agreement. This additional revenue will adjust the current project budget, Fund 420, SAP B.12003 2012 Savage Road Bridge over Dry Creek Reconstruction with an increase of \$254,250.

REASONS FOR RECOMMENDATION

The construction phase of the project is complete and the Erie County Department of Public Works desires to execute Change Orders with low bidder D&H Excavating, Inc. and Project Engineer, Wendel with the additional revenue.

BACKGROUND INFORMATION

This 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, utility conflicts, and extra time needed for the contractor to finish work, Change Orders must be approved for the responsible low bidder D&H Excavating, Inc. and Project Engineer, Wendel.

CONSEQUENCES OF NEGATIVE ACTION

If the Agreement is not approved, reimbursement of Federal and State Marchiselli funds may be jeopardized. Negative action would stop payment owed to D&H Excavating, Inc. and Project Engineer, Wendel.

STEPS FOLLOWING APPROVAL

The DPW will submit a budget journal entry to reflect the anticipated receipt of the Federal and Marchiselli funds per the 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 D&H Excavating, Inc. and Project engineer, Wendel.

STEPS FOLLOWING APPROVAL

The DPW will submit a budget journal entry to reflect the anticipated receipt of the Federal and Marchiselli funds per the 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 D&H Excavating, Inc. and Project engineer, Wendel.

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 Federal and Marchiselli Funds for Supplemental Agreement
with NYSDOT and Construction Change Orders
Savage Road Bridge over Dry Creek Reconstruction
Town of Sardinia, Erie County - PIN 5757.30

WHEREAS, the Savage Road Bridge over Dry Creek Reconstruction Project in the Town of Sardinia, Erie County, PIN 5757.30 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program; and

WHEREAS, the County of Erie desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Construction & Construction Inspection phase of the Project, PIN 5757.30; and

WHEREAS, the County of Erie advanced the Project's Construction Phase via Comm. 8E-9 (2013) and Comm. 8E-10 (2013) both adopted on May 9, 2013; and

WHEREAS, the County of Erie desires to accept Federal and Marchiselli funds for the Construction phase of the Project, PIN 5757.30 through a Supplemental Agreement with NYSDOT that increases the Project Agreement by \$254,250 and related project budget in Fund 420, B.12003, 2012 Savage Road Bridge over Dry Creek Reconstruction; and

WHEREAS, the Savage Road Bridge over Dry Creek Reconstruction Project PIN 5757.30 has been advertised, bid, awarded to the responsible low bidder D&H Excavating, Inc., and work is now complete; and

WHEREAS, the project is currently estimated at \$1,202,250; and

WHEREAS, it is necessary that this approval be granted, so that the project budget can be increased for Change Orders for D&H Excavating, Inc. and Project Engineer, Wendel for work related to poor soil conditions, utility conflicts, and extra time needed for the contractor to finish work.

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature of the County of Erie hereby approves the Savage Road Bridge over Dry Creek Reconstruction 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 shares of the cost of the Construction and Construction Inspection phase of the Project or portions thereof; and be it further

RESOLVED, that the Project Fund B.12003 - 2012 Savage Road Bridge over Dry Creek Reconstruction, fund center 123, fund 420, be increased by the anticipated Federal and State revenue in the amount of \$254,250 as follows:

Comm. 13E-6

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REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
405160	NYS Marchiselli	\$0	\$158,250	\$158,250
414000	Federal Aid	748,000	96,000	844,000
475000	Gen Oblig Bond Proc	<u>200,000</u>	<u>0</u>	<u>200,000</u>
TOTAL REVENUES		<u>\$948,000</u>	<u>\$254,250</u>	<u>\$1,202,250</u>

APPROPRIATIONS

Capital Projects	Capital Project Exp	<u>\$948,000</u>	<u>\$254,250</u>	<u>\$1,202,250</u>
TOTAL APPROPRIATIONS		<u>\$948,000</u>	<u>\$254,250</u>	<u>\$1,202,250</u>

; and be it further

RESOLVED, the estimated total sum of the Construction and Construction Inspection phase of the Project, \$1,202,250 is hereby appropriated from B.12003 – 2012 Savage Road Bridge over Dry Creek Reconstruction and made available to cover the cost of participation in the Construction and Construction Inspection 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 full Federal and non-Federal shares of the cost of the Project's Construction and Construction Inspection phase exceeds the amount appropriated, \$1,202,250, 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 with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of Federal Aid and State Aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connection with the Project; and be it further

RESOLVED, that the County Executive be authorized and is hereby directed to approve change orders for the Savage Road Bridge over Dry Creek Project PIN 5757.30 for the responsible low bidder D&H Excavating, Inc. and Project Engineer, Wendel; 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
D&H Excavating, Inc.
Wendel |
| 2. AMOUNT OF CONTRACT | \$1,202,250 |
| 3. PROJECT NUMBER | B.12003 |
| 4. PROJECT TITLE | 2012 Savage Road Bridge over Dry Creek
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 | \$ 1,202,250.00 |
| 7. PERFORMED BY | <i>Don Wilson</i> |
| Date Sent to Comptroller's Office: | June 18, 2014 |

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OFFICE OF THE COMPTROLLER REVIEW

DATE: 6-18-2014

PROJECT TITLE: B.12003 Savage Road Bridge Reconstruction

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 \$ 958,646.00

TOTAL PROJECT APPROPRIATIONS \$ 1,202,250.00

LESS: TOTAL EXPENDITURE TO DATE \$ 925,347.62

TOTAL COMMITMENTS \$ 2,932.27

AVAILABLE APPROPRIATIONS AS OF DATE OF REQUEST \$ 273,970.11

LESS: CONTRACT AMOUNT: 254,250.00

NET AVAILABLE APPROPRIATIONS \$ 19,720.11

COMMENTS: Project cash balance is \$0.00. \$254,250.00 piggyback Federal & Marchiselli Funds are now available for this project and are included in total project appropriations above.

REQUEST APPROVED: [Signature]

REQUEST DENIED: _____

DATE: 6/19/14