



ECLEG JUL09'14 pp10-15

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

July 1, 2014

The Honorable
Erie County Legislature
92 Franklin Street – Fourth Floor
Buffalo, New York 14202

**RE: 2014 Bridge Enhancement Programs
Supplemental Agreements with NYSDOT
Construction Award, Construction Engineering & and Establish Contingency
for Bridge Painting Project 5760.41, Bridge Deck Sealing Project 5760.42,
Bridge Joint Repair Project 5760.43, Various Towns - Erie County**

Dear Honorable Members:

We are forwarding for your approval a proposed resolution to authorize the County Executive to enter into a Supplemental Agreements with the New York State Department of Transportation, award of construction to respective project responsible low bidder(s), execute construction engineering agreement with Project Engineers, Liro Engineers, Inc., and CHA Consultants and establish project contingencies for the Construction Phase of the above referenced projects.

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

Sincerely yours,

Mark C. Poloncarz
Erie County Executive

MCP/dab
Enclosure

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works
Re: 2014 Bridge Enhancement Programs
Supplemental Agreements with NYSDOT
Construction Award, Construction Engineering & Establish Contingency
For Bridge Painting Project 5760.41, Bridge Deck Sealing Project 5760.42,
Bridge Joint Repair Project 5760.43, Various Towns - Erie County
Date: July 1, 2014

SUMMARY

Request adoption of resolution to authorize the County Executive to enter into Supplemental Agreements with the New York State Department of Transportation for the 2014 Erie County Bridge Enhancement Program: Painting, Deck Sealing, and Joint Replacement, award of construction to respective project responsible low bidder(s), execute construction engineering agreement with Projects' Engineers, Liro Engineers, Inc. and CHA Consultants, Inc. and establish respective construction contingencies for the Construction Phase of the above referenced project.

FISCAL IMPLICATIONS

The total cost of the Construction and Construction Inspection Phases of the Projects are currently estimated at \$1,225,000, of which 80% will be reimbursed with Federal funds, approximately 12% reimbursable from NYS Marchiselli funds. Erie County is required to pay the required 8% local share in the amount of \$97,250 which is available in Fund 420, BA 123, B.13002, 2013 Bridge Program Enhancements.

REASONS FOR RECOMMENDATION

Erie County will have completed the design phase of the Projects and would like to begin construction in summer of 2014. The County's entrance into a contract with the New York State Department of Transportation allows for approximately 92% of the cost of Construction and Construction Inspection Phases to be funded by Federal and NYS funds.

BACKGROUND INFORMATION

The design phases of the Projects were previously authorized via Comm. 8E-4 on April 24, 2014. The Projects were approved by the New York State Department of Transportation in their current Capital Program 5-year Plan with funding from the Locally Administered Federal Aid Program and are to be let in the summer of 2014.

CONSEQUENCES OF NEGATIVE ACTION

The Construction Phase of the Projects will not be fully funded and therefore, not completed. As a result the Erie County bridges selected for this program will not be enhanced, nor their life expectancy prolonged, and Federal and State aid for the project could be lost.

STEPS FOLLOWING APPROVAL

The County Executive will execute the NYSDOT Supplemental Agreements, award construction to the respective project's responsible low bidder(s), execute a contract with LiRo Engineers, Inc. and CHA Consultants for construction engineering and inspection services and establish project contingencies and execute respective project related Change Orders, if necessary, to successfully meet the Program's objectives.

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 account balances for the action proposed. It is recommended that this legislation be approved.

GREGORY GACH
Deputy Comptroller
Comptroller's Office

JCL/EC/db

A RESOLUTION SUBMITTED BY
DEPARTMENT OF PUBLIC WORKS
DIVISION OF HIGHWAYS

RE: 2014 Bridge Enhancement Programs
Supplemental Agreements with NYSDOT
Construction Award, Construction Engineering & Establish Contingency
for Bridge Painting Project 5760.41, Bridge Deck Sealing Project 5760.42,
Bridge Joint Repair Project 5760.43, Various Towns - Erie County

WHEREAS, the Federal Aid Bridge Painting Project, Five (5) Bridges, BIN 3327390, 3327770, 3327830, 33128110 and 3328410, in the Towns of Evans, Brant, Aurora and Concord, in Erie County, PIN 5760.41; the Federal Aid Bridge Deck Sealing of Various Bridges in Various Towns in Erie County, PIN 5760.42 ; and the Federal Aid Bridge Joint Replacement of Four Bridges in Towns of Aurora, Alden and Amherst in Erie County, PIN 5760.43 (the Projects) are eligible for funding under Title 23 US Code, as amended, that calls for the appointment of the costs of such programs to be borne at the ratio of 80% Federal Funds and 20% Non-Federal funds; and

WHEREAS, in order to facilitate the Construction and Construction Inspection Phases for the Projects, it will be necessary for the County to execute Supplemental Agreements with New York State Department of Transportation in the total amount of \$1,225,000; and

WHEREAS, the Legislature of the County of Erie via Comm. 8E-4 of April 24, 2014 approved the above subject projects design phase; and

WHEREAS, the County of Erie desires to advance the Construction phase of the Projects by making a commitment for the Non-Federal share of the costs of the project, PIN 5760.41, PIN 5760.42, PIN 5760.43; and

WHEREAS, the total Construction and Construction Inspection Phases of the project is \$1,225,000, and the County is required to provide the local share portion of the Project phase in the amount of \$97,250.

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature hereby approves the Department of Public Works' Federal Aid Projects 5760.41, 5760.42, and 5760.43 Construction and Construction Inspection Phases; and be it further

RESOLVED, that the County Legislature hereby authorizes the County to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Construction Phase of the Projects or portions thereof; and be it further

RESOLVED, that the Project Fund B.13002, 2013 Bridge Enhancement Programs, Fund Center 123, Fund 420, be increased by the anticipated Federal and New York State revenue in the amount of \$1,127,750 as follows:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
405160	NYS Marchiselli	\$ 0	\$ 147,750	\$147,500
414000	Federal Aid	\$ 0	\$ 980,000	\$980,000
475000	Gen Oblig Bond Proc	<u>\$ 400,000</u>	<u>\$ 0</u>	<u>\$400,000</u>
TOTAL REVENUES		<u>\$400,000</u>	<u>\$ 1,127,750</u>	<u>\$1,527,750</u>
APPROPRIATIONS				
Capital Projects	Capital Project Exp	<u>\$400,000</u>	<u>\$ 1,127,750</u>	<u>\$1,527,750</u>
TOTAL APPROPRIATIONS		<u>\$400,000</u>	<u>\$ 1,127,750</u>	<u>\$1,527,750</u>

; and be it further

RESOLVED, the estimated total sum of the Construction and Construction Inspection phase of the Project, \$1,225,000 is hereby appropriated from B.13002 – 2013 Bridge Enhancement Programs 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 Federal and non-Federal shares of the costs of the Project exceeds the amount appropriated above and/or 100% of the full Federal and non-Federal shares of the cost of the Project exceeds the amount appropriated above, 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 should it become available, 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 be it further

RESOLVED, that the County Executive be authorized and is hereby directed to execute the New York State Federal Aid Supplemental Agreements, award the respective project responsible low bidder(s), contract with LiRo Engineers, Inc. and CHA Consultants, Inc. for construction engineering and inspection services, establish respective project contingencies for approved related project change orders in an amount not to exceed \$1,225,000; and be it further

RESOLVED, that the Clerk of the Legislature forward six (6) certified copies of this Resolution to the Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation, by attaching it to any necessary Agreement in connection with the Projects, and be it further,

RESOLVED, that the Clerk of the Legislature be instructed to forward one (1) certified copy each to the Office of the County Executive, the Office of Budget, Management and Finance, 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
TBD - Construction Vendor
LiRo Engineers, Inc.
CHA Consultants Inc. |
| 2. AMOUNT OF CONTRACT | \$1,225,000 |
| 3. PROJECT NUMBER | B.13003 |
| 4. PROJECT TITLE | 2013 Bridge Enhancement Programs |
| 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 | \$ |
| 7. PERFORMED BY | |
| Date Sent to Comptroller's Office: | June 24, 2014 |

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