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# COUNTY OF ERIE

**MARK C. POLONCARZ**  
COUNTY EXECUTIVE

July 1, 2014

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

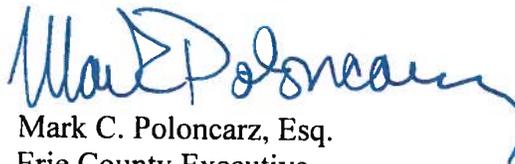
**RE: Sprague Brook Park Dams #1 and #2  
Erie County Forestry Dam Rehabilitation Project  
Towns of Concord and Sardinia  
Construction Award and Construction Engineering Services Contract**

Dear Honorable Members:

The Department of Public Works is requesting the County Executive be authorized to award and enter into a contract with the responsible low bidder for the Sprague Brook Park Dam #1, Sprague Brook Park Dam #2, Erie County Forestry Dam Rehabilitation Project, establish a Construction Contingency, and execute a contract with project engineers, Bergmann Associates of Buffalo, New York for construction inspection and services during construction.

Should your Honorable Body require further information, I encourage you to contact John 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

## **MEMORANDUM**

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Public Works  
**Re:** Sprague Brook Park Dams #1 and #2  
Erie County Forestry Dam Rehabilitation Project  
Towns of Concord and Sardinia  
Construction Award and Construction Engineering Services Contract  
**Date:** July 1, 2014

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### **SUMMARY**

Request adoption of a resolution to authorize the County Executive to award and enter into a contract with the responsible low bidder for the Sprague Brook Park Dam #1, Sprague Brook Park Dam #2, and Erie County Forestry Dam Rehabilitation Project once bids are taken and the lowest responsible bidder is determined, establish a Construction Contingency, and execute a contract with Project Engineers, Bergmann Associates, for construction inspection and services during construction.

### **FISCAL IMPLICATIONS**

The total cost for the construction phase of this project is currently estimated at \$434,914.51, and is available from Fund 420, Business Area 123, B.11029.1 – 2011 Dam Safety and Preservation, Construction in the amount of \$284,914.51 and Fund 420, Business Area 123, B12010.1 – 2012 Dam Safety and Preservation, Construction in the amount of \$150,000.00.

### **REASONS FOR RECOMMENDATION**

Timely award of the contract is necessary so that the contractor can order material to be made as soon as possible. We need to rehabilitate these dams to improve their function and to meet NYSDEC guidelines for Low Hazard Dams.

### **BACKGROUND INFORMATION**

In order not to delay the project, it is recommended the County Executive be authorized to execute a contract with the responsible low bidder, establish the Construction Contingency, and execute a contract with project engineers Bergmann Associates once bids are taken and analyzed.

### **CONSEQUENCES OF NEGATIVE ACTION**

The construction phase of the Project will not be implemented in a timely manner. Negative action would halt project advancement, which could cause the County to delay the repair and maintenance of three low hazard dams which could result increased cost to complete the rehabilitations in the future.

### **STEPS FOLLOWING APPROVAL**

The lowest responsible bidder will be determined by the Department of Public Works and a

contract will be awarded. The County Executive will execute the construction and construction engineering contracts, establish a Construction Contingency, and execute the negotiated change orders. Construction work will begin as soon as possible depending on the weather. The Department of Public Works will notify the Legislature, for information only, the bid results and contract awardee.

### **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.

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GREGORY GACH  
Deputy Comptroller  
Comptroller's Office

JCL/CPD/dab

A RESOLUTION SUBMITTED BY:  
DEPARTMENT OF PUBLIC WORKS

RE: Sprague Brook Park Dams #1 and #2, and  
Erie County Forestry Dam Rehabilitation Project  
Towns of Concord and Sardinia  
Construction Award and Construction Engineering Services Contract

WHEREAS, the Sprague Brook Park Dam #1, Sprague Brook Park Dam #2, and Erie County Forestry Dam Rehabilitation Project will be advertised, bid, and ready for award of construction contract to the responsible low bidder; and

WHEREAS, the Sprague Brook Park Dam #1, Sprague Brook Park Dam #2, and Erie County Forestry Dam Rehabilitation Project will rehabilitate three (3) dams; and

WHEREAS, funding for this Project was approved and is available in Fund 420, Business Area 123, Project B.11029.1 – 2011 Dam Safety and Preservation, Construction in the amount of \$284,914.51; and in Fund 420, Business Area 123, Project B.12010.1 – 2012 Dam Safety and Preservation, construction in the amount of \$150,000.00.

WHEREAS, it is necessary that this approval be granted, so that the contract can be awarded to allow the contractor to order material as soon as possible by the County executing the construction contract with the responsible low bidder and by establishing a Construction Contingency; and

WHEREAS, a contract must be negotiated with Bergmann Associates, for construction inspection and engineering services during construction for this project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to award and execute a contract for the Sprague Brook Park Dam #1, Sprague Brook Park Dam #2, and Erie County Forestry Dam Rehabilitation Project between the County of Erie and the lowest responsible bidder, establish a Construction Contingency and execute a negotiated contract between the County of Erie and project engineers Bergmann Associates; and be it further

RESOLVED, that funding for the Sprague Brook Park Dam #1, Sprague Brook Park Dam #2, and Erie County Forestry Dam Rehabilitation Project be allocated from Fund 420, Business Area 123, Project B.11029.1 – 2011 Dam Safety and Preservation, Construction in an amount not to exceed \$284,914.51, and from Fund 420, Business Area 123, Project B.12010.1 – 2012 Dam Safety and Preservation, Construction; and be it further

RESOLVED, that the Department of Public Works will inform the Erie County Legislature, for information only, as to what contractor was the successful low responsible bidder for the Sprague Brook Park Dam #1, Sprague Brook Park Dam #2, and Erie County Forestry Dam Rehabilitation Project; 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 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, DEPUTY, COMPTROLLER'S OFFICE

RE: 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  | <u>Low Bidder and Bergmann Associates</u>  |
| 2. AMOUNT OF CONTRACT | <u>\$434,914.51 (not to exceed)</u>  |
| 3. PROJECT NUMBER     | <u>B.11029.1 – \$284,914.51<br/>B.12010.1 – \$150,000.00</u>                                       |
| 4. PROJECT TITLE      | <u>2011 and 2012 Dam Safety and Preservation,<br/>Construction</u>                                 |
| 5. DEPARTMENT CONTACT | <u>Funding questions: Charles A. Sickler, PE at 8372<br/>Letter pickup: Diane Bukowski at 8301</u> |

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

- |                                    |                      |
|------------------------------------|----------------------|
| 6. AVAILABILITY OF FUNDS           | <u>\$</u>            |
| 7. PERFORMED BY                    | <u></u>              |
| Date Sent to Comptroller's Office: | <u>June 24, 2014</u> |

[55 compt\_10]

# Sprague Brook Park Dams



**Legend**  
Parcels  
Municipal Boundaries

1: 34,592

This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

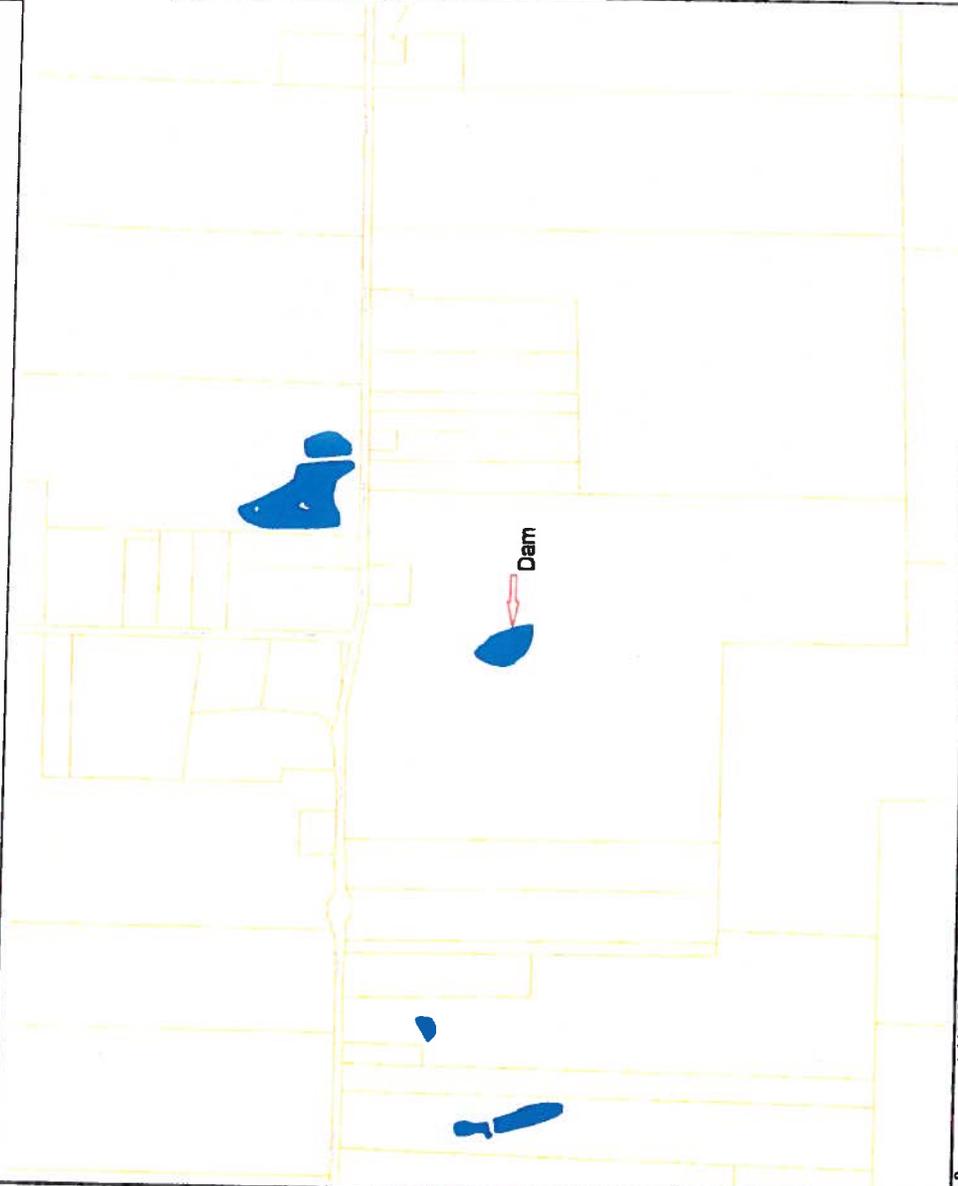
**ERIE COUNTY  
DEPARTMENT OF ENVIRONMENT & PLANNING  
OFFICE OF GIS**

0 2,982.64 5,765.3 Feet

WGS 1984 Web Mercator Auxiliary Sphere  
THIS MAP IS NOT TO BE USED FOR NAVIGATION



# Erie County Forestry Dam



### Legend

- Parcels
- Lakes / Ponds
- Municipal Boundaries



1: 17,296

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ERIE COUNTY  
DEPARTMENT OF ENVIRONMENT & PLANNING  
OFFICE OF GIS

0 1,441.32 2,882.64 Feet

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