



COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

July 21, 2014

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

**Re: Award of Contract for Services
Buffalo River AOC Remedial Action Plan Habitat Restoration
US EPA Assistance #GL00E011050-0
IMMEDIATE CONSIDERATION REQUESTED**

Dear Honorable Members:

Enclosed please find a memorandum and proposed resolution from the Department of Environment and Planning pertaining to proposed professional services associated with the final design and engineering services for the Buffalo River Area of Concern Remedial Action Plan Habitat Restoration for Bailey Avenue Peninsula and Red Jacket (Smith Street) Natural Habitat Parks.

We are respectfully requesting immediate consideration for this resolution so we can award this contract for services before the Legislature returns from recess in order to meet the agreed-upon schedule in our contract with the United States Environmental Protection Agency.

Should your Honorable Body require further information, I encourage you to contact Thomas R. Hersey, Jr., Deputy Commissioner, at the Erie County Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely yours,

A handwritten signature in blue ink that reads "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/cw
Enclosure
Cc: Maria R. Whyte, Commissioner

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Award of Contract for Services
Buffalo River AOC Remedial Action Plan Habitat Restoration
US EPA Assistance #GL00E011050-0
Date: July 21, 2014

SUMMARY

The Department of Environment and Planning (DEP) is seeking authorization for the County Executive to award contracts for services for the Buffalo River Area of Concern (AOC) Remedial Action Plan (RAP) Habitat Restoration design and engineering services from the US EPA Assistance #GL00E011050-0 as follows:

Red Jacket (Smith Street) Natural Habitat Park in the amount of \$126,366.35 to Wendel WD Architecture, Engineering, Surveying, & Landscape Architecture, P.C. (also known as Wendel); and Bailey Peninsula Natural Habitat Park in the amount of \$108,000 to CHA Consultants, Inc. (also known as CHA).

FISCAL IMPLICATIONS

There will be no fiscal implication to Erie County's General Fund. The funds for these contracts will be provided by a Grant from the United States Environmental Protection Agency -- 162BRRPM0916.

REASONS FOR RECOMMENDATION

The Erie County Department of Environment and Planning issued a Request For Proposal for firms to develop the final engineering design and provide consultant services associated with the habitat restorations of two Erie County-owned habitat parks, Red Jacket (Smith Street) Natural Habitat Park, and Bailey Peninsula Natural Habitat Park. A total of five (5) firms responded to the open solicitation. A proposal review committee consisting of five (5) representatives from the Erie County Department of Environment and Planning, Erie County Division of Sewerage Management, and Buffalo Niagara Riverkeeper ranked the responses based on qualifications using a consistent scoring matrix. Based upon the qualifications scoring and the subsequent review of price proposals, Wendel and CHA are recommended to be retained in accordance with Section 19.08 of the Erie County Administrative Code. Attached is the memo from the Commissioner of the Department of Environment and Planning documenting the scores developed by the committee, demonstrating the review and selection process, which meet the requirements of the Administrative Code.

BACKGROUND INFORMATION

Two Erie County-owned sites, Bailey Peninsula Natural Habitat Park and Red Jacket (Smith Street) Natural Habitat Park, exhibit extensive stream bank erosion contributing to degraded water quality and negative impacts on fishery, benthic and riparian habitats. Invasive plant monocultures such as Japanese knotweed are also negatively impacting soil stabilization and exposing surface soils to erosion by eliminating native vegetation layers.

The Buffalo River AOC, RAP Management and Habitat Restoration project targets both the Bailey Peninsula and Red Jacket (Smith Street) Natural Habitat Parks within the Buffalo River corridor for aquatic and riparian habitat restoration work as part of the Great Lakes Restoration Initiative Action Plan and Great Lakes Regional Collaboration Strategy, and conforms to delisting criteria to remove Buffalo River as a toxic Area of Concern. Once implemented, restoration of these two Erie County sites would bring the Buffalo River AOC closer to delisting.

CONSEQUENCES OF NEGATIVE ACTION

Without the requested authorization, Erie County Department of Environment & Planning will be unable to utilize the grant resources available to restore the habitat and contribute to the delisting of the Buffalo River as a toxic area of concern and meet the conditions of the grant agreement with the United States Environmental Protection Agency.

STEPS FOLLOWING APPROVAL

The selected engineering firms will be issued a Notice of Award and the Department of Environment & Planning will initiate the process of executing contract documents. A Notice to Proceed will be provided upon receipt of the necessary insurance certificates, MBE/WBE Utilization Plan and execution of the contract.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

Re: Award of Contract for Services
Buffalo River AOC Remedial
Action Plan Habitat Restoration
US EPA Assistance #GL00E011050-0

WHEREAS, the County of Erie advertised for and received five (5) responses for proposals from consulting firms to perform professional services associated with the final design and engineering of habitat restorations at two County-owned parks; and

WHEREAS, a review committee consisting of representatives from the Erie County Department of Environment & Planning, Erie County Division of Sewerage Management, and Buffalo Niagara Riverkeeper used a consistent scoring matrix; and

WHEREAS, the proposal review committee recommends retaining Wendel WD Architecture, Engineering, Surveying, & Landscape Architecture, P.C. (also known as Wendel) for Red Jacket (Smith Street) Natural Habitat Park, and CHA Consultants, Inc. (also known as CHA) for Bailey Peninsula Natural Habitat Park.

NOW, THEREFORE, BE IT

RESOLVED, that Wendel be retained to provide professional services associated with developing the final design and engineering for Red Jacket (Smith Street) Natural Habitat Park, and CHA be retained to provide professional services associated with developing the final design and engineering for Bailey Peninsula Natural Habitat Park; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute agreements with each Wendel WD Architecture, Engineering, Surveying, & Landscape Architecture, P.C., 140 John James Audubon Parkway – Suite 201, Buffalo, New York 14228 for professional services associated with the final design and engineering of habitat restoration in an amount not to exceed \$126,366.35; and, CHA Consultants, Inc., 2200 Main Place Tower, Buffalo, New York 14202 for professional services associated with the final design and engineering of habitat restoration in an amount not to exceed \$108,000.00; and be it further

RESOLVED, that funds are available within grant 162BRRPM0916, business area 162, fund 281, GL 516020 Professional Services Contracts and Fees; and be it further

RESOLVED, that the Clerk of the Legislature send two (2) certified copies each of this resolution to Thomas R. Hersey, Jr., Division of Environmental Compliance; and one certified copy each to the County Executive; the Erie County Comptroller; the Commissioner of the Department of Environment & Planning; the Erie County Director of the Division of Budget and Management; and Kristen Walder, Assistant County Attorney.



ERIE COUNTY DEPT. OF ENVIRONMENT & PLANNING
Buffalo River Area of Concern
Remedial Action Plan Habitat Restoration
Bailey Peninsula Natural Habitat Park
PROPOSAL REVIEW COMMITTEE RATINGS - SUMMARY

Mark Polonczak
COUNTY EXECUTIVE

 Maria Whyte
COMMISSIONER

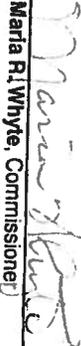
 Thomas R. Henry, Jr.
DEPUTY COMMISSIONER

Commissioner's Certification

Rater (in alphabetical order)	Proposer				
	CHA*	E&E	Gomez & Sullivan	O'Brien & Gene	Wendel
Vicki Haas	#1	#3	#5	#4	#2
Matt Mattison	#3	#5	#1	#4	#2
Mary Rossi	#1	#2	#5	#4	#3
Matt Salah	#1	#3	#5	#4	#2
Katherine Winkler	#3	#1	#5	#4	#2
TOTAL	9	14	21	20	11
AVERAGE RANKING	1.8	2.8	4.2	4.0	2.2
OVERALL RANKING	#1	#3	#5	#4	#2

It is my opinion in recommending CHA, the Erie County Department of Environment and Planning has complied with all applicable provisions of Section 19.08 of the Erie County Administrative Code. Scoring sheets and other materials related to this matter are available for review at the Department of Environment and Planning offices during regular business hours.

The official contacting entity is CHA Consultants, Inc.


 Maria R. Whyte, Commissioner
 Erie County Department of Environment and Planning



ERIE COUNTY DEPT. OF ENVIRONMENT & PLANNING

Mark Polonsky
COUNTY EXECUTIVE

**Buffalo River Area of Concern
Remedial Action Plan Habitat Restoration
Red Jacket (Smith Street) Natural Habitat Park
PROPOSAL REVIEW COMMITTEE RATINGS - SUMMARY**

Maria Whyte
COMMISSIONER

Thomas R. Hersey, Jr.
DEPUTY COMMISSIONER

Commissioner's Certification

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Mary Rossi	#1	#2	#5	#4	#3
Matt Salah	#1	#3	#5	#4	#2
Katherine Winkler	#4	#1	#5	#3	#2
TOTAL	11	12	20	21	11
AVERAGE RANKING	2.2	2.4	4.0	4.2	2.2
OVERALL RANKING	#1	#3	#4	#5	#1

Due to a tie in the ranking between CHA and Wendel, follow-up interviews were held to determine the best contractor based on the adjustments of their bids to meet budget. It was the opinion of the raters that Wendel was the best choice for this project. It is my opinion in recommending CHA, the Erie County Department of Environment and Planning has complied with all applicable provisions of Section 19.08 of the Erie County Administrative Code. Scoring sheets and other materials related to this matter are available for review at the Department of Environment and Planning offices during regular business hours.

The official contracting entity is Wendel W/D Architecture, Engineering, Surveying & Landscape Architecture, P.C.

Maria R. Whyte, Commissioner
Erie County Department of Environment and Planning