



ECLEG AUG29'14 AM10:50

MEMORANDUM

COUNTY OF ERIE DEPARTMENT OF ENVIRONMENT AND PLANNING

TO: CHAIRMAN JOHN J. MILLS, Erie County Legislature;
CHAIRMAN STEPHEN BOYD, Erie Community College (ECC) Board of Trustees

FROM: THOMAS J. DEARING, Deputy Commissioner

DATE: August 28, 2014

SUBJECT: Addendum to August 6, 2014 Bi-Monthly Report – ECC Academic Building

This document represents an addendum to the bi-monthly report submitted on August 6, 2014 pertaining to the design and construction of the new academic building for Erie Community College (ECC). The Memorandum of Understanding (MOU) executed on August 27, 2013 between ECC and Erie County provided for the preparation of such reports. The reports are distributed to the Erie County Legislature as well as the ECC Board of Trustees. Information describing previous work, scheduling, upcoming activity and other matters are described in this document.

A. WORK: The following activities have occurred since the previous report dated August 6, 2014.

The negotiations with DASNY regarding the Project Management Agreement resulted in a determination by the County Attorney, ECC, and other County officials that certain language in the draft contract would not be in the best interests of Erie County.

DASNY sought a contract clause which would require Erie County to indemnify, hold harmless, and defend DASNY against any claims arising out of or related to the project. This was unacceptable since it would place Erie County in a precarious position should any claims be filed by contractors or others. Due to the non-negotiable position posed by DASNY concerning this contract requirement, the County and College have agreed not to utilize the Dormitory Authority for design and construction management services.

A further factor that contributed to the decision to forego using DASNY was the available capacity within the Erie County Department of Public Works to oversee the

project. Since Ralph Wilson Stadium renovations were completed earlier than anticipated, building staff within DPW are able to add the STEM Building to their existing workload. Thus further justifying the decision described above.

It is anticipated that DPW will utilize a building construction approach similar to that used for Ralph Wilson Stadium. This includes strong reliance on a construction management consultant to work with the project architect, engage and oversee the work of private building contractors, and insure compliance with all County requirements relative to minority firm participation, apprenticeship elements, etc. A maximum guaranteed price agreement is expected to be negotiated with the construction management consultant to insure cost containment.

- B. SCHEDULE: A Fall semester, 2017 opening remains on target.
- C. IMPORTANT MILESTONES / ACTIONS ANTICIPATED IN THE UPCOMING TWO MONTHS:
 - 1. Issuance of a Request for Proposal for a project architect in late August by the Department of Environment and Planning.
 - 2. Preparation of a Request for Proposal for a Construction Manager by the Department of Public Works.

Cc: County Executive Mark C. Poloncarz
Deputy County Executive Richard M. Tobe
Commissioner Maria R. Whyte
Commissioner John C. Loffredo
ECC President Jack Quinn
ECC Chief Administrative and Financial Officer William D. Reuter

TJD/cw
TJD 2014/ECC/Bi-Monthly Memo – ECC Academic Building – Addendum to August 2014 Report.doc