



ECLEG 0370714 PM 1 20

# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

October 7, 2014

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

**Re: Acceptance of Federal and Marchiselli Funds for Supplemental Agreement  
with NYSDOT and Construction Change Orders  
Intersection Improvement Project CR 269, Strickler Road @ CR 282,  
County Road -Town of Clarence, Erie County - PIN 5758.22**

Dear Honorable Members:

We are forwarding the proposed resolution accepting Federal and New York State 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 Occhino Corp. and project engineer Bergmann Associates.

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,

A handwritten signature in blue ink, reading "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP/WSS/dab

cc: John C. Loffredo, Department of Public Work

## **MEMORANDUM**

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Public Works  
**Re:** Acceptance of Federal and Marchiselli Funds from  
Supplemental Agreement with NYSDOT and Construction Change Orders for  
Intersection Improvement Project CR 269, Strickler Road @ CR 282,  
County Road, Town of Clarence, Erie County - PIN 5758.22  
**Date:** October 7, 2014

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### **SUMMARY**

Adoption of a resolution accepting Federal and New York State Marchiselli funds for a Supplemental Agreement with NYSDOT, and increasing related project budget. We are also requesting authorization for the County Executive to approve construction change orders with the responsible low bidder, Occhino Corp. and project engineer Bergmann Associates.

### **FISCAL IMPLICATIONS**

The total cost of this project's construction phase is currently estimated at \$665,000.00 which is approximately 90% Federal funds, 6.54% NYS Marchiselli Funds, and 3.46% local share. Erie County received notification of Federal and Marchiselli funds for a Supplemental Agreement. This additional revenue adjusts the current project budget, Fund 420, SAP B.00151, 2006 Unanticipated Road & Bridges Costs – Design & Construction (Countywide) Program from \$475,000.00 to \$665,000.00, an increase of \$190,000.00.

### **REASONS FOR RECOMMENDATION**

The construction phase of the project is near completion, and the Erie County Department of Public Works desires to execute change orders with low bidder Occhino Corp. and project engineer Bergmann Associates with the available Supplemental 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 Occhino Corp. and project engineer Bergmann Associates.

### **CONSEQUENCES OF NEGATIVE ACTION**

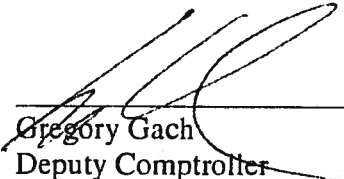
If the Agreement is not approved, reimbursement of Federal and State Marchiselli funds may be jeopardized. Negative action would halt project completion as well as the processing of necessary change orders to Occhino Corp. and project engineer Bergmann Associates contracts.

### **STEPS FOLLOWING APPROVAL**

The DPW will implement the process to adjust the planned budget in accordance with the Supplemental Agreement with the New York State Department of Transportation to the Department. The County Executive will execute the construction change orders with the responsible low bidder Occhino Corp. and project engineer Bergmann Associates.

## **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/WSS/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  
          Intersection Improvement Project CR 269, Strickler Road @ CR 282, County Road  
          Town of Clarence, Erie County - PIN 5758.22**

**WHEREAS, the Intersection Improvement Project CR 268, Strickler Road @ CR 282, County Road, in the Town of Clarence, Erie County, PIN 5758.22 (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 Design and Construction & Construction Inspection phase of the Project, PIN 5758.22; and**

**WHEREAS, the County of Erie advanced the Project's Construction Phase via Comm. No. 13E-12 (2013) adopted on July 18, 2013; and**

**WHEREAS, the Project, has been advertised, bid, awarded to the responsible low bidder Occhino Corp; and**

**WHEREAS, the project budget is currently estimated at \$665,000.00 and the County of Erie desires to accept Federal and New York State Marchiselli funds for all phases of the Project, PIN 5758.22 through a Supplemental Agreement with NYSDOT; and**

**WHEREAS, the Project is budgeted in Fund 420, B.00151, 2006 Unanticipated Road & Bridge Costs-Design & Construction (Countywide) Program; and**

**WHEREAS, it is necessary that this approval be granted, so that the project budget can be increased for change orders for Occhino Corp. and project engineer Bergmann Associates for work related to poor soil conditions, drainage problems, and extra time needed for the contractor to finish work.**

**NOW, THEREFORE, BE IT**

**RESOLVED, that the Erie County Legislature hereby approves the above Strickler Road project; and be it further**

**RESOLVED, that the County Legislature authorizes the County of Erie to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of all phases of the Project or portions thereof; and be it further**

**RESOLVED, that Project B.00151, 2006 Unanticipated Road & Bridge Costs – Design & Construction (Countywide) Program, Fund 420, Business Area 123 is authorized to accept anticipated Federal and New York State Marchiselli project related revenue; and be it further**

RESOLVED, that the estimated total sum of the Project, \$665,000.00 is hereby appropriated from B.00151, 2006 Unanticipated Road & Bridge Costs – Design & Construction (Countywide) Program and made available to cover the cost of participation in the above 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, \$665,000.00, 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 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 Intersection Improvement Project C R 269, Strickler Road & CR 282, County Road PIN 5758.22 for the responsible low bidder Occhino Corp. and project engineer Bergmann Associates; 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

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|-----------------------|--|
| 1. CONTRACTOR'S NAME  | NYS Department of Transportation<br>Occhino Corp.<br>Bergmann Associates                   |
| 2. AMOUNT OF CONTRACT | \$665,000.00 ( <del>\$190,000</del> increase)  |
| 3. PROJECT NUMBER     | B.00151  |
| 4. PROJECT TITLE      | 2006 Unanticipated Road & Bridge Design And<br>Construction (Countywide) Program           |
| 5. DEPARTMENT CONTACT | Funding questions: Charles A. Sickler, PE at 8372<br>Letter pickup: Diane Bukowski at 8301 |

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

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|------------------------------------|--------------------|
| 6. AVAILABILITY OF FUNDS           | \$ 910,817.87      |
| 7. PERFORMED BY                    | Don Uebas          |
| Date Sent to Comptroller's Office: | September 30, 2014 |

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