



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

October 27, 2014

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

**Re: Buffalo and Erie County Botanical Gardens – 2014 -  
Houses 2 & 3 Renovation Winter Protection Package  
IMMEDIATE CONSIDERATION REQUESTED**

Dear Honorable Members:

This resolution is requesting authorization for the County Executive to enter into contract with the lowest responsible bidder for the Buffalo and Erie County Botanical Gardens – 2014 – Houses 2 & 3 Renovation - Winter Protection Package. Bids were received by the Department of Public Works on October 7, 2014 and a copy of the bid tabulations are attached for your reference.

Should your Honorable Body require further information, I encourage you to contact Commissioner John C. Loffredo at the Department of Public Works. 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

ECG/ms

cc: John C. Loffredo, Commissioner

## **MEMORANDUM**

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Public Works  
**Re:** Buffalo and Erie County Botanical Gardens – 2014 –  
Houses 2 & 3 Renovation Winter Protection Package  
**Date:** October 27, 2014

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### **SUMMARY**

This resolution is requesting authorization for the County Executive to enter into contract with the lowest responsible bidder for the Buffalo and Erie County Botanical Gardens – 2014 – Houses 2 & 3 Renovation Winter Protection Package, located at 2655 South Park Avenue, Buffalo, New York. This project involves temporary stabilization of the foundations on Houses 2 & 3 to minimize the consequences of the freeze-thaw cycles over the coming winter months.

### **FISCAL IMPLICATIONS**

Funds for the project are currently available from the approved and adopted 2013 capital budget. The SAP project account is A.13002 – 2013 Buffalo & Erie County Botanical Gardens Master Plan Implementation.

### **REASONS FOR RECOMMENDATION**

Houses No. 2 & 3 will be reconstructed in similar fashion to Houses 11 & 12 when more funds are available. All of these buildings face the front of the facility and would improve the appearance and looks of the facility, as well as correct and preserve the glass structures which are failing. Currently, House No. 3 is closed when wind velocities exceed 40 mph. The House 2 & 3 Reconstruction Package was bid out last month however there are not enough funds available to award the larger project and this “winter protection” is necessary in order to minimize the immediate effect of winter damage and protect exposed foundations due to failing masonry.

### **BACKGROUND INFORMATION**

The multi-phased master plan objective is to rehabilitate, reconstruct and restore the buildings at the Botanical Gardens to preserve their existence and function. The House 2 & 3 Reconstruction Package was bid out in September however there are not enough funds available to award the larger project and this “winter protection” is necessary in order to minimize the effect of winter damage as a temporary solution.

### **CONSEQUENCES OF NEGATIVE ACTION**

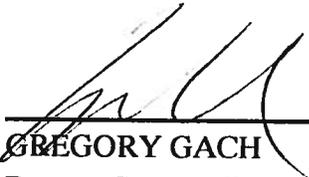
If this temporary winter protection is not performed the foundations will suffer further damage while exposed to the elements over the coming winter months and put the stability of the entire structure at risk.

### **STEPS FOLLOWING APPROVAL**

Upon Legislative approval, the County Executive will execute a contract with the lowest responsible bidder.

**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

ECC/ms

**A RESOLUTION SUBMITTED BY:  
DEPARTMENT OF PUBLIC WORKS**

**RE: Buffalo and Erie County Botanical Gardens – 2014 – Houses 2 & 3 Renovation Winter Protection Package**

WHEREAS, the Department of Public Works received bids for the Buffalo and Erie County Botanical Gardens 2014 Houses 2&3 Renovation Winter Protection Package on October 7, 2014; and

WHEREAS, the Department of Public Works along with Foit Albert Associates are recommending award of contract to the lowest responsible bidder.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into a contract with the lowest responsible bidder for the Buffalo and Erie County Botanical Gardens 2014 Houses 2 & 3 Renovation Winter Protection Package for an amount not to exceed as follows:

General Construction Work

Nichter Construction, Inc.

Base Bid: \$21,000.00

and be it further

RESOLVED, that the sum of \$5,000 be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

RESOLVED, that deduct change orders will result in these funds being returned to the Construction Contingency fund; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for the additional funding from SAP project accounts as follows:

A.13002 – 2013 Buffalo & Erie County Botanical Gardens  
Master Plan Implementation

\$26,000.00

;and be it further

RESOLVED, that two certified copies of this resolution shall be sent to the Commissioner of the Department of Public Works; and one copy each to the Office of the County Executive; the Director of the Division of Budget and Management, the Department of Parks, Recreation and Forestry 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	Nichter Construction, Inc.	\$21,000.00
	Construction Contingency	\$ 5,000.00
2. AMOUNT OF CONTRACT	Not to Exceed	\$26,000.00
3. PROJECT NUMBER	A.13002 – 2013 Buffalo & Erie County Botanical Gardens Master Plan Implementation	
4. PROJECT TITLE	Buffalo and Erie County Botanical Gardens – 2014 – Houses 2 & 3 Renovation Winter Protection Package	
5. DEPARTMENT CONTACT	Funding questions: Jeffrey P. Zack, PE at x8824 Letter pickup: Diane Bukowski at x8301	

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

6. AVAILABILITY OF FUNDS	\$ 738,908 <sup>00</sup>
7. PERFORMED BY	<i>Don Wilson</i>
Date Sent to Comptroller's Office:	October 23, 2014

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Buffalo & Erie County Botanical Gardens  
Renovation to Houses #2 and #3  
Winter Protection Package

Date: 10.7.2014  
Time: 10:30 AM

General Construction Work

BIDDER	BASE BID	COMPLETION TIME	NOTES
Miller Enterprises, Inc.	56,700.00	45 Calendar Days	
Nichter Construction, Inc.	21,000.00	60 Calendar Days	