



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

November 25, 2014

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

Re: Approval of Stadium Annual Capital Improvement Allowance Projects

Dear Honorable Members:

The Stadium Lease between the County of Erie, State of New York and the Buffalo Bills requires that the County provide funds for annual Capital Improvement Allowance (CIA) projects at Ralph Wilson Stadium. The Buffalo Bills have requested that since CIA projects are jointly funded, instead of totally funded by the County, the project contracts should now be authorized by the Lease Construction Management Group.

Attached please find a memorandum and proposed resolution authorizing the Commissioner of Public Works to administer this maintenance work. There is no new fiscal impact associated with this request.

Should your Honorable Body require further information, please contact Commissioner John C. Loffredo of the Department of Public Works. Thank you for your consideration with this matter.

Sincerely,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/dab

cc: John C. Loffredo, Department of Public Works

MEMORANDUM

To: Erie County Legislature
From: Department of Public Works
Re: Approval of Stadium Annual Capital Improvement Allowance Projects
Date: November 25, 2014

SUMMARY

As per the Stadium Lease agreement, the annual Capital Improvement Allowance (CIA – maintenance projects) are managed by the Lease Construction Management Group (LCMG). This group was created as a result of the Lease and consists of representatives from the Buffalo Bills, State and County. There are three voting members on the LCMG; one each from the Bills, State and County.

The Buffalo Bills have requested that since CIA projects are now jointly funded (for 2014, State - \$2,167,243; Bills - \$814,679; County - \$1,702,833), instead of totally funded by only the County, the project contracts should now be authorized and approved by the LCMG voting members.

This request is in concert with the Legislature's recent approval of a resolution in which the LCMG was authorized to approve Annual Capital Maintenance contracts, during the \$130 million renovation work, up to a total amount, not to exceed \$911,000 as per the following:

RESOLVED, that the Commissioner of Public Works is hereby authorized to select contractors or consultants and issue the subject maintenance contracts by the following procedure:

1. Receive formal or informal bids to determine the lowest responsible bidder and receive consultant proposals to determine the most suitable one for the work.
2. If bidding or receiving consultant proposals is not viable because of schedule or economic reasons, as determined by the Lease Construction Management Group's Maintenance subcommittee, a contractor or consultant will be selected and the terms and conditions of the contract will be negotiated by the Commissioner.
3. The Commissioner will submit the proposed contracts to the Lease Construction Management Group's Maintenance subcommittee for approval.
4. The County Executive will issue contracts or change orders to contractors or consultants designated by the Commissioner of Public Works and approved by the Lease Construction Management Group's Maintenance Projects subcommittee.

The proposed new resolution requests the same authorization for all annual CIA lease work in an amount not to exceed each annual allotment designated in the lease.

FISCAL IMPLICATIONS

There is no new fiscal impact to this resolution.

The three (3) year annual Capital Improvement Allowance (CIA) for 2015 is \$4.8 million dollars. This amount will increase by an inflation factor for each year of the Stadium Lease. The CIA is jointly funded by the Buffalo Bills, State and County.

REASONS FOR RECOMMENDATION

In order to comply with the Buffalo Bills request, the Commissioner of Public Works will have to have legislative authorization to bid or negotiate contracts and the County Executive to issue the subject maintenance contracts for a total amount, not to exceed each year's Capital Improvement Allowance.

CONSEQUENCES OF NEGATIVE ACTION

The Stadium Annual Capital Improvement Allowance (CIA) projects can be delayed and might not be completed when needed.

STEPS FOLLOWING APPROVAL

Upon approval of this resolution, the Commissioner of Public Works will be authorized to select CIA contractors or consultants and contracts issued by the following procedure:

1. Receive formal or informal bids to determine the lowest responsible bidder and receive consultant proposals to determine the most suitable one for the job.
2. If bidding the maintenance work or receiving consultant proposals is not viable because of emergencies or economic reasons, a contractor or consultant will be selected and the terms and conditions of the contract will be negotiated by the Commissioner.
3. The Commissioner will submit the proposed contracts to the Lease Construction Management Group (LCMG) for approval. If an emergency or an economic situation is involved, the Commissioner will also submit a written report to the LCMG detailing the necessity for immediate action.
4. The County Executive will issue contracts or change orders to contractors or consultants designated by the Commissioner of Public Works and approved by the LCMG.

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

Re: Approval of Stadium Annual Capital Improvement Allowance Projects

WHEREAS, the Legislature has approved the Buffalo Bills/Erie County Stadium Lease; and

WHEREAS, the Lease agreement provides for an annual Capital Improvement Allowance (CIA maintenance projects) which are to be managed by the Lease Construction Management Group (LCMG); and

WHEREAS, this group consists of representatives from the Buffalo Bills, State and County; and

WHEREAS, the Buffalo Bills have requested that since the Capital Improvement Allowance projects are jointly funded, instead of totally funded by the County, the CIA project contracts should now be authorized and approved by the Lease Construction Management Group; and

WHEREAS, the year two annual Capital Improvement Allowance for 2014 is approximately \$4.7 million dollars which increases each year by an inflation factor.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Public Works is hereby authorized to select contractors or consultants and issue the subject maintenance contracts by the following procedure:

1. Receive formal or informal bids to determine the lowest responsible bidder and receive consultant proposals to determine the most suitable one for the job.
2. If bidding the maintenance work or receiving consultant proposals is not viable because of emergencies or economic reasons; a contractor or consultant will be selected and the terms and conditions of the contract will be negotiated by the Commissioner.
3. The Commissioner will submit the proposed contracts to the Lease Construction Management Group (LCMG) for approval. If an emergency or an economic situation is involved, the Commissioner will also submit a written report to the LCMG detailing the necessity for immediate action.
4. The County Executive will issue contracts or change orders to contractors or consultants designated by the Commissioner of Public Works and approved by the LCMG.

;and be it further

RESOLVED, that the total amount of all of the subject CIA maintenance contracts shall not exceed the total of all annual Capital Improvement Allowances provided for by the Lease, and be it further

RESOLVED, that certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, Office of the County Executive, the Division of Budget and Management, the Office of the Comptroller and the Buffalo Bills.