



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

January 28, 2014

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

**RE: Ralph Wilson Stadium – 2014- Annual Capital Improvement Allowance Projects & Construction Contingency Increase**

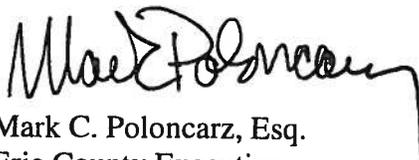
Dear Honorable Members:

The 2013 Lease Agreement between the Buffalo Bills, the County of Erie and Erie County Stadium Corporation (ESD) requires that the County undertake Capital Improvement Allowance projects at Ralph Wilson Stadium on an annual basis. The Buffalo Bills and ESD have requested that the County, through the Department of Public Works, proceed with Capital Improvement Allowance projects to the stadium facilities pursuant to the 2013 Lease Agreement.

This resolution is requesting authorization for the County Executive to enter into a Contract Amendment with the architectural/engineering firm of DiDonato Associates for the design and construction of the 2014 Capital Projects, an increase in the Construction Contingency for the 2013 Annual Capital Improvements Project and for reimbursing the Buffalo Bills for Erie County's portion of the Stadium Facility Fire Alarm System Upgrade.

Should your Honorable Body require further information, I encourage you to contact Commissioner John Loffredo at the Department of Public Works. Thank you for your consideration on this matter.

Sincerely,



Mark C. Poloncarz, Esq.  
Erie County Executive

MCP/mc  
Enclosure

cc: John Loffredo, Department of Public Works

## **MEMORANDUM**

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Public Works  
**Re:** Ralph Wilson Stadium-2014-Annual Capital Improvement Allowance  
Projects (CIA) and Construction Contingency Increase  
**Date:** January 28, 2014

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### **SUMMARY**

The 2013 Lease Agreement between the Buffalo Bills, Erie County Stadium Corporation (ESD) and the County of Erie, requires that the County provide and administer Capital Improvement Allowance (CIA) projects to the stadium facilities on an annual basis. The Buffalo Bills and ESD have requested that the County proceed with the design and construction of the 2014 CIA projects.

The architectural/engineering (A/E) firm of DiDonato Associates has a general A/E Term Agreement with the County and pursuant to that agreement the County Executive is requesting authorization to enter into a Contract Amendment with the above noted A/E firm for the 2014 CIA projects. The County Executive is also requesting authorization that the construction contingency for the 2013 annual Capital Improvements project be increased to fund changes in the power distribution. Thirdly, this resolution is requesting authorization for the County Executive to reimburse the Buffalo Bills for the County's portion of the Stadium Facility Fire Alarm System Upgrades. Fourth, the 2013 Stadium Lease requires that the annual CIA projects be funded by the Buffalo Bills, ESD and Erie County. The County Executive is requesting authorization to allow a capital project to be set up in SAP, in advance to fund the Buffalo Bills and ESD's portion of the annual CIA projects. The Lease Agreement requires that once the Buffalo Bills and ESD approve each annual plan of CIA projects, that ESD will transfer the Buffalo Bills and ESD funds to the County Capital Project.

### **FISCAL IMPLICATIONS**

Funds for the County's portion of the work are available from the 2012 and 2013 approved, as amended Capital Budgets, SAP Projects A.12001 – Rehabilitation of Ralph Wilson Stadium and A.13001 – Rehabilitation of Ralph Wilson Stadium. Once a capital project is created in SAP for the Buffalo Bills and ESD's funds, sufficient funds will be available for the Buffalo Bills and ESD's portion of the work.

### **REASONS FOR RECOMMENDATION**

The Buffalo Bills and ESD have requested that the County proceed with the design and construction of the 2014 Capital Improvement Allowance projects. Funds for the Buffalo Bills and ESD's portion of the work are currently available in an account from ESD. The County's projects are from the remaining 1998 Lease Agreement, and funds are available from previously

## **REASONS FOR RECOMMENDATION**

The Buffalo Bills and ESD have requested that the County proceed with the design and construction of the 2014 Capital Improvement Allowance projects. Funds for the Buffalo Bills and ESD's portion of the work are currently available in an account from ESD. The County's projects are from the remaining 1998 Lease Agreement, and funds are available from previously funded and approved capital project accounts. The 2014 Capital Improvement Allowance projects must be completed prior to the start of the 2014 football season.

## **BACKGROUND INFORMATION**

The County is required pursuant to the 2013 Lease Agreement between the Buffalo Bills, Erie County Stadium Corporation and Erie County to provide annual Capital Improvement Allowance projects. This work complies with the 2013 Lease Agreement.

## **CONSEQUENCES OF NEGATIVE ACTION**

The County will be in violation of the 2013 Lease Agreement between the Buffalo Bills, Erie County Stadium Corporation and Erie County.

## **STEPS FOLLOWING APPROVAL**

Contract Amendments will be executed by the County Executive with the consultants, the construction contingency for the Ralph Wilson Stadium 2013 Annual Capital Improvements project account will be increased and a new project will be set up in SAP for the 2014 Ralph Wilson Stadium Annual Capital Improvement Allowance projects.

## **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

MCP:dab

File (rws.2014 annual capital improvement)

A RESOLUTION SUBMITTED BY:  
DEPARTMENT OF PUBLIC WORKS

**Re: Ralph Wilson Stadium-2014 Annual Capital Improvement Allowance Projects and Construction Contingency Increase**

**WHEREAS**, the County is required pursuant to the 2013 Lease Agreement between the Buffalo Bills, Erie County Stadium Corporation, dba Empire State Development (ESD) and Erie County to provide Capital Improvement Allowance projects to Ralph Wilson Stadium on an annual basis; and

**WHEREAS**, unforeseen field conditions warrant an increase in the construction contingency account for the RWS-2013 Annual Capital Improvements project; and

**WHEREAS**, your Honorable Body has previously approved a General Architectural/Engineering (A/E) agreement with the engineering firm of DiDonato Associates for providing professional A/E services on County projects; and

**WHEREAS**, the County Executive is requesting authorization to issue an Agreement Amendment to DiDonato Associates for providing design and engineering construction administration services for the 2014 Capital Improvement Allowance projects; and

**WHEREAS**, the 2013 Lease Agreement requires the Buffalo Bills , ESD and Erie County to contribute funds toward the Capital Improvement Allowance for the annual Capital Improvement Allowance projects; and

**WHEREAS**, the Buffalo Bills and ESD have funded their portion of the 2014 annual Capital Improvement Allowance projects and is currently available; and

**WHEREAS**, both the Buffalo Bills and ESD have requested that the County proceed with design and construction of their portion of the 2014 – Annual Capital Improvements Allowance projects in order for the work to be completed prior to the start of the 2014 football season; and

**WHEREAS**, the Buffalo Bills are upgrading a majority of the Stadium Facilities Fire Alarm System as part of the \$130 million Lease project improvements; and

**WHEREAS**, the Buffalo Bills have included the balance of the Stadium Facilities Fire Alarm Upgrades as part of their majority work in order to have one homogenous fire alarm system and under one (1) warranty and contractor, they are requesting reimbursement from the County for the fire alarm system upgrades portion outside of the \$130 million Lease project improvements.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the County Executive be authorized to increase the Ralph Wilson Stadium - 2013 - Annual Capital Improvements project construction contingency by \$75,000.00, from \$125,000.00 to \$200,000.00; and be it further

**RESOLVED**, that the County Executive be authorized to enter into a contract amendment with the A/E firm of DiDonato Associates for providing professional A/E services for the design and construction for the County's remaining annual capital maintenance and repair projects from the 1998 Lease Agreement, for an amount not to exceed \$145,000.00, including design contingency; and be it further

**RESOLVED**, that the County Executive is authorized to enter into a contract amendment with the A/E firm of DiDonato Associated for providing professional A/E services for the design and construction of the Annual Capital Allowance Improvement Projects as required by the 2013 Lease Agreement for the Buffalo Bills and ESD's portion of the projects not to exceed \$250,000.00, including a design contingency; and be it further

**RESOLVED**, that the County Executive is authorized to reimburse the Buffalo Bills for the County's portion of the stadium facilities fire alarm system upgrades that is not part of the \$130 million Lease Project Improvements from the SAP project account A.13001-2013-Rehabilitation of Ralph Wilson Stadium, for an amount not to exceed \$1,270,000.00; and be it further

**RESOLVED**, that the County Executive is authorized to establish a new capital project in the Department of Public Works in Business Area, 122, Fund 410 for the Buffalo Bills and ESD's portion of the 2014 Capital Improvements Allowance Projects for an amount not to exceed \$2,966,000 (ESD - \$2,166,000 and Buffalo Bills - \$800,000); and be it further

**RESOLVED**, that the Comptroller's office be authorized to make payment for all the above from SAP Project Accounts as follows:

A.13001- 2013 – Rehabilitation of Ralph Wilson Stadium	\$1,490,000.00
A.14xxx – 2014 – (Project Account to be established after Approval of this Resolution)	<u>\$ 250,000.00</u>
Total Payments Not to Exceed	\$1,740,000.00

; and be it further

**RESOLVED**, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and 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

<u>REQUESTING DEPARTMENT</u>	<u>COMPLETE ITEMS 1 THROUGH 5</u>
1. CONTRACTOR'S NAME	DiDonato Associates (Architect) Construction Contingency
2. AMOUNT OF CONTRACT	\$1,270,000.00 - Buffalo Bills \$ 250,000.00 - DiDonato Associates \$ 145,000.00 - DiDonato Associates \$ 75,000.00 - Construction Contingency
3. PROJECT NUMBER	A.13001-Rehabilitation of Ralph Wilson Stadium A.14xxx - Project Account Established After Approval of this Resolution
4. PROJECT TITLE	Ralph Wilson Stadium - 2014 Annual Capital Improvements & Construction Contingency Increase
5. DEPARTMENT CONTACT	Funding questions: Jeffrey P. Zack, PE at 8824 Letter pickup: Diane Bukowski at 8301
<u>COMPTROLLER'S OFFICE</u>	<u>COMPLETE ITEMS 6 AND 7</u>
6. AVAILABILITY OF FUNDS	\$ 2,159,256.47
7. PERFORMED BY	Don Ueban
Date Sent to Comptroller's Office:	January 22, 2014

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