



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

March 7, 2014

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

**Re: Reconstruction of Penora Street (CR 23), Phase III - Bryan Street to  
Broadway Village of Depew, Erie County -Project No. CAP-23-14**

Dear Honorable Members:

Please find attached copies of bid tabulations for the four (4) bidders on the Penora Street Phase III reconstruction project, indicating the low bidder being Union Concrete & Construction Corporation, West Seneca, New York. We recommend that the contract be awarded to the low bidder, being a responsible contractor, at their offer of \$1,415,463.60. Additionally, we recommend that a contract with Clark Patterson Lee for construction inspection and engineering services be authorized, and to establish a construction contingency.

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

Sincerely,

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP/dab  
Enclosure

## **MEMORANDUM**

To: Honorable Members of the Erie County Legislature  
From: Department of Public Works  
Re: Reconstruction of Penora Street (CR 23), Phase III - Bryan Street to Broadway  
Village of Depew, Erie County - Project No. CAP-23-14  
Date: **March 7, 2014**

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### **SUMMARY**

Award of Contract between Union Concrete & Construction Corporation and the County of Erie, for the Reconstruction of Penora Street, Phase III Project, in the Village of Depew. Establishment of a construction contingency, and execute a contract with Clark Patterson Lee for construction inspection and engineering services during construction.

### **FISCAL IMPLICATIONS**

The attached proposed resolution requests that the Reconstruction of Penora Street, Phase III be funded from BA123, Fund 420, B.13003 - 2013 Preservation of Roads, Construction as follows:

Penora Street, Phase III – Union Concrete	\$1,415,463.60	B.13003
Project Engineers, Clark Patterson Lee	\$ 226,050.00	B.13003
Contingency	<u>\$ 33,454.76</u>	B.13003
TOTAL	\$1,674,968.36	

### **REASONS FOR RECOMMENDATION**

It is necessary that this approval be granted so the contract be awarded and allow the Contractor to begin construction as soon as possible.

### **BACKGROUND INFORMATION**

In order not to delay the project, we recommend the County Executive be authorized to execute an agreement with the responsible low bidder and project engineers Clark Patterson Lee, establish the construction contingency and execute project Change Orders as necessary.

### **CONSEQUENCES OF NEGATIVE ACTION**

The construction phase of the Project will not be fully implemented in a timely manner and therefore, not completed.

### **STEPS FOLLOWING APPROVAL**

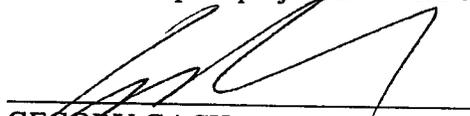
A contract will be awarded and the County Executive will execute the construction contract with the low bidder, execute the negotiated contract with Clark Patterson Lee, and establish a construction contingency. Construction will begin as soon as possible, weather and availability of materials permitting.

**STEPS FOLLOWING APPROVAL**

A contract will be awarded and the County Executive will execute the construction contract with the low bidder, execute the negotiated contract with Clark Patterson Lee, and establish a construction contingency. Construction will begin as soon as possible, weather and availability of materials permitting.

**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.



GREGORY GACH  
Deputy Comptroller  
Comptroller's Office

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

**Re: Reconstruction of Penora Street (CR 23), Phase III, Bryan Street to Broadway, Village of Depew, Erie County - Project No. CAP-23-14**

**WHEREAS**, the Penora Street Phase III reconstruction project (the "Project") was advertised, bid, and the responsible low bidder was Union Concrete & Construction Corp. of West Seneca; and

**WHEREAS**, the Project was authorized by this Honorable Body via Comm. 24E-17 of December 16, 2010; and

**WHEREAS**, in order to facilitate the reconstruction of Penora Street, Phase III, it will be necessary for the County to execute contracts with the responsible low bidder Union Concrete & Construction Corporation, project engineers Clark Patterson Lee and establish a construction contingency.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the funds for the reconstruction of Penora Street, Phase III Project be allocated from the SAP Fund 420, BA123, Project B.13003 2013 Preservation of Roads-Construction in an amount of \$1,674,968.36; and be it further

**RESOLVED**, that the County Executive be authorized to award and execute contracts for the reconstruction of Penora Street, Phase III Project Number CAP-23-14, with the lowest responsible bidder, Union Concrete & Construction Corporation in the amount of \$1,415,463.60, project engineers Clark Patterson Lee in the amount of \$226,050.00, and establish a construction contingency in the amount of \$33,454.76 for any necessary change orders; and be it further

**RESOLVED**, that the Clerk of the Legislature be instructed to forward five (5) certified copies of this resolution 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  
RE: PROPOSED RESOLUTION 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  | Union Concrete & Construction Corp. \$1,415,463.60<br>Clark Patterson Lee \$ 226,050.00<br><u>Construction Contingency \$ 33,454.76</u> |
| 2. AMOUNT OF CONTRACT | <u>\$1,674,968.36</u>   |
| 3. PROJECT NUMBER     | <u>B.13003</u>  |
| 4. PROJECT TITLE      | <u>2013 Preservation Road Construction</u>  |
| 5. DEPARTMENT CONTACT | <u>Funding questions: Charles A. Sickler, PE at 8372<br/>Letter pickup: Diane Bukowski at 8301</u>                                      |

**COMPTROLLER'S OFFICE**

**COMPLETE ITEMS 6 AND 7**

- |                                    |                      |
|------------------------------------|----------------------|
| 6. AVAILABILITY OF FUNDS           | <u>\$</u>            |
| 7. PERFORMED BY                    | <u></u>              |
| Date Sent to Comptroller's Office: | <u>March 4, 2014</u> |

[55 compt\_10]

TO: GREGORY GACH, COMPTROLLER'S OFFICE

RE: 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	Union Concrete & Construction Corp. \$1,415,463.60 Clark Patterson Lee \$ 226,050.00 <u>Construction Contingency \$ 33,454.76</u>
2. AMOUNT OF CONTRACT	<u>\$1,674,968.36</u>
3. PROJECT NUMBER	<u>B.13003</u>
4. PROJECT TITLE	<u>2013 Preservation Road Construction</u>
5. DEPARTMENT CONTACT	<u>Funding questions: Charles A. Sickler, PE at 8372 Letter pickup: Diane Bukowski at 8301</u>
<u>COMPTROLLER'S OFFICE</u>	<u>COMPLETE ITEMS 6 AND 7</u>
6. AVAILABILITY OF FUNDS	<u>\$ 1,975,268.76</u>
7. PERFORMED BY	<u><i>Don Urban</i></u>
Date Sent to Comptroller's Office:	<u>March 4, 2014</u>

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