



# COUNTY OF ERIE

**MARK C. POLONCARZ**  
COUNTY EXECUTIVE

March 1, 2014

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

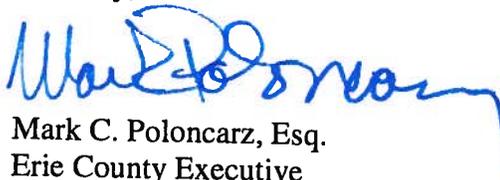
**Re: Acceptance of Marchiselli Funds for Supplemental Agreement No. 1 with NYSDOT and Construction Change Order; Abbott Road Bridge over Neuman Creek, Town of Orchard Park, Erie County - PIN 5758.74**

Dear Honorable Members:

Please find enclosed for your approval a resolution accepting Marchiselli funds for an executed Supplemental Agreement with the New York State Department of Transportation, and adjusting related project budget. Authorization is also requested for a construction change order with the responsible low bidder, Edbauer Construction.

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,



Mark C. Poloncarz, Esq.  
Erie County Executive

MCP/dab  
Enclosure

cc: John C. Loffredo, Department of Public Works

## **MEMORANDUM**

To: Members of the Erie County Legislature  
From: Department of Public Works  
Re: Acceptance of Marchiselli Funds for Supplemental Agreement No. 1 with NYSDOT and Construction Change Order  
Abbott Road Bridge over Neuman Creek  
Town of Orchard Park, Erie County - PIN 5758.74  
Date: **March 1, 2014**

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### **SUMMARY**

Authorization is requested for a resolution accepting Marchiselli funds for an executed Supplemental Agreement with NYSDOT and increasing the related project budget. Authorization for the County Executive to approve a construction change order with the responsible low bidder Edbauer Construction is also requested.

### **FISCAL IMPLICATIONS**

The total cost of this project phase is currently estimated at \$1,162,500.00, approximately 65% Federal funds, 12% NYS Marchiselli funds, and 23% local share. Erie County received notification of Marchiselli funds for an executed Supplemental Agreement. This additional revenue will adjust the current project budget, Fund 420, SAP B.13001 2013 Abbott Rd Br Reconstruction with an increase of \$142,500.00. The budget increase is necessary in order to execute a Change Order with low bidder Edbauer Construction for unanticipated utility conflict.

### **REASONS FOR RECOMMENDATION**

The Erie County Department of Public Works is near completion of the construction phase of the Project and desires to execute a project closeout Change Order with low bidder Edbauer with the additional revenue.

### **BACKGROUND INFORMATION**

This 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 an unanticipated utility conflict, a change order must be approved for the responsible low bidder Edbauer Construction to close out the project.

### **CONSEQUENCES OF NEGATIVE ACTION**

If the Agreement is not approved, reimbursement of State Marchiselli funds may be jeopardized. Negative action would halt project close out, and stop payment owed to Edbauer Construction.

### **STEPS FOLLOWING APPROVAL**

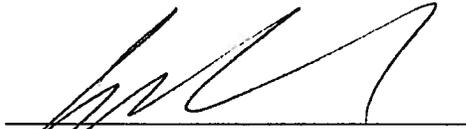
The DPW will submit a budget journal entry to reflect the anticipated receipt of the Marchiselli funds per fully executed Supplemental Agreement No.1 with the New York State Department of Transportation to the Division of Budget and Management and project closeout will proceed. The County Executive will execute the construction change order with the responsible low bidder Edbauer Construction.

**STEPS FOLLOWING APPROVAL**

The DPW will submit a budget journal entry to reflect the anticipated receipt of the Marchiselli funds per fully executed Supplemental Agreement No.1 with the New York State Department of Transportation to the Department of Budget & Finance; and project closeout will proceed. The County Executive will execute the construction change order with the responsible low bidder Edbauer Construction.

**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

JCL/JGM/dab

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

**Re: Acceptance of Marchiselli Funds for Supplemental Agreement No. 1 with NYSDOT and Construction Change Order; Abbott Road Bridge over Neuman Creek, Town of Orchard Park, Erie County - PIN 5758.74**

**WHEREAS**, the Abbott Road Bridge over Neuman Creek Project in the Town of Orchard Park, Erie County, PIN 5758.74 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs such program; and

**WHEREAS**, the County of Erie advanced the Project's Design Phase via Comm. No. 15E-6 (2011) adopted on July 21, 2011 and Construction Phase via Comm. No. 10E-14 (2013) adopted on June 6, 2013; and

**WHEREAS**, the County of Erie desires to accept Marchiselli funds for the Construction Phase of the Project, PIN 5758.74 through an executed Supplemental Marchiselli Agreement No. 1 with NYSDOT that increases the Project Agreement by \$142, 500 and related project budget in Fund 420, B.13001, 2013 Abbott Rd Br Reconstruction; and

**WHEREAS**, the Abbott Road Bridge over Neuman Creek Project PIN 5758.74 has been advertised, bid, and awarded to the responsible low bidder Edbauer Construction; and

**WHEREAS**, the project is currently estimated at \$1,162,500; and

**WHEREAS**, it is necessary that this approval be granted, so that the project budget can be increased for a change order to Edbauer Construction for an unanticipated utility conflict.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the County Legislature of the County of Erie hereby approves the Abbott Road Bridge project; and be it further

**RESOLVED**, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and Non-Federal share of the cost of the Preliminary Engineering (Scoping and Design I-VI), and Construction Phase of the Project or portions thereof; and be it further

**RESOLVED**, that the Project Fund B.13001 - 2013 Abbott Road Bridge Reconstruction, fund center 123, fund 420, be increased by the anticipated State revenue in the amount of \$142,500 as follows:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
405160	NYS Marchiselli	0	\$142,500	\$142,500
414000	Federal Aid	\$760,000	0	\$760,000
445070	Prem on Obligation	35,205		35,205
475000	Gen Oblig Bond Proc	<u>224,795</u>	<u>0</u>	<u>224,795</u>
<b>TOTAL REVENUES</b>		<b><u>\$1,020,000</u></b>	<b><u>\$142,500</u></b>	<b><u>\$1,162,500</u></b>
<b>APPROPRIATIONS</b>				
Capital Projects	Capital Project Exp	<u>\$1,020,000</u>	<u>\$142,500</u>	<u>\$1,162,500</u>
<b>TOTAL APPROPRIATIONS</b>		<b><u>\$1,020,000</u></b>	<b><u>\$142,500</u></b>	<b><u>\$1,162,500</u></b>

; and be it further

**RESOLVED**, the estimated total sum of the construction phase of the Project, \$1,162,500, is hereby appropriated from B.13001 – 2013 Abbott Road Bridge Reconstruction and made available to cover the cost of participation in the construction 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 Federal and non-Federal shares of the costs of the Project's Construction Phase exceeds the amount appropriated, \$1,162,500 and/or 100% of the full Federal and non-Federal shares of the cost of the Project's Construction Phase exceeds \$1,162,500, 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 of the County of Erie 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; and be it further

**RESOLVED**, should additional Federal Aid become available for this project, Erie County Legislative approval would be requested to enter into a new supplemental agreement with New York State Department of Transportation and the project budget adjusted accordingly; and be it further

**RESOLVED**, that the County Executive be authorized and is hereby directed to approve a change order for the Abbott Road Bridge over Neuman Creek Project PIN 5758.74 for the responsible low bidder Edbauer Construction; 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

- |                       |  |
|-----------------------|--|
| 1. CONTRACTOR'S NAME  | NYS Department of Transportation<br>Edbauer Construction                                   |
| 2. AMOUNT OF CONTRACT | \$1,162,500.00   |
| 3. PROJECT NUMBER     | B.13001  |
| 4. PROJECT TITLE      | 2013 Abbott Road Bridge Reconstruction   |
| 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

- |                                    |                             |
|------------------------------------|-----------------------------|
| 6. AVAILABILITY OF FUNDS           | \$ 1,062,500. <sup>00</sup> |
| 7. PERFORMED BY                    | <i>Don Urban</i>            |
| Date Sent to Comptroller's Office: | February 21, 2014           |

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