COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

ECLEG APR 01 '14 AM 10:23

April 1, 2014

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

Re: Award of Construction Contract & Contract for Engineering & Construction Inspection Services
Lenox Road (CR 511) Culvert Replacement
Town of Collins -ECDPW Project No. FM 511-867-14, FEMA PW 867

Dear Honorable Members:

The County Executive is requesting authorization to award a contract to the lowest responsible bidder for the Lenox Road culvert replacement project. Additionally, we recommend that a contract with TY-LIN of Buffalo, New York, be authorized for construction engineering and construction inspection services.

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

cc: John C. Loffredo, Department of Public Works

MEMORANDUM

To:	Honorable Members of the Erie County Legislature
From:	Department of Public Works
Re:	Award of Construction Contract & Contract for Engineering & Construction Inspection Services Lenox Road (CR 511) Culvert Replacement Town of Collins-ECDPW Project No. FM 511-867-14, FEMA PW 867
Date:	**April 1, 2014**

SUMMARY

Authorization is being requested to award a construction contract to the lowest responsible bidder for the Lenox Road (CR 511) Culvert Replacement Project. This is a FEMA project (PW 867) from the August 2009 storms. FEMA has set a final date for completion of all Erie County projects connected to the August 2009 storms of August 1, 2014. This resolution is being submitted in advance of the actual bid scheduled for April 10, 2014 in order to maximize the time available for ordering materials and construction. The precast concrete elements needed for this project have a long lead time. In addition authorization is being requested to award a construction engineering and construction inspection services agreement to TY-LIN and to a establish construction contingency and approve change orders for the project.

FISCAL IMPLICATIONS

The proposed resolution requests that the following authorized Project funds, SAP Account B.11022 (2011 FEMA, FHWA & EWP Projects) of $1,100,000.00 be allocated for award of construction to the lowest responsible bidder; award of construction engineering and construction inspection services to TY-LIN; and establishment of a construction contingency for an aggregate amount not to exceed $1,100,000.00. Approved project costs are borne as follows: 75% FEMA; 12.5% New York State; and 12.5% Erie County.

REASONS FOR RECOMMENDATION

It is necessary that this approval be granted, so the Contract can be awarded to allow the Contractor to begin construction as soon as possible so that construction be completed before the FEMA deadline of August 1, 2014.

BACKGROUND INFORMATION

The original culvert dates from 1933. Repairs were made in 2003 but the structure has continued to deteriorate. Replacement is necessary to restore proper function and to provide extended service life.

CONSEQUENCES OF NEGATIVE ACTION

If the resolution is not approved the existing culvert will continue to physically and functionally deteriorate and the opportunity for replacement with the aid of FEMA funds will be lost.

STEPS FOLLOWING APPROVAL

A Contract will be awarded as soon as possible after the bid date and construction will begin as soon as possible thereafter depending on the weather and the availability of materials.

COMPTROLLER'S OFFICE REVIEW

The proposed legislation has been reviewed by the Office of the Comptroller and is related to an authorized capital project for which there is sufficient funding.

GREGORY GACH
Deputy Comptroller
Comptroller's Office

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

Re: Award of Construction Contract & Contract for Engineering & Construction Inspection Services
Lenox Road (CR 511) Culvert Replacement
Town of Collins-ECDPW Project No. FM 511-867-14, FEMA PW 867

WHEREAS, bids will be taken for the Lenox Road (CR 511) Culvert Replacement Project; ECDPW Project No. FM 511-867-14; FEMA PW 867 (the "Project"), in the Town of Collins, on April 10, 2014; and

WHEREAS, time is of the essence due to a FEMA set deadline of August 1, 2014 for completion of construction; and

WHEREAS, it is desired to award a construction contract to the lowest responsible bidder as soon as possible after the bid to maximize the time available for construction; and

WHEREAS, it is desired to award a contract for construction inspection and engineering services during construction of the Project to TY-LIN of Buffalo, New York.

NOW, THEREFORE, BE IT

RESOLVED, that authorized Project funds in SAP Account B.11022 (2011 FEMA, FHWA & EWP Projects) totaling $1,100,000.00 be made available for the Project; and be it further

RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract for ECDPW Project No. FM 511-867-14; FEMA PW 867, between the County of Erie and the lowest responsible bidder; and be it further

RESOLVED, that the County Executive be authorized to execute a contract for construction inspection and engineering services during construction of the Project with TY-LIN; and be it further

RESOLVED, that the County Executive be authorized to establish a Project contingency and execute change orders; and be it further

RESOLVED, that the total cost of the contracts for construction, construction inspection and engineering services during construction and the Project contingency shall not exceed $1,100,000.00; 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 Office of Budget and Management, and the Office of the Comptroller.

TO: GREGORY GACH, DEPUTY, COMPTROLLER'S OFFICE
RE: 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	Lowest Responsible Bidder T.B.D. TY-LIN
2. AMOUNT OF CONTRACT	Total cost not to exceed $1,100,000.00
3. PROJECT NUMBER	SAP B.11022
4. PROJECT TITLE	2011 FEMA, FHWA & EWP Projects
5. DEPARTMENT CONTACT	Funding questions: Charles A. Sickler, PE at 8372 Letter pickup: Diane Bukowski at 8301

COMPTROLLER'S OFFICE	COMPLETE ITEMS 6 AND 7
6. AVAILABILITY OF FUNDS	$ 5,196,174.14
7. PERFORMED BY	[illegible]
Date Sent to Comptroller's Office:	March 21, 2014

[55 compt_10]

OFFICE OF THE COMPTROLLER REVIEW **DATE:** 3-24-2014

PROJECT TITLE: B.11022 2011 FEMA FHWA & EWP MATCH/RD RECONST.

1) IS THE REASON FOR THIS CONTRACT CONSISTENT WITH THE PURPOSE OF THE PROJECT: YES X NO _____

IF NO, RETURN THIS REQUEST TO THE DEPARTMENT

IF YES, COMPLETE THE FOLLOWING VERIFICATION

2) PROJECT AVAILABLE APPROPRIATION

TOTAL PROJECT REVENUES	$ 2,122,547.30
TOTAL PROJECT APPROPRIATIONS	$ 7,512,500.00
LESS: TOTAL EXPENDITURE TO DATE	$ 2,316,325.86
TOTAL COMMITMENTS	$
AVAILABLE APPROPRIATIONS AS OF DATE OF REQUEST	$ 5,196,174.14
LESS: CONTRACT AMOUNT:	1,100,000.00
NET AVAILABLE APPROPRIATIONS	$ 4,096,174.14

COMMENTS: $735,047.30 project cash balance

REQUEST APPROVED: [signature]

REQUEST DENIED: _____

DATE: 3/24/14

V:Accounting/Capital/Rule 2.34/Comptroller Appropriation Review.doc