



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

May 8, 2015

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

RE: Erie Community College – Science, Technology, Engineering and Math (STEM)
Building – Construction Management Agreement

Dear Honorable Members:

This resolution is requesting authorization for the County Executive to enter into an Agreement with Turner Construction Company to provide Construction Management Services for the Erie Community College – Science, Technology, Engineering and Math (STEM) Building project.

- Their strong local presence including a predominant local workforce;
• A focus on creating opportunities for area employees and students;
• Long standing personal relationships with local companies and suppliers;
• History of successfully working with Erie County;
• Familiarity in working with Kideney Architects;
• Strong MWBE and apprenticeship programs with area subcontractors;
• Proactive solutions to handling the schedule and delivery systems; and
• Proven experience in local LEED Certified Projects.

This resolution supplements a letter previously submitted by the Department of Environment and Planning, which is currently an open item in the Community Enrichment Committee.

Should your Honorable Body require further information, please contact Commissioner John C. Loffredo at the Department of Public Works.

Sincerely yours,
[Handwritten signature of Mark C. Poloncarz]

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/ecg
Enclosures

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works
Re: Erie Community College – Science, Technology, Engineering and
Math (STEM) Building – Construction Management Agreement
Date: May 8, 2015

SUMMARY

This resolution is requesting authorization for the County Executive to enter into an Agreement with Turner Construction Company to provide construction administration services and negotiate a Project Labor Agreement for the Erie Community College – Science, Technology, Engineering and Math (STEM) Building project. The County Executive has previously been authorized to enter into an Agreement for Architecture and Engineering Services for the design of this project. Turner Construction and their sub consultants shall provide construction management services for a new state-of-the-art academic building that will help ECC remain competitive and attract the regions potential students while remaining at the forefront of education in the area. This is a jointly funded \$30 million dollar project with the State of New York contributing \$15 million, Erie Community College \$7.5 million and Erie County \$7.5 million.

Under a Guaranteed Maximum Price (GMP) contract the Construction Manager receives bids and issues contracts to all project lowest responsible bid contractors. The GMP contract with the County is a cost plus a fee agreement with a cap on the County's total liability for the costs of construction. The County is obligated to pay the Construction Manager the actual cost of construction up to a certain amount. If the construction costs exceed that sum, the Construction Manager is liable for the cost overruns.

FISCAL IMPLICATIONS

Funds for the project are currently available from the approved, as amended 2012 capital budget, SAP Project as follows: E.12002 2012 ECC – New Academic Building.

REASONS FOR RECOMMENDATION

The project is necessary to assist Erie Community College to improve their student and faculty base and to provide critically important academic space for the strategic expansion of existing ECC programs already located at the North Campus that align with regional workforce needs in sectors of the economy with strong growth potential. This building will integrate new and expanded workforce training and education that respond to the needs of area employers.

BACKGROUND INFORMATION

The County of Erie and Erie Community College have been aware of the need to keep pace with nationwide and global trends regarding training and education in the fields of science, technology, engineering and mathematics. A study commissioned by Erie County and Erie Community College in 2013 entitled “ECC Program Needs Analysis and Space Utilization Assessment” recommended the construction of a New Academic Building in order to attract the regions potential students and remain competitive.

ATTACHED - SELECTON COMMITTEE DOCUMENTS

- Scoring Matrix
- Summary of Selection Committee Deliberations

CONSEQUENCES OF NEGATIVE ACTION

If this project is not completed, Erie Community College will continue to lose prospective students to other area higher education institutions and consequently the County will continue to incur significant expense in chargebacks from other counties where Erie County residents attend college.

STEPS FOLLOWING APPROVAL

Upon Legislative approval, the County Executive will enter into an Agreement with Turner Construction Company for the Erie Community College – Science, Technology, Engineering and Math (STEM) Building.

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: Erie Community College – Science, Technology, Engineering and Math (STEM)
Building – Construction Management Agreement

WHEREAS, the construction of a New Academic Building is recommended for Science, Technology, Engineering and Math (STEM) programs; and

WHEREAS, Erie Community College existing building spaces are not suitable to accommodate this need; and

WHEREAS, this new facility will provide opportunities for interdisciplinary collaboration, shared resources and will showcase the programs needed to attract and educate the region's future innovators; and

WHEREAS, a portion of the project will be reimbursed by New York State and Erie Community College; and

WHEREAS, your Honorable Body has previously authorized a contract with Kideney Architects to provide professional design services for this project; and

WHEREAS, Erie County has solicited proposals from qualified construction management firms which have been reviewed by a selection committee; and

WHEREAS, Turner Construction Company and their sub consultants have been recommended by the selection committee; and

WHEREAS, as a result of the selection committee's recommendation, the County Executive is requesting authorization from the Legislature to enter an Agreement with Turner Construction Company to provide construction administration services and negotiate a Project Labor Agreement for the STEM Building project; and

WHEREAS, Legislative approval for the Guaranteed Maximum Price (GMP) for the project will be determined after bids are received.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an Agreement with Turner Construction Company to provide construction management services and also negotiate a Project Labor Agreement for the Erie Community College – Science, Technology, Engineering and Math (STEM) Building project, in the amount not to exceed the following expenditures:

1. Preconstruction Services\$245,075.00
2. Staff wages or salaries.....\$958,558.00
3. Fee (3.0%).....\$694,757.00

- 4. Construction Bond.....\$200,000.00
 - 5. CM contract Contingency.....\$100,000.00
- Total Maximum amount not to exceed \$2,198,390.00

; and be it further

RESOLVED, that the Comptroller’s Office is hereby authorized to make payments for all the above from project account, SAP E.12002, 2012 ECC- New Academic Building for an amount not to exceed \$2,198,390.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner’s Office, and one copy each to the Office of the County Executive, the Commissioner of the Department of Environment and Planning, the Division of Budget and Management and the Office of the Comptroller, and one copy to Erie Community College Office of the Chief Administrative and Financial Officer.

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	<u>Turner Construction Company</u>
2. AMOUNT OF CONTRACT	<u>Not to exceed \$2,198,390.00</u>
3. PROJECT NUMBER	<u>E.12002 2012 – ECC New Academic Building</u>
4. PROJECT TITLE	<u>Erie Community College – Science, Technology, Engineering and Math (STEM) Building</u>
5. DEPARTMENT CONTACT	<u>Funding questions: Jeffrey P. Zack, PE at x8824 Letter pickup: Diane Bukowski at x8301</u>
<u>COMPTROLLER'S OFFICE</u>	<u>COMPLETE ITEMS 6 AND 7</u>
6. AVAILABILITY OF FUNDS	<u>\$ 27,851,323.26</u>
7. PERFORMED BY	<u>Don Urban</u>
Date Sent to Comptroller's Office:	<u>April 27, 2015</u>

[55 compt_10]

PROJECT TITLE: E.12002 2012 ECC BUILDING PROJECT STUDY

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

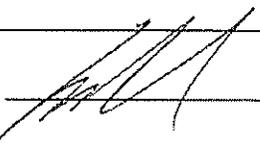
IF NO, RETURN THIS REQUEST TO THE DEPARTMENT

IF YES, COMPLETE THE FOLLOWING VERIFICATION

2) PROJECT AVAILABLE APPROPRIATION

TOTAL PROJECT REVENUES	\$ <u>7,709,938.37</u>
TOTAL PROJECT APPROPRIATIONS	\$ <u>30,000,000.00</u>
LESS: TOTAL EXPENDITURE TO DATE	\$ <u>248,676.74</u>
TOTAL COMMITMENTS	\$ <u>1,900,000.00</u>
AVAILABLE APPROPRIATIONS AS OF DATE OF REQUEST	\$ <u>27,851,323.26</u>
LESS: CONTRACT AMOUNT:	<u>2,198,390.00</u>
NET AVAILABLE APPROPRIATIONS	\$ <u>25,652,933.26</u>

COMMENTS: \$7,461,261.63 CASH BALANCE

REQUEST APPROVED: 

REQUEST DENIED: _____

DATE: 4/29/15

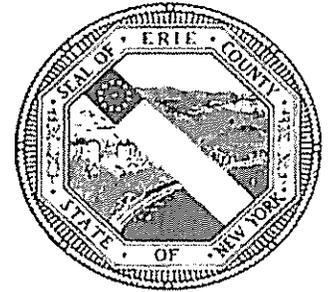
ECC STEM BUILDING - CONSTRUCTION MANAGER CONSULTANT SELECTION COMMITTEE REVIEW - With Fee

Ranking*	Consultant	Pricing/Fee	Member 1	Member 2	Member 3	Member 4	Member 5	Member 6	Member 7	Average Score
1	Gilbane Building Company	\$425,500.00	80.00	62.63	98.00	86.00	89.50	83.50	104.75	86.34
2	Turner Construction Company	\$747,500.00	80.00	77.00	99.00	79.50	71.50	75.50	103.50	83.71
3	DiMarco Constructors	\$944,059.00	76.50	60.50	73.50	71.50	74.50	78.00	82.50	73.86
4	The Pike Company	\$520,000.00	76.00	61.75	86.00	70.50	72.50	76.50	73.25	73.79
5	LeChase Construction Services, LLC	\$1,489,193.00	83.00	61.50	65.50	64.00	75.00	80.50	85.75	73.61
6	LP Ciminelli, Inc.	\$632,500.00	84.50	67.75	75.00	68.50	72.50	72.00	72.50	73.25
7	Savarino Companies	\$1,794,000.00	81.50	50.50	76.00	70.00	68.00	76.00	82.75	72.11
8	Casilio Companies	\$959,000.00	77.00	50.25	54.00	65.50	65.50	69.50	67.00	64.11
9	Entcompass Management Services, LLC	\$695,800.00	61.50	43.50	58.50	66.00	49.00	49.50	62.75	55.82

* - Ranking is based on scoring, not pricing
- Shortlisted for interview
Selected Firm


 Approved by Deputy County Executive Margaret Whyte

ERIE COUNTY
DEPARTMENT OF PUBLIC WORKS
95 FRANKLIN STREET
BUFFALO, NY 14202



SUMMARY

Project Number: EG-14-19
Project Title: Erie Community College – Science, Technology, Engineering and Math (STEM) Building

Meeting Date: February 20, 2015
Meeting Time: 12:00 PM
Location: ECDPW, 14th Floor Room 1404

Construction Management (CM) Services Selection Committee Meeting #1:

The meeting was held to discuss interviews held with the two finalists. The end goal was to hold a silent ballot where each of the selection committee members would make a final selection for the firm to be recommended to provide construction management services for the Erie Community College – Science, Technology, Engineering and Math (STEM) Building.

Selection Committee Members in Attendance:

Jesse Burnette (JB)	Erie County Equal Employment Opportunity (ECEEO)
Thomas Dearing (TD)	Erie County Department of Environment and Planning (ECDEP)
Elisabete Godden (EG)	Erie County Department of Public Works (ECDPW)
Jim Hearn (JH)	ECDPW
Anthony Nesci (AN)	Erie Community College
William Reuter (WR)	Erie Community College
Jeffrey Zack (JZ)	ECDPW

Attachment(s):

1. Interview Questions Work Sheets
 2. Turner Construction Company Presentation handouts (Gilbane did not have handouts)
-

Discussion:

- 2-1. Gilbane Building Company presented at 9:00am and Turner Construction Company presented at 10:30am. Each firm presented for approximately 20 minutes and then the Committee's questions were asked to kick off discussions. Each firm was given approximately one hour total for interview time.
- 2-2. Common questions were asked of each presenter – please refer to the attached.
- 2-3. Each firm provided information relative to the team and who would be running the project for each company. They also presented on company experience and staff experience in similar projects.

February 20, 2015

- 2-4. In order to keep the final decision objective; after the interviews the selection committee members were given a silent voting ballot and asked to make their selection between Gilbane Building Company and Turner Construction Company.
- 2-5. The ballots were tallied 6 to 1 in favor of the Turner Construction Company. All were satisfied with the results of the interviews and it was clear that Turner had impressed the Committee.
- 2-6. The one member who voted for Gilbane mentioned they did so because of the cost in proposed fees; EG reminded the Committee that as is common practice, Commissioner Loffredo would be negotiating the fee along with the scope of services with the CM consultant finalist so that the best fee can be obtained.
- 2-7. Further discussions centered around the positives for both companies and Turner's outweighed Gilbane's. Turner's strong local presence, their focus on creating opportunities for area employees, and long standing personal relationships with local companies including MWBE and apprenticeship programs locally set them apart. Their recent experience with local LEED certified similar pertinent projects as well as their history of successfully working with Erie County and familiarity with Kideney Architects made them the confirmed preferred construction manager of choice.
- 2-8. All were impressed with Turner's proactive approach to how they would handle the project schedule and delivery system.
- 2-9. EG confirmed that references were checked for both companies and that Turner's references gave excellent feedback on their performance on past and current projects.
- 2-10. All committee members unanimously agreed that based on the presentations and all other information reviewed/considered, Turner Construction Company would be recommended for negotiations.

Next Steps:

- 3-1. A recommendation will be made to Erie County Department of Public Works Commissioner to start negotiations with Turner Construction Company.

ECC STEM BUILDING
CM SELECTION COMMITTEE
INTERVIEW QUESTIONS:

2/20/15

FIRM: _____

20 MINUTES OF PRESENTATION
40 MINUTES (MAX.) QUESTIONS & ANSWERS:

GODDEN TO OPEN AND LEAD DISCUSSION

1. OPEN Have you recently worked on any similar projects locally that you would like to highlight? STEM? LEED? SHPO? (this information may have already been given during the presentation - ask if the staff assigned to work on this project worked on the examples given and what their roles were)

2. OPEN Who will be assigned as the project manager and what is their experience? (this information may have already been given during the presentation)

3. (GODDEN) Have you worked with Kideney/JMZ Architects before? (ask the project manager for his personal approach to working with the project architect)

4. (DEARING) Have you worked with Erie County before?

5. (BURNETTE) The County of Erie in conjunction with New York State and the Erie Community College have agreed to follow New York State goals for MWBE participation on this project. The New York State Minority and Women Business Enterprise (MWBE) goals will be 30% participation for MWBEs with the breakout being 20% Minority participation and 10% women business participation. All potential change orders will be accommodative of the MWBE requirements too, once fully executed. The workforce goals on this project are: 13.2% minority participation and 6.9% women participation with the apprenticeship goal is set at 10% participation. Do you foresee any problems that may deter you from the achieving or exceeding these goals? Do you have a person that will be assigned to oversee this effort for the project?

6. (HEARN) Are you comfortable with the timeline set by the RFP for project completion (14 months construction), what are some approaches you would take to ensure timely delivery of the project? How many full time staff will be on site during the construction stage?

7. (REUTER) Are you comfortable with the project budget set by the RFP (\$23M), what are some typical cost saving items that you would incorporate into the design process to insure that the project stays on budget?

8. (ZACK) Has your firm ever not completed a project on time or within budget? If so, what were the circumstances that lead to this unsatisfactory result?

9. (NESCI) How do you deal with underperforming/unresponsive contractors? Are you a good mediator, can you elaborate with some examples?

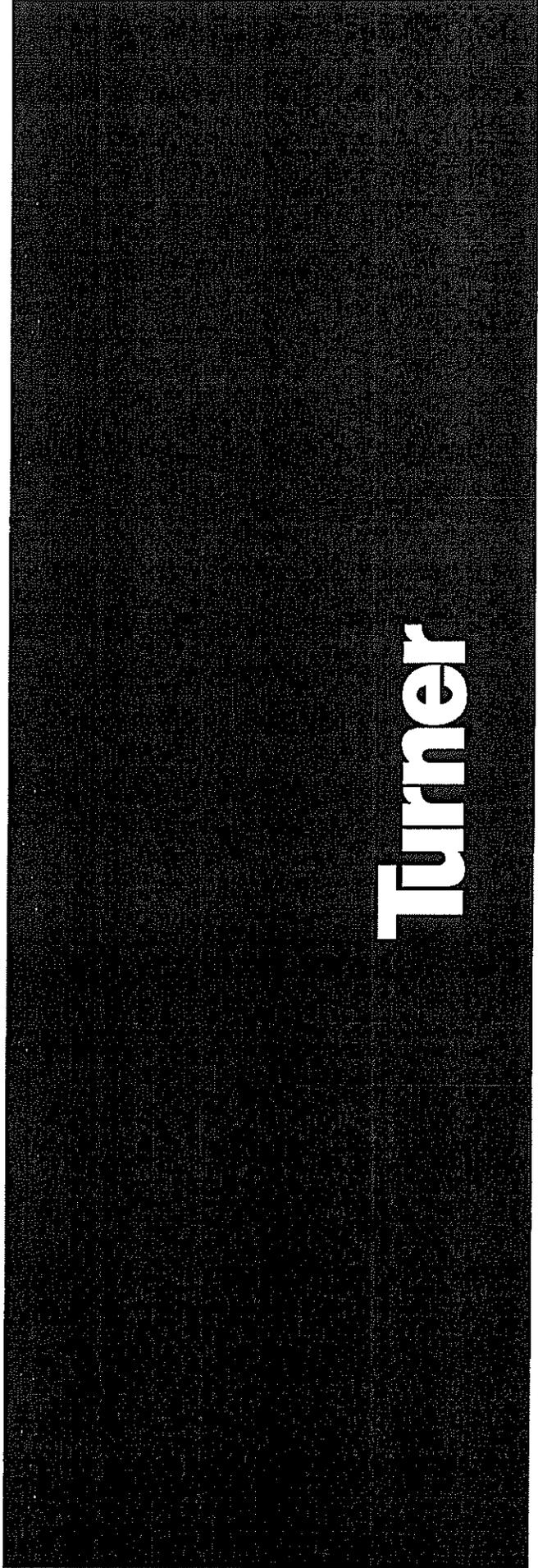
10. (ZACK) Have any of your projects resulted in litigation? If so, why?

11. (DEARING) Why do you want this job?

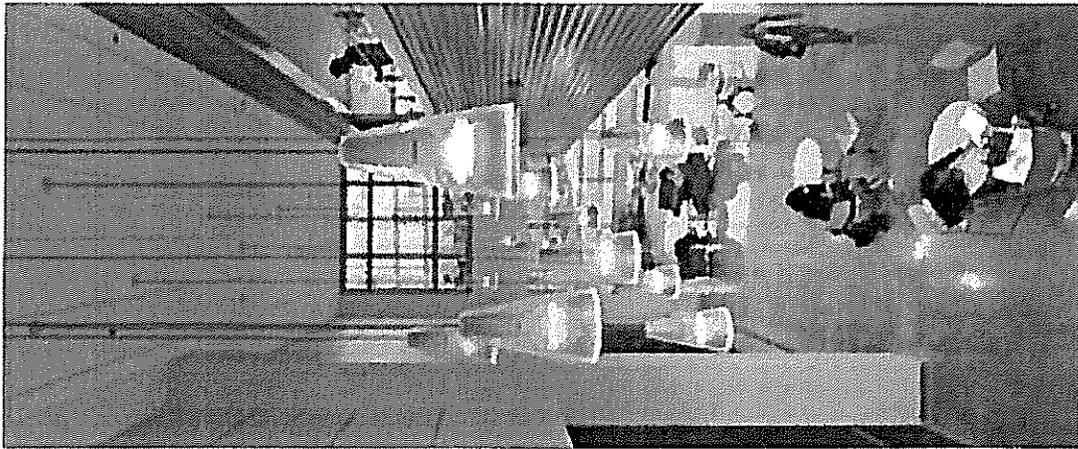
12. (GODDEN) What would you like to add to this discussion?

Erie Community College
Science, Technology, Engineering and Math (STEM) Building

Presentation for Construction Management Services

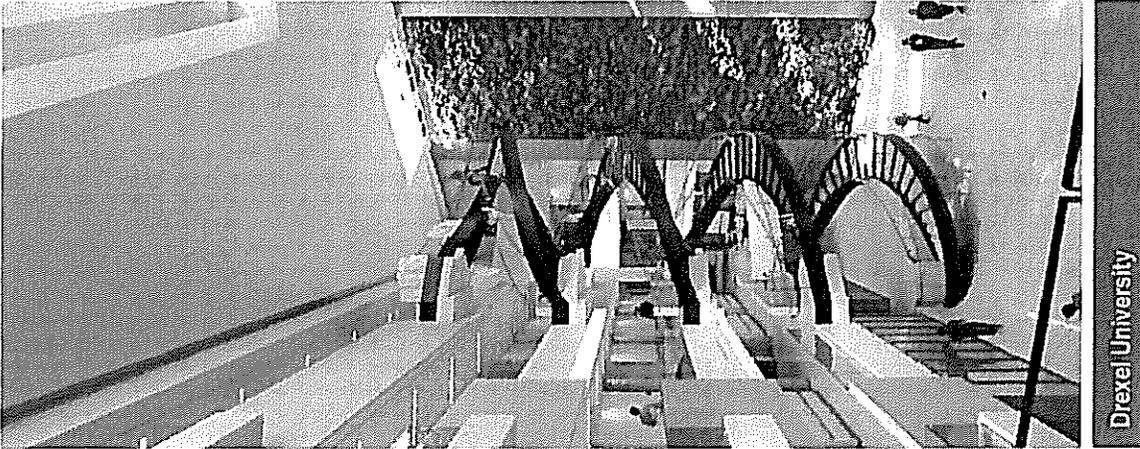


Turner



University at Buffalo

- Welcome:
- Introduction:
 - Experienced team in Higher Ed, STEM and that has worked together. We have the plan, people and the tools!
 - We know Kideney and the County
 - #1 BIM Contractor. We take it to the next level (BIM Rm at OCH)
 - #1 Green Contractor in the Nation with more LEED AP's and more certified projects than any other Construction Company.
 - Know how to negotiate and manage PLA's!
 - Creation of a "Living Lab"
- Focus on Building your project:
 - Introduction, "humanize" what makes us tick!
 - Setting the table during preconstruction. Quality Estimates (resources TCCo Building Cost Index, TCCo Supply Chain Forecasting)
 - How to build the STEM Building in the time provided
 - Job sets up well for an early bid/award phase (utilities, foundations and steel).
- Use Lean (offsite prefabrication, Nothing hits the ground, ladders last, The Last Planner System including weekly work plans!



- Lean and the Use of Technology
 - Electronic Posted Drawings/iPads. **Live Demonstration**
 - BIM 360 (in wall inspections, above ceiling inspections, commissioning and punchlist). Closeout starts day 1! **Bring Sample Bar Chart Print Out**
 - Electronic closeout tool at turnover.
- Keeping you informed
 - Project Procedures Manual
 - RACS
 - Monthly Status Report
 - Managing Changes to Save you Money! (UB Engineering, UB Kapoor Hall and SUNY IHP we saved >\$5M on additional scope and changes which was roughly 35% of the original quotations).





Our employees are our greatest tool

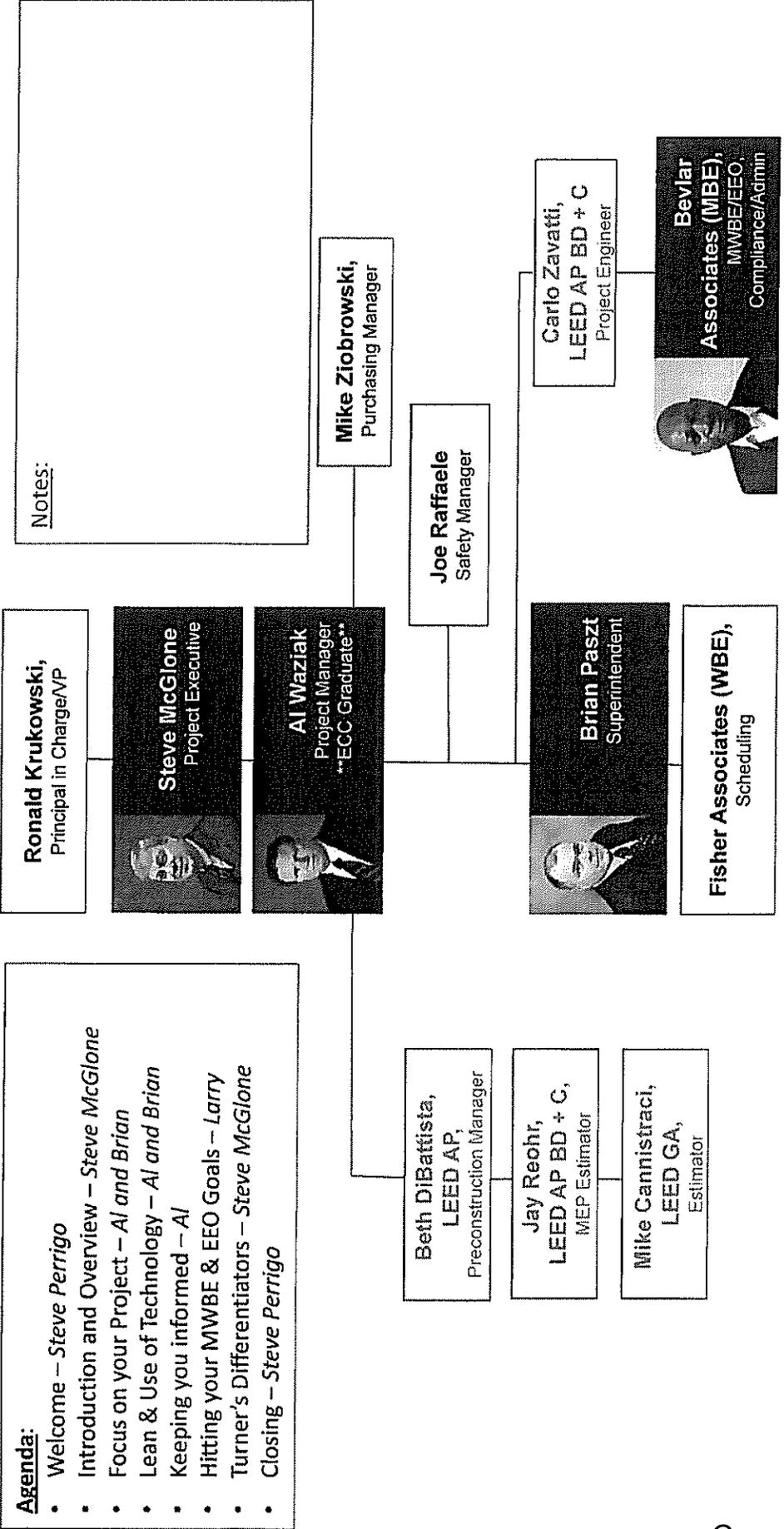
- Hitting your MWBE and EEO (13%MBE, 7% WBE, NYS Certified)
- Long History with Turner and the County. We have always met the goals!
- Reach the community and generate interest! Prebid information sessions and mixers.
- Right sized bid packages to provide opportunity.
- Confirming proper participation prior to the award of subcontracts (proper SIC codes, certified contractors/vendors, etc).
- Tracking and verifying monthly payments.
- Tracking workforce using LCP Tracker (compliant with Davis Bacon Act for certified payroll).
- Monthly reporting and proactively meeting with Contractors if recovery plans are needed.



Wheaton College Science Center

- Differentiators
 - Logistics
 - Subguard
 - CCIP
 - Network of 46 offices
- WHY TURNER?
 - Leadership
 - Proactive Solution-Oriented Approach
 - Technology & Skills
 - Overall Project Schedule, RACS Reviews and Quality Control
 - Reputation
 - Proven Success

ORGANIZATION CHART

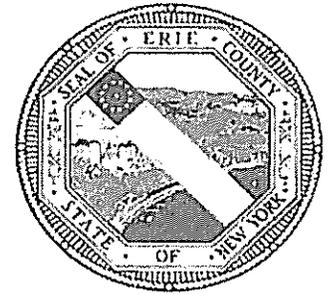


Agenda:

- Welcome – Steve Perrigo
- Introduction and Overview – Steve McGlone
- Focus on your Project – Al and Brian
- Lean & Use of Technology – Al and Brian
- Keeping you informed – Al
- Hitting your MWBE & EEO Goals – Larry
- Turner’s Differentiators – Steve McGlone
- Closing – Steve Perrigo

Notes:

ERIE COUNTY
DEPARTMENT OF PUBLIC WORKS
95 FRANKLIN STREET
BUFFALO, NY 14202



SUMMARY

Project Number: EG-14-19
Project Title: Erie Community College – Science, Technology, Engineering and Math (STEM) Building

Meeting Date: February 9, 2015
Meeting Time: 9:00 AM
Location: ECDPW, 14th Floor Room 1404

Construction Management (CM) Services Selection Committee Meeting #1:

The meeting was held to review RFP responses and tally score matrices from each selection committee member. The end goal was to select a shortlist of firms to be interviewed to provide construction management services for the Erie Community College – Science, Technology, Engineering and Math (STEM) Building.

Selection Committee Members in Attendance:

Jesse Burnette (JB)	Erie County Equal Employment Opportunity (ECEEO)
Thomas Dearing (TD)	Erie County Department of Environment and Planning (ECDEP)
Elisabete Godden (EG)	Erie County Department of Public Works (ECDPW)
Jim Hearn (JH)	ECDPW
Anthony Nesci (AN)	Erie Community College
William Reuter (WR)	Erie Community College
Jeffrey Zack (JZ)	ECDPW

Discussion:

- 1-1. The meeting began with introductions of those in attendance and a brief statement regarding the selection process. The Conflict of Interest forms and published CM Request for Proposal had been previously distributed via email and subsequently the nine proposals along with the scoring matrices were provided to each reviewer with instructions.
- 1-2. EG confirmed that all conflict of interest forms have been received and no conflicts were found.
- 1-3. EG stated that per prior emailed instructions at Commissioner Loffredo's direction, reviewers were to wait until this meeting to score the last column on the matrix titled "Completeness of Proposal – ability to follow direction".
- 1-4. EG informed the Committee that four respondents submitted either late or incomplete proposals. After consultation with the Law Department, Commissioner Loffredo exercised his right to waive informalities and concluded that it was in The County's best interest to allow a time extension to these firms. As such, an extension was granted until 4:00pm on Monday January 26, 2015.

February 9, 2015

- 1-5. Committee members were given 15 minutes to score the last column on the matrix “Completeness of Proposal (ability to follow directions)” at their own discretion.
- 1-6. Committee members were asked to provide their total scores for each of the nine firms who submitted proposals.
- 1-7. EG stated that after all scores are input into the excel spreadsheet for each of the committee members all the CM fees would be opened and added to the matrix with the combined scores for discussion.
- 1-8. Scores and fees were tallied electronically on a laptop excel spreadsheet and revealed to the committee for discussion.
- 1-9. The committee objectively discussed the scores of the finalists and all reviewed the strong points of the top two firms. A dialogue of the positives of each proposal was held and the group arrived at a consensus.
- 1-10. A decision was unanimously made to interview the two finalists with the highest scores – Gilbane Building Company and Turner Construction Company. They were set apart from the rest of the firms by a clear margin of over 10%.
- 1-11. Each of the two selected companies shall make a 20 minute presentation and then have 40 minutes question/ answer session. The committee is to forward their questions for the interview to EG for distribution.
- 1-12. It was agreed that the same questions will be asked of each firm during the interviews and that after interviews with both firms a final selection shall be made while the information is fresh in everyone’s minds – the same day.
- 1-13. Finally, the committee was reminded that during the selection process we must keep confidentiality about the finalists and that when asked the standard answer shall be that the selection process is still under review until we send the Committee’s final recommendation to the County Legislature for approval.

February 9, 2015

Next Steps:

2-1. The committee will interview the two finalists selected on February 20, 2015 in the morning.

9:00am Gilbane Building Company

10:30am Turner Construction Company

**Construction Management (CM) Services Selection Committee Meeting #2 will be Friday
February 20, 2015 after the interviews.**