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COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

May 22, 2015

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

**Re: Buffalo and Erie County Botanical Gardens – 2015 - Houses 2 & 3
Renovation – Alternate No. 1**

Dear Honorable Members:

This resolution is requesting authorization for the County Executive to issue contract amendments to Telco Construction, Goodwin Electric Corporation and Quanckenbush Co. Inc., the lowest responsible bidders for the Buffalo and Erie County Botanical Gardens – 2015 – Houses 2 & 3 Renovation. Several Bid Alternates were included; however we were not able to accept all the alternates due to a shortfall in funding at the time. This resolution seeks to accept Alternate No. 1 and authorize the designation of 2014 funds into the 2015 Budget to conduct work on House 2 as part of the project.

This resolution supplements a letter previously submitted which is currently an open item in the Economic Development Committee, please reference item number 10E-15 (2015), copy attached.

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 yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:ecg

cc: John C. Loffredo, Commissioner

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works
Re: Buffalo and Erie County Botanical Gardens – 2015 – Houses 2 & 3 Renovation
Date: May 22, 2015

SUMMARY

Contracts were awarded earlier this year for Buffalo and Erie County Botanical Gardens – 2015 – Houses 2 & 3 Renovation project. The project originally involved the reconstruction of House 2 & 3. Several Bid Alternates were included but Public Works was not able to accept all the alternates due to a shortfall in funding.

This resolution seeks to accept Alternate No. 1 and amend construction contracts to add the work for the reconstruction of House 2 so that the entire project can be completed as additional funding will be available through a forthcoming designation of funds into the 2015 Budget.

FISCAL IMPLICATIONS

Subject to the Legislature's forthcoming approval of the 2014 Budget Balancing Amendments and a designation of \$850,000 into the 2015 Budget, funds will be available in capital account A.14024 – 2014 Buffalo and Erie County Botanical Gardens Master Plan Implementation.

REASONS FOR RECOMMENDATION

Houses 2 & 3 were designed to be reconstructed in similar fashion to Houses 11 & 12. All of these buildings face the front of the facility and would improve the appearance of the Botanical Gardens, as well as correct and preserve the glass structures which are failing. Currently, House 3 is closed when wind velocities exceed 40 mph. The House 2 & 3 Reconstruction Package was bid out September 2014 however there were not enough funds available to award the entire project. After rebidding the project there were only funds available to reconstruct House 3, but not sufficient funds to include Alternate Number 1 for the work relative to reconstruction of House 2. Now that additional funding is available we seek to amend the construction contracts to accept Alternate 1 and include this as part of the project as originally intended.

BACKGROUND INFORMATION

The multi-phased master plan objective is to rehabilitate, reconstruct and restore the buildings at the Botanical Gardens to preserve their existence and function. The House 2 & 3 Reconstruction Package was bid out in September however there were not enough funds available to award the complete project and this resolution is seeking approval to fully fund the project and reconstruct both House 2 and 3.

CONSEQUENCES OF NEGATIVE ACTION

If renovations to these buildings are not made, the glass structures will continue to deteriorate to the point where they will be unsafe for the public and will have to be closed.

STEPS FOLLOWING APPROVAL

Upon Legislative approval, the County Executive will execute Contract Amendments with the current construction contractors.

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

ECG/ms

File Copy (dpw.botanical.houses.reno)

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

RE: Buffalo and Erie County Botanical Gardens – 2015 – Houses 2 & 3 Renovation – Alternate No. 1

WHEREAS, the Department of Public Works received bids for the Buffalo and Erie County Botanical Gardens-2015-Houses 2 & 3 Renovation on January 22, 2015; and

WHEREAS, Houses 2 & 3 were designed to be reconstructed in similar fashion to Houses 11 & 12. All of these buildings face the front of the facility and would improve the appearance of the Botanical Gardens, as well as correct and preserve the glass structures which are failing; and

WHEREAS, currently, House 3 is closed when wind velocities exceed 40 mph; and

WHEREAS, the House 2 & 3 Reconstruction Package was bid out September 2014 but there were insufficient funds available to award the project. After rebidding the project in January 2015, lower bids were received; and

WHEREAS, the Erie County Legislature previously authorized the County Executive to enter into contracts for The Buffalo and Erie County Botanical Gardens 2015 Houses 2 & 3 Renovation Project; and

WHEREAS, not all Alternates were accepted in awarding the above contracts due to insufficient funds; and

WHEREAS, additional funds are now available to accept Alternate No. 1 for the reconstruction of House 2 at the Buffalo and Erie County Botanical Gardens; and

WHEREAS, the County Executive is requesting authorization to issue a Contract Amendment to Telco Construction, Goodwin Electric Corporation and Quanckenbush Co. Inc. to accept alternate bid No. 1 for the Buffalo and Erie County Botanical Gardens 2015 Houses 2 & 3 Renovation to reconstruct House 2.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to accept add alternate bid No. 1 for the work relative to the reconstruction of House 2 at the Buffalo and Erie County Botanical Gardens as follows:

General Construction Work

Telco Construction

Alternate No. 1 Bid: \$ 679,000.00

Electrical Construction Work

Goodwin Electric Corporation

Alternate No. 1 Bid: \$ 29,500.00

Mechanical Construction Work
Quackenbush Co. Inc.

Alternate No. 1 Bid: \$ 53,000.00

Total Contract Amendments for House 2 Alternate No. 1 Bids: \$ 761,500.00

RESOLVED, that the sum of \$88,500.00 be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

RESOLVED, that deduct change orders will result in these funds being returned to the Construction Contingency fund; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP account A.14024 – 2014 Buffalo and Erie County Botanical Gardens Master Plan Implementation for a total amount not to exceed \$850,000, with that funding coming from a designation of 2014 funds into the 2015 Budget; and be it further

RESOLVED, that authorization is hereby provided to increase the budget funded by an interfund transfer and to make the following adjustments in the 2014 Budget in order to provide funding for this request:

2014 General Fund 110 - Revenue Adjustment
Fund 110 - Fund Center 120

Revenue	<u>Increase</u>
411490 – TANF FFFS	\$850,000
DSS Total	\$850,000
570050 – Interfund Transfer- Capital	<u>\$850,000</u>
Inter-Fund Total	\$850,000
Net - Fund 110 - Revenue less Expense	0

; and be it further,

RESOLVED, that authorization is hereby provided to the Director of Budget and Management to establish a designation in 2014 for the amounts indicated above and to reappropriate said funds into 2015, and be it further

RESOLVED, that two certified copies of this resolution shall be sent to the Commissioner of the Department of Public Works; and one copy each to the Office of the County Executive; the Director of the Division of Budget and Management, the Department of Parks, Recreation and Forestry 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	Telco Construction \$ 679,000.00 Goodwin Electric Corp. \$ 29,500.00 Quackenbush Co. Inc. \$ 53,000.00 <u>Construction Contingency \$ 88,500.00</u>
2. AMOUNT OF CONTRACT	<u>Not to Exceed \$ 850,000.00</u>
3. PROJECT NUMBER	<u>A.14024 – 2014 Buffalo & Erie County Botanical Gardens Master Plan Implementation</u>
4. PROJECT TITLE	<u>Buffalo and Erie County Botanical Gardens – 2015 – Houses 2 & 3 Renovation – Alt. No. 1</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>\$372,968.17 plus \$850,000 authorized budget increase</u>
7. PERFORMED BY	<u>Don Urban</u>
Date Sent to Comptroller's Office:	<u>May 20, 2015</u>

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Bid Tabulation Sheet

General Construction Work:

Bidder	Base Bid	Alt #1	Alt #2	Alt #3	Alt #4	Alt #5
Telco Construction	\$2,332,700.00	\$679,000.00	\$63,470.00	\$9,300.00	\$55,700.00	\$18,907.00
Nichter Construction	\$2,474,000.00	\$574,000.00	\$95,000.00	\$12,000.00	\$60,000.00	\$16,000.00
Metro Contracting	\$2,850,000.00	\$616,000.00	\$71,000.00	\$11,000.00	\$60,000.00	\$25,000.00
Javen Construction	\$2,947,000.00	\$575,000.00	\$90,000.00	\$15,000.00	\$70,000.00	\$20,000.00
AAC Contracting Inc.	\$2,947,977.00	\$497,000.00	\$135,000.00	\$17,000.00	\$77,000.00	\$19,000.00

Electrical Construction Work:

Bidder	Base Bid	Alt #1
Goodwin Electric	\$ 57,600.00	\$ 29,500.00
CIR Electric	\$ 57,925.00	\$ 30,000.00
M & M Electric Construction	\$ 59,490.00	\$ 36,500.00
South Buffalo Electric	\$ 60,500.00	\$ 28,250.00

Mechanical Construction Work:

Bidder	Base Bid	Alt #1
Quackenbush Co. Inc.	\$ 68,000.00	\$53,000.00
Greater Niagara Mechanical	\$ 92,300.00	\$15,700.00
D.V. Brown & Associates	\$200,000.00	\$50,000.00

Department of Public Works
Office of the Commissioner