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# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

September 8, 2015

The Honorable  
Erie County Legislature  
92 Franklin Street – Fourth Floor  
Buffalo, New York 14202

**RE: Agreement with NYSDOT and Award of Construction  
Locally Administered Federal Aid Project for  
Bridge Painting Project, Bullis Rd over Buffalo Creek  
Town of Elma, Erie County  
NYS PIN 5760.54**

Dear Honorable Members:

We are forwarding for your approval a proposed resolution authorizing the County of Erie to participate in the Locally Administered Federal Aid Project for Bridge Painting Project, Bullis Rd over Buffalo Creek Project, the County Executive to enter into an Agreement with the New York State Department of Transportation to advance the Federal and non-Federal share of the cost of construction and construction inspection, award the low bidder, enter into a construction phase engineering agreement with CHA Consultants, and establish a project contingency for this project.

Should your Honorable Body require further information, I encourage you to contact Commissioner John Loffredo. Thank you for your consideration on this matter.

Sincerely,

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP/DMS

cc: John C. Loffredo, Department of Public Works

## **MEMORANDUM**

**TO:** Honorable Members of the Erie County Legislature  
**FROM:** Department of Public Works/Office of the Commissioner  
**RE:** Agreement with NYSDOT and Award of Construction Locally Administered  
Federal Aid Project for Bridge Painting Project, Bullis Rd over Buffalo Creek  
Town of Elma, Erie County  
NYS PIN 5760.54  
**DATE:** September 8, 2015

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### **SUMMARY**

Adopt a resolution authorizing the County of Erie to participate in the above-noted Project, the County Executive to enter into an Agreement with the New York State Department of Transportation to pay the Federal and non-Federal share of the cost of construction and construction inspection, and award the low bidder, enter into a construction phase engineering agreement with CHA Consultants, and establish a Project contingency.

### **FISCAL IMPLICATIONS**

The total cost of this Locally Administered Federal Aid project is currently estimated at \$675,000 which is approximately 80% federally reimbursed, 15% NYS Marchiselli reimbursed and requires a 5% local share. The total budget of \$675,000 (with adjustments from the anticipated federal and NYS revenue, in the amount of \$641,250. and Local Share required in the amount of \$33,750. from bond proceeds), is available in B.13002, 2013 Bridge Enhancements Program. The award of construction to the responsible low bidder, the construction phase engineering services with CHA Consultants, and the Project contingency will not exceed the maximum project allowance of \$675,000.

### **REASONS FOR RECOMMENDATION**

The Erie County Department of Public Works has completed the design phase of the Project and desires to advance the Project by entering into an Agreement for the construction and construction inspection phase with the New York State Department of Transportation. The Project benefits from Federal Aid reimbursement through the Locally Administered Federal Aid Program.

### **BACKGROUND INFORMATION**

This project has been approved by the New York State Department of Transportation in their current Capital Program to be funded with Federal Aid funds.

## **CONSEQUENCES OF NEGATIVE ACTION**

If the proposed resolution is not approved, the Bridge Painting Project, Bullis Road over Buffalo Creek will continue to deteriorate and pose problems for the traveling public. Failure to execute this Agreement may jeopardize receipt of the Project and possibly the loss of eligibility for future Federal Aid Program participation.

## **STEPS FOLLOWING APPROVAL**

Budget as stated in the resolution will be adjusted. The County Executive will execute Agreements with New York State Department of Transportation, the responsible low bidder, and CHA Consultants for successful and timely implementation of this project.

**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 are sufficient appropriates for the action proposed.



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Gregory Gack  
Deputy Comptroller  
Comptroller's Office

**BRYAN FIUME**  
**Associate Deputy Comptroller**

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

RE: Agreement with NYSDOT and Award of Construction  
Locally Administered Federal Aid Project for  
Bridge Painting Project, Bullis Rd over Buffalo Creek  
Town of Elma, Erie County  
NYS PIN 5760.54

WHEREAS, the Bridge Painting Project, Bullis Road over Buffalo Creek, PIN 5760.54, (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, depending upon the Federal Aid Funding Program; and

WHEREAS, the County of Erie desires to advance the Construction phase of the Projects by making a commitment for the Federal and Non-Federal share of the costs of the project; and

WHEREAS, in order to facilitate the Construction and Construction Inspection Phases for the Project, it will be necessary for the County to execute an Agreement with New York State Department of Transportation in the total amount of \$675,000 of which \$33,750 is the required local share, for the construction and construction inspection phase of the Project; and

WHEREAS, the Department of Public Works would like to successfully implement the Project in a timely manner, it will be necessary for the County to execute the construction contract with the responsible low bidder, enter an into a construction phase engineering services agreement with CHA Consultants, and establish a construction contingency in an amount not to exceed \$675,000.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the above subject 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 shares of the cost of Construction and Construction Inspection Phases of the Project or portions thereof; and be it further

RESOLVED, that the Project Fund B.13002, 2013 Bridge Enhancement Programs, fund center 123, fund 420, be increased by the anticipated Federal and New York State revenue in the amount of \$641,250 as follows:

REVENUES		CURRENT	INCREASE/	REVISED
Account	Description	BUDGET	DECREASE	BUDGET
405160	NYS Marchiselli	\$ 147,750	\$ 101,250	\$ 249,000.00
414000	Federal Aid	\$ 980,000	\$ 540,000	\$1,520,000.00
445070	Prem on Obligation	\$54,162.12	\$ 0	\$ 54,162.12
475000	Gen Oblig Bond Proc	<u>\$345,837.88</u>	<u>\$ 0</u>	<u>\$ 345,837.88</u>
TOTAL REVENUES		<u>\$1,527,750</u>	<u>\$ 641,250</u>	<u>\$2,169,000.00</u>
APPROPRIATIONS				
Capital Projects	Capital Project Exp	<u>\$1,527,750</u>	<u>\$ 641,250</u>	<u>\$2,169,000</u>
TOTAL APPROPRIATIONS		<u>\$1,527,750</u>	<u>\$ 641,250</u>	<u>\$2,169,000</u>

; and be it further

RESOLVED, that the estimated total sum of the construction and construction inspection Phase of the Project, \$675,000, is hereby appropriated from B.13002 – 2013 Bridge Enhancement Programs and made available to cover the cost of participation in the Construction and Construction Inspection phase of the Project; and be it further

RESOLVED, the County Executive is hereby authorized to execute the construction contract with the responsible low bidder, enter an into a construction phase engineering services agreement with CHA Consultants, and establish a construction contingency in an amount not to exceed \$675,000; 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 and construction inspection phases exceeds the amount appropriated, \$675,000 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 on behalf of the County of Erie, with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal aid and State aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, that the Clerk of the Legislature forward six (6) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the New York State Department of Transportation; and be it further

RESOLVED, that the Clerk of the Legislature forward one (1) 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 TBD, low bidder  
CHA Consultants  
Contingency
2. AMOUNT OF CONTRACT \$675,000.00 (not to exceed)
3. PROJECT NUMBER B.13002
4. PROJECT TITLE 2013 Bridge Enhancements
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 \$406,114.12 plus ~~\$~~ \$641,250.00 in  
state + federal aid
  7. PERFORMED BY Don Wilson
- Date Sent to Comptroller's Office: August 28, 2015

[55 compt\_10]



Department of  
Transportation

ANDREW M. CUOMO  
Governor

JOAN McDONALD  
Commissioner

DARRELL F. KAMINSKI, P.E.  
Regional Director

May 5, 2015

Mr. John Loffredo, P. E., Commissioner  
Erie County Dept. of Public Works  
95 Franklin St., Room 1430, Rath Bldg.  
Buffalo, New York 14202

Re: **Federal Aid Local Project Agreement**  
✓ **PIN 5760.54, BIN 3327260 – ECDPW 5<sup>th</sup> Bridge Painting Project**  
**Bullis Road over Buffalo Creek**  
**Town of Elma, Erie County**

Dear Mr. Loffredo:

The New York State Department of Transportation (NYSDOT) requests for the County of Erie to enter into a Federal Aid Local Project Agreement which details the commitment of both agencies to participate in the administration and funding of the various phases of this project.

Please obtain a Resolution authorizing the Responsible Local Official to sign the enclosed Federal Aid Local Project Agreement with NYSDOT for a total of \$675,000. This amount is both the Federal and Non-Federal share of the cost for the subject project's Construction/Construction Inspection phase. The County of Erie must commit to pay in the first instance, 100% of the Federal and Non-Federal shares of the cost of this project phase which currently equals \$675,00. The NYSDOT will reimburse the County of Erie as the project is progressed, the Federal share of the cost of this project's Construction/Construction Inspection phase. A copy of a sample Resolution has been enclosed.

Please return six (6) certified copies of the County's Resolution along with six (6) original and notarized one-sided copies of the enclosed Federal Aid Local Project Agreement to the regional NYSDOT office located at **100 Seneca Street, Buffalo, New York 14203**. Your Approved Signatory is required to sign each copy of the Federal Aid Project Agreement. Page 8 of the enclosed Federal Aid Project Agreement includes the following information; Name, Title, Mailing Address, Telephone Number, Facsimile Number, and Direct E-Mail Address of the Responsible Local Official with the authority to execute the enclosed Agreement with the NYSDOT. Please check this information and make any appropriate additions or corrections.

If the County has any questions regarding the enclosed Federal Aid Project Agreement and/or the agreement process, please contact Paul A. Kozlowski at 716-847-3233. Questions regarding the implementation of the project should be directed to Christopher Renn, P. E., Regional Local Project Liaison, at 716-847-2289.

Sincerely,

Joseph D. Buffamonte  
Supervisor, Program Management Unit

JDB/PAK/ik  
Encls.

**SCHEDULE A – Description of Project Phase, Funding and Deposit Requirements  
 NYSDOT/ State-Local Agreement - Schedule A for PIN 5760.54**

**OSC Municipal Contract #:** D034985      **Contract Start Date:** 1/1/2015 (mm/dd/yyyy)      **Contract End Date:** 12/31/2017 (mm/dd/yyyy)  
 Check, if date changed from the last Schedule A

**Purpose:**       Original Standard Agreement       Supplemental Schedule A No.

**Agreement Type:**       Locally Administered      Municipality/Sponsor (Contract Payee): County of Erie  
 Other Municipality/Sponsor (if applicable):

State Administered      List participating Municipality(ies) and the % of cost share for each and indicate by checkbox which Municipality this Schedule A applies.  
 Municipality: \_\_\_\_\_ % of Cost share  
 Municipality: \_\_\_\_\_ % of Cost share  
 Municipality: \_\_\_\_\_ % of Cost share

**Authorized Project Phase(s) to which this Schedule applies:**       PE/Design       ROW Incidentals  
 ROW Acquisition       Construction/CI/CS

**Work Type:** BR PAINTING      **County (if different from Municipality):** N/A

**Marchiselli Eligible**  Yes  No      (Check, if Project Description has changed from last Schedule A):   
**Project Description:** ECDPW 5TH Bridge Painting Project, BIN 3327260: Bulls Road over Buffalo Creek, Town of Elma, Erie County

**Marchiselli Allocations Approved FOR ALL PHASES** To compute Total Costs in the last row and column, right click in each field and select "Update Field."

Check box to indicate change from last Schedule A	State Fiscal Year(s)	Project Phase			TOTAL
		PE/Design	ROW (RI & RA)	Construction/CI/CS	
<input type="checkbox"/>	Cumulative total for all prior SFYs	\$	\$	\$	\$ 0.00
<input checked="" type="checkbox"/>	Current SFY <u>15/16</u>	\$0.00	\$0.00	\$101,250.00	\$101,250.00
Authorized Allocations to Date		\$ 0.00	\$ 0.00	\$101,250.00	\$101,250.00

**A. Summary of allocated MARCHISELLI Program Costs FOR ALL PHASES** For each PIN Fiscal Share below, show current costs on the rows indicated as "Current". Show the old costs from the previous Schedule A on the row indicated as "Old." To compute Total Current Costs in the last row, right click in each field and select "Update Field."

PIN Fiscal Share	"Current" or "Old" entry indicator	Federal Funding Program	Total Costs	FEDERAL Participating Share and Percentage	STATE MARCHISELLI Match	LOCAL Matching Share	LOCAL DEPOSIT AMOUNT (Required only if State Administered)
5760.54.321	Current	STP (80%)	\$675,000.00	\$540,000.00	\$101,250.00	\$33,750.00	\$0.00
	Old		\$	\$	\$	\$	\$
.	Current		\$	\$	\$	\$	\$
	Old		\$	\$	\$	\$	\$
.	Current		\$	\$	\$	\$	\$
	Old		\$	\$	\$	\$	\$
.	Current		\$	\$	\$	\$	\$
	Old		\$	\$	\$	\$	\$
.	Current		\$	\$	\$	\$	\$
	Old		\$	\$	\$	\$	\$
<b>TOTAL CURRENT COSTS:</b>			\$675,000.00	\$540,000.00	\$101,250.00	\$33,750.00	\$ 0.00

NYS DOT/State-Local Agreement – Schedule A

**B. Summary of Other (including Non-allocated MARCHISELLI) Participating Costs FOR ALL PHASES** For each PIN Fiscal Share, show current costs on the rows indicated as "Current". Show the old costs from the previous Schedule A on the row indicated as "Old." To compute Total Current Costs in last row, right click in each field and select "Update Field."

Other PIN Fiscal Shares	'Current' or 'Old' entry indicator	Funding Source	TOTAL	Other FEDERAL	Other STATE	Other LOCAL
..	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
..	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
..	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
..	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
..	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
..	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
..	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
<b>TOTAL CURRENT COSTS:</b>			\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

<b>C. Total Local Deposit(s) Required for State Administered Projects:</b>	\$0.00
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<b>D. Total Project Costs</b> To compute Total Costs in the last column, right click in the field and select "Update Field."				
Total FEDERAL Cost	Total STATE MARCHISELLI Cost	Total Other STATE Cost	Total LOCAL Cost	Total Costs (all sources)
\$540,000.00	\$101,250.00	\$0.00	\$33,750.00	\$675,000.00

<b>E. Point of Contact for Questions Regarding this Schedule A (Must be completed)</b>	Name: <u>Paul A. Kozlowski</u> Phone No: <u>716-847-3233</u>
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See Agreement (or Supplemental Agreement Cover) for required contract signatures.

