



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

September 24, 2015

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

**RE: Federal-Aid Highway Local Project
NYSDOT Supplemental Agreement No. 1;
Bridge Replacement - Clarence Center Road Bridge over Gott Creek
Town of Clarence - County of Erie
NYS PIN 5757.28**

Dear Honorable Members:

The Department of Public Works, Division of Highways is requesting authorization for the County Executive to execute a supplemental agreement with the New York State Department of Transportation for continued participation in the above federal aid project.

Should your Honorable Body require further information, I encourage you to contact the Department of Public Works, Office of the Commissioner. Thank you for your consideration on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:br/dab

cc: John Loffredo, Commissioner DPW

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works
Re: Federal-Aid Highway Local Project
NYSDOT Supplemental Agreement No. 1;
Bridge Replacement- Clarence Center Road Bridge over Gott Creek
Town of Clarence - County of Erie
NYS PIN 5757.28
Date: September 24, 2015

SUMMARY

This resolution is seeking authorization for the County Executive to execute a supplemental agreement with the New York State Department of Transportation for continued participation in the above federal aid project

FISCAL IMPLICATIONS

The supplemental agreement with NYSDOT provides funding for the construction phase of the above project. Costs are split 80% Federal, 14.96% State and 5.04% County. The County must in the first instance pay 100% of project costs and then apply to NYSDOT for reimbursement for the Federal and State share.

The cost of the Construction phase of the project is estimated at \$752,000.00. The local share required is \$37,900.00. This amount with the addition of federal and state revenue is available from Fund 420, BA123, SAP Project B.14007, 2014 Clarence Center Bridge 5757.28 Construction.

REASONS FOR RECOMMENDATION

The supplemental agreement with NYSDOT provides funding for the construction phase of the project and allows the project to go forward.

BACKGROUND INFORMATION

The supplemental agreement with NYSDOT brings the funding in the County's contract with NYSDOT in line with actual and projected costs for the construction phase and allows execution of agreements with Hatch Mott MacDonald (Consultant) and Yarussi Construction, Inc. (Contractor), the low bidder.

CONSEQUENCES OF NEGATIVE ACTION

The project will not go forward and the opportunity to replace a seriously deteriorated bridge in the Town of Clarence will be lost.

STEPS FOLLOWING APPROVAL

The supplemental agreement with NYSDOT will be executed by the County and returned to NYSDOT for full execution.

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 appropriations for the action proposed.



GREGORY GACH
Deputy Comptroller
Comptroller's Office

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

Re: Federal-Aid Highway Local Project
NYSDOT Supplemental Agreement No. 1;
Bridge Replacement - Clarence Center Road Bridge over Gott Creek
Town of Clarence - County of Erie
NYS PIN 5757.28

WHEREAS, the Clarence Center Bridge Replacement Project PIN 5757.28 ("Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the appointment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, the State of New York has made available Marchiselli funding in the amount of 14.96% of the projected costs of the Project, leaving a Local share of 5.04% of the projected project costs; and

WHEREAS, the County of Erie previously advanced the Project by making a commitment of 100% of the Non-Federal share of the costs of the Design via Legislative Communication 19E-11 of November 21, 2013; and

WHEREAS, the County of Erie would like to advance the Project's Supplemental Agreement with New York State Department of Transportation which provides funding for the Construction phase of the Project, by making a commitment of 100% of the Local share of the costs; and

WHEREAS, the NYSDOT supplemental agreement is in the total amount of \$977,000.00 an increase of \$752,000.00 over the County's existing Project agreement with NYSDOT; and

WHEREAS, the County is required to pay the estimated Local share for the increase in Project costs in the amount of \$37,900.00 which is available from the SAP project hereinafter noted.

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, State and Local shares of the cost of Construction phase of the Project or portions thereof; and be it further

RESOLVED, that the Project budget Fund 420, BA123, B.14007, 2014 Clarence Center Road Bridge 5757.28 Construction be adjusted to reflect the anticipated federal and state revenue for the construction phase as follows:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
414000	Federal Aid	\$480,000	\$121,600	\$601,600
405160	Marchiselli Fund	0	\$112,500	\$112,500
445070	Prem On Obligations	\$16,041.09	0	\$16,041.09
475000	Gen Oblig Bond Proc	<u>\$103,958.91</u>	0	<u>\$103,958.91</u>
TOTAL REVENUES		<u>\$600,000.</u>	<u>\$234,100</u>	<u>\$834,100.</u>

APPROPRIATIONS

516020	Pro Ser Cntr & Fees			
Capital Projects	Capital Project Exp	\$120,000.	\$632,000	\$752,000
Unallocated	Unallocated Capital	<u>\$480,000.</u>	<u>(\$397,900)</u>	<u>\$82,100</u>
TOTAL APPROPRIATIONS		<u>\$600,000.</u>	<u>\$234,100</u>	<u>\$834,100.</u>

; and be it further

RESOLVED, that the estimated total cost increase of the Construction Phase of the Project, \$752,000.00, is hereby appropriated from Fund 420, BA123 SAP Projects B.14007, 2014 Clarence Center Road Bridge 5757.28 Construction, and made available to cover the cost of participation in the above 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, State and Local shares of the cost of the Project's Phase as described above exceed the amounts noted the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount; 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 County's first instance funding of Project costs and permanent funding of the local share of Federal-Aid and Marchiselli 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 six (6) certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Office of the County Attorney, 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 | <u>NYS Department of Transportation</u> |
| 2. AMOUNT OF CONTRACT | <u>Total Contract = \$977,000.00
Increase over existing Contract = \$752,000.00
(REQUIRED LOCAL SHARE= \$37,900.00)</u> |
| 3. PROJECT NUMBER | <u>B.14007</u> |
| 4. PROJECT TITLE | <u>Bridge Replacement of Clarence Center Road
Bridge over Gott Creek</u> |
| 5. DEPARTMENT CONTACT | <u>Funding questions: Charles A. Sickler, PE at 8372
Letter pickup: Diane Bukowski at 8301</u> |

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

- | | |
|------------------------------------|---|
| 6. AVAILABILITY OF FUNDS | <u>\$ 599,957.25 plus \$234,100.00 piggy back funds</u> |
| 7. PERFORMED BY | <u>Don Urban</u> |
| Date Sent to Comptroller's Office: | <u>September 10, 2015</u> |

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