



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

January 21, 2015

Erie County Legislature  
92 Franklin Street, 4<sup>th</sup> Floor  
Buffalo, New York 14202

**RE: Erie Community College – Science, Technology, Engineering and Math (STEM) Building – A/E Agreement**

Dear Honorable Members:

This resolution is requesting authorization to enter into an agreement with Kideney Architects for the Erie Community College – Science, Technology, Engineering and Math (STEM) Building project.

This resolution supplements a letter previously submitted by the Department of Environment and Planning, currently an open item in the Community Enrichment Committee (1E-12 (2015)), for which a copy is attached.

Kideney Architects and their sub-consultants shall provide architecture and engineering services for design and construction administration of 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. A portion of the project will be reimbursed by New York State and Erie Community College.

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  
Enclosures

cc: John C. Loffredo, Commissioner

## **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 – A/E Agreement  
**Date:** January 21, 2015

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### **SUMMARY**

This resolution is requesting authorization to enter into an agreement with the architectural firm of Kideney Architects for the Erie Community College – Science, Technology, Engineering and Math (STEM) Building project.

Kideney Architects and their sub-consultants shall provide architecture and engineering services for design and construction administration of 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. A portion of the project will be reimbursed by New York State and partially funded by Erie Community College.

### **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

This project is 50% reimbursed by New York State and 25% funded by Erie Community College.

### **REASONS FOR RECOMMENDATION**

The project is necessary to assist Erie County 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 County 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.

## **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 pay chargebacks costs to other counties where Erie County residents attend college.

## **STEPS FOLLOWING APPROVAL**

Upon Legislative approval, the County Executive will enter into an Agreement with the architectural firm of Kideney Architects 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.



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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 – A/E Agreement**

WHEREAS, Erie Community College's existing buildings, are worn and outdated, and the spaces are not scalable to accommodate new technology and pedagogies; and

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

WHEREAS, this new flagship 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 partially funded by Erie Community College; and

WHEREAS, Erie County has solicited proposals from qualified architecture and engineering firms for the design of the Erie Community College – Science, Technology, Engineering and Math (STEM) Building project; and

WHEREAS, Erie County has conducted a proposal review, firm selection and contract negotiation process for the design of the Erie Community College – Science, Technology, Engineering and Math (STEM) Building project; and

WHEREAS, Kideney Architects and their sub consultants shall provide architecture and engineering services for design and construction administration services of 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; and

WHEREAS, the County Executive is requesting authorization from the Legislature to enter into an Agreement with Kideney Architects to provide design and construction administration services for the Erie Community College – Science, Technology, Engineering and Math (STEM) Building project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an Agreement with Kideney Architects to provide professional architecture and engineering services for the Erie Community College – Science, Technology, Engineering and Math (STEM) Building project, for a basic fee of \$1,726,800.00, plus \$36,600.00 of reimbursables, and a project design contingency of \$136,600.00 for a total not to exceed \$1,900,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for the above from SAP project account:

<u>E.12002</u>	<u>2012 ECC – New Academic Building</u>	<u>\$1,900,000.00</u>
Total Payments Not To Exceed:		\$1,900,000.00

;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

REQUESTING DEPARTMENT

COMPLETE ITEMS 1 THROUGH 5

- |                       |  |
|-----------------------|--|
| 1. CONTRACTOR'S NAME  | Kideney Architects basic fee \$1,726,800.00<br>Kideney Architects reimbursables \$ 36,600.00<br>Project Design Contingency \$ 136,600.00 |
| 2. AMOUNT OF CONTRACT | Not to exceed \$1,900,000.00   |
| 3. PROJECT NUMBER     | E.12002 2012 – ECC New Academic Building   |
| 4. PROJECT TITLE      | Erie Community College – Science, Technology,<br>Engineering and Math (STEM) Building  |
| 5. DEPARTMENT CONTACT | Funding questions: Jeffrey P. Zack, PE at x8824<br>Letter pickup: Diane Bukowski at x8301  |

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

- |                                    |                     |
|------------------------------------|---------------------|
| 6. AVAILABILITY OF FUNDS           | \$ 2,975,323.26     |
| 7. PERFORMED BY                    | <i>Frank Wilson</i> |
| Date Sent to Comptroller's Office: | January 21, 2015    |

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ECC STE Building  
 Consultant Selection Committee  
 11/3/14

Ranking*	Consultant	Pricing	Swanekamp	Hearn	Abate	Bierl	Holmes	Average Score
1	Kidney Architects, / JMZ Architects	\$ 1,975,011	86	84	82	72	95	83.8
2	Cannon Design	\$ 2,081,592	72	80	82	79	92	81
3	Holt Architects	\$ 1,889,800	82	81	73	76	83	79
4	Stantec	\$ 2,027,596	84	66	84	77	81	78.4
5	Architectural Resources/ Perkins Eastman	\$ 1,875,000	79	74	77	77	79	77.2
6	Perkins + Will/ Flynn Battaglia	\$ 1,927,220	79	75	82	74	72	76.4
7	URS Corp.	\$ 1,610,000	69	75	74	73	88	75.8
8	Stieglitz Snyder	\$ 1,777,488	75	75	71	79	72	74.4
9	El Team, Inc.	\$ 1,354,380	57	71	76	75	76	71
10	Wendel	\$ 1,590,000	70	71	58	70	69	67.6
11	Trautman	\$ 1,610,000	53	72	75	73	64	67.4
12	Chiang O'Brien	\$ 1,654,326	68	57	58	63	89	67

*	- Ranking is based on scoring, not pricing
	- Interview
	Selected Firm

*Richard Tobe 1/20/15*

Approved by Deputy County Executive Richard Tobe

**Consultant Selection Process  
ECC Building  
October 23, 2014, 2:30 pm  
Rath Building, Room 1012  
Meeting #1**

**Meeting Minutes**

**Attendees:** Kenneth Swanekamp, DEP, James Hearn, DPW, Ralph Abate, DPW choice, Ed Holmes, ECC;  
**Absent:** Jim Bierl, ECC  
**Staff:** Mark Rountree, DEP

1. Committee membership

Committee consists of the following Kenneth Swanekamp, DEP, James Hearn, DPW, Ralph Abate, DPW choice, Ed Holmes, ECC, Jim Bierl, ECC

2. Conflict of interest forms

Mr. Swanekamp confirmed that all of the conflict of interest forms have been received and that it does not appear that anyone on the selection committee has any relationship with the firms submitting proposals.

3. Confidentiality of process

Mr. Swanekamp stated that the importance of confidentiality throughout the consultant selection process. Committee members should not engage in any form of communication with prospective / bidding firms and there should not be any discussion about this process with former selection committee members.

4. Schedule

Mr. Swanekamp stated that he would like to have the consultant selection process wrapped up before Thanksgiving (11/27).

5. Scoring Criteria

There was a general discussion regarding the scoring criteria, in which it was agreed that pricing should be removed from the scoring criteria. Mr.

Hearn stated that once a couple firms were short listed, DPW would then enter into budget negotiations with the firm or firms.

There was a general discussion regarding items that are important in selecting a consultant. The following were mentioned:

- Understanding of the connections of the building to the rest of the campus
- Understanding of educational/ classroom design
- Prime and sub consultant organization and management structure.
- Accessibility of firm

Mr. Holmes stated that with pricing removed from the scoring criteria, we could encompass some of the important items (listed above) with the scoring of "Understanding of owner's program and intent" increased from 15 to 25 points. The selection committee agreed the scoring points of "understanding of owner's program and intent" should be increased to 25.

Mr. Swanekamp stated that he would revise the scoring criteria to reflect the above changes.

#### 6. Proposal distribution

Mr. Swanekamp distributed the proposals to the selection committee. Mr. Bierl's proposals were given to Mr. Holmes.

#### 7. Next steps

Mr. Swanekamp stated that he would distribute through e-mail the RFP, revised scoring criteria and also confirm the time and place of the next meeting on the Monday, November 3.

**Consultant Selection Committee**  
**ECC Building**  
**November 3, 2014, 10:00 am**  
**Rath Building, Room 1004**  
**Meeting # 2**

**Attendees:** Kenneth Swanekamp, DEP; James Hearn, DPW; Ralph Abate, DPW; Jim Bierl, ECC; Ed Holmes, ECC; Staff: Mark Rountree, DEP

**Meeting Minutes**

1. Goals for meeting

Mr. Swanekamp stated that the goals of this meeting are to review selection committee scoring, compile a short list of consultant firms from the highest average score and then reveal pricing proposals. The group will then select the top scoring firms for interviews.

2. Scoring and compiling

See attached grid for scoring.

Comments: Several members discussed the personnel changes that have occurred at Holt Architects, and whether the personnel that worked on the “similar projects” that they are claiming are still employed by Holt Architects. Many of the same projects were also claimed by Chiang O’Brien Architects, PPC. It was noted that the Trautman Associates Architects/ Engineers experience with ECC was primarily in HVAC engineering or small projects and it is questionable whether they have the experience to complete a project of this scope. One member stated that he liked Flynn Battaglia’s approach, suggesting alternative siting of the building.

Several members noted how difficult Flynn Battaglia has been to work with on projects, particularly on pricing issues. It was stated that having a good planning component is important part of this project. The consultant will need to understand how the building fits in with the campus, understand space utilization and the future ECC space needs. It was also noted that JMZ was good to work with and very accessible despite their Saratoga Springs office.

Mr. Hearn stated that the construction project manager will be selected for this project and that they will keep costs down on the project. Mr. Swanekamp and

Mr. Holmes discussed the importance of student interaction in common areas as an important element of any design.

3. Review of pricing

See attached grid for pricing.

4. Ranking

The top five firms as determined by the highest average score, excluding pricing were:

- 1) Kideney Architects / JMZ Architects,
- 2) Cannon Design,
- 3) Holt Architects,
- 4) Stantec,
- 5) Architectural Resources/ Perkins Eastman

5. Selection for interviews

The top three firms were selected for interviews include:

- 1) Kideney Architects / JMZ Architects,
- 2) Cannon Design,
- 3) Holt Architects

6. Target Schedule for interviews

The group discussed scheduling dates, the dates of November 7 and 10 received group consensus. Mr. Swanekamp stated that he would contact the three firms to schedule the interviews. The interviews will probably require a three hour commitment.

7. Collection of score sheets

Mr. Swanekamp collected all of the score sheets.

8. Other items

No other items were discussed.

**Consultant Selection Committee**  
**ECC Building**  
**November 10, 2014, 8:45 am**  
**Rath Building, Room 1004**  
**Meeting # 3**

**Attendees:** Kenneth Swanekamp, DEP; James Hearn, DPW; Ralph Abate, DPW; choice; Jim Bierl, ECC; Ed Holmes, ECC; Staff: Mark Rountree, DEP

**Meeting Minutes**

1. 8:45 Goals and process for meeting –

Mr. Swanekamp stated that we would be modifying the original agenda of the meeting. We will be postponing the consultant selection decision until next week to provide some time to reflect upon the decision and contact references.

2. 9:00 – 10:00 Cannon Design

The following were present Michael Mistriner, Keith Alf, Eric Jaffe, and Dan Warner from Cannon Design.

They presented a PowerPoint presentation which is available upon request

The following items were stressed during the presentation:

- Two phase project, highest amount of cost savings can occur in the beginning of the project
- the importance of energy benchmarking to verify whether the energy modeling is accurate
- Displaying the alternative energy/ energy saving systems in green kiosk in the lobby, the measurements and energy savings would be displayed. The green kiosk could be used as a learning tool.
- They will study the current classroom utilization to determine the number of the classrooms.
- Importance of creating areas where science students can collaborate and interact.
- Flexibility is important to create classrooms which can be used for other subjects, important to have furniture which can be moved around.

- Reestablishment of the quadrangle through the siting of the building
- Using BIN and its 3-D capabilities to visually show designs to stakeholders and avoid design surprises.

Questions:

Mr Hearn asked where the planning staff (Eric Jaffe) was based out of?

Answer: New York City

Mr Holmes asked if planning will drive the discussion?

Answer: Yes, we'll be heavy in the planning in the beginning engaging students and stakeholders to the level of comfort of ECC. We will also be sensitive to the ECC schedule through scheduling events during off peak times to engage professors. We will use internet / social media elements to engage the students.

Mr. Abate asked if the personnel now will be the personnel at the end of the project?

Answer: This team is the team you will have throughout the process.

Mr. Bierl asked how do you plan on bring in the faculty into a productive conversation about the building?

Answer: The first two meetings will be comprised of listening sessions to build trust. This will be followed by displaying what is occurring at benchmark universities; this tends to make the conversations more productive.

Mr. Swanekamp stated that as you may of heard there is lawsuit currently pending, we are unsure whether it actually has any legs to stand, can you accommodate a change in schedule?

Answer: Yes, we have the capacity to accommodate this circumstance.

3. 10:30 – 11:30 Kideney/JMZ

The following were present: Raymond Bednarski, Joseph Lenahan, Douglas Morlock and Dan Fox

They presented a PowerPoint presentation which is available upon request

The following items were stressed during the presentation:

- 12 ECC alumni on staff
- Kideney is on the ECC architectural program advisory board
- Importance of bring the architectural students into the design of this building as a learning experience.
- 19% MWBE, 21% WBE
- 3D modeling of the building is key in describing the project as it progresses to avoid surprises
- Kideney and JMZ have been discussing this project for four years
- Experience with County formats for bidding and submittals
- JMZ through the recent Space Utilization study is very familiar with ECC and its space needs
- Experience with LEED accredited buildings, they have created 36 LEED accredited buildings
- JMZ stated that they have a good understanding of STEM requirements and the need for transferability to 4 year colleges
- Importance of owners project requirements (O.P.R) in determining what the project looks like.
- Sustainability - importance in the performance of the building envelope
- Sustainability – using creative ways to save electricity such as brighter color paint to reduce the amount of lights.
- JMZ stated the importance of this project as being transformative, currently students bypass ECC because it feels too much like high school. This is the opportunity to change that image by providing a sense of place. The STEM building has the opportunity to become the signature building on the campus.
- Need for the “sticky point,” mechanisms to keep students on the campus

The following questions were asked:

Mr. Holmes stressed the importance of this building be flexible and meet a lot of ECC needs, can you speak to making the building flexible to future needs?

Answer: It is important to have a flexible design, we plan on utilizing the 3D design to really get into the design so there are no surprises.

Technology phasing will occur so that we will be purchasing the required technology at the end so it will not be functionally obsolete. We will include places to store equipment between the class rooms to enable class rooms to be used for varying purposes.

Mr. Swanekamp asked if there was money in their budget for the common spaces?

Answer: Yes, in being creative in creating nook areas, it does not have to cost much money. Quiet areas are also important.

Mr. Swanekamp asked if there was money in the budget for landscaping to improve the image of the campus?

Answer: We're sensitive to your budget, we can use plantings that have minimal maintenance and are affordable.

Mr. Abate commented that the example of reducing the lighting to save energy is somewhat contradictory towards the making the building flexible, we do not want a building that you will need to install new lighting to change a classroom use.

Answer: This information would show up during the OPR process, we will have cost estimates in a menu form so that the owner can pick and choose the features that they want.

Mr. Swanekamp stated that there is a need to balance the LEED requirements with having a simple to operate system.

Answer: I believe that the best system is one that is simple to maintain and operate.

Mr. Swanekamp stated that as you may have heard there is lawsuit currently pending, we are unsure whether it actually has any legs to stand, can you accommodate a change in schedule?

Answer: We really want this job, we will make it happen.

Mr. Hearn stated that we will have a construction manager, are you okay with this?

Answer: A second set of eyes on the pricing will be good at keeping costs down and on budget.

4. 12:00 – 1:00 Holt

The following were present: Steve Hugo, Quay Thompson, Andrew Gil, Thomas Hoard and Kimberly Michaels.

They presented a Prezi presentation which is available upon request

The following items were stressed during the presentation:

- Holt is a 50 year old company, which has mostly done regional work.
- They believe this building could solve some of the campus wide problems
- Will be utilizing BIM 3D to see the changes early on
- If there is a second phase, they would design the building in a certain way to allow for the seamless second phase connection to allow for efficiencies in the shared HVAC system and possible shared common space
- They displayed various designs of Phase 1 and 2

The following questions were asked:

Mr. Hearn stated that several of the projects that you listed under experience were also listed under Chiang O'Brien, can you explain that?

Answer: We recently had a principal leave the firm and start their own firm.

Mr. Hearn asked; what are your thoughts if we brought in a construction manager.

Answer: The second set of eyes could help in keeping us on budget. We had a construction manager on the Broome County CC STEM building and it worked well, we delivered that project under budget. It gives us more confidence on pricing.

Mr. Abate asked in your proposal you listed prices for value added consultants can you explain this?

Answer: There is an audio visual consultant to assist in the decision making on media types. This could be done in-house if the capabilities exist. The second value added consultant will assist in facilitating the discussion on LEED design, they work all over the world in this area and have the extensive knowledge on all of the technology.

Mr. Holmes stated that the assistance on the audio visual media types would be helpful.

Mr. Hearn asked about how many people are in Watts Engineers electrical department and do you have lab experience?

Answer: We have 17 -18 electrical professionals and we have worked on labs for the City of Buffalo and at the Educational Opportunity Center

Mr. Holmes asked what was Holt's role in the Broome County STEM building labs?

Answer: They designed the full building including the labs.

Mr. Swanekamp asked them to expand upon how they would make the classrooms flexible?

Answer: Some types of equipment are general and some are specialized. The general equipment should be located in areas with easy access to all classes such as between two classrooms. The specialized equipment would be located separately.

Mr. Swanekamp stated that as you may have heard, there is lawsuit currently pending, we are unsure whether it actually has any legs to stand, can you accommodate a change in schedule?

Answer: We can accommodate a delay in schedule; if there is multiple projects at one time we would hire new people to address whatever gaps.

5. Selection a firm will occur next Monday 11/17 at 9:00 am.

**Consultant Selection Committee**  
**ECC Building**  
**November 17, 2014, 9:00 am**  
**Rath Building, Room 1004**  
**Meeting # 4**

**Attendees:** Kenneth Swanekamp, DEP; James Hearn, DPW; Ralph Abate, DPW choice; Jim Bierl, ECC; Ed Holmes, ECC; Staff: Mark Rountree, DEP

**Meeting Minutes**

1. Report on reference checks  
Included as an attachment

2. Discussion

The group stated that the top three (Kideney, Cannon and Holt) would all produce a quality product. Several members stated that JMZ would be a great asset for this job, with the previous experience on the campus.

Mr. Abate stated that he really liked what they said about the “sticky points” or mechanisms or places which keep students at the campus longer. He also liked what JMZ said about this building being an important part of transforming the ECC image from “high school” to college.

Mr. Holmes stated that he was very pleased with the work that JMZ performed previously for ECC. The distance from Glenn Falls was not really an issue.

3. Vote on first and second choice

<b>Firm/ Rank</b>	<b>1</b>	<b>2</b>	<b>3</b>
Cannon	0	5	0
Kideney	5	0	0
Holt	0	0	5

4. Move to Dept. of Public Works, 14<sup>th</sup> floor, meet with Commissioner Loffredo to discuss price negotiations process

The review committee was joined by John Loffredo, Jeff Zack and Elizabeth Godin

Mr. Loffredo asked each reviewer to share who they thought was the best firm and to state their reasons for the choice. Each reviewer stated Kideney/ JMZ.

Mr. Swanekamp stated that having JMZ on the job would be a asset.

Mr. Hearn stated that all of the firms were good, references all came back good. Kideney seemed a little better than the other firms because of JMZ.

Mr. Holmes stated that he asked each firm how they would lead the faculty during the process. He stated that he liked JMZ approach the best.

Mr. Bierl agreed with what Mr. Holmes stated and was very impressed with the glowing reviews of JMZ.

Mr. Abate stated that Kideney/ JMZ team have recent experience on the campus. Also liked what they said about the importance of this building in transforming the image of the campus from “high school” to college and the importance of “sticky points” or spaces which encourage the students to stay on campus.

Mr. Loffredo accepted the group’s decision of Kideney and thanked the reviewers group for their assistance.

5. Schedule for negotiating meeting and recommendation to Deputy County Executive

Mr. Loffredo explained that he had a price in mind on this project and that he would work with Kideney to agree upon a mutually agreed upon price. If an agreement is not reached then they would begin negotiations with Cannon.

We would like to get this to the Legislature before Christmas, so it would need to be submitted by the County Executive to the Legislature by the end of November.

Mr. Abate and Mr. Hearn both stated that the price submitted by all of the firms was with 10% of each other.