

SUSPENSION



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

March 20, 2015

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

**Re: Tonawanda Rails to Trails Federal Aid Local Project  
Award of Construction Contract to Northeast Diversification, Inc.  
Contract with C&S Companies for Design, ROW and Construction Services;  
Tonawanda Rails to Trails, PIN 5756.84  
Town & City of Tonawanda, County of Erie**

Dear Honorable Members:

The Department of Public Works, Division of Highways is requesting authorization for the County Executive to award a construction contract to Northeast Diversification, Inc., and to execute a contract with C&S Companies for design, right of way, and construction services for the Tonawanda Rails to Trails 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 Poloncarz", with a long horizontal flourish extending to the right.

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP/ec/dab

# SUSPENSION

## MEMORANDUM

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Public Works  
**Re:** Tonawanda Rails to Trails Federal Aid Local Project  
Award of Construction Contract to Northeast Diversification, Inc.  
Contract with C&S Companies for Design, ROW and Construction Services;  
Tonawanda Rails to Trails, PIN 5756.84  
Town & City of Tonawanda, County of Erie  
**Date:** March 20, 2015

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### **SUMMARY**

This resolution is seeking authorization for the County Executive to award a construction contract to Northeast Diversification, Inc., the low bidder and to execute an agreement with C&S Companies for design, right of way, and construction services for the Tonawanda Rails to Trails project.

### **FISCAL IMPLICATIONS**

Funds are available for the construction contract totaling \$2,249,823.31 from Fund 420, BA 123, SAP project B.14009, 2014 Tonawanda Rails To Trails 5756.84 Construction in the amount of \$2,250,000.00.

For the design, ROW and construction services contract totaling \$506,827.00, funds are available from Fund 420, BA 123, SAP projects as follows: B.00126.1, 2004 Trail Projects: Seneca and Tonawanda (\$28,827.00); B.13016.17, 2013 Capital (PAYGO) Road Program (\$338,000.00); B.13011, 2013 Tonawanda Rails to Trail (\$115,000.); and B.14006, 2014 Tonawanda Rails to Trails (\$25,000.00).

For the Project Contingency in the amount of \$16,000, funding is available from Fund 420, BA123, SAP Project B.13016.17, Capital (PAYGO) Road Program.

### **REASONS FOR RECOMMENDATION**

In order to start construction in 2015, legislative approval is needed for the contracts.

### **BACKGROUND INFORMATION**

The project was bid December 11, 2014. The low bidder was Northeast Diversification, Inc. C&S Companies is providing design, ROW and construction phase services for the project.

### **CONSEQUENCES OF NEGATIVE ACTION**

The project will not go forward and the opportunity to construct a 4 mile long trail segment along the old railroad ROW running from Kenmore Avenue in the Town of Tonawanda to State Street in the City of Tonawanda will be lost.

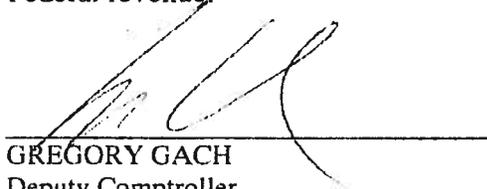
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## STEPS FOLLOWING APPROVAL

A contract for construction of the project will be executed with Northeast Diversification, Inc. and a contract with C&S Companies will be executed for the services noted.

## 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 will be sufficient appropriations for the action proposed pending the adoption of the authorization to enter into a Supplemental Agreement with the New York State Department of Transportation which includes the addition of anticipated Federal revenue.



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GREGORY GACH  
Deputy Comptroller  
Comptroller's Office

# SUSPENSION

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

Re: Tonawanda Rails to Trails Federal Aid Local Project  
Award of Construction Contract to Northeast Diversification, Inc.  
Contract with C&S Companies for Design, ROW and Construction Services;  
Tonawanda Rails to Trails, PIN 5756.84  
Town & City of Tonawanda, County of Erie

WHEREAS, the County of Erie desires to initiate the construction phase of the Tonawanda Rails to Trails 5756.84 Project ("Project"); and

WHEREAS, execution of a supplemental agreement with NYSDOT for the work described herein is pending approval of the authorizing resolution; and

WHEREAS, the project was bid on December 11, 2014 and the low bidder was Northeast Diversification, Inc. with a bid of \$2,249,823.31 and it is necessary to award a contract for the construction of the project to Northeast Diversification Inc.; and

WHEREAS, it is desired to execute a contract with project engineers, C&S Companies for Design, ROW and Construction Phase Services for the Project in the amount of \$506,827.00; and

WHEREAS, it is desired to establish a project contingency in the amount of \$16,000.00 for unanticipated costs or change orders.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the Tonawanda Rails to Trails Federal Aid Local Project; and be it further

RESOLVED, that the County Executive, pending approval and execution of the supplemental agreement with the New York State Department of Transportation, be authorized to award and execute contracts for the Project with responsible low bidder, Northeast Diversification in the amount of \$2,249,823.31 which is hereby appropriated from Fund 420, BA123, SAP B.14009, 2014 Tonawanda Rails to Trails in the amount of \$2,250,000.00; and made available to cover the cost of construction of the Project; and be it further

RESOLVED, that the County Executive, pending approval and execution of the supplemental agreement with NYSDOT, be authorized to execute a contract with C&S Engineers, Inc. for engineering Design, Right of Way, Construction, and Construction Inspection for the Project, in the amount of \$506,827.00 which is hereby appropriated from Fund 420, BA 123, SAP projects: B.00126.1, 2004 Trail Projects: Seneca and Tonawanda (\$28,827.00); B.13016.17, 2013 Capital (PAYGO) Road Program (\$338,000.00); B.13011, 2013 Tonawanda Rails to Trail (\$115,000.); and B.14006, 2014 Tonawanda Rails to Trails (\$25,000.00) and made available to cover the cost of said services; and be it further

RESOLVED, that the County Executive, pending approval and execution of the supplemental agreement with NYSDOT, be authorized to execute contingency agreements and change orders for the Project in the amount of \$16,000.00 which is hereby appropriated from

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Fund 420, BA123, SAP B.13016.17, 2013 Capital (PAYGO) Road Program; and made available to cover the cost of construction of the Project; and be it further

RESOLVED, that three (3) 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.

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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

Northeast Diversification, Inc.  
C&S Companies

2. AMOUNT OF CONTRACT

See below

Northeast Diversification = \$2,249,823.31 from  
B.14009=\$2,250,000.00

3. PROJECT NUMBER

C&S Companies = \$506,827.00  
B.00126.1=\$28,827.00;  
B.13016.17.221= \$22,000.00  
B.13016.17.321.1 = \$316,000.00;  
B.13011=\$115,000.00;  
B.14006=\$25,000.00

Contingency = \$16,000.00 B.13016.17.321.3

4. PROJECT TITLE

Tonawanda Rails to Trails

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

B.14009 \$ 2,250,000.00  
B.00126 \$ 111,562.88  
B.13016 \$ 757,074.82

7. PERFORMED BY

B.13011 \$ 147,800.00  
B.14006 \$ 50,000.00

Date Sent to Comptroller's Office:

*D. Wilson*  
March 9, 2015

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