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# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

April 10, 2015

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

Re: Environmental Compliance - Phase 5 – A/E Fees

Honorable Members:

This resolution is seeking your Honorable Body's authorization for the County to enter into a Contract Amendment with the firm of Wendel Companies Architects & Engineers, for the Environmental Compliance - Phase 5 project.

If you have any questions, please contact Commissioner John C. Loffredo of the Department of Public Works. Thank you for your consideration on this matter.

Sincerely yours,

A handwritten signature in black ink that reads "Mark Poloncarz". The signature is written in a cursive style.

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP/dab

cc: John C. Loffredo, Department of Public Works

## **MEMORANDUM**

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Public Works  
**Re:** Environmental Compliance Phase 5 – A/E Fees  
**Date:** April 10, 2015

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### **SUMMARY**

This resolution is seeking your Honorable Body's authorization for the County Executive to enter into a Contract Amendment for engineering services with Wendel Companies, Architects/Engineers.

### **FISCAL IMPLICATIONS**

Funds for this contract are available from SAP project account - A.13007- 2013- EPA Environmental Compliance.

### **REASONS FOR RECOMMENDATION**

This project is at the 5th Phase of the Department of Public Work's (DPW) effort to bring County facilities into compliance with the latest US Environmental Protection Agency (EPA) and the New York State Department of Environmental Conservation (DEC) regulations.

### **BACKGROUND INFORMATION**

When this Administration took office in January 2012, it was discovered that County facilities had been cited for being in violation of various regulations by the EPA. DPW immediately initiated Phase 1 of this project to correct said deficiencies.

Phase 2 of this project was a continuation of our efforts and included correction of additional "potential" violations and installation of a series of above ground fuel tanks.

Phase 3 will include additional above ground fuel tank designs, oil & water separator designs, environmental compliance audits, personnel training, record reviews, and a Universal Waste Plan review.

Phase 4 will include an ongoing effort to correct oil and water separator deficiencies, environmental compliance audit, personnel training, record reviews and design of replacement salt storage structures to replace the old wooden structures that were built in the mid 1980's.

Phase 5 will include a continuing effort of Phase 4 to correct oil and water separator deficiencies, environmental compliance audits, personnel training, record reviews and design of replacement salt storage structures.

### **CONSEQUENCES OF NEGATIVE ACTION**

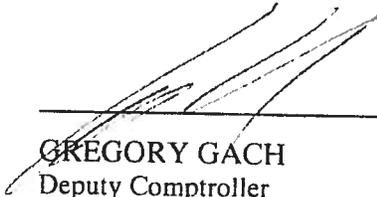
EPA and DEC regulations will not be complied with and additional fines would likely be issued.

**STEPS FOLLOWING APPROVAL**

The County Executive will enter in to a Contract Amendment with Wendel Companies, Architects/ Engineers for Phase 5 of the Environmental Compliance Project.

**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: Environmental Compliance - Phase 5 – A/E Fees**

WHEREAS, this Honorable Body has previously authorized the County Executive to enter into Agreements for Phases 1, 2, 3 and 4 of the Environmental Compliance Project with Wendel Companies, Architects/Engineers; and

WHEREAS, an additional Phase 5 is now required to provide, but not limited to, oil & water separator designs, environmental compliance audits, personnel training, record keeping reviews, and a design of new salt storage structures; and

WHEREAS, the County Executive is now requesting authorization from this Honorable Body, to issue an Agreement Amendment to Wendel Companies, Architects/Engineers, for Phase 5 of the Environmental Compliance Project; and

WHEREAS, it is also probable that additional environmental code deficiencies will be identified during the course of the work; and

WHEREAS, an additional design contingency amount should be authorized to fund change orders for this unforeseen design and compliance work in an amount not to exceed \$50,000.00.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an Agreement Amendment with Wendel Companies, Architects/Engineers, including a design contingency and reimbursables for Phase 5 of the Environmental Compliance Project for an amount not to exceed \$110,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project account A.13007 – 2013 – EPA Environmental Compliance Regulations Compliance, for an amount not to exceed \$110,000.00; 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 County Comptroller; the County Attorney; and the Director of the Division of Budget and Management.

TO: LORNE STEINHART, 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 Wendel Companies
2. AMOUNT OF CONTRACT  
Wendel Companies \$60,000.00  
Design Contingency Fund \$50,000.00
3. PROJECT NUMBER A.13007
4. PROJECT TITLE Environmental Compliance -- Phase 5 - A/E Fees
5. DEPARTMENT CONTACT  
Funding questions: Jeffrey P. Zack #8824  
Letter pickup: Diane Bukowski at 8301

COMPTROLLER'S OFFICE

6. AVAILABILITY OF FUNDS \$ 713,037.19
7. PERFORMED BY Don Wilson
8. SENT TO COMPTROLLERS OFFICE March 30, 2015

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