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# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

April 11, 2015

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

**RE: Stadium Lease Renovation Work – Capital Maintenance Work Reimbursement**

Dear Honorable Members:

As you know, in conjunction with the State and the Buffalo Bills, the County recently conducted a major \$130 million capital program at Ralph Wilson Stadium. During the performance of stadium lease renovation work, conditions were discovered which required maintenance work to be performed, in conjunction with the renovation work. Consequently, your Honorable Body approved an administration request to conduct the subject maintenance work.

However, additional work was necessary to complete all of the maintenance work. The stadium Lease Construction Management Group (LCMG), which oversees both stadium renovation and maintenance work, is requesting legislative approval to reimburse the Renovation Project/Buffalo Bills for the additional maintenance work performed in an amount not to exceed \$1,255,000.

Should your Honorable Body require further information, please contact Commissioner John C. Loffredo of the Department of Public Works. Thank you for your consideration with this matter.

Sincerely,

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP/dab

cc: John C. Loffredo, Department of Public Works

## MEMORANDUM

**To:** Erie County Legislature  
**From:** Department of Public Works/Office of the Commissioner  
**Re:** Stadium Lease Renovation Work – Capital Maintenance Work Reimbursement  
**Date:** April 11, 2015

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### **SUMMARY**

The construction schedule for the stadium lease renovation work was extremely aggressive. This lease renovation work was overseen by the “Lease Construction Management Group” (LCMG). This group consists of representatives from the Buffalo Bills, New York State, and County which also oversees the stadium maintenance work.

During the completion of the remaining lease renovation work, conditions were discovered that required an additional amount of maintenance work be performed, in the amount of \$1,255,000.

The following is a general, but not a complete list of the types of maintenance work completed:

1. Hazardous material abatement
2. Concrete and Masonry repairs
3. Life Safety issues
4. Drainage and Waterproofing
5. Mechanical, Electrical and Plumbing repairs

In general, the low bid renovation contractors or consultants were already on the jobsite and were ready to immediately perform the necessary maintenance work. In other cases, the additional maintenance work was bid or proposals received.

The renovation project construction contracts are held by the Construction Manager (CM), LP Ciminelli, Inc., thru a Guaranteed Maximum Price contract (GMP) with the Buffalo Bills.

The LCMG has requested that the Department of Public Works expedite the approval of the final reimbursement to the Renovation Project/ Buffalo Bills for the final additional maintenance work in an additional amount not to exceed \$1,255,000.

### **FISCAL IMPLICATIONS**

The fund to be used to reimburse the Renovation Project/ Buffalo Bills for the additional maintenance work is available in SAP Project A.14001-2014 Rehabilitation of Ralph Wilson Stadium.

### **REASONS FOR RECOMMENDATION**

Legislative authorization is now necessary to reimburse the Renovation Project / Buffalo Bills for funds expended for the added maintenance work performed.

## **CONSEQUENCES OF NEGATIVE ACTION**

If this resolution is not approved, the renovation project/ Buffalo Bills, will not be reimbursed for the additional maintenance work.

## **STEPS FOLLOWING APPROVAL**

Upon approval of this resolution, the Department of Public Works will work with the Comptroller's office to have the Renovation Project / Buffalo Bills be reimbursed a total amount not to exceed \$1,255,000.

**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**

**RE: Stadium Lease Renovation Work – Capital Maintenance Work Reimbursement**

WHEREAS, the Legislature approved the Buffalo Bills/Erie County Stadium Lease which required Stadium Renovations in the amount of \$130,000,000, paid by funds from New York State, Erie County and the Buffalo Bills; and

WHEREAS, during the performance of this work, conditions were discovered that required additional work to be performed which falls under the classification of Annual Capital Maintenance work; and

WHEREAS, on September 26, 2013, through Comm.15E – 22 (2013), this Honorable Body previously approved and authorized initial maintenance work be funded in an amount not to exceed \$911,000; and

WHEREAS, additional maintenance work has been discovered and completed for an additional amount of \$1,255,000; and

WHEREAS, this additional maintenance work has not been reimbursed to the Renovation Project / Buffalo Bills who hold all Stadium renovation construction contracts.

NOW, THEREFORE, BE IT

RESOLVED, that the Comptroller is authorized to make payment to the Renovation Project / Buffalo Bills in the amount approved by the Lease Construction Management Group (LCMG) for an amount not to exceed \$1,255,000 from SAP Account A.14001 – 2014 – Rehabilitation of Ralph Wilson Stadium; and be it further

RESOLVED, that certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, Office of the County Executive, the Division of Budget and Management, the Office of the Comptroller and the Buffalo Bills.

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  
To be determined
2. AMOUNT OF CONTRACT  
Not to exceed \$1,255,000.00
3. PROJECT NUMBER  
A.14001
4. PROJECT TITLE  
Stadium Lease Renovation Work  
Capital Maintenance Work Reimbursement
5. DEPARTMENT CONTACT  
Funding questions: John Loffredo, P.E. (7555)  
Letter pickup: Diane Bukowski at 8301

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

6. AVAILABILITY OF FUNDS  
\$ 1,366,026.84
  7. PERFORMED BY  
Don Veljan
- Date Sent to Comptroller's Office: April 1, 2015

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