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COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

June 3, 2016

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

RE: Award of Construction and Construction Inspection for Replacement of Salt Road Bridges over Beeman Creek BR 560-2 (BIN 3326800) & BR 560-4 (BIN 3326810) PIN 5759.91 - Project No. FA560-2-4-16 Town of Clarence, County of Erie

Dear Honorable Members:

I am forwarding for your approval a proposed resolution authorizing the County to award a contract to the lowest responsible bidder, enter into a construction phase engineering agreement with Watts Architecture & Engineering, P.C., enter into various utility agreements, and establish a project contingency for the Replacement of Salt Road Bridges over Beeman Creek 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,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:br/dab

cc: John C. Loffredo, Department of Public Works

MEMORANDUM

TO: Honorable Members of the Erie County Legislature
FROM: Department of Public Works/Office of the Commissioner
RE: Award of Construction and Construction Inspection for Replacement of Salt Road Bridges over Beeman Creek BR 560-2 (BIN 3326800) & BR 560-4 (BIN 3326810) PIN 5759.91- Project No. FA560-2-4-16 Town of Clarence, County of Erie
DATE: June 3, 2016

SUMMARY

A federal aid project for replacement of the Salt Road Bridges over Beeman Creek BR 560-2 (BIN 3326800) and BR 560-4 (BIN 3326810) on Salt Road in the Town of Clarence, Erie County, PIN 5759.91 (the "Project") was authorized by your honorable body on November 21, 2013 via Communication 19E-10 (2013). Execution of a Supplemental Agreement with NYSDOT for the work described herein is pending approval of the authorizing resolution.

Authorization is being requested for pre-approval to award a construction contract to the lowest responsible bidder for the Project. Authorization is also being requested to amend the design contract for the project consultant, Watts Architecture & Engineering, P.C., to include construction phase engineering and inspection services, enter into utility agreements, and to establish a Project construction contingency.

Pre-approval for award of a construction contract is being requested to:

- Insure that BR 560-4 (BIN 3326810) is completed in the 2016 construction season to avoid maintenance of traffic/detour conflicts with work planned for 2017 on Goodrich Road in Clarence.
- Conduct as much work in the 2016 construction season as possible
- Ameliorate scheduling issues particular to the advancement of federal aid projects.
- Comply with NYSDOT letting schedules for the current federal fiscal year ending September 30th.

BR 560-4 must be completed during the 2016 construction season in order to make Salt Road and others available for use as a detour for work planned on Goodrich Road in 2017.

BR 560-4 is anticipated to require the longest construction time of the two bridges and therefore maximizing use of the 2016 construction season is essential.

The federal aid scheduling issues relate to obtaining NYSDOT approval to advertise the project for bids and the acquisition of Right-of-Way (ROW). We cannot obtain NYSDOT approval to advertise until all necessary Right-of-Way (ROW) has been acquired. ROW acquisition could not be approved by the Legislature and completed until we had a supplemental agreement (SA) with NYSDOT providing the required funding. The necessary SA with NYSDOT was not forthcoming until April 8, 2016. Separate resolutions are also being sent to your honorable body for ROW

acquisition and execution of the SA with NYSDOT. Without pre-approval authorization (assuming passage of these other resolutions on June 9th) the time required to complete the ROW acquisition process and to obtain NYSDOT approval to advertise will take us into mid to late July. As a result the bid and award process will take us into September or October effectively cancelling out the majority of the 2016 construction season.

NYSDOT maintains a letting schedule for each Federal and State fiscal year. This project is scheduled for letting in the current federal fiscal year which ends September 30th and we are required to make every effort to meet that schedule. Pre-approval will make that possible.

FISCAL IMPLICATIONS

The NYSDOT SA provides $1,600,000 for the project's construction. The Department of Public Works estimates that this sum will be broken down as follows:

Construction	$1,300,000
Construction Phase Engineering & Inspection	$ 235,000
Contingency	$ 65,000
TOTAL	$1,600,000

Project funding is 80% federal and 20% state with no County share. Funds for the Project, with adjustments for anticipated Federal and NYS revenue, are available in Fund 420, BA123, SAP B.15003, 2015 Salt Road Bridges Construction.

REASONS FOR RECOMMENDATION

In addition to the reasons set forth above in the Summary it is also desired to move ahead expeditiously with this project to be able to take advantage of the opportunity to have the project fully funded by the Federal government and the State.

BACKGROUND INFORMATION

This project has been approved by the New York State Department of Transportation in their current Capital Program and is fully funded with Federal and State Aid funds.

CONSEQUENCES OF NEGATIVE ACTION

If DPW is unable to advance the construction phase of the Salt Road Bridge Replacement Project, the bridges will continue to deteriorate leading to continued reduced load postings and eventual closure. Depending on the availability of State funds the opportunity to have the project fully paid for by federal and state funds may be lost.

STEPS FOLLOWING APPROVAL

The County Executive will execute Agreements with the responsible low bidder and various utility companies, execute an amendment with Watts Architects & Engineers, P.C.., and establish a Project contingency for successful and timely implementation of this project.

COMPTROLLER'S OFFICE REVIEW

The proposed legislation has been reviewed by the Office of the Comptroller and is related to authorized capital projects for which there are sufficient appropriations for the action proposed.

~~Gregory Gach~~ Stefan I. Mychajliw
~~Deputy~~ Comptroller
Comptroller's Office

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

RE: **Award of Construction and Construction Inspection for Replacement of Salt Road Bridges over Beeman Creek BR 560-2 (BIN 3326800) & BR 560-4 (BIN 3326810) PIN 5759.91- Project No. FA560-2-4-16 Town of Clarence, County of Erie**

WHEREAS, a federal aid project for replacement of the Salt Road Bridges over Beeman Creek BR 560-2 (BIN 3326800) and BR 560-4 (BIN 3326810) on Salt Road in the Town of Clarence, Erie County, PIN 5759.91 (the "Project") was authorized by your honorable body on November 21, 2013 via Communication 19E-10 (2013); and

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

WHEREAS, this is a Locally Administered Federal Aid Program Project with 80% Federal and 20% State funding shares resulting in no net cost to the County; and

WHEREAS, it is desired to advance construction of the project in order to insure completion of bridge BR 560-4 (BIN 3326810) in the 2016 construction season in order to avoid conflicts with work planned for Goodrich Road in the 2017 construction season; and

WHEREAS, in order to maximize use of the 2016 construction season and avoid scheduling constraints that would push the bidding and award process into September or October and to meet NYSDOT's letting schedule for the current Federal fiscal year it is necessary to request pre-approval to award a construction contract to the lowest responsible bidder; and

WHEREAS, it is desired to obtain pre-approval to award a construction contract to the lowest responsible bidder; and

WHEREAS, it is desired to amend the contract for the project consultants, Watts Architects & Engineers, P.C. to include construction phase engineering and inspection services in the amount of $235,000; and

WHEREAS, it is necessary to execute various utility agreements for the Project; and

WHEREAS, it is desired to establish a Project contingency; and

WHEREAS, the total construction phase of the Project is estimated at $1,600,000.

NOW, THEREFORE, BE IT

RESOLVED, that the following authorized Project fund, Fund 420, BA 123, SAP B.15003, 2015 PIN 5757.29 Salt Road Bridge Construction in the amount of $1,600,000 be made available for the Project; and be it further

RESOLVED, that pending approval and execution of the Supplemental Agreement with NYSDOT the County Executive is given pre-approval to execute a construction agreement between the County of Erie and the lowest responsible bidder; and be it further

RESOLVED, that pending approval and execution of the Supplemental Agreement with NYSDOT the County Executive is authorized and is hereby directed to execute a contract amendment for construction phase engineering and inspection services with Project consultant Watts Architects & Engineers, P.C. in the amount of $235,000; and be it further

RESOLVED, that pending approval and execution of the Supplemental Agreement with NYSDOT the County Executive is authorized and is hereby directed to execute Project utility agreements; and be it further

RESOLVED, that pending approval and execution of the Supplemental Agreement with NYSDOT the County Executive is authorized to establish a project contingency and execute project related change orders; and be it further

RESOLVED, that the Clerk of the Legislature forward three (3) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and also one copy each to the Office of the County Executive, the Division of Budget and Management and the Office of the Comptroller.

TO: GREGORY GACH, DEPUTY, 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

ESTIMATED COST BREAKDOWN

Utilities, various:	$ 0.00
Watts Architects & Engineers, P.C:	$ 235,000
TBD, low bidder	$ 1,300,000
Project Contingency:	$65,000
TOTAL	$1,600,000

2. AMOUNT OF CONTRACT — $1,600,000

3. PROJECT NUMBER — B.15003 - 2015 Salt Road Bridge Construction

4. PROJECT TITLE — 5759.91 Salt Road Bridge Replacement

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 — $ 2,000,000.00

7. PERFORMED BY — Joseph R Mirabelli

Date Sent to Comptroller's Office: May 17, 2016

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