



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

June 16, 2016

Erie County Legislature
 92 Franklin Street, 4th Floor
 Buffalo, New York 14202

**RE: Red Jacket and 61 Smith Street Shoreline Habitat Park Restoration Project
 Contract Nos. GL00E01050 and GL00E01551**

Dear Honorable Members:

The Department of Environment and Planning, Division of Environmental Compliance is proposing shoreline and habitat restoration for the Great Lakes Restoration Initiative Buffalo River Area Of Concern (AOC) Habitat Restoration Project. This will include the restoration of the existing shoreline, riparian and upland areas.

Plans and specifications, known as the Red Jacket and 61 Smith Street Shoreline Habitat Park Restoration Project Contract No. GL00E01050 and GL00E01551, were prepared and construction bids were received on Thursday, May 12, 2016. The lowest bidder for this project was as follows:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. GL00E01050 and GL00E01551	LDC Construction Company	\$604,575

LDC Construction Company has been recognized as a reputable contractor capable of completing this project. Therefore, this resolution seeks to award Contract Nos. GL00E01050 and GL00E01551 to the above named contractor.

Should your Honorable Body require further information, I encourage you to contact Commissioner Thomas R. Hersey, Jr., in the Department of Environment & Planning. Thank you for your consideration of this matter.

Sincerely yours,


 Mark C. Poloncarz, Esq.
 Erie County Executive
 Dpty County Exec.

MCP/cw
 Enclosure

Cc: Thomas R. Hersey, Jr., Commissioner

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Red Jacket and 61 Smith Street Shoreline Habitat Park Restoration Project
Contract Nos. GL00E01050 and GL00E01551
Date: June 16, 2016

SUMMARY

The award of the Red Jacket and 61 Smith Street Shoreline Habitat Park Restoration Project Contract Nos. GL00E01050 and GL00E01551 to the following is requested:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. GL00E01050 And GL00E01551	LDC Construction Company	\$604,575

The necessary bid tabulations and Engineer's recommendation are enclosed.

FISCAL IMPLICATIONS

There will be no fiscal implications to the County's General Fund. The funds for this contract will be allocated from the US EPA Great Lakes Restoration Initiative Contract Nos. GL00E01050 and GL00E01551, SAP grants 162BRRPM0916 and 162BRRPMPH21516 which are 100% federally reimbursed.

REASONS FOR RECOMMENDATION

The Erie County Department of Environment and Planning issued a request for proposals for firms to perform construction of habitat restorations at Erie County Red Jacket Natural Habitat Park and adjacent NFTA 61 Smith Street. A total of three (3) firms responded to the open solicitation. Bids were publicly opened on May 12, 2016. LDC Construction Company was lowest responsible bidder and is recommended to be retained for this work

BACKGROUND INFORMATION

US EPA's Great Lakes Restoration Initiative has made the implementation of shoreline and habitat restorations a priority in the Great Lakes Area of Concern (AOC).

Erie County Department of Environment & Planning was awarded funding from the US EPA for shoreline and habitat restoration at sites along the Buffalo River to remove beneficial use impairments that will allow the delisting of this River from the Area of Concern as a toxic water body. Erie County's Red Jacket Natural Habitat Park and the adjacent shoreline at NFTA 61 Smith Street are sites that have been funded for these restorations.

In order to meet the delisting goals for the Buffalo River AOC, the US EPA Great Lakes Restoration Initiative awarded contract GL00E01551 to Erie County to implement shoreline and riparian habitat restorations to the adjacent NFTA 61 Smith Street site, in addition to our existing

Red Jacket Natural Habitat Park Restoration project. All necessary permissions and authorization to enter agreements between Erie County and NFTA to complete this work have been previously approved by the Erie County Legislature.

Plans and specifications were prepared for the Department of Environment and Planning by Wendel Companies for the purpose of receiving bids. Construction bids were received and publicly opened on May 12, 2016.

LDC Construction Company was the lowest responsible bidder at a total bid price of \$604,575. The grant funds are available under US EPA Contract #GL-00E01050 and GL00E01551, SAP Grants 162BRRPM0916 and 162BRRPMPH21516, Account #516020 Professional Services to pay for the work.

CONSEQUENCES OF NEGATIVE ACTION

Erie County will be unable to award the contract for construction to the firm, which was the lowest responsible bidder for this project. Without the award of a professional services contract for the construction of these habitat and shoreline restorations, the County will be unable to fulfill their obligations with respect to the grant agreement signed with the US EPA. Ultimately, the economic and environmental benefits associated with the restoration of these natural habitat parks will not be realized and the delisting of the Buffalo River AOC will be jeopardized.

STEPS TO FOLLOW APPROVAL

The low bidder will be issued a Notice of Award and the Department will initiate the process of executing the contract documents. A Notice to Proceed will be provided upon receipt of the necessary certificates, bonds, and execution of the contract.

A handwritten signature in black ink, appearing to read "Thomas R. Brown". The signature is written in a cursive style with a large, sweeping initial "T".

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Red Jacket and 61 Smith Street Shoreline Habitat Park Restoration Project
Contract Nos. GL00E01050 and GL00E01551

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for the Red Jacket and 61 Smith Street Shoreline Habitat Park Restoration Project Contract Nos. GL00E01050 and GL00E01551 at 3:00 p.m. on May 12, 2016.

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract Nos. GL00E01050 and GLI00E01551	LDC Construction Company 1920 Baseline Road Grand Island, NY 14072	\$604,575

and

WHEREAS, the aforementioned lowest responsible bidder is recognized as a reputable contractor capable of completing this project; and

WHEREAS, the County of Erie advertised for and received three (3) responses to a request for proposals from construction firms to perform construction services associated with shoreline and habitat restoration for the Buffalo River AOC habitat restoration project at Red Jacket and 61 Smith Street Shoreline Habitat Park Restoration Project Contract Nos. GL00E01050 and GL00E01551; and

WHEREAS, the engineer has recommended retaining LDC Construction Company to complete the requested construction services.

NOW, THEREFORE, BE IT

RESOLVED, that LDC Construction Company be retained to perform construction services associated with the Red Jacket and 61 Smith Street Shoreline Habitat Park Restoration Project Contract Nos. GL00E01050 and GL00E01551; and be it further

RESOLVED, that the County Executive is hereby, authorized to execute the Contract with LDC Construction Company, 1920 Baseline Road, Grand Island, New York, for professional services associated with construction of the Red Jacket and 61 Smith Street Shoreline Habitat Park Restoration Project Contract in an amount not to exceed \$604,575; and be it further

RESOLVED, that the funding for this contract is hereby authorized in grants 162BRRPM0916 and 162BRRPMPH21516, Fund 281, Account 516020 – Professional Services; and be it further

RESOLVED, that the Clerk of the Legislature send two (2) certified copies each of this resolution to the Division of Environmental Compliance; and one certified copy each to the County Executive; the Erie County Comptroller; the Director of Budget and Management; the

Commissioner of the Department of Environment and Planning; and Kristen M. Walder,
Assistant County Attorney.



May 19, 2016

Ms. Vicki Haas
Environmental Compliance Specialist
Erie County Department of Environment & Planning
95 Franklin Street, Room 1077
Buffalo, New York 14202

**SUBJECT: RECOMMENDATION OF AWARD
RED JACKET AND 61 SMITH STREET SHORELINE HABITAT RESTORATION
CONTRACT NO. GL00E01050 & GL00E01551**

Dear Ms. Haas,

As you are aware, on May 12, 2016, three bids were received for the above referenced project. LDC Construction Co., the apparent low bidder, submitted a total bid of \$604,575.00. Scott Lawn Yard, Inc. submitted a total bid of \$720,000 and Eastwood Industries, Inc. submitted a total bid of \$782,615.54.

The average of the three bids received (\$702,397) is less than 1% higher than the engineers opinion of probable construction cost for the total bid (\$700,000), which is within acceptable industry standards, typically 10-15%.

On May 16, 2016, we contacted Jeff Dinsmore at LDC Construction Co. to discuss the project and feel that they understand the scope, schedule, site restrictions and overall intent of the work. They also let us know that they will be using Cardno as their landscape sub-consultant. Cardno specializes in native habitats, so we anticipate that they will be able to handle the specific requirements of this job.

Based on our discussion with LDC Construction, Co., the Erie County Department of Environment & Planning regarding the bid proposal, and other positive experiences with LDC Construction Co. on past projects, Wendel recommends that this project be awarded to LDC Construction, Co. in the amount of \$604,575 for this scope of work.

If you have any questions or need additional information, please feel free to contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Scott Rybarczyk'.

Scott M. Rybarczyk, PE

PROJECT : Erie County Red Jacket & Smith St. Shoreline Habitat Restoration
 CONTRACT : GL00E01050 & GL00E01551
 DATE : May 19, 2016

TABULATION OF BIDS
 PAGE 1

++ INDICATES CONTRACTOR ERROR			NO. 1 LDC Construction Co. Grand Island, NY		NO. 2 Scott Lawn Yard, Inc. Sanborn, NY		NO. 3 Eastwood Industries, Inc. North Boston, NY		
		Bond Provided?	Yes		Yes		Yes		
		Bid Signed? (P-6)	Yes		Yes		Yes		
		Addendum? (P-5)	Yes		No		Yes		
		Work Training? (P-11)	Requested Waiver		Yes		Requested Waiver		
		Prime Affidavit (P-16)	Yes		Yes		Yes		
ITEM #	DESCRIPTION	QUANTITY	UNITS	UNIT PRICE	EXTENDED TOTAL	UNIT PRICE	EXTENDED TOTAL	UNIT PRICE	EXTENDED TOTAL
1	Red Jacket Site	1	LS	190,872.00	190,872.00 0	275,000.00	275,000.00 0	258,076.98	258,076.98 0
2	Contingent Items	1	LS	30,000.00	30,000.00 0	30,000.00	30,000.00 0	30,000.00	30,000.00 0
3	61 Smith Street Site	1	LS	353,703.00	353,703.00 0	385,000.00	385,000.00 0	464,538.56	464,538.56 0
4	Contingent Items	1	LS	30,000.00	30,000.00 0	30,000.00	30,000.00 0	30,000.00	30,000.00 0
				CONTRACTOR TOTAL=	\$ 604575.00 0	CON TOTAL=	\$ 720000.00 0	CON TOTAL=	\$ 782615.54 0
				ACTUAL TOTAL=	\$ 604575.00	ACT TOTAL=	\$ 720000.00	ACT TOTAL=	\$ 782615.54
MIN BID =	604575.00			BID RANKING	1	BID RANKING	2	BID RANKING	3