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COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

June 17, 2016

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

Re: Amendment 1 – Black Rock Canal Park – Phase 3 Final Design

Dear Honorable Members:

Enclosed please find a proposed resolution seeking authorization for the execution of a contract amendment with Nussbaumer and Clarke, Incorporated (NCI) for Phase 3 final design and construction inspection services at the Erie County Black Rock Canal Park.

Should your Honorable Body require further information, I encourage you to contact Christopher Pawenski, Coordinator of the Industrial Assistance Program at the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely yours,

A handwritten signature in black ink that reads "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive

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: Amendment 1 – Black Rock Canal Park – Phase 3 Final Design
Date: June 17, 2016

SUMMARY

The Department of Environment and Planning is seeking authorization for the County Executive to execute a consultant contract amendment with Nussbaumer and Clarke, Inc. to develop final design and bid documents and provide construction inspection services for the Black Rock Canal Park Phase 3 project.

FISCAL IMPLICATIONS

The proposed resolution requests an additional amount of 68,135.00 be added to the existing contract of \$62,290.00 for a total amount of \$130,425. The additional funds will be allocated from available funds in capital project account A.15081, as part of the \$700,000 grant to Erie County in New York State Power Authority proceeds from the Relicensing Agreement as funneled through the Erie County Standing Committee Greenway process.

REASONS FOR RECOMMENDATION

It is necessary that these approvals be granted, so that the work can be completed within the targeted timeframes from the funding source. It is important to have Phase 3 of the Park Improvements final design underway soon so that construction can begin in the fall of 2016.

BACKGROUND INFORMATION

Nussbaumer and Clarke, Inc. has completed the Preliminary Design of Phase 3 which included community input into the boat ramp design and park accessories. Nussbaumer and Clarke has successfully completed the design of Phase 1 and 2 of park improvements and is familiar with the park property, necessary permits, and land control matters.

Black Rock Canal Park, formerly known as the Ontario Street Boat Launch, is located along the Niagara River and is in need of much repair and updating. Phase 3 of the project focuses on boat basin improvements.

CONSEQUENCES OF NEGATIVE ACTION

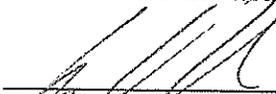
The project will be delayed and thus threaten the County's ability to draw down the Niagara River Greenway funds in a timely manner.

STEPS FOLLOWING APPROVAL

A contract amendment with Nussbaumer and Clarke, Inc. for final design and construction inspection services will be executed by the County Executive.

COMPTROLLER'S OFFICE REVIEW

The proposed legislation has been reviewed by the Comptroller's Office and is related to a capital project, No. A.15081, which would become authorized and have sufficient account balances for the action proposed following legislative approval.



GREGORY GACH
Deputy Comptroller

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Amendment 1 – Black Rock Canal Park – Phase 3 Final Design

WHEREAS, the County park known as Black Rock Canal Park is within the City of Buffalo; and

WHEREAS, Erie County is looking to initiate Phase 3 improvements, which include enhancements to the boat basin area; and

WHEREAS, Erie County was recently awarded a \$700,000 grant through the Niagara River Greenway funding process for Phase 3 improvements to Black Rock Canal Park; and

WHEREAS, The Niagara River Greenway funding is a reimbursable account; and

WHEREAS, that the requirement for a request for proposal in Section 19.08 of the Erie County Administrative Code was previously waived due to the unique knowledge and experience of Nussbaumer and Clarke, Inc. concerning conditions at Black Rock Canal Park and their ability to expedite the design process in a manner consistent with the completion timeframes established by various grantor agencies; and be it further

WHEREAS, Erie County is desirous of expanding the services of Nussbaumer and Clarke, Inc. to include final design, bid documents and construction inspection.

WHEREAS, the Erie County Legislature approved entering into a contract with Nussbaumer and Clarke, Inc. for preliminary design services on July 30, 2015, with resolution item 14E-23.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a contract amendment with Nussbaumer and Clarke, Inc. (NCI) for engineering services for the project's final design, bid document and construction phases in an amount not to exceed \$68,135, and an additional \$6,800 for a Department of Environment and Planning design contingency fund with authorization for the County Executive to approve contract amendments with NCI not to exceed \$74,935; and be it further

RESOLVED, that the estimated total sum of the final design phase inclusive of the design contingency \$74,935 is hereby appropriated from Capital Project Account Number A.15081; and be it further

RESOLVED, that an accounts receivable be established to receive reimbursement of expenditures from the \$700,000 Niagara River Greenway grant for the Black Rock Canal Park Phase 3; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office; the Comptroller's Office; the Division of Budget and Management; the County Attorney; and the Commissioner of the Department of Environment and Planning, Rath Building, 10th Floor.