



# COUNTY OF ERIE

**MARK C. POLONCARZ**  
 COUNTY EXECUTIVE

Jun 16, 2016

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

**RE: Bailey Peninsula Natural Habitat Park Restoration Project  
 Contract No. GL00E1050**

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 Bailey Peninsula Natural Habitat Restoration Project No. GL00E1050, 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	Scott Lawn Yard	\$559,000

Scott Lawn Yard has been recognized as a reputable contractor capable of completing this project. Therefore, this resolution seeks to award Contract No. GL00E01050 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*  
 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:** Bailey Peninsula Natural Habitat Park Restoration Project  
Contract No. GL00E1050  
**Date:** Jun 16, 2016

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### **SUMMARY**

The award of the Bailey Peninsula Natural Habitat Park Restoration, Contract No. GL00E01050, to the following is requested:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. GL00E01050	Scott Lawn Yard	\$559,000

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 No. GL00E1050, SAP grant 162BRRPM0916 which is 100% federally funded.

### **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-owned Bailey Peninsula Natural Habitat Park. A total of three (3) firms responded to the open solicitation. Bids were publicly opened on May 12, 2016. Scott Lawn Yard was the 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 Bailey Peninsula Natural Habitat Park is one of the sites that have been funded for these restorations.

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

Scott Lawn Yard was lowest responsible bidder at a total bid price of \$559,000. The funds are available under US EPA Contract No. GL-00E01050, SAP Grant 162BRRPM0916, Fund 281, 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 be 'M. R. J.', is centered on the page. The signature is fluid and cursive, with a long horizontal stroke at the end.

A RESOLUTION SUBMITTED BY:  
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Bailey Peninsula Natural Habitat Park Restoration Project – Contract No. GL00E1050

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for the Bailey Peninsula Natural Habitat Park Restoration Contract No. GL-00E00150 at 2:30 p.m. on May 12, 2016.

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. GL00E01050	Scott Lawn Yard 5552 Townline Road Sanborn, NY 14132	\$559,000

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 Bailey Peninsula Natural Habitat Park; and

WHEREAS, the engineer has recommended retaining Scott Lawn Yard to complete the requested construction services.

NOW, THEREFORE, BE IT,

RESOLVED, that Scott Lawn Yard be retained to perform construction services associated with the Bailey Peninsula Natural Habitat Restoration; and be it further

RESOLVED, that the County Executive is hereby authorized to execute the Contract with Scott Lawn Yard, 5552 Townline Road, Sanborn, New York, for professional services associated with construction of the Bailey Peninsula Natural Habitat Restoration project in an amount not to exceed \$559,000; and be it further

RESOLVED, that the funding for this contract is hereby authorized in Grant 162BRRPM0916, 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 Erie County Director of Budget and Management; the Commissioner of the Department of Environment and Planning; and Kristen M. Walder, Assistant County Attorney.



May 18, 2016

Ms. Vicki Haas  
County of Erie Department of Environment & Planning  
95 Franklin Street, Room 1077  
Buffalo, NY 14202

**RE: BID RECOMMENDATION**  
**Bailey Peninsula Natural Habitat Park Restoration**  
**EPA Project # GL00E1050**  
**CHA Project No. 29312**

Dear Ms. Haas:

CHA, Inc. has reviewed the bids received on Thursday, May 12, 2016 for the above referenced project. The results of the bids are as follows:

Scott Lawn Yard, Inc.	\$ 559,000.00
Union Concrete and Construction Corp.	\$ 560,400.00
LDC Construction Co., Inc.	\$ 729,100.00

The attached Bid Tabulation spreadsheet show the breakdown by item for each of the three bidders along with the engineer's estimate.

Discussions were held between Eric Retzlaff of Scott Lawn Yard, Inc. and CHA. During these discussions, Eric Retzlaff conveyed that he is satisfied with his bid proposal and fully understands the scope of work.

We recommend that the County of Erie Department of Environment & Planning accept the proposal of the low bidder, Scott Lawn Yard, Inc. at the bid price of \$559,000.00, subject to review and approval of your legal counsel.

Please contact our office with any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark D. Jarmuz', written over a thin horizontal line.

Mark D. Jarmuz  
Project Engineer

County of Erie Department of Environment and Planning Bailey Peninsula Natural Habitat Park Restoration Project No. GL00E1050											
ITEM NO.	DESCRIPTION	QUANTITY	UNIT OF MEASURE	Engineers Estimate		Scott Lawn Yard, Inc.		Union Concrete		LDC Construction	
				UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	General Construction	1.0	LS	\$ 495,000.00	\$ 495,000.00	\$ 514,000.00	\$ 514,000.00	\$ 515,400.00	\$ 515,400.00	\$ 684,100.00	\$ 684,100.00
2	General Construction Contingency Allowance (Fixed)	1.0	LS	\$ 45,000.00	\$ 45,000.00	\$ 45,000.00	\$ 45,000.00	\$ 45,000.00	\$ 45,000.00	\$ 45,000.00	\$ 45,000.00
<b>Total Construction Cost</b>				<b>\$ 540,000.00</b>		<b>\$ 559,000.00</b>		<b>\$ 560,400.00</b>		<b>\$ 729,100.00</b>	