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COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

July 22, 2016

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

**RE: Locally Administrated Federal Aid Project
NYSDOT Agreement and Construction Award for
Bridge Painting and Repairs (4 Bridges)
Towns of Alden, Boston and Collins, Erie County - NYS PIN 5761.30**

Dear Honorable Members:

We are forwarding for your approval a proposed resolution authorizing the County of Erie to participate in the above-noted Project, the County Executive to enter into an Agreement with the New York State Department of Transportation, and to advance the Federal and non-Federal share of the cost of construction and construction inspection. Authorization is also being requested to award the low bidder, enter into a construction phase engineering amendment with CHA Consultants, and establish a project contingency for this 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:dms/dab

cc: John C. Loffredo, Department of Public Work

MEMORANDUM

TO: Honorable Members of the Erie County Legislature
FROM: Department of Public Works/Office of the Commissioner
RE: Locally Administrated Federal Aid Project –NYSDOT Agreement and
Construction Award for Bridge Painting and Repairs (4 Bridges)
Townships of Alden, Boston and Collins, Erie County - NYS PIN 5761.30
DATE: July 22, 2016

SUMMARY

Authorization is being requested for the County Executive to execute a Locally Administered Federal Aid Agreement with New York State Department of Transportation to participate in the Bridge Painting and Repairs Project PIN 5761.30. This action includes authorization for Erie County to advance the Federal reimbursable share and pay the non-Federal share of the project. Authorization is also being requested for pre-approval of the award to the responsible, low bidder, to enter into an Amendment with CHA Consultants for construction phase engineering and inspection services, and to establish a project contingency for the purpose of executing related project Change Orders.

FISCAL IMPLICATIONS

The total cost of this Locally Administered Federal Aid project is currently estimated at \$1,670,000 which is approximately 80% federally reimbursed, up to 15% Marchiselli and requires a 5% local share. The total budget of \$1,670,000 with adjustments from the anticipated federal revenue, in the amount of \$1,336,000, Marchiselli revenue of \$250,500 and total Local Share required in the amount of \$83,500 is available in B.14011 2014 Bridge Preservation Program. The award of construction to the responsible low bidder, the construction phase engineering services with CHA Consultants in the amount of \$105,000 and the Project contingency will not exceed the maximum project allowance of \$1,670,000.

REASONS FOR RECOMMENDATION

The Erie County Department of Public Works has completed the design phase of the Project and desires to advance the Project by entering into an Agreement for the construction and construction inspection phase with the New York State Department of Transportation. The Project benefits from Federal Aid reimbursement through the Locally Administered Federal Aid Program.

BACKGROUND INFORMATION

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

CONSEQUENCES OF NEGATIVE ACTION

If the proposed resolution is not approved, the Bridge Painting and Repairs necessary to maintain and prolong the life of Erie County's infrastructure will not occur and the bridge structures will continue to deteriorate. Failure to execute this Agreement will jeopardize receipt of the Project and possibly the loss of eligibility for future Federal Aid Program participation.

STEPS FOLLOWING APPROVAL

Budget as stated in the resolution will be adjusted. The County Executive will execute Agreements with New York State Department of Transportation, the responsible low bidder, and CHA Consultants 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 an authorized capital project for which there are sufficient appropriates for the action proposed.



Gregory Frach
Deputy Comptroller
Comptroller's Office

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

RE: Locally Administered Federal Aid Project-NYSDOT Agreement and
Construction Award for Bridge Painting and Repairs (4 bridges)
Towns of Alden, Boston and Collins, Erie County - NYS PIN 5761.30

WHEREAS, the Bridge Painting and Repairs (4 bridges) PIN 5761.30, (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds, 15% Marchiselli and a 5% local share and

WHEREAS, the County of Erie desires to advance the Construction phase of the Projects by making a commitment for the Federal and non-Federal share of the costs of the project; and

WHEREAS, in order to facilitate the Construction and Construction Inspection Phases for the Projects, it will be necessary for the County to execute an Agreement with New York State Department of Transportation in the total amount of \$1,670,000 of which \$83,500 is the required local share, for the construction and construction inspection phase of the Project; and

WHEREAS, the Department of Public Works would like to successfully implement the Project in a timely manner, it will be necessary for the County to execute the construction contract with the responsible low bidder, to enter an into a construction phase engineering services agreement with CHA Consultants, and to establish a construction contingency all in an amount not to exceed the maximum project allowance of \$1,670,000.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the above subject Project; and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of Federal and non-Federal shares of the cost of Construction and Construction Inspection Phases of the Project or portions thereof; and be it further

RESOLVED, that the Project Fund B.14011, 2014 Bridge Preservation Programs, fund center 123, fund 420, be adjusted for the actual anticipated Federal and NYS Marchiselli revenue in the amount of \$1,586,500 as follows:

REVENUES Account	Description	CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
405160	NYS Marchiselli	\$ 0	\$ 250,500	\$ 250,500
414000	Federal Aid	\$ 204,000	\$ 1,336,000	\$ 1,540,000
445070	Prem on Obligation	\$ 30,638	\$ 0	\$ 30,638
475000	Gen Oblig Bond Proc	\$ 198,562	\$ 0	\$ 198,562
TOTAL REVENUES		<u>\$ 433,200</u>	<u>\$ 1,586,500</u>	<u>\$ 2,019,700</u>
APPROPRIATIONS				
Capital Projects	Capital Project Exp	\$ 433,200	\$ 1,586,500	\$ 2,019,700
TOTAL APPROPRIATIONS		<u>\$ 433,200</u>	<u>\$ 1,586,500</u>	<u>\$ 2,019,700</u>

; and be it further

RESOLVED, that the Current Budget, represented in the table above, reflects prior authorized budget adjustments with pending journal entries to illustrate actual budget revenue increases for the purposes of advancing this authorization; and be it further

RESOLVED, that the estimated total sum of the construction and construction inspection Phase of the Project, \$1,670,000 is hereby appropriated from B.14011 – 2014 Bridge Preservation Programs and made available to cover the cost of participation in the Construction and Construction Inspection phase of the Project; and be it further

RESOLVED, the County Executive is hereby authorized to execute the construction contract with the responsible low bidder, enter an into a construction phase engineering services amendment with CHA Consultants, and establish a construction contingency in a total not to exceed \$1,670,000; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal, Marchiselli and non-Federal shares of the costs of the Project's construction and construction inspection phases exceeds the amount appropriated, \$1,670,000 the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Erie, with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent

funding of the local share of Federal aid and State aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, that the Clerk of the Legislature forward six (6) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the New York State Department of Transportation; and be it further

RESOLVED, that the Clerk of the Legislature forward one (1) 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	<u>NYS Department of Transportation</u>
2. AMOUNT OF CONTRACT	<u>\$1,548,000 est Lowest Bidder TBD \$ 17,000 est Contingency \$ 105,000 CHA Consultants \$1,670,000 Total, do not exceed</u>
3. PROJECT NUMBER	<u>B.14011 5761.30 Bridge Painting and Repairs (4)</u>
4. PROJECT TITLE	<u>2014 Bridge Preservation Construct, County-wide</u>
5. DEPARTMENT CONTACT	<u>Funding questions: Charles A. Sickler, PE at 8372 Letter pickup: Diane Bukowski at 8301</u>

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

6. AVAILABILITY OF FUNDS	<u>\$ 2,019,700.00</u>
7. PERFORMED BY	<u><i>Greg R. Minibell</i></u>
Date Sent to Comptroller's Office:	<u>July 8, 2016</u>

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PROJECT TITLE: B.14011 2014 BRIDGE PRESERVATION CONST PRJ CTYWD

1) IS THE REASON FOR THIS CONTRACT CONSISTENT WITH THE PURPOSE OF THE PROJECT: YES X NO

2) PROJECT AVAILABLE APPROPRIATION

Total Project Revenues	\$	<u>229,200.00</u>
Total Project Appropriations	\$	1,146,000.00
Previous Proposed Resolution Adjustment (PIN 5761.32)		(712,800.00)
Proposed Resolution Adjustment (PIN 5761.30)		<u>1,586,500.00</u>
Less: Total Expenditure To Date	\$	<u>-</u>
Total Commitments	\$	<u>-</u>
Available Appropriations As Of Date Of Request	\$	<u>2,019,700.00</u>
Less: Contract Amount (PIN 5761.32)	\$	255,000.00
Less: Contract Amount (PIN 5761.30)		<u>1,670,000.00</u>
Net Available Appropriations	\$	<u><u>94,700.00</u></u>

Comments: \$229,200.00 cash is available in the project. 80% of the costs are federally reimbursable. 15% of the costs are NYS reimbursable.

Request Approved: _____



Request Denied: _____

Date: _____

7/11/16