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# COUNTY OF ERIE

**MARK C. POLONCARZ**
COUNTY EXECUTIVE

November 11, 2016

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

**RE: Erie County Sewer District Nos. 1-6 and 8**
**Engineering Term Agreements**

Dear Honorable Members:

Enclosed please find a resolution and accompanying memorandum from the Department of Environment and Planning pertaining to proposed agreements to perform engineering services over a three (3) year term for the County Sewer Districts.

Should your Honorable Body require further information, I encourage you to contact Joseph L. Fiegl, P.E. in the Division of Sewerage Management. Thank you for your consideration on this matter.

Sincerely,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:JF:cs

cc: Joseph Fiegl, Deputy Commissioner, Division of Sewerage Management



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# MEMORANDUM

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| **To:** | Honorable Members of the Erie County Legislature |
| **From:** | Department of Environment and Planning |
| **Re:** | Erie County Sewer District Nos. 1-6 and 8<br>Engineering Term Agreements |
| **Date:** | November 11, 2016 |

## SUMMARY

Award of engineering agreements to AECOM, 257 West Genesee Street, Suite 400, Buffalo, New York 14202; Arcadis of New York, Inc., 50 Fountain Plaza, Suite 600, Buffalo, New York 14202; DiDonato Engineering and Design Professionals, 689 Main Street, Buffalo, New York 14203; Erdman Anthony, 11 Century Hill Dr., Suite 105, Latham, New York, 12110; GHD Consulting Services, Inc., 285 Delaware Ave, Suite 500, Buffalo, New York 14202; Greenman-Pederson, Inc., 4950 Genesee Street, Suite 100, Buffalo, NY 14225; and Wendel Companies, 375 Essjay, Suite 200, Williamsville, New York 14221; each in an amount not to exceed $225,000.00 to perform engineering services for the Erie County Sewer Districts (ECSDs) over a three (3) year term is requested.

## FISCAL IMPLICATIONS

There are no fiscal implications to the County's General Fund. Payment under the proposed agreements will be made from either the Sewer District Capital or Operating Accounts.

## REASONS FOR RECOMMENDATION

Erie County's Administrative Code (Section 19.08) does not permit the procurement of engineering or other professional services without going through a formal request for proposals (RFP) process. The procurement process may take four (4) to six (6) months from the time of RFP advertisement to formal execution of an agreement with the selected firm. At times, problems arise in the ECSDs that are time sensitive and hence require more timely assistance. Even in non-urgent circumstances, there are certain assignments where it is not practical or economical to go through a lengthy RFP process to bring in the necessary outside help for a relatively small task.

As a result, the Division of Sewerage Management (DSM) widely published a RFP for engineering services for a three (3) year term. A total of ten (10) firms responded on September 15, 2016 to the open solicitation. A review committee consisting of staff from the Division of Sewerage Management (DSM) rated all timely received responses to the RFP. Based upon the breadth of experience of the proposers and the anticipated workload, the seven (7) top scoring firms have been recommended by the DSM's rating committee.

## BACKGROUND INFORMATION

The DSM and the ECSDs are responsible for over 1,000 miles of sewers, almost 100 pumping stations, five (5) overflow retention facilities, and seven (7) wastewater treatment plants. Operating, maintaining, administering, and improving the assets of the ECSDs is the core function of the DSM. While the DSM has in-house staff that can complete some tasks, the DSM does not have a full complement of engineering and other technical specialties that are necessary to properly handle all problems that arise. Furthermore, the DSM does not always have staff available for various engineering tasks due to existing workload. The retention of engineering firms with a wide breadth of experience is important to address State Pollutant Discharge Elimination System (SPDES) permits and other regulatory requirements promulgated by the New York State Department of Environmental Conservation.

Due to the needs of the ECSDs, it is being requested that consulting firms be retained to assist the DSM. This will result in more timely responses to resolving small and/or time sensitive problems and will also allow existing staff to direct their efforts to other important projects. The DSM's request for the retention of engineering consultants for this type of work is not a new concept for County Government. This is the eighth time the DSM will be requesting that Your Honorable Body authorize executing agreements with consulting firms for these services.

## CONSEQUENCES OF NEGATIVE ACTION

The DSM does not have the in-house staff that can handle all problems that arise. Unless the DSM has the ability to obtain engineering assistance in a timely fashion, the cost of correcting some problems may rise substantially. In addition, some problems could escalate to emergency situations.

## STEPS FOLLOWING APPROVAL

The County Executive will be requested to execute three (3) year term agreements with AECOM, Arcadis of New York, DiDonato Engineering and Design Professionals, Erdman Anthony, GHD Consulting Services, Inc., Greenman-Pederson, Inc., and Wendel Companies in amounts not to exceed $225,000.00 each for the aforementioned services. Upon execution of an agreement and when the need arises, the DSM will identify projects and will subsequently designate where funds are to be appropriated through implementation of a work order with the applicable consultant. Your Honorable Body will be informed of each work project assigned to one of the firms.

RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

**Re: Erie County Sewer District Nos. 1-6 and 8**
**Engineering Term Agreements**

WHEREAS, the Erie County Department of Environment and Planning through its Division of Sewerage Management has the responsibility to operate and maintain over 1,000 miles of sewers, close to 100 pumping stations, five (5) overflow retention facilities, and seven (7) wastewater treatment plants; and

WHEREAS, due to the age, condition, and complexity of the existing Erie County Sewer District facilities, numerous problems arise that require engineering solutions; and

WHEREAS, the Erie County Sewer Districts also face regulatory requirements that necessitate detailed engineering evaluation and study; and

WHEREAS, it is not practical to issue proposals for each and every small engineering project; and

WHEREAS, it is further recognized that there is the need to have engineering assistance on standby for time critical projects; and

WHEREAS, the Division of Sewerage Management issued a request for proposals for engineering assistance on a term contract basis and received ten (10) timely responses from engineering firms; and

WHEREAS, in accordance with Section 19.08 of the Erie County Administrative Code, an evaluation committee scored all responses using a consistent rating matrix; and

WHEREAS, the top seven (7) ranked firms submitting proposals have been recommended by the Division of Sewerage Management to perform the requested services.

NOW, THEREFORE BE IT

RESOLVED, that agreements for engineering term contract services with AECOM (257 West Genesee Street, Suite 400, Buffalo, New York 14202), Arcadis of New York, Inc. (50 Fountain Plaza, Suite 600, Buffalo, New York 14202), DiDonato Engineering and Design Professionals (689 Main Street, Buffalo, New York 14203), Erdman Anthony (11 Century Hill Dr., Suite 105, Latham, New York, 12110), GHD Consulting Services, Inc. (285 Delaware Ave, Suite 500, Buffalo, New York 14202), Greenman-Pederson, Inc. (4950 Genesee Street, Suite 100, Buffalo, NY 14225), and Wendel Companies (375 Essjay, Suite 200, Williamsville, New York 14221) in an amount not to exceed $225,000.00 each over a three (3) year period are hereby approved; and be it further

RESOLVED, that the County Executive, be and hereby is, authorized to execute said agreements subject to approval as to form by the County Attorney and approval as to content by the Commissioner of Environment and Planning; and be it further

RESOLVED, that the County Comptroller be authorized to allocate $225,000.00 for each agreement from any of the Sewer Capital projects in fund 430 or from the Sewer Operating Fund 220 (including business areas 181, 182, 183, and 186, account 516020 (Professional Service Contracts)) as determined by the Deputy Commissioner of the Division of Sewerage Management; and be it further

RESOLVED, that the Division of Sewerage Management, be required to notify the Legislature of each project assigned to an engineering firm under this resolution; and be it further

RESOLVED, that no individual assignment issued under these agreements be greater than $75,000.00; and be it further

RESOLVED, that one (1) certified copy of this resolution be provided to the County Executive, County Comptroller, County Director of Budget and Management, and Kristen Walder (Assistant County Attorney); and two (2) certified copies of this resolution be provided to Joseph Fiegl, P.E., Deputy Commissioner, Division of Sewerage Management.

Mark C. Poloncarz, Esq.
COUNTY EXECUTIVE

Thomas J. Hersey
COMMISSIONER

Joseph L. Fiegl, P.E.
DEPUTY COMMISSIONER

# ERIE COUNTY DIVISION OF SEWERAGE MANAGEMENT
## ECSDs No. 1-6 & 8 ENGINEERING TERM CONTRACT
## PROPOSAL REVIEW COMMITTEE RATINGS - SUMMARY

| Rater | Proposer | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | *EA* | *CHA* | *AECOM* | *DIDONATO* | *ARCADIS* | *FISHER* | *GPI* | *GHD* | *WENDEL* | *N&C* |
| James Carr | #4 | #9 | #1 | #2 | #8 | #10 | #3 | #2 | #3 | #4 |
| David Millar | #5 | #10 | #2 | #4 | #3 | #8 | #6 | #1 | #7 | #9 |
| Garry Pecak | #5 | #8 | #1 | #7 | #6 | #9 | #2 | #4 | #10 | #3 |
| Matt Salah | #3 | #10 | #5 | #7 | #4 | #7 | #5 | #2 | #1 | #7 |
| Average Qualifications Scoring | 4.25 | 9.25 | 2.25 | 5.00 | 5.25 | 8.50 | 4.00 | 2.25 | 5.25 | 5.75 |
| Overhead (Office/Field) | 154%/96% | 165%/135% | 144%/135% | 135%/135% | 173%/173% | 157%/110% | 136%/125% | 178%/178% | 172%/152% | 170%/120% |
| QUALIFICATIONS RANKING | #4 | #10 | #1 | #5 | #6 | #9 | #3 | #1 | #6 | #8 |

It is my opinion in recommending AECOM, GHD Consulting Engineers, Inc. (GHD), Greenman-Pedersen, Inc. (GPI), Erdman Anthony Engineering Services (EA), DiDonato Engineering & Architectural Professionals (DiDonato), Arcadis, and Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, PC (Wendel) that the Erie County Department of Environment and Planning - Division of Sewerage Management (DSM) has complied with all applicable provisions of Section 19.08 of the Erie County Administrative Code. Scoring sheets and other materials related to this matter are available for review at the DSM offices during regular business hours.

Joseph Fiegl, P.E.
Deputy Commissioner

Maria R. Whyte
Deputy County Executive