



COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

January 29, 2016

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

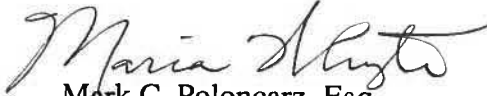
**Re: Agreement Amendment – Professional Design/Engineering Services
Buffalo River AOC Remedial Action Plan Habitat Restoration
US EPA Assistance #GL00E011050-0**

Dear Honorable Members:

Enclosed please find a memorandum and proposed resolution from the Department of Environment and Planning requesting authority to issue an Agreement Amendment with CHA Consultants, Inc. in the amount of \$5,434.00 for out-of-scope design and engineering work for the Buffalo River AOC Remedial Action Plan Habitat Restoration at Erie County's Bailey Peninsula Natural Habitat Park.

Should your Honorable Body require further information, I encourage you to contact Thomas R. Hersey, Jr., Deputy Commissioner, at the Erie County Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely yours,


Mark C. Poloncarz, Esq.
Erie County Executive

MCP/cw
Enclosure

cc: Thomas J. Dearing, Commissioner of Environment and Planning

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Agreement Amendment – Professional Design/Engineering Services
Buffalo River AOC Remedial Action Plan Habitat Restoration
US EPA Assistance #GL00E011050-0
Date: January 29, 2016

SUMMARY

The Department of Environment and Planning (DEP) is seeking authorization for the County Executive to enter into an agreement amendment for out-of-scope design and engineering services in the amount of \$5,434.00 relating to the United States Environmental Protection Agency (US EPA) Buffalo River Area of Concern (AOC) Remedial Action Plan (RAP) Habitat Restoration assistance grant. CHA Consultants, Inc. (also known as CHA) was awarded a professional services contract #14-785-EP for the amount of \$108,000.00 for the design and engineering services for habitat and shoreline restorations at Bailey Peninsula Natural Habitat Park. Out-of-scope services were necessary to design additional green infrastructure features, parking lot, kiosk and kayak launch facilities that were not originally anticipated in the project scope.

FISCAL IMPLICATIONS

DEP currently has grant funds available through US EPA Assistance contract #GL00E011050-0 under Professional Services that will accommodate these additional design costs. Savings that will be realized from combined construction bidding and construction site work coordinated with the City of Buffalo and NYS Department of Transportation (NYSDOT) Bailey Avenue Bridge Relocation Project will offset the cost of this amendment.

REASONS FOR RECOMMENDATION

The scope of work in the original Agreement with CHA for the Bailey Peninsula Natural Habitat Park Restorations was described as a project bounded by the Bailey Avenue roadway, Cazenovia Creek and the Buffalo River. The final design provided to DEP includes out-of-scope design and engineering for an unplanned trailhead parking lot, kiosk and kayak launch on the opposite side of Cazenovia Creek as well as a green infrastructure wetland zone located on the opposite side of Bailey Avenue.

The additional work is directly related to a land transfer that was required between City of Buffalo and the County of Erie whereby the County received adjacent City of Buffalo land to reciprocate for the NYSDOT Bailey Avenue Bridge Relocation Project having to utilize County natural parkland.

BACKGROUND INFORMATION

The Buffalo River AOC, RAP Management and Habitat Restoration project includes the Bailey Peninsula Natural Habitat Park within the Buffalo River corridor for aquatic and riparian habitat restoration work as part of the Great Lakes Restoration Initiative Action Plan and Great Lakes Regional Collaboration Strategy, and conforms to delisting criteria to remove Buffalo River as a toxic Area of Concern. Once implemented, restoration of this Erie County site will bring the Buffalo River AOC closer to delisting.

CONSEQUENCES OF NEGATIVE ACTION

Without the requested authorization, Erie County Department of Environment & Planning will be unable to utilize the additional green infrastructure and public park amenities being realized as a result of collaborative bidding and construction implementation with City of Buffalo and NYSDOT. The out-of-scope design and engineering work provided by CHA will result in new habitat and green infrastructure parkland improvements for the enjoyment of Erie County residents. We would also be unable to deliver final restorations that will contribute to the delisting of the Buffalo River as a toxic area of concern, necessary to meet the conditions of DEP's grant agreement with the United States Environmental Protection Agency.

STEPS FOLLOWING APPROVAL

Erie County DEP will amend the existing contract with CHA Consulting, Inc. to reimburse them for out-of-scope design work in the amount of \$5,434.00.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

Re: Agreement Amendment – Professional Design/Engineering Services
Buffalo River AOC Remedial Action Plan Habitat Restoration
US EPA Assistance #GL00E011050-0

WHEREAS, the County of Erie awarded a professional services contract #14-785-EP to CHA Consultants, Inc. (also known as CHA) for the amount of \$108,000.00 for design and engineering services at Bailey Peninsula Natural Habitat Park for the Buffalo River Area of Concern (AOC) Remedial Action Plan (RAP) Habitat Restoration through a US EPA Assistance Agreement #GL00E011050-0; and

WHEREAS, out-of-scope design and engineering services were required from CHA at a cost of \$5,434.00 as a result of an inter-municipal parkland transfer between City of Buffalo and County of Erie to accommodate the NYS Department of Transportation Bailey Bridge Relocation Project through Erie County's Bailey Peninsula Natural Habitat Park; and

WHEREAS, the Department of Environment & Planning (DEP) has funds available under the existing US EPA Assistance Agreement #GL00E011050-0 under Professional Services to offset the out-of-scope engineering and design work as a result of shared cost savings with the City of Buffalo and NYS Department of Transportation construction bidding and construction implementation activities.

NOW, THEREFORE, BE IT

RESOLVED, that the Department of Environment & Planning be authorized to submit and pay CHA invoices in the amount of \$5,434.00 for additional design and engineering services related to the Bailey Bridge Reconstruction Project and City of Buffalo/Erie County inter-municipal land transfer from the Department of Environment and Planning's Professional Services account; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute an agreement amendment with CHA Consultants, Inc., 2200 Main Place Tower, Buffalo, New York 14202 for professional services associated with the additional design and engineering of the Bailey Peninsula Natural Habitat Park AOC habitat restoration in the amount of \$5,434.00; and be it further

RESOLVED, that the Clerk of the Legislature send certified copies of this resolution to Thomas R. Hersey, Jr., Division of Environmental Compliance; the County Executive; the Erie County Comptroller; the Commissioner of the Department of Environment & Planning; the Erie County Director of the Division of Budget and Management; and Kristen M. Walder, Assistant County Attorney.