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# COUNTY OF ERIE

**MARK C. POLONCARZ**  
COUNTY EXECUTIVE

February 15, 2016

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

**Re: Erie Community College (ECC) - STEM Building  
Guaranteed Maximum Price (GMP) - Amendment 1.1**

Dear Honorable Members:

Attached please find a memorandum and proposed resolution authorizing the County Executive to enter into a Guaranteed Maximum Price (GMP) Amendment with Turner Construction Company's concerning its construction management services contract for the STEM building project at the ECC North Campus.

This resolution supplements a letter previously submitted which is currently an open item in the Community Enrichment Committee (Comm. 10E-9 (2015)), a copy of which is attached.

Should your Honorable Body require further information, please contact Commissioner John C. Loffredo of the Department of Public Works. Thank you for your consideration with this matter.

Sincerely,

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

Mark C. Poloncarz, Esq  
Erie County Executive

MCP/jcl/dab

cc: John C. Loffredo, Department of Public Works

## **MEMORANDUM**

**To:** Erie County Legislature  
**From:** Department of Public Works/Office of the Commissioner  
**Re:** Erie Community College (ECC) STEM Building  
Guaranteed Maximum Price (GMP) - AMENDMENT 1.1  
**Date:** February 15, 2016

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### **SUMMARY**

Under a GMP contract, the STEM building Construction Manager (CM) receives bids and issues contracts to all project lowest responsible bid contractors. The GMP contract with the County is a cost plus a fee agreement with a cap on the County's total liability for the cost of construction. The County is obligated to pay the CM the actual cost of construction up to a certain amount. If the construction costs exceed that sum, the CM is liable for the cost overrun. In addition, the CM is required to complete the project on time and meet all project labor goals (Minority/Women Owned Business, Apprentice, etc.). This is the same type of arrangement that was used on the Ralph Wilson Stadium renovation project which was completed on time and met all of its goals.

This resolution is requesting:

1. Authorization for the County Executive to issue the project Construction Manager, Turner Construction Company, a GMP Amendment 1.1 for the first phase of construction in an amount not to exceed \$7,400,000.

A future, second amendment (GMP Amendment 1.2) will cover the remaining construction work.

2. Authorization for the County Executive to issue contract change orders to the project Architect and/or Construction Manager and/or, the Department of Public Works to issue contracts for inspection and testing services, in a total amount not to exceed \$150,000.
3. Authorization for the County Executive to issue change orders to various STEM Project design and construction contracts, funded by the Owners Contingency, in an amount not to exceed \$500,000.

### **FISCAL IMPLICATIONS**

Funds for the project are currently available from the approved, as amended 2012 Capital Budget, SAP Project as follows: BA122 Fund 480 - E.12002 2012 ECC – New Academic Building.

This project is funded 50% by New York State on a reimbursable basis, 25% by Erie Community College (ECC), and 25% by Erie County. ECC has submitted a finance application for 50% state aid.

### **REASONS FOR RECOMMENDATION**

The project is necessary to assist ECC to improve their student and faculty base and to provide critically important academic space for the strategic expansion of existing ECC programs already located at the North Campus, that align with regional workforce needs in sectors of the economy with strong growth potential. This building will integrate new and expanded workforce training

and education, that responds to the needs of area employers.

### **CONSEQUENCES OF NEGATIVE ACTION**

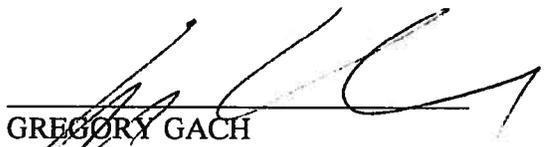
If this project is not completed, Erie Community College will continue to lose prospective students to other area higher education institutions and consequently the County will continue to lose funds in charge-backs from other counties where Erie County residents attend college.

### **STEPS FOLLOWING APPROVAL**

Upon approval of this resolution, the County Executive will issue a GMP Amendment 1.1 in an amount not to exceed \$7,400,000 to Turner Construction Company for Phase 1 of the ECC STEM buildings' two construction phases. Contract amendments will be issued to the project Architect, Construction Manager, and contracts will be issued for inspection and testing services in an amount not to exceed \$150,000.

**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 appropriations for the action proposed.



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GREGORY GACH  
Deputy Comptroller  
Comptroller's Office

TO: GREGORY GACH, COMPTROLLER'S OFFICE

PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST  
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

<u>REQUESTING DEPARTMENT</u>	<u>COMPLETE ITEMS 1 THROUGH 5</u>
1. CONTRACTOR'S NAME	Turner Construction Inspection & Testing - TBD
2. AMOUNT OF CONTRACT	GMP Amendment 1.1 \$7,400,000 Inspection & Testing Services \$ 150,000 Construction Contingency \$ 500,000
3. PROJECT NUMBER	BA122 Fund 480 E.12002
4. PROJECT TITLE	Erie Community College-STEM Building Guaranteed Maximum Price-Amendment 1.1
5. DEPARTMENT CONTACT	Funding questions: John Loffredo, P.E. (7555) Letter pickup: Diane Bukowski at 8301
<u>COMPTROLLER'S OFFICE</u>	
6. AVAILABILITY OF FUNDS	\$ 25,652,933.26
7. PERFORMED BY	JOE MIRABELLI
Date Sent to Comptroller's Office:	February 3, 2016

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**A RESOLUTION SUBMITTED BY:  
DEPARTMENT OF PUBLIC WORKS**

RE: Erie Community College (ECC) STEM Building  
Guaranteed Maximum Price (GMP) AMENDMENT 1.1

WHEREAS, in order to complete the construction of the ECC North Campus STEM Building by Spring 2017, a two (2) phase bidding process is being adopted; and

WHEREAS, construction bid documents for the first phase of construction should be completed by the end of 2016; and

WHEREAS, due to the large number of building construction projects currently underway in the area, it is important to award the first phase construction contracts as soon as possible in order to receive the lowest possible bid prices; and

WHEREAS, after the first phase construction bids are received, a GMP Amendment 1.1 will be issued to the Construction Manager (CM), Turner Construction; and

WHEREAS, in order to proceed with this first phase of construction various legislative authorizations are necessary.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to:

- Issue project Construction Manager, Turner Construction Company a GMP Amendment 1.1 for the first phase of construction in an amount not to exceed \$7,400,000.
- Issue a contract change order to the project Architect and/or Construction Manager and/or the Department of Public Works is authorized to issue contracts for inspection and testing services in a total amount not to exceed \$150,000.
- Issue change orders to various STEM Project design and construction contracts, from the Owners Contingency, in an amount not to exceed \$500,000.

; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for the above from SAP project account BA122, Fund 480, Account E.12002, 2012 ECC – New Academic Building with total payments not to exceed \$8,050,000; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management and the Office of the Comptroller, and one copy to Erie Community College Office of the Chief Administrative and Financial Officer.