

SUSPENSION



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

May 11, 2016

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

IMMEDIATE CONSIDERATION

**RE: Locally Administered Federal Aid Project Agreement for
Bridge Replacement Swift Mills Rd. over Murder Creek
BIN 3326520, Town of Newstead, Erie County
NYS PIN 5757.29**

Dear Honorable Members:

The Department of Public Works, Division of Highways is requesting authorization for the County Executive to execute an agreement to participate in the Swift Mills Road over Murder Creek bridge replacement Federal Aid project with the New York State Department of Transportation.

Should your Honorable Body require further information, I encourage you to contact John Loffredo, PE of the Department of Public Works. Thank you for your consideration on this matter.

Sincerely,


Mark C. Poloncarz, Esq.
Erie County Executive
Dpty County Exec.

MCP/dms/dab

cc: John C. Loffredo, Department of Public Works

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MEMORANDUM

TO: Honorable Members of the Erie County Legislature
FROM: Department of Public Works/Office of the Commissioner
RE: Locally Administered Federal Aid Project Agreement for
Bridge Replacement Swift Mills Rd. over Murder Creek
BIN 3326520, Town of Newstead, Erie County
NYS PIN 5757.29
DATE: May 11, 2016

SUMMARY

Adopt a resolution authorizing the County Executive to execute an agreement to participate in the Swift Mills Road over Murder Creek bridge replacement Locally Administered Federal Aid project with the New York State Department of Transportation. This action includes authorization for Erie County to advance the Federal and State share and pay the non-Federal share of the project.

FISCAL IMPLICATIONS

The Supplemental Agreement with NYSDOT includes a State Marchiselli adjustment for the previously authorized, via Comm. 18E-17 of November 7, 2013, Design phase in the amount of \$33,750. SAP Fund 420, BA 123, B.20937, 2009 Swift Mills Bridge Design.

The Supplemental Agreement also includes the Construction phase of the Project in the amount of \$1,000,000. of which up to \$800,000. is reimbursed with Federal Funds and up to \$150,000 is reimbursed with New York State Marchiselli Funds. The required Erie County (local) share in the amount of \$50,000 is available in SAP Fund 420, BA123, B.14008, 5757.29 Swift Mills Bridge Construction.

SAP Accounts B.20937 and B.14008 will be adjusted for the anticipated Federal and State revenue in accordance with the NYSDOT Supplemental Agreement.

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 a Supplemental 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.

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A RESOLUTION SUBMITTED BY: DEPARTMENT OF PUBLIC WORKS

RE: Locally Administered Federal Aid Project Agreement for
Bridge Replacement Swift Mills Rd. over Murder Creek
BIN 3326520, Town of Newstead, Erie County
NYS PIN 5757.29

WHEREAS, the Swift Mills Rd. Bridge Project PIN 5757.29, 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 and 20% non-Federal funds; and

WHEREAS, the County of Erie previously advanced the Project by making a commitment of 100% of the Non-Federal share of the costs of the Design via Legislative Communication 18E-17 dated November 7, 2013; and

WHEREAS, the County of Erie desires to accept the New York State Marchiselli funds appropriated for the Design phase and advance the Construction phase of the Project by making a commitment for the Federal and Non-Federal share of the costs of the project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the Swift Mills Road over Murder Creek bridge replacement Federal Aid 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 the Federal and non-Federal shares of the cost of the Construction and Construction Inspection Phases of the Project or portions thereof; and be it further

RESOLVED, that the Project Budget for Design, Fund 420, BA 123, Project B.20937, 2009 Swift Mills Road Bridge Design, be increased by the amount of anticipated New York State Marchiselli revenue in accordance with the Supplemental Agreement as follows:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
405160	Marchiselli Aid	0	\$ 33,750	\$ 33,750
414000	Federal Aid	\$180,000	\$ 0	\$ 180,000
475000	Gen Oblig Bond Proc	<u>\$108,800</u>	<u>\$ 0</u>	<u>\$ 108,800</u>
TOTAL REVENUES		<u>\$288,800</u>	<u>\$ 33,750</u>	<u>\$ 322,550</u>

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APPROPRIATIONS

Capital Projects	Capital Project Exp	<u>\$288,800</u>	<u>\$ 33,750</u>	<u>\$ 322,550</u>
TOTAL APPROPRIATIONS		<u>\$288,800</u>	<u>\$ 33,750</u>	<u>\$ 322,550</u>

; and be it further

RESOLVED, that the Project Budget for the Construction phase, Fund 420, BA123, SAP B.14008, 2014 5757.29 Swift Mills Bridge Construction, be increased by the amount of anticipated Federal and New York State Marchiselli revenue in accordance with the Supplemental Agreement as follows:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
405160	Marchiselli Aid	\$ 0	\$ 150,000	\$ 150,000
414000	Federal Aid	\$ 660,000	\$ 140,000	\$ 800,000
445070	Prem On Obligations	\$ 22,056.50		\$ 22,056.50
475000	Gen Oblig Bond Proc	<u>\$142,943.50</u>	<u>\$ 0</u>	<u>\$ 142,943.50</u>
TOTAL REVENUES		<u>\$ 825,000</u>	<u>\$ 290,000</u>	<u>\$ 1,115,000</u>
APPROPRIATIONS				
CAPITALPROJECT	Capital Project Exp	\$ 165,000	\$ 950,000	<u>\$ 1,150,000</u>
UNALLOCATED	Unallocated Capital	<u>\$ 660,000</u>	<u>\$ (660,000)</u>	<u>\$ 0</u>
TOTAL APPROPRIATIONS		<u>\$ 825,000</u>	<u>\$ 290,000</u>	<u>\$ 1,115,000</u>

; and be it further

RESOLVED, that the estimated total sum of the construction and construction inspection Phase of the Project in the amount of \$1,000,000 is hereby appropriated from Fund 420, BA123, B.14008, 2014 Swift Mills Bridge Construction and made available to cover the cost of participation in the Construction phase of the Project; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the Project's construction and construction inspection Phases exceeds the amount appropriated, \$1,000,000, 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

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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 and/or Marchiselli Aid on behalf of the County of Erie, (subject to the County of Erie Attorney's approval as to form and content), with the New York State Department of Transportation in connection with the advancement or approval of the Project identified in the State/Local Agreement; 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.

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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

NYS Department of Transportation

2. AMOUNT OF CONTRACT

B.20937 \$ 225,000.00
B.14008 \$1,225,000.00

3. PROJECT NUMBER

B.20937 - 2009 Swift Mills Br, Design
B.14008 - 2014 Swift Mills Br, Construction

4. PROJECT TITLE

5757.29 Swift Mills Bridge

5. DEPARTMENT CONTACT

Funding questions: Charles A. Sickler, PE at 8372
Letter pickup: Diane Bukowski at 8301

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

6. AVAILABILITY OF FUNDS

\$

7. PERFORMED BY

N/A

Date Sent to Comptroller's Office:

April 13, 2016

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