

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: Award of Construction and Construction Inspection for
Bridge Replacement Swift Mills Road over Murder Creek
BIN 3326520, Town of Newstead, Erie County
NYS PIN 5757.29**

Dear Honorable Members:

We are forwarding for your approval a proposed resolution authorizing the County of Erie to award the low bidder, enter into a construction phase engineering agreement with Nussbaumer & Clark, Inc., enter into various utility agreements, and establish a project contingency for the Swift Mills Road over Murder Creek bridge replacement project.

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

Sincerely,

Mark C. Poloncarz, Esq.
Erie County Executive

Deputy 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: Award of Construction and Construction Inspection for
Bridge Replacement Swift Mills Road over Murder Creek
BIN 3326520, Town of Newstead, Erie County
NYS PIN 5757.29
DATE: May 11, 2016

SUMMARY

Authorization is being requested for pre-approval to award a construction contract to the lowest responsible bidder, for the Swift Mills Bridge Replacement Project. Authorization is also being requested to amend project designer, Nussbaumer & Clarke Inc., design contract to include construction phase engineering and inspection services, enter into utility agreements, and to establish a Project construction contingency.

FISCAL IMPLICATIONS

The Department of Public Works *estimates* the Project construction at \$1,175,000 as follows:

Construction	\$900,000.00
Construction Phase Engineering & Inspection	\$205,000.00
Misc, advertising, permits, etc.	\$ 2,000.00
Contingency	\$ 68,000.00

Funds for the Project, with adjustments for anticipated Federal and NYS revenue, are available in Fund 420, BA123:

SAP B.14008 – 2014 - 5757.29 Swift Mills Bridge	\$1,115,000.00
SAP B.15011 – 2015 - Preservation of Bridge, Construction	\$ 60,000.00

REASONS FOR RECOMMENDATION

The Erie County Department of Public Works completed the design phase of the Project and desires to advance the construction phase of Project at a public bid scheduled for April 28, 2016.

BACKGROUND INFORMATION

This project has been approved by the New York State Department of Transportation in their current Capital Program, a portion of which will be funded with Federal and State Aid funds.

CONSEQUENCES OF NEGATIVE ACTION

If DPW is unable to advance the construction phase of the Replacement of Swift Mills Bridge (BR 255-2) Project, it will remain closed to the traveling public. Failure to meet project phase milestones may jeopardize receipt of Federal and State Aid program funding.

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STEPS FOLLOWING APPROVAL

The County Executive will execute Agreements with the responsible low bidder and various utility companies, execute an amendment with Nussbaumer and Clarke Inc., and establish a Project contingency 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 authorized capital projects for which there are sufficient appropriations for the action proposed.



Gregory Gach
Deputy Comptroller
Comptroller's Office

BRYAN FIUME
Associate Deputy Comptroller

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

RE: Award of Construction and Construction Inspection for
Bridge Replacement Swift Mills Rd. over Murder Creek
BIN 3326520, Town of Newstead, Erie County
NYS PIN 5757.29

WHEREAS, the Department of Public Works scheduled a competitive bid for the Swift Mills Rd. Bridge Replacement Project PIN 5757.29, the "Project" for Thursday, April 28, 2016; and

WHEREAS, the total construction phase is estimated at \$1,175,000.00; and

WHEREAS, it is desired to award a construction contract to the lowest responsible bidder, amend project designer Nussbaumer & Clarke Inc.'s contract to include construction phase engineering and inspection services, and establish a Project contingency; and

WHEREAS, it is necessary to execute various utility agreements for the Project.

NOW, THEREFORE, BE IT

RESOLVED, that the following authorized Project funds, Fund 420, BA 123, SAP B.14008- 2014- 5757.29 Swift Mills Bridge in the amount of \$1,115,000.00 and SAP B.15011-2015 - Preservation of Bridge, Construction in the amount of \$60,000.00 for a total not to exceed \$1,175,000.00 be made available for the Project; and be it further

RESOLVED, that the County Executive is authorized and is hereby directed to execute Project utility agreements at no cost; and be it further

RESOLVED, that the County Executive is authorized to execute a construction agreement between the County of Erie and the lowest responsible bidder and a Contract Amendment for construction phase engineering and inspection services with Project design engineers Nussbaumer & Clarke, Inc. for the Swift Mills Rd. Bridge Replacement Project PIN 5757.29; and be it further

RESOLVED, that the County Executive is authorized to establish a project contingency and execute project related change orders; and be it further

RESOLVED, that the total cost of the construction phase of the Project shall not exceed \$1,175,000.00; and be it further

RESOLVED, that the Clerk of the Legislature forward three (3) 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

COMPTROLLER'S
RECEIVED
16 APR 26 PM 1:51

REQUESTING DEPARTMENT

COMPLETE ITEMS 1 THROUGH 5

1. CONTRACTOR'S NAME

Utilities, various
Nussbaumer & Clarke, Inc.
TBD, low bidder
Project Contingency

2. AMOUNT OF CONTRACT

B14008 \$1,115,000.00
B.15011 \$ 60,000.00

3. PROJECT NUMBER

B.14008-2014 Swift Mills Br, Construction
B.15011-2015 Preservation of Bridges, Construct

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

^{B.14008} \$ 1,115,000.00 1,807,032.35 ⇒ B.15011

7. PERFORMED BY

Joseph R. Minibelli

Date Sent to Comptroller's Office:

April 13, 2016

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