



COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

December 14, 2017

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

**RE: Federal-Aid Local Project–Lakeshore Shoreline Trail-Phase 3
Award of Construction Contract to Nova Site Co., LLC
Wendel – Contract for Engineering Services- Construction and
Construction Inspection - PIN 5758.02
Town of Evans - County of Erie**

Dear Honorable Members:

The Department of Public Works, Division of Highways is requesting authorization for the County Executive to award a construction contract to Nova Site Co., LLC, the lowest responsible bidder for the project, and to execute a contract with Wendel for engineering services during construction including construction inspection.

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

Sincerely,

A handwritten signature in black ink, reading "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive

cc: William E. Geary, Commissioner

MCP/bar/dab

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works
Re: Federal-Aid Local Project – Lakeshore Shoreline Trail - Phase 3
Award Construction Contract to Nova Site Co., LLC
Wendel – Contract for Engineering Services- Construction and
Construction Inspection - PIN 5758.02
Town of Evans - County of Erie
Date: December 14, 2017

SUMMARY

The project is to construct a multi-use pathway from Roat Drive north and east through Wendt Beach Park and then along Lakeshore Road up to Sturgeon Point Rd. This resolution is seeking authorization for the County Executive to award a Construction Contract to Nova Site Co., LLC, the lowest responsible bidder for the project and to execute an agreement with Wendel, the project designer, for engineering services during construction including construction inspection.

FISCAL IMPLICATIONS

The lowest responsible bidder for the project was Nova Site Co., LLC in the amount of \$2,101,555.10. The contract with Wendel for engineering services during construction including construction inspection is in the estimated amount of \$224,620. It is desired to set up a Construction Contingency in the amount of \$83,824.90. The construction phase total, including contingency, of \$2,410,000 is available from Fund 410, Fund Center 162, SAP Project No. A.16018 – Evans Shoreline Trail Phase 3 (\$2,410,000).

REASONS FOR RECOMMENDATION

To advance the project in a timely fashion and meet environmental time constraints it is desired to award a Construction Contract to the lowest responsible bidder for the project, Nova Site Co., LLC. The agreement with Wendel provides for necessary Construction phase engineering services.

BACKGROUND INFORMATION

The project was bid November 2, 2017. The lowest responsible bidder was Nova Site Co., LLC. Wendel was the project designer and is providing construction phase engineering services for the project.

CONSEQUENCES OF NEGATIVE ACTION

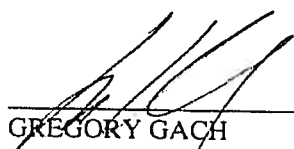
The project will not go forward and the opportunity to add another segment to the Shoreline Trail system will be lost.

STEPS FOLLOWING APPROVAL

A contract for construction of the project will be executed with Nova Site Co., LLC; a contract with Wendel will be executed for the services noted and a construction contingency will be established.

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 will be sufficient appropriations for the action proposed pending the adoption of the authorization to enter into a Supplemental Agreement with the New York State Department of Transportation which includes the addition of anticipated Federal revenue.



GREGORY GACH
Deputy Comptroller
Comptroller's Office

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

Re: Federal-Aid Local Project Lakeshore Shoreline Trail - Phase 3
Award Construction Contract to Nova Site Co., LLC
Wendel – Contract for Engineering Services- Construction and
Construction Inspection - PIN 5758.02
Town of Evans - County of Erie

WHEREAS, the Lakeshore Shoreline Trail – Phase 3, PIN 5758.02 (the “Project”) is eligible for funding under the Federal Transportation Enhancement Program administered by the New York State Department of Transportation (NYSDOT); and

WHEREAS, the County of Erie desires to advance the construction phase of the Project;
and

WHEREAS, the project was bid on November 2, 2017, the lowest responsible bidder being Nova Site Co., LLC with a bid of \$2,101,555.10; and

WHEREAS, it is desired to award a contract for the construction of the project to Nova Site Co., LLC; and

WHEREAS, it is desired to execute a contract with project designer Wendel for construction phase engineering services for the Project including construction inspection in the amount of \$224,620; and

WHEREAS, it is desired to establish a Construction Contingency in the amount of \$83,824.90; and

WHEREAS, the total construction phase cost, including contingency, is currently estimated at \$2,410,000 which is available from Fund 410, Fund Center 162, SAP Project No. A.16018 – Evans Shoreline Trail Phase 3 (\$2,410,000).

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the above subject 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 Phase of the Project or portions thereof; and be it further

RESOLVED, that the County Executive be authorized to award and execute contracts for the Project with the responsible low bidder, Nova Site Co., LLC in the amount of \$2,101,555.10 which is hereby appropriated from Fund 410, Fund Center 162, SAP Project No. A.16018 – Evans Shoreline Trail Phase 3 (\$2,101,555.10) and made available to cover the cost of construction of the Project; and be it further

RESOLVED, that the County Executive be authorized to execute a contract with Wendel for construction phase engineering services including construction inspection in the amount of

\$224,620 which is hereby appropriated from Fund 410, Fund Center 162, SAP Project No. A.16018 – Evans Shoreline Trail Phase 3 (\$224,620) and made available to cover the cost of said services; and be it further

RESOLVED, that the County executive be authorized to execute construction phase change orders in an amount not to exceed \$83,824.90 which is hereby appropriated from Fund 410, Fund Center 162, SAP Project No. A.16018 – Evans Shoreline Trail Phase 3 and made available to cover the cost of said change orders; and be it further

RESOLVED, that three (3) certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Office of the County Attorney, Office of the Comptroller, and Department of Environment and Planning, Division of Planning.

TO: GREGORY GACH - 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
Nova Site Co., LLC
Wendel
2. AMOUNT OF CONTRACT
See Below
3. PROJECT NUMBER
A.16018 - Nova Site Co., LLC - \$2,101,555.10
A.16018 - Wendel - \$ 224,620.00
A.16018 - Contingency Contract \$ 83,824.90
4. PROJECT TITLE
Lakeshore Shoreline Trail Phase 3 - PIN 5758.02
5. DEPARTMENT CONTACT
Funding questions: Charles A. Sickler PE @ 8372
Letter pickup: Diane Bukowski @ 8301

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

6. AVAILABILITY OF FUNDS
\$ 2,410,000.00
 7. PERFORMED BY
Greg A. Minibelli
- Date Sent to Comptroller's Office: November 30, 2017

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