



EOLEG 04/24/17 AM 10:00

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

April 24, 2017

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

**RE: Federal-Aid Highway Local Project Agreement with NYSDOT
Pontiac Road CR490 Bridge over Big Sister Creek Replacement
BIN 3327820 - Town of Evans - NYS PIN 5761.77**

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 above Federal Aid project with the New York State Department of Transportation, and to advance the Federal share and pay the non-Federal share of the cost of design phases I-IV and right of way incidentals for this project.

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, appearing to read "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/DMS/dab

cc: Charles A. Sickler P.E., Department of Public Works

MEMORANDUM

TO: Honorable Members of the Erie County Legislature
FROM: Department of Public Works
RE: Federal-Aid Highway Local Project Agreement with NYSDOT
Pontiac Road CR490 Bridge over Big Sister Creek Replacement
BIN 3327820 - Town of Evans - NYS PIN 5761.77
DATE: April 24, 2017

SUMMARY

Department of Public Works seeks authorization for the County Executive to execute an agreement for Erie County to participate in a Federal Aid project with the New York State Department of Transportation for design phases I thru IV and right of way incidentals for the Replacement of Pontiac Road Bridge BIN 3327820 in the Town of Evans.

FISCAL IMPLICATIONS

The total cost of the Preliminary Design Engineering and Right-of-Way Incidentals of the project is currently estimated at \$115,000 and requires a 20% Local Share of \$23,000. 80% of the project, in the amount of \$92,000., will be reimbursed through the Locally Administered Federal Aid Project Agreement. The local share of \$23,000 is available from SAP Project B.15019, Fund Center 123, Fund 420, 2015 Capital Overlay Program. A new project fund in Fund Center 123, Fund 420 will be established for anticipated federal revenue representing the balance of the project in the amount of \$92,000.

REASONS FOR RECOMMENDATION

The Erie County Department of Public Works wants to initiate the Project by entering into an Agreement for design phases I thru IV and right of way incidentals 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.

CONSEQUENCES OF NEGATIVE ACTION

If the Agreement is not approved, the replacement of the Pontiac Road Bridge over Big Sister Creek will continue to deteriorate and pose problems for the traveling public and continued posting for weight restrictions. Failure to execute this Agreement will jeopardize receipt of the available federal Project funds and possibly the loss of eligibility for future Federal Aid Program participation.

STEPS FOLLOWING APPROVAL

Department of Budget will establish a new capital project fund for of \$92,000. Highway Division will proceed with execution of agreements with the County Executive and the New York State Department of Transportation, and the project will proceed on schedule.

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.

Gregory Gach
Deputy Comptroller
Comptroller's Office

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF PUBLIC WORKS

RE: Federal-Aid Highway Local Project Agreement with NYSDOT
Pontiac Road CR490 Bridge over Big Sister Creek Replacement
BIN 3327820 - Town of Evans - NYS PIN 5761.77

WHEREAS, the replacement of the Pontiac Road Bridge over Big Sister Creek, BIN 3327820, PIN 5761.77 is needed due to structural deficiencies; and

WHEREAS, the replacement of Pontiac Road Bridge over Big Sister Creek, BIN 3327820, PIN 5761.77, (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 desires to advance the Project by making a commitment to advance 80% of the reimbursable Federal share and payment of the 20% Non-Federal share of the costs of the Preliminary Engineering (Scoping & Design I-IV) and Right of Way Incidentals phases of the Project; and

WHEREAS, the design phases I - IV and incidental right of way phase of the Project, PIN 5761.77, is currently estimated at \$115,000 and the County is required to pay the estimated local share for the Project in the amount of \$23,000 which is available in Project B.15019, Fund Center 123, Fund 420, 2015 Capital Road Overlay Program; and

WHEREAS, this new project requires a new capital project, established in the amount of \$92,000 in Fund Center 123, Fund 420;

WHEREAS, an amendment to contract document no. 10-961-PW with project designers Foit Albert & Associates of Buffalo, New York will have to be negotiated for the tasks in the Project agreement.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the Pontiac Road Bridge over Big Sister Creek, BIN 3327820, PIN 5761.77 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 preliminary design engineering (Design I-IV) and right-of-way incidentals, phases of the Project or portions thereof in the amount of \$115,000; and be it further

RESOLVED, that the Erie County Office of Budget and Finance establish a new capital project B.17xxx in the amount of \$92,000 in Fund Center 123, Fund 420 as shown below

REVENUES Account	Description	CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
414000	Federal Aid	\$ 0	\$ 92,000	\$92,000
TOTAL REVENUES		<u>\$ 0</u>	<u>\$ 92,000</u>	<u>\$92,000</u>
APPROPRIATIONS				
Capital Projects	Capital Project Exp	<u>\$ 0</u>	<u>\$ 92,000</u>	<u>\$92,000</u>
TOTAL APPROPRIATIONS		<u>\$0</u>	<u>\$ 92,000</u>	<u>\$92,000</u>
; and be it further				

RESOLVED, that the local share required in the amount of \$23,000 be utilized from Project B.15019, 2015 Capital Overlay Program, fund center 123, fund 420; 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 design phases I-IV, and right of way incidentals phases exceeds the amount appropriated, \$115,000, 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

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, 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 the County Executive of the County of Erie is hereby authorized to execute the necessary Amendment to Erie County Contract Document No. 10-961-PW with Foit Albert & Associates in connection with the advancement of the Project identified in the State/Local Agreement; 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 one copy each to the Office of the County Executive, the Division of Budget and Management, the Office of the County Attorney, and the Office of the Comptroller.

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

Foit Albert & Associates Doc# 10-961-PW

2. AMOUNT OF CONTRACT

\$115,000.

3. PROJECT NUMBER

SAP B.15019 = \$23,000.
SAP B.17xxx = \$ 92,000.

4. PROJECT TITLE

2015 Capital Overlay Program
Pontiac Rd Bridge over Big Sister Creek Replacement

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

Date Sent to Comptroller's Office:

April 13, 2017

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OFFICE OF THE COMPTROLLER REVIEW

DATE: 4/24/2017

PROJECT TITLE: B.15019 2015 CAPITAL OVERLAY PROGRAM COUNTYWIDE

1) IS THE REASON FOR THIS CONTRACT CONSISTENT WITH THE PURPOSE OF THE PROJECT: YES X NO

2) PROJECT AVAILABLE APPROPRIATION

Total Project Revenues	\$ 14,811,400.00
Total Project Appropriations	\$ 14,811,400.00
Less: Total Expenditure To Date	\$ 13,083,356.25
Total Commitments	\$ 778,523.85
Available Appropriations As Of Date Of Request	\$ 949,519.90
Less: Contract Amount for 5761.78	\$ 26,000.00
Less: Contract Amount for 5761.77	23,000.00
Net Available Appropriations	\$ 900,519.90

Comments: \$1,763,206.90 cash is available in the project. The \$23,000.00 represents the 20% local share due for NYS PIN 5761.77, which is part of a new SAP project to be created.

Request Approved:

BRYAN FIUME
Associate Deputy Comptroller

Request Denied:

Date:

4/24/17

OFFICE OF THE COMPTROLLER REVIEW

DATE: 4/24/2017

PROJECT TITLE: B.170xx TBD NYS PIN 5761.77

1) IS THE REASON FOR THIS CONTRACT CONSISTENT WITH THE PURPOSE
OF THE PROJECT: YES X NO

2) PROJECT AVAILABLE APPROPRIATION

Total Project Revenues	Proposed	\$ <u>92,000.00</u>
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Total Project Appropriations	Proposed	\$ <u>92,000.00</u>
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Less: Total Expenditure To Date **\$ -**

Total Commitments **\$ -**

Available Appropriations As Of Date Of Request	\$ 92,000.00
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Less: Contract Amount	\$ 92,000.00
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Net Available Appropriations **\$** -

Comments: The newly established project will be reimbursed 100% in Federal funding.

The newly established project makes up 80% of the total costs, where the other 20% is coming from project B.15019 and is the local share required (\$23,000.00)

Request Approved:

Request Denied:

Date:

4/24/17

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 | Foit Albert & Associates Doc# 10-961-PW |
| 2. AMOUNT OF CONTRACT | \$115,000. |
| 3. PROJECT NUMBER | SAP B.15019 = \$23,000.
SAP B.17xxx = \$ 92,000. |
| 4. PROJECT TITLE | 2015 Capital Overlay Program
Pontiac Rd Bridge over Big Sister Creek Replacement |
| 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.15019 \$ 949,519.90 | \$ 92,000.00 - B.17xxx |
|--------------------------|-----------------------|------------------------|

7. PERFORMED BY



Date Sent to Comptroller's Office:

24
April 13, 2017

Fund/Group Funds Center *		(2015 CAPITAL OVERLAY PROGRAM COUNTYWIDE)					(*)	
Funded Program B.15019								
Commitment Item	Interfnd Rev Subsidy	Original Budget	Adjustments	Current Budget	Commitment	Actuals		
486000	Interfnd Rev Subsidy	6,500,000.00-	8,311,400.00-	14,811,400.00-		14,811,400.00-		
* Revenue		6,500,000.00-	8,311,400.00-	14,811,400.00-		14,811,400.00-		
506400	Highway Supplies				2,218.33	3,566,995.61		
516020	Pro Ser Cnt and Fees				776,305.52	9,516,360.64		
CAPITALPROJECTS	Capital Project Exp	6,500,000.00	7,612,130.00	14,112,130.00				
UNALLOCATED	Unallocated Capital		699,270.00	699,270.00				
* Expense		6,500,000.00	8,311,400.00	14,811,400.00	778,523.85	13,083,356.25		
** Commitment Item					778,523.85	1,728,043.75-		

Fund/Group				420			
Funds Center *				(*			
Funded Program B.15019)			
				(2015 CAPITAL OVERLAY PROGRAM COUNTYWIDE			
Commitment Item				Consumable Bud	Consumed Budget	Available Budget	
486000	Interfnd Rev Subsidy			14,811,400.00-	14,811,400.00-		
* Revenue				14,811,400.00-	14,811,400.00-		
CAPITALPROJECTS UNALLOCATED	Capital Project Exp Unallocated Capital			14,112,130.00	13,861,880.10	250,249.90	699,270.00
* Expense				14,811,400.00	13,861,880.10	949,519.90	
** Commitment Item					949,519.90-	949,519.90	

Fund(s): 420 Fiscal Year: 2017 Project(s): B.15019 2015 CAPITAL OVERLAY PROGRAM COUNTYWIDE
Period: 1 to 16

Account	Prev. Yr.	YTD Debit	YTD Credit	End Bal
117000 CASH CONTROL ACCOUNT	1,976,589.92		213,383.02-	1,763,206.90
130000 DUE FROM (DUE TO) OTHER FUNDS				
131000 DUE FROM PRIMARY GOV'T				
200000 ACCOUNTS PAYABLE CONTROL ACCT	64,757.75-	213,383.02	148,625.27-	16,132.28-
200200 GR/IR ACCOUNT	730.00-	153,420.29	168,822.57-	19,030.87-
205100 RETAINED PERCENTAGE PAYABLE	14,965.85-		4,065.02-	
389999 UNRESERVED/UNDESIGNATED FUND BALANCE				
* Balance Sheet	1,896,136.32	366,803.31	534,895.88-	1,728,043.75
486000 INTERFUND REVENUE SUBSIDY				
* Revenues	14,811,400.00-			14,811,400.00-
	14,811,400.00-			14,811,400.00-
506400 HIGHWAY SUPPLIES	3,566,995.61			3,566,995.61
516020 PROFESSIONAL SERVICE CONTRACTS AND FEES	9,348,268.07	172,887.59	4,795.02-	9,516,360.64
* Expenditures	12,915,263.68	172,887.59	4,795.02-	13,083,356.25
** Total		539,690.90	539,690.90-	