



FILED APR 27 2017 10:02

# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

April 24, 2017

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

**RE: Federal-Aid Highway Local Project Supplemental Agreement with NYSDOT-  
Contract for Engineering Design Services for Safety Improvements  
at Colvin Blvd (CR 118) and Brighton Road (CR 196) Intersection  
Town of Tonawanda - PIN 5760.97**

Dear Honorable Members:

The Department of Public Works, Division of Highways is requesting authorization for the County Executive to execute a Supplemental Agreement with New York State Department of Transportation for additional Federal and New York State Marchiselli funds to be applied to the design phase of the above noted Locally Administered Federal Aid project. Additionally, the Department is requesting authorization for the County Executive to execute a contract with the firm of Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, DPC for design engineering services related to the 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,

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP:gmw/dab

Cc: Charles A. Sickler

## MEMORANDUM

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Public Works/Office of the Commissioner  
**Re:** Federal-Aid Highway Local Project Supplemental Agreement with NYSDOT  
Contract for Engineering Design Services for Safety Improvements  
at Colvin Blvd (CR 118) and Brighton Road (CR 196) Intersection  
Town of Tonawanda – PIN 5760.97  
**Date:** April 24, 2017

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### **SUMMARY**

The Department of Public Works is seeking authorization to execute the Supplemental Agreement No.1 with the New York State Department of Transportation (NYSDOT). Additionally, the Department is requesting authorization to execute a negotiated Contract between the County of Erie and Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, DPC as Project Design Engineers in an amount not to exceed \$120,000 for design engineering services for the safety improvements at the above noted intersection.

### **FISCAL IMPLICATIONS**

Department of Public Works is seeking authorization for the County Executive to execute Supplemental Agreement No. 1 with New York State Department of Transportation (NYSDOT) for additional federal and NYS Marchiselli funding for the design phase of the above noted Locally Administered Federal Aid project.

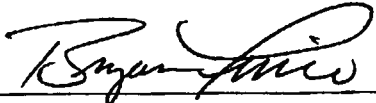
The original Preliminary Engineering agreement was authorized in the amount of \$60,000 via Comm. 8E-6 on May 12, 2016. NYSDOT & Erie County DPW, after review of the scope of this project, determined that additional design engineering as well as related increase to project is necessary through a Supplemental Agreement No. 1 in the amount of \$120,000. The Agreement is eligible for 90% Federal funds reimbursement (\$108,000) and 4.5% NYS Marchiselli reimbursement (\$5,400). Should the agreement receive additional NYS Marchiselli reimbursement in the future, the project revenue would be adjusted to reflect that increase.

The design engineering cost of this project is currently estimated at \$120,000 and requires a local share in the amount of \$6,600 (a \$600 increase over the original agreement's required local share). This amount, with the addition of the Supplemental Agreement's federal and NYS Marchiselli revenue in the amount of \$113,400, is available from SAP Project B.15015, 2015 Highway Safety Program, Fund 420, Business Area 123.

The negotiated agreement between Erie County and Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, DPC, as Project Design Engineer, will not exceed \$120,000, the amount of the Project's allowance.

**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 GASH  
Deputy Comptroller  
Comptroller's Office~~

**BRYAN FIUME**  
Associate Deputy Comptroller

*B.15015 2015 HIGHWAY SAFETY...  
SUPPLEMENTAL AGREEMENT FOR  
COLVIN BLVD/BRIGHTON RD INTERSECTION*

## **REASONS FOR RECOMMENDATION**

The Safety Improvements at the Colvin Boulevard and Brighton Road Intersection project is eligible as a Federal Transportation Alternatives Program (TAP) Project which allows the County of Erie to utilize available capital funds to leverage Federal and New York State funds towards the improvement of its infrastructure. Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, DPC is recommended as Project Design Engineers because of their necessary expertise, experience, and manpower to provide the County of Erie with the service required. Erie County is eligible for reimbursement up to the maximum 94.5% of the total Project cost under this Agreement with NYSDOT.

## **BACKGROUND INFORMATION**

The Project was initiated in 2015 to address highway safety concerns at the noted intersection. The Project met eligibility requirements for the Federal Transportation Alternatives Program, and is approved by the New York State Department of Transportation in their current Capital Program to be funded with Federal Aid and NYS Marchiselli funds. Project design engineering will commence upon approval of this resolution.

## **CONSEQUENCES OF NEGATIVE ACTION**

This action is required to ensure project advancement and financing through the Locally Administered Federal Aid Program (TAP) funds to pay for the design engineering costs of the intersection safety improvements. Negative action would halt design and jeopardize addressing highway safety issues related to this intersection, as well as existing and future reimbursement funding available through this program.

## **STEPS FOLLOWING APPROVAL**

Highway Division will proceed with execution of agreements in accordance with the Federal and NYSDOT guidelines. Upon the Erie County Legislature's approval, an agreement will be negotiated by ECDPW and executed with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, DPC by the County Executive. Once the agreement is executed design work will begin immediately thereafter.

A RESOLUTION SUBMITTED BY:  
DEPARTMENT OF PUBLIC WORKS

Re: Federal-Aid Highway Local Project Supplemental Agreement with NSYDOT  
Contract for Engineering Design Services for Safety Improvements  
at Colvin Blvd (CR 118) and Brighton Road (CR 196) Intersection  
Town of Tonawanda – PIN 5760.97

WHEREAS, the Safety Improvements at the Intersection of Colvin Boulevard (CR 118) and Brighton Road (CR 196) Intersection, Town of Tonawanda, PIN 5760.97 (the “Project”) is eligible for funding under Federal Transportation Alternatives Program administered by the New York State Department of Transportation (NYSDOT); 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 8E-6 dated May 12, 2016 in the amount of \$60,000 (\$6,000 in local share); and

WHEREAS, the New York State Department of Transportation has agreed to increase the Project scope and allowance as well as anticipated federal and New York State Marchiselli funds via a Supplemental Agreement No. 1 in the amount of an additional \$60,000, a total of \$120,000, for the Project’s Preliminary Engineering and Right of Way Incidental phases; and

WHEREAS, the Supplemental Agreement No. 1 increases Erie County’s local share from \$6,000 to \$6,600 of which the difference of \$600.00 is available from SAP Project B.15015, 2015 Highway Safety Program, Fund 420, Business Area 123; and

WHEREAS, the firm of Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, DPC, after a public RFQ process, has been selected as having the necessary expertise, experience, and manpower to provide the County of Erie with design engineering services for the safety improvements of the above noted Colvin Boulevard (CR 118) and Brighton Road (CR 196) intersection required.

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 Preliminary Engineering (Scoping and Design I-VI) and Right of Way Incidentals phases of the Project or portions thereof in the amount of \$120,000; and be it further

RESOLVED, that the Project SAP Project B.15015, 2015 Highway Safety Program, Fund 420, Business Area 123, be increased by the anticipated Federal (\$54,000) and New York State Marchiselli (\$5,400) revenue as follows:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
405160	NYS Marchiselli	\$ 0	\$ 5,400	\$ 5,400
414000	Federal Aid	\$ 153,000	\$ 54,000	\$ 207,000
475000	Gen Oblig Bond Proc	<u>\$ 400,000</u>	<u>\$ 0</u>	<u>\$ 400,000</u>
TOTAL REVENUES		<u>\$ 553,000</u>	<u>\$ 59,400</u>	<u>\$ 612,400</u>
APPROPRIATIONS				
Capital Projects	Capital Project Exp	<u>\$ 553,000</u>	<u>\$ 59,400</u>	<u>\$ 612,400</u>
TOTAL APPROPRIATIONS		<u>\$ 553,000</u>	<u>\$ 59,400</u>	<u>\$ 612,400</u>

; and be it further

RESOLVED, that the estimated total sum for design engineering of the noted Project phases, \$120,000 is hereby appropriated from SAP Project B.15015, 2015 Highway Safety Program, Fund 420, Business Area 123 and made available to cover the cost of participation in the above phases of the Project; and be it further

RESOLVED that the County Executive be authorized to execute the Supplemental Agreement No. 1 with the NYSDOT and a negotiated Contract between the County of Erie and Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, DPC as Project Design Engineers in an amount not to exceed \$120,000; 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 cost of the Project's Preliminary Engineering (Scoping & Design I-VI) and Right of Way Incidentals phases exceeds the amount appropriated above, 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, should the Supplemental Agreement receive additional NYS Marchiselli reimbursement in the future, the project revenue will be accepted by Erie County and the budget adjusted to reflect the receipt of funds; 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 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; 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 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.

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 New York State Department of Transportation;  
Bergmann Associates, Architects, Engineers,  
Landscape Architects & Surveyors, DPC
2. AMOUNT OF CONTRACT \$120,000
3. PROJECT NUMBER B.15015
4. PROJECT TITLE Supplemental Agreement with NYSDOT  
2015 Highway Safety Improvemnts  
Colvin Blvd @Brighton Rd Intesection
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 \$ 283,633.90 (includes increase)
  7. PERFORMED BY *John K. Minibelli*
- Date Sent to Comptroller's Office: April 12, 2017

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