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COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

September 14, 2018

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

**RE: Buffalo and Erie County Botanical Gardens – Houses 1, 4, 7, 10, 11 & 12 Renovations-
Architectural/Engineering Services (A/E) Contract Amendment**

Dear Honorable Members:

This resolution is seeking authorization for the County Executive to enter into an Agreement Amendment with the A/E firm of Foit Albert Associates for additional professional design and construction document services for the Buffalo and Erie County Botanical Gardens – 2017 – Houses 1, 4, 7, 10, 11 & 12 Renovations project.

Additional scope of work will include, but not be limited to, lighting fixture upgrades to energy efficient LEDs, demolition of closed Growing Range 8C and the restoration of adjacent structures affected by the demolition, installation of new egress doorways from the existing expanded courtyard, and code compliance upgrades related to the use of this existing courtyard as a new assembly space.

Should your Honorable Body require further information, please contact Commissioner William E. Geary, Jr. at the Department of Public Works. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/nt
Enclosures

cc: William E. Geary, Commissioner of Public Works

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works
Re: Buffalo and Erie County Botanical Gardens – 2017 – Houses 1, 4, 7, 10, 11 & 12 Renovations Architectural/Engineering Services(A/E) Contract Amendment
Date: September 14, 2018

SUMMARY

This resolution is requesting authorization for the County Executive to enter into an Agreement Amendment with the A/E firm of Foit Albert Associates for additional professional design and construction administration services for the Buffalo and Erie County Botanical Gardens – 2017 – Houses 1, 4, 7, 10, 11 & 12 Renovations project.

Additional scope of work will include, but not be limited to, lighting fixture upgrades to energy efficient LEDs, demolition of closed Growing Range 8C and restoration of adjacent structures affected by the demolition, installation of new egress doorways from the existing expanded courtyard, and code compliance upgrades related to the use of this existing courtyard as a new assembly space.

An Agreement was previously entered with Foit Albert Associates to provide professional design and construction services for the Buffalo and Erie County Botanical Gardens – 2017 – Houses 1, 4, 7, 10, 11 & 12 Renovations project (COMM. 21E-11 (2017)).

FISCAL IMPLICATIONS

Funds for the project are currently available from the previously approved, as adopted Erie County 2014 Capital Budget, Project A.14024 – 2014 Buffalo and Erie County Botanical Gardens Master Plan Implementation, Fund 410, Funds Center 122, in an amount not to exceed \$21,545, including a hazardous material allowance.

REASONS FOR RECOMMENDATION

Additional renovation work is recommended to restore and upgrade Houses 1, 4, 7, 10, 11 & 12.

This project will provide energy savings from the lighting fixture upgrades and the County will be eligible for a NYSERDA rebate because of the upgrades.

Demolition of the closed Growing Range 8C will remove a potential liability for the County, will be commensurate with the Botanical Gardens Master Plan Implementation, and expand the existing interior courtyard to serve as a new assembly space at the facility. Demolition of this non-historic portion of the complex has been reviewed and approved by the State Historic Preservation Office (SHPO).

Code compliance upgrades related to the use of the existing courtyard as an assembly space will be necessary for life safety.

BACKGROUND INFORMATION

The multi-phased master plan objective is to rehabilitate, reconstruct, and restore the buildings at the Botanical Gardens to preserve their existence and function. This work is commensurate with the Botanical Gardens Master Plan Implementation.

Preliminary cost estimates by the A/E consultant based on the scope of work described in the original project RFQ were significantly below the allocated budget. Additional scope items were therefore identified to be completed under the contract.

CONSEQUENCES OF NEGATIVE ACTION

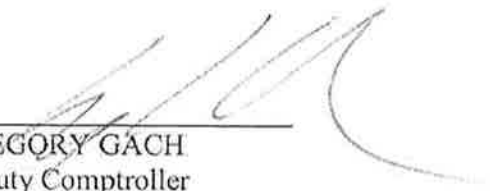
If this project is not authorized, projected energy savings would not be achieved. The closed Growing Range 8C will continue to worsen and will lead to further deterioration of the structure. The interior courtyard will not be able to serve as a new assembly space at the facility.

STEPS FOLLOWING APPROVAL

Upon Legislative approval, the County Executive will enter into an Agreement Amendment with the A/E firm of Foit Albert Associates for additional professional design and construction services for the Buffalo and Erie County Botanical Gardens – 2017 – Houses 1, 4, 7, 10, 11 & 12 Renovations project.

COMPTROLLER'S OFFICE REVIEW

The proposed legislation has been reviewed by the Comptroller's Office 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.14024 – 2014 Botanical Gardens Rehab
Buffalo and Erie County Botanical Gardens – 2017 – Houses 1, 4, 7, 10, 11 & 12 Renovations
A/E Contract Amendment

ECG/nt

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF PUBLIC WORKS

RE: Buffalo and Erie County Botanical Gardens – 2017 – Houses 1, 4, 7, 10, 11 & 12
Renovations Architectural/Engineering Services Contract Amendment

WHEREAS, additional scope items are identified for the restoration and repairs to Houses 1, 4, 7, 10, 11 & 12 to preserve their existence and function; and

WHEREAS, the Legislature has previously authorized the County Executive to enter into a General Architectural/Engineering Services Agreement with Foit Albert Associates to provide professional design and construction administration services for the Buffalo and Erie County Botanical Gardens – 2017 – Houses 1, 4, 7, 10, 11 & 12 project (COMM. 21E-11 (2017)); and

WHEREAS, the County Executive is requesting authorization to issue an Agreement Amendment to Foit Albert Associates to provide additional design and construction document services for the Buffalo and Erie County Botanical Gardens – 2017 – Houses 1, 4, 7, 10, 11 & 12 project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to issue an Agreement Amendment to Foit Albert Associates to provide additional design and construction document services for the Buffalo and Erie County Botanical Gardens – 2017 – Houses 1, 4, 7, 10, 11 & 12 project; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from the previously approved, as adopted Erie County 2014 Capital Budget, Project A.14024 – 2014 Buffalo and Erie County Botanical Gardens Master Plan Implementation, Fund 410, Funds Center 122, for an amount not to exceed \$21,545, including hazardous material allowance; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller, and one copy to Buffalo and Erie County Botanical Gardens c/o Dave Swarts.

PROJECT TITLE: A.14024 2014 BUFFALO & ERIE COUNTY BOTANICAL MASTER G

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

2) PROJECT AVAILABLE APPROPRIATION

Total Project Revenues	\$ <u>2,850,000.00</u>
Total Project Appropriations	\$ <u>2,850,000.00</u>
Less: Total Expenditure To Date	\$ <u>2,555,846.85</u>
Total Commitments	\$ <u>121,942.50</u>
Available Appropriations As Of Date Of Request	\$ <u>172,210.65</u>
Less: Contract Amount	\$ <u>21,545.00</u>
Net Available Appropriations	\$ <u><u>150,665.65</u></u>

Comments: \$294,153.15 cash is in the project.

Request Approved: 

Request Denied: _____

Date: 9/7/18

TO: GREGORY GACH, COMPTROLLER'S OFFICE

PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

<u>REQUESTING DEPARTMENT</u>	<u>COMPLETE ITEMS 1 THROUGH 5</u>
1. CONTRACTOR'S NAME	<u>Foit Albert Associates</u>
2. AMOUNT OF CONTRACT	<u>\$21,545.00</u>
3. PROJECT NUMBER	<u>A.14024 – 2014 Botanical Gardens Rehab</u>
4. PROJECT TITLE	<u>Buffalo and Erie County Botanical Gardens – 2017 – Houses 1, 4, 7, 10, 11 & 12 Renovations A/E Contract Amendment</u>
5. DEPARTMENT CONTACT	<u>Funding questions: Kristofer Straus, PE at x7294 Letter pickup: Christy Weber at x8301</u>

<u>COMPTROLLER'S OFFICE</u>	<u>COMPLETE ITEMS 6 AND 7</u>
6. AVAILABILITY OF FUNDS	<u>\$ 172,210.65</u>
7. PERFORMED BY	<u><i>Joseph P. Minichelli</i></u>
Date Sent to Comptroller's Office:	<u>September 5, 2018</u>

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