



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

February 25, 2018

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

**Re: Swift Mills Road Bridge (BR225-2) Replacement
Town of Newstead
Project No. FA 225-2-16, PIN 5757.29**

Dear Honorable Members:

We are forwarding for your Honorable Body's approval a request for a change order to the design budget for Nussbaumer & Clarke, Inc., of Buffalo, New York.

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

Sincerely yours,

A handwritten signature in black ink, appearing to read "Mark Poloncarz", written in a cursive style.

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:ws/dab

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works
Re: Swift Mills Road Bridge (BR225-2) Replacement
Town of Newstead
Project No. FA 225-2-16, PIN 5757.29
Date: February 25, 2018

SUMMARY

A Contract was previously awarded to Nussbaumer & Clarke, Inc. for the Swift Mills Road Bridge (BR 225-2) Replacement Project via Communication Number 18E-17 (2013). Additional unforeseen work was required to progress and complete the project. A change order is now required to pay for the additional design.

FISCAL IMPLICATIONS

The attached proposed resolution requests that the additional work required for the Swift Mills Road Bridge Replacement Project be funded from Fund 420, Funds Center 123, SAP Project B.15019 - 2015 Capital Overlay in the amount of \$34,400.

REASONS FOR RECOMMENDATION

It is necessary that this approval be granted so both the contract and the Project can be closed.

BACKGROUND INFORMATION

NYSDOT required additional hydraulic analyses and a completely revised version of the Design Report be submitted prior to their approval of the Design Report. Both of these operations were outside of the original scope of the contract. The associated costs for these services are being requested as additional compensation for the NYSDOT- requested work. Hydraulic analyses requested by NYSDOT were above and beyond that which had already been in the original contract. This request is to authorize the additional work performed by Nussbaumer & Clarke, Inc. to revise the design drawings.

CONSEQUENCES OF NEGATIVE ACTION


Without this additional authorization, the consultant can neither be paid nor the contract closed out.

STEPS FOLLOWING APPROVAL

A Change Order will be processed for Nussbaumer & Clarke, Inc. The close-out of the project will then occur after the change order work is completed and vendor is paid.

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.



GEGORY GACH
Députy Comptroller
Comptroller's Office

Project: Swift Mills
Project FA 225-2-16
B15019

A RESOLUTION SUBMITTED BY
DEPARTMENT OF PUBLIC WORKS

RE: Swift Mills Road Bridge (BR225-2) Replacement
Town of Newstead
Project No. FA 225-2-16, PIN 5757.29

WHEREAS, the Swift Mills Road Bridge (BR225-2) Replacement Project (the "Project") contract was awarded between Nussbaumer & Clarke, Inc., and the County of Erie, in Communication 18E-17 (2014); and

WHEREAS, the NYSDOT required a new format to the design report after the original was completed and submitted for review; and

WHEREAS, the NYSDOT required additional hydraulic modeling be done above and beyond what was originally required; and

WHEREAS, the work performed was beyond the scope of the original project requiring additional design work and resulting cost; and

WHEREAS, a change order between Nussbaumer & Clarke, Inc. and the County of Erie is required.

NOW, THEREFORE, BE IT

RESOLVED, that the additional funds for the Swift Mills Road Bridge (BR225-2) Replacement Project be allocated from Fund 420, Funds Center 123, SAP Project B.15019 2015 Overlay Program in an amount of \$34,400; and be it further

RESOLVED, that the County Executive be authorized to execute a change order for the Swift Mills Road Bridge (BR225-2) Replacement Project No. FA 225-2-16, with the consultant, Nussbaumer & Clarke, Inc. to increase the project design budget from \$220,470 to \$254,870 for a total change order in the amount of \$34,400 and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward five (5) certified copies of this resolution 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, and the Office of the Comptroller.

TO: GREGORY GACH, COMPTROLLER'S OFFICE
RE: 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

Nussbaumer & Clarke, Inc.

2. AMOUNT OF CONTRACT

\$34,400

3. PROJECT NUMBER

B.15019

4. PROJECT TITLE

Swift Mills Road Bridge 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

\$ 383,904.66

7. PERFORMED BY

Greg R. Minihall

Date Sent to Comptroller's Office:

February 15, 2018

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