



EO 13526, DATE 07-05-2019

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

July 5, 2019

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

Re: Erie County Home – Fuel Tank Removals – Construction Bid

Dear Honorable Members:

This resolution is requesting authorization for the County Executive to enter into a contract with the lowest responsible bidder for the project. Bids were received by the Department of Public Works on June 6, 2019 and a copy of the bid tabulation is attached for your reference.

This project involves the removal of four underground storage tanks, one day tank, and associated remediation and restoration.

Should your Honorable Body require further information, I encourage you to 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/kra
Enclosure
cc: William Geary, Commissioner

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works
Re: Erie County Home – Fuel Tank Removals – Construction Bid
Date: July 5, 2019

SUMMARY

This resolution is requesting authorization for the County Executive to enter into a contract with the lowest responsible bidder for the project. Bids were received by the Department of Public Works on June 6, 2019 and a copy of the bid tabulation is attached for your reference.

This project involves the removal of four underground storage tanks (UST's), one day tank, and associated remediation and restoration.

FISCAL IMPLICATIONS

Funds for the project are currently available from the following Capital Project in the approved and adopted 2019 Capital Budget, Fund 410, Funds Center 122:

A.19019 2019 Erie County Home Decommissioning and Demolition	\$ 340,000
Total Payment not to Exceed:	\$ 340,000

REASONS FOR RECOMMENDATION

Fuel tank removals and related remediation and restoration work are required to comply with New York State Department of Environmental Conservation (NYSDEC) petroleum bulk storage closure requirements and the transfer of ownership agreement between the County of Erie and the Erie County Medical Center Corporation (ECMCC).

BACKGROUND INFORMATION

Per the transfer of ownership agreement, the County of Erie was responsible for removing UST #'s 100, 200, and 300, and ECMCC was responsible for removing UST #'s 400, 500, and 700. During the design phase of the project, it was determined to also remove UST #900 and aboveground storage tank (AST) #2.

CONSEQUENCES OF NEGATIVE ACTION


If this project is not completed, the County of Erie will not withhold its promise to remove the three UST's per the transfer of ownership agreement.

STEPS FOLLOWING APPROVAL

Upon Legislative approval, the County Executive will enter into a contract with the lowest responsible bidder.

COMPTROLLER'S OFFICE REVIEW

The proposed legislation has been reviewed by the Comptroller's Office and is related to authorized capital projects for which there are sufficient appropriations for the action proposed.



GREGORY GACH
Deputy Comptroller
Comptroller's Office

GJS/lr

A.19019 – 2019 Erie County Home
Decommissioning and Demolition

(DPW Resolution_BG_ECCC Transformer Vault Repair_Construction.docx)

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF PUBLIC WORKS

RE: Erie County Home – Fuel Tank Removals –
Construction Bid

WHEREAS, per the Erie County Home and Infirmary transfer of ownership agreement, the County of Erie was responsible for removing underground storage tank (UST) #'s 100, 200, and 300, and ECMCC was responsible for removing UST #'s 400, 500, and 700; and

WHEREAS, the removal work is required to comply with the New York State Department of Environmental Conservation (NYSDEC) petroleum bulk storage closure requirements and the Erie County Home and Infirmary transfer of ownership agreement; and

WHEREAS, the County of Erie received bids for the Erie County Home – Fuel Tank Removals project on June 6, 2019; and

WHEREAS, the lowest responsible bidder, Empire State Mechanical Contractors, Inc., has provided sufficient evidence of an error and omission per General Municipal Law Section 103 (11), and has withdrawn their bid for the project; and

WHEREAS, the Erie County Department of Public Works, along with its consultant Wendel Architecture, Engineering, Surveying, & Landscaping Architecture, PC, are recommending award of a contract to the next lowest responsible bidder, Nature's Way Environmental.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with Nature's Way Environmental for the Erie County Home – Fuel Tank Removals project for an amount not to exceed as follows:

General Construction Work

Nature's Way Environmental	Base Bid:	\$ 309,018
Total Award of General Construction Contract:		\$ 309,018

Total Award of all Construction Contracts:	\$ 309,018
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; and be it further

RESOLVED, that the sum of \$30,982 be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

RESOLVED, that change order reductions will result in these funds being returned to the Construction Contingency Fund; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from the following Capital Project in the approved and adopted 2019 Capital Budget, Fund 410, Funds Center 122:

A.19019	2019 Erie County Home Decommissioning and Demolition	\$ 340,000
Total Payment not to Exceed:		\$ 340,000

; 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.

TO: JOHN SOLECKI, 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	<u>Construction Contingency</u> <u>Nature's Way Environmental</u>
2. AMOUNT OF CONTRACT	<u>Construction Contingency \$ 30,982.00</u> <u>Nature's Way Environmental \$ 309,018.00</u>
3. PROJECT NUMBER	<u>A.19019 \$340,000.00</u>
4. PROJECT TITLE	<u>2019 Erie County Home Decommissioning and Demolition</u>
5. DEPARTMENT CONTACT	<u>Funding questions: Keith Ambrose at x4670</u> <u>Letter pickup: Christy Weber at x8301</u>

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

6. AVAILABILITY OF FUNDS	<u>\$ 500,000.00</u>
7. PERFORMED BY	<u><i>Joseph N. Mitchell</i></u>
Date Sent to Comptroller's Office:	<u>06/26/2019</u>

[55 compt_10]

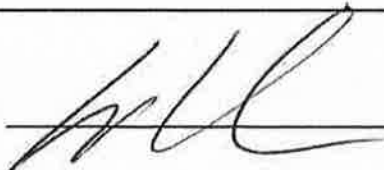
PROJECT TITLE: A.19019 2019 EC Home Decommissioning & Demo

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> -</u>
Total Project Appropriations	\$ <u> 500,000.00</u>
Less: Total Expenditure To Date	\$ <u> -</u>
Total Commitments	\$ <u> -</u>
Available Appropriations As Of Date Of Request	\$ <u> 500,000.00</u>
Less: Contract Amount	\$ <u> 340,000.00</u>
Net Available Appropriations	\$ <u> 160,000.00</u>

Comments: There is no cash in the project. This is based on planned borrowing. The bond sale has not yet occurred.

Request Approved: 

Request Denied: _____

Date: 6/28/19



Project Name: Erie County Home – Fuel Tank Removal Bid Date: June 7, 2019
 DPW Project #: 2019-852-01 Bid Time: 10:30 AM
 Project Manager: Keith Ambrose A/E Firm: Wendel
 DPW Inspector: _____

BID TABULATION SHEET
FOR
GENERAL CONSTRUCTION WORK

BIDDER	BASE BID Items 1+2+3+4+5	COMPLETION TIME (CALENDAR DAYS)
Nature's Way Environmental	\$309,018.00	60
Sesslet Environmental Services, LLC	\$371,760.00	45
The Environmental Service Group (NY) Inc.	\$313,400.00	45
Empire State Mechanical Contractors, Inc.	\$249,900.00	90

DEPARTMENT OF PUBLIC WORKS
 OFFICE OF THE COMMISSIONER

DPW Rev. 05/2015