



EGLEG JAN 14 '19 PM 2:07

# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

January 14, 2019

Erie County Legislature  
92 Franklin Street – 4<sup>th</sup> Floor  
Buffalo, New York 14202

**RE: Elmwood Pedestrian and Bicycle Improvements Project  
DiDonato Associates Supplemental Contract Amendment  
Additional Construction Phase Engineering Services**

Dear Honorable Members:

The accompanying resolution requests that the County Executive be authorized to execute a supplemental amendment to DiDonato Associates existing construction phase contract for additional engineering services during construction required by the project.

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,

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP/bar/cw  
Enclosure

cc: William E. Geary, Jr., Commissioner, Department of Public Works

## **MEMORANDUM**

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Public Works/Division of Highways  
**Re:** Elmwood Pedestrian and Bicycle Improvements Project  
DiDonato Associates Supplemental Contract Amendment  
Additional Construction Phase Engineering Services  
**Date:** January 14, 2019

---

### **SUMMARY**

The accompanying resolution requests authorization for the County Executive to execute a final supplemental amendment to DiDonato Associates' existing construction phase contract for additional engineering services required during construction. The required services are due to the construction contract and closeout extending beyond the original time span assumed in DiDonato's contract.

### **FISCAL IMPLICATIONS**

It is estimated that the cost of the additional required engineering services will be \$33,595. This funding is available from Capital Project B.16050 – 2016 Capital Overlay, Fund 420, and Funds Center 123.

### **REASONS FOR RECOMMENDATION**

Construction of the project and closeout with the contractor took longer than was estimated in DiDonato's contract. The requested supplemental amendment accounts for work expended during the additional time required.

### **BACKGROUND INFORMATION**

The requested supplemental amendment is required to close out DiDonato's contract for the construction phase of the above noted project.

### **CONSEQUENCES OF NEGATIVE ACTION**

It will not be possible to close out DiDonato's construction phase contract.

### **STEPS FOLLOWING APPROVAL**

A contract amendment will be executed with DiDonato Associates for the additional construction phase engineering services required.

**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 is sufficient funding.



~~GREGORY GACH~~ JOHN SULECKI  
Deputy Comptroller DIRECTOR OF ACCOUNTING SERVICES / CASH MANAGEMENT  
Comptroller's Office

B.16050

Elmwood Pedestrian & Bicycle Improvements Project  
Project No. TAP-119-17; PIN 5761.03  
DiDonato Associates Supplemental Contract Amendment  
Additional Construction Phase Engineering Services  
Village of Kenmore  
County of Erie

File Copy

A RESOLUTION SUBMITTED BY:  
DEPARTMENT OF PUBLIC WORKS  
DIVISION OF HIGHWAYS

RE: Elmwood Pedestrian and Bicycle Improvements Project  
Project No. TAP-119-17; PIN 5761.03  
DiDonato Associates Supplemental Contract Amendment  
Additional Construction Phase Engineering Services  
Village of Kenmore  
County of Erie

WHEREAS, construction of the Federal Aid Elmwood Avenue Pedestrian and Bicycle Improvements Project, Project No. TAP-119-17, PIN 5761.03 (the "Project") along Elmwood Avenue has been completed; and

WHEREAS, DiDonato Associates is the consultant providing construction phase engineering services for the project; and

WHEREAS, additional construction phase engineering services were required as the duration of construction and the closeout process with the contractor exceeded the time provided for in DiDonato's contract; and

WHEREAS, it is desired to close-out DiDonato's contract for construction phase engineering services via a supplemental amendment to their existing contract in the amount of \$33,595; and

WHEREAS, this funding is available from Capital Project B.16050 – 2016 Capital Overlay, Fund 420, and Funds Center 123.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a final supplemental amendment to DiDonato Associates current contract for the Project for the additional construction phase engineering services required in the amount of \$35,595; and be it further

RESOLVED, that funding is hereby authorized for these supplemental construction phase engineering services in Capital Project B.16050 – 2016 Capital Overlay, Fund 420, and Funds Center 123; 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, Division of Highways, 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, DEPUTY, 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  | <u>DiDonato Associates (supplemental construction phase engineering services)</u>                 |
| 2. AMOUNT OF CONTRACT | <u>\$ 35,595 DiDonato Associates</u>  |
| 3. PROJECT NUMBER     | <u>B.16050.1.1.9 (\$26,169.11)<br/>B.16050.2.2.7 (\$ 7,425.89)</u>                                |
| 4. PROJECT TITLE      | <u>Elmwood Avenue Pedestrian &amp; Bicycle Improve.</u>   |
| 5. DEPARTMENT CONTACT | <u>Funding questions: Charles A. Sickler, PE at 8372<br/>Letter pickup: Christy Weber at 8301</u> |

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

- |                                    |   |
|------------------------------------|---|
| 6. AVAILABILITY OF FUNDS           | <u>\$ 1,136,037.30</u>  |
| 7. PERFORMED BY                    | <u></u> |
| Date Sent to Comptroller's Office: | <u>January 2, 2019</u>  |

[55 compt\_10]

PROJECT TITLE: B.16050 2016 CAPITAL OVERLAY PROGRAM

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>13,969,636.00</u>
Total Project Appropriations	\$ <u>13,969,636.00</u>
Less: Total Expenditure To Date	\$ <u>12,797,707.51</u>
Total Commitments	\$ <u>35,891.19</u>
Available Appropriations As Of Date Of Request	\$ <u>1,136,037.30</u>
Less: Contract Amount	\$ <u>35,595.00</u>
Net Available Appropriations	\$ <u><u>1,100,442.30</u></u>

Comments: \$1,204,496.41 cash is in the project.

---



---




---



---



---

Request Approved: 

Request Denied: \_\_\_\_\_

Date: 1/2/19