COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

January 14, 2019

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

RE: Award of Construction and Construction Engineering Services
Bridge NY Project
Culvert Replacement Amsdell Road over Drainage Channel

Dear Honorable Members:

Please find enclosed a resolution from the Department of Public Works/Division of Highways seeking legislative authorization for the County of Erie to participate in the construction and construction inspection phase of the above-noted Project. This phase includes awarding a contract to the lowest responsible bidder, entering into a construction phase engineering agreement with C&S Companies, Inc., entering into various utility agreements, and establishing a project contingency.

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

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/jtd
Enclosure

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

MEMORANDUM

To:	Honorable Members of the Erie County Legislature
From:	Department of Public Works/Division of Highways
Re:	Award of Construction and Construction Engineering Services Bridge NY Project Culvert Replacement Amsdell Road over Drainage Channel
Date:	January 14, 2019

SUMMARY

The Department of Public Works/Division of Highways is requesting authorization for the County of Erie to participate in the Construction phase of the BridgeNY Project for the Replacement of Amsdell Road Culvert (CIN 122-01). This action includes authorization for the County Executive to award a contract to the lowest responsible bidder, enter into a construction phase engineering agreement with C&S Companies, Inc., enter into various utility agreements, and establish a project contingency. Participation in this project was authorized by the Legislature via COMM 8E-11 (2017) on May 11, 2017.

FISCAL IMPLICATIONS

The construction phase estimate for the project is $760,000, including a contingency. After the design phase of this project there remains $368,500 of Bridge NY grant funding that New York State Department of Transportation (NYSDOT) has provided for the Project in capital project B.17075 – 2017 Culvert Amsdell Rd. CR 122 Over Drainage Channel. There is $391,500 available from B.17017, 2017 Rehabilitation of Flagged Bridges, Fund 420,Funds Center 123 to address the remaining costs and add a contingency to the project.

The utilities are all located within existing Erie County Right-of-Way and any protection and/or relocation of existing utilities will be performed at no cost to the County.

The award of construction to the responsible lowest bidder, the construction phase engineering services with C&S Companies Inc., and the Project contingency will not exceed the maximum project allowance of $760,000.

REASONS FOR RECOMMENDATION

The Erie County Department of Public Works has completed the design phase of the Project and desires to advance the Project for the construction and construction inspection phase. The Project benefits from New York State funding as part of the Bridge NY grant program

BACKGROUND INFORMATION

This project has been approved by the NYSDOT in their current Capital Program to be funded with State funds.

CONSEQUENCES OF NEGATIVE ACTION

If the Agreement is not approved, the Amsdell culvert will continue to deteriorate, jeopardizing the stability of the road and the safety of the traveling public. There are time restraints on the Bridge NY funding which requires construction contract award within 18 months of the executed agreement with NYSDOT COMM 8E-11 (2017). Failure to meet this date would require return of BridgeNY funding for the project.

STEPS FOLLOWING APPROVAL

Budget as stated in the resolution will be adjusted. The County Executive will execute Agreements with the lowest responsible bidder, C&S Companies Inc., National Fuel, and National Grid, and establish a contingency for a successful and timely implementation of the project.

COMPTROLLER'S OFFICE REVIEW

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

Gregory Gach
Deputy Comptroller
Comptroller's Office

Bridge NY Amsdell Road Culvert Replacement
SAP B.17075 & B.17017

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

RE: Award of Construction and Construction Engineering Services
Bridge NY Project
Culvert Replacement Amsdell Road over Drainage Channel
CIN 122-01, Town of Hamburg, Erie County
NYS PIN 5762.23

WHEREAS, the Replacement of Amsdell Road Culvert (CIN 122-01) Project PIN 5762.23, the "Project", is eligible for funding under the Bridge NY Grant Program; and

WHEREAS, the County of Erie previously advanced the Project by making a commitment of 100% of the State share of the costs via Legislative Communication 8E-11 dated May 11, 2017; and

WHEREAS, the County of Erie desires to advance the Construction phase of the Project by making a commitment for the advancement of the remaining New York State share of $368,500 and committing a local share of $391,500; and

WHEREAS, in order to advance the Construction phase of the Project to meet the BridgeNY schedule, it will be necessary for the County Executive to execute Agreements with the lowest responsible bidder, C&S Companies, Inc. as Project Designer for Engineering and Inspection services, various utilities, and establish a contingency for a total Project amount not to exceed $760,000.

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 New York State's $368,500 share of the cost of the Construction and Construction Inspection Phases of the Project or portions thereof; and be it further

RESOLVED, that the estimated total cost of the construction, construction inspection, utilities, and contingency for the Project is $760,000 and is hereby appropriated from Fund 420, Funds Center 123 as follows:

B.17075	2017 Culvert Amsdell Rd Cr 122 Over Drainage Channels	$368,500
B.17017	2017 Rehabilitation of Flagged Bridges	$391,500
	Total Project Not to Exceed	$760,000

; and be it further

RESOLVED, that the County Executive is hereby authorized to execute the construction contract with the lowest responsible bidder, enter into a construction phase engineering services agreement with C&S Companies, Inc. for $85,000, establish a contingency, and enter into utility agreements for a total project cost not to exceed $760,000; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the New York States share of the costs of the Project's construction and construction inspection Phases exceeds the amount appropriated, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount; 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 New York State funds on behalf of the County of Erie, (subject to the Erie County Attorney's approval as to form and content), with the New York State Department of Transportation in connection with the advancement or approval of the Project identified in the State/Local Agreement; 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 one (1) certified copy 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	C&S Companies, Inc. TBD, low bidder Project Contingency
2. AMOUNT OF CONTRACT	~~$85,000 (C&S Companies)~~ TBD (Low Bidder) TBD (Contingency) TOTAL - $760,000 not to exceed
3. PROJECT NUMBER	B.17075 - $368,500 B.17017 - $391,500
4. PROJECT TITLE	Culvert Replacement Amsdell Road 5762.23
5. DEPARTMENT CONTACT	Funding questions: Charles A. Sickler, PE at 8372 Letter pickup: Christy Weber

COMPTROLLER'S OFFICE	COMPLETE ITEMS 6 AND 7
6. AVAILABILITY OF FUNDS	B.17075 $ 393,290.00 B.17017 1,085,082.72
7. PERFORMED BY	Jack K Mitchell
Date Sent to Comptroller's Office:	January 7, 2019

[55 compt_10]

OFFICE OF THE COMPTROLLER REVIEW **DATE:** 1/9/2019

PROJECT TITLE: B.17075 2017 CULVERT AMSDELL RD CR 122 OVR DRAIN

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

2) PROJECT AVAILABLE APPROPRIATION

Total Project Revenues	$ -
Total Project Appropriations	$ 525,000.00
Less: Total Expenditure To Date	$ 88,830.87
Total Commitments	$ 42,879.13
Available Appropriations As Of Date Of Request	$ 393,290.00
Less: Contract Amount	$ 368,500.00
Net Available Appropriations	$ 24,790.00

Comments: $0.00 cash is currently in the project.

Request Approved: [signature]

Request Denied: ____

Date: 1/9/19

OFFICE OF THE COMPTROLLER REVIEW **DATE:** 1/9/2019

PROJECT TITLE: B.17017 2017 REHAB OF FLAGGED BRDGS & CULVERTS

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

2) PROJECT AVAILABLE APPROPRIATION

Total Project Revenues	$ 1,400,000.00
Total Project Appropriations	$ 1,400,000.00
Less: Total Expenditure To Date	$ 231,010.81
Total Commitments	$ 83,906.47
Available Appropriations As Of Date Of Request	$ 1,085,082.72
Less: Contract Amount	$ 391,500.00
Net Available Appropriations	$ 693,582.72

Comments: $1,168,989.19 cash is currently in the project.

Request Approved: [signature]

Request Denied: ____

Date: 1/9/19