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

RE: Project Agreement with NYSDOT and
Award of Construction for
Rehabilitation of Abbott Road from US Route 20 to Milestrip Road,
McKinley Parkway from US Route 20 to Willet Road, and
Armor Duells Road from Abbott Road to Duerr Road
Towns of Hamburg and Orchard Park
Project Number FA-5762.25-19
NYSDOT PIN 5762.25

Dear Honorable Members:

We are forwarding for your approval a proposed resolution seeking authorization for
the County Executive to enter into a Supplemental Agreement with the New York State
Department of Transportation (NYSDOT), to advance the Federal and non-Federal share of the
cost of construction and construction inspection, award a contract to the lowest responsible
bidder, enter into a construction phase engineering agreement with C&S Companies, and
establish a project contingency.

Should your Honorable Body require further information, I encourage you to contact
William E. Geary, Jr., Commissioner of 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
MEMORANDUM

To:                Honorable Members of the Erie County Legislature
From:             Department of Public Works/Division of Highways
Re:               Project Agreement with NYSDOT and Award of Construction for
                    Rehabilitation of Abbott Road from US Route 20 to Milestrip Road,
                    McKinley Parkway from US Route 20 to Willett Road, and
                    Armor Duells Road from Abbott Road to Duerr Road
                    Towns of Hamburg and Orchard Park
                    Project Number FA-5762.25-19
                    NYSDOT PIN 5762.25
Date:             December 16, 2019

SUMMARY
Authorization is being requested for the County Executive to execute a Supplemental Agreement
with the New York State Department of Transportation (NYSDOT) for the above-noted project,
PIN 5762.25. This action includes authorization for Erie County to advance the Federal
reimbursable share and pay the non-Federal share for the construction and construction
inspection portions of the project. Authorization is also being requested for approval to award to
the lowest responsible bidder, Union Concrete Construction, to enter into an agreement with
C&S Companies for construction phase engineering and inspection services, and establish a
project contingency. Participation in the preliminary design phase of this project was authorized
by the legislature in COMM 14E-28 (2018) on July 26, 2018, and for the final design phase in

FISCAL IMPLICATIONS
The Locally Administered Federal Aid Project agreement for the construction phase is
$3,879,000. The Federal Aid reimbursement is $2,354,400 and non-federal reimbursement is
$484,450. The total estimated local share is $1,040,150. The NYSDOT construction phase
agreement includes reallocation of unused design phase funding to the construction phase. The
total budget is available in the following Projects in Fund 420, Funds Center 123:

  B.18009–Federal Aid Abbott Road            $ 891,289
  B.18010–Federal Aid McKinley Parkway      $ 1,583,860
  B.18011–Federal Aid Armor Duells           $ 916,701
  B.19005–Federal Aid Abbott                $ 310,000
  B.19006–Federal Aid McKinley Parkway      $ 177,150
  Total Project                             $ 3,897,000

REASONS FOR RECOMMENDATION
The Erie County Department of Public Works has completed the design phase of the Project and
desires to advance the Project by entering into a Supplemental Agreement for the next phase of
construction and construction inspection with the NYSDOT. The Project benefits from Federal
Aid, Marchiselli Aid, and other State reimbursement funds.
BACKGROUND INFORMATION
This project has been approved by the NYSDOT in their current Capital Program to be funded with Federal Aid, Marchiselli Aid, and other State funds.

CONSEQUENCES OF NEGATIVE ACTION
If the proposed resolution is not approved, Abbott Road, McKinley Parkway, and Armor Duells Road will continue to deteriorate and pose problems for the travelling public. Failure to approve this agreement may result in the loss of future federal funding.

STEPS FOLLOWING APPROVAL
Budgets, as stated in the resolution, will be adjusted. The County Executive will execute Agreements with the NYSDOT, Union Concrete and Construction Corp., and C&S Companies for successful and timely implementation of this project.
COMPTROLLER'S OFFICE REVIEW
The proposed legislation has been reviewed by the Office of the Comptroller and is related to authorized capital projects for which there are sufficient appropriations for the action proposed.

JOHN SOLECKI
Director of Accounting Services/Cash Management
Comptroller's Office

B.18009
B.18010
B.18011
B.19005
B.19006

NYS PIN 5762.25 – Resurfacing of Abbott Rd, McKinley Parkway and Armor Duells Road.
A RESOLUTION SUBMITTED BY:
DEPARTMENT OF PUBLIC WORKS
DIVISION OF HIGHWAYS

RE: Project Agreement with NYSDOT and
Award of Construction for Rehabilitation of
Abbott Road from US Route 20 to Milestrip Road,
McKinley Parkway from US Route 20 to Willet Road,
and Armor Duells Road from Abbott Road to Duerr Road
Towns of Hamburg and Orchard Park
Project Number FA-5762.25-19
NYS PIN 5762.25

WHEREAS, a project for the resurfacing of Abbott Road, McKinley Parkway and Armor Duells Road PIN 5762.25, (the “Project”) is eligible for Federal funding under Title 23, U.S. Code, as amended; and

WHEREAS, the County of Erie previously advanced the design of the Project via Legislative Communication 14E-28 dated July 26, 2018 and the final design phase via Legislative Communication 24E-10 (2018) on December 20, 2018; and

WHEREAS, the Department of Public Works desires to advance the Construction and Construction Inspection phases of the Project by making a commitment of 100% of the costs of the work for the Project or portions thereof; and

WHEREAS, in order to facilitate the Construction and Construction Inspection Phases for the Project, it will be necessary for the County to execute a Supplemental Agreement with the New York State Department of Transportation (NYSDOT) in the amount of $3,879,000; and

Whereas the Federal share is $2,354,400, the non-Federal share is $484,450 and the local share is $1,040,150, for the construction, construction inspection phases, and a contingency for the Project; and

WHEREAS, the Supplemental Agreement with the NYSDOT includes the reallocation of design phase funding to the construction and construction inspection phases of the Project; and

WHEREAS, the Department of Public Works would like to successfully implement the Project in a timely manner, it will be necessary to execute the construction contract with Union Concrete and Construction Corp. for $2,943,947, enter an into a construction phase engineering services agreement with C&S Companies for $364,000, and establish a construction contingency of $571,053, for a total project construction phase allowance of $3,879,000.
NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a Supplemental Agreement with New York State Department of Transportation (NYSDOT) for this Project in the amount of $3,879,000 for the construction phase of the project; and be it further

RESOLVED, that the Erie County Division of Budget and Management is hereby authorized to adjust the budget in B.18009 – 2018 Federal Aid Construction Abbott Road, Fund 420, Funds Center 123, as follows:

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
<th>Current Budget</th>
<th>Increase / (Decrease)</th>
<th>Revised Budget</th>
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<tr>
<td>REVENUES</td>
<td>Marchiselli Aid/State</td>
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<td>Gen Oblig Bond Proc</td>
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<td>$267,289</td>
<td>$891,289</td>
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<td>APPROPRIATIONS</td>
<td>Capital Project Expense</td>
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<td>$766,489</td>
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<td></td>
<td>Unallocated Capital</td>
<td>$499,200</td>
<td>($499,200)</td>
<td>$0</td>
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<td>TOTAL APPROPRIATIONS</td>
<td></td>
<td>$624,000</td>
<td>$267,289</td>
<td>$891,289</td>
</tr>
</tbody>
</table>

; and be it further

RESOLVED, that the Erie County Division of Budget and Management is hereby authorized to adjust the budget in B.18010 – 2018 Federal Aid Construction McKinley Parkway, Fund 420, Funds Center 123, as follows:

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
<th>Current Budget</th>
<th>Increase / (Decrease)</th>
<th>Revised Budget</th>
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<td>REVENUES</td>
<td>Marchiselli Aid/State</td>
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<td>TOTAL REVENUES</td>
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<td>$1,248,000</td>
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<td>APPROPRIATIONS</td>
<td>Capital Project Expense</td>
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<td>Unallocated Capital</td>
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<tr>
<td>TOTAL APPROPRIATIONS</td>
<td></td>
<td>$1,248,000</td>
<td>$335,860</td>
<td>$1,583,860</td>
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</tbody>
</table>

; and be it further
RESOLVED, that the Erie County Division of Budget and Management is hereby authorized to adjust the budget in B.18011 – Federal Aid Construction Armor Duells Road, Fund 420, Funds Center 123, as follows:

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
<th>Current Budget</th>
<th>Increase / (Decrease)</th>
<th>Revised Budget</th>
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<td>REVENUES</td>
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<td></td>
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<td></td>
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<td>Marchiselli Aid/State</td>
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<tr>
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<td>$893,000</td>
<td>$23,701</td>
<td>$916,701</td>
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<table>
<thead>
<tr>
<th>APPROPRIATIONS</th>
<th>Description</th>
<th>Current Budget</th>
<th>Increase / (Decrease)</th>
<th>Revised Budget</th>
</tr>
</thead>
<tbody>
<tr>
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<td>Unallocated Capital</td>
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<td>TOTAL APPROPRIATIONS</td>
<td></td>
<td>$893,000</td>
<td>$23,701</td>
<td>$916,701</td>
</tr>
</tbody>
</table>

; 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 Federal and non-Federal shares of the cost of construction and construction inspection phases of the Project or portions thereof with the understanding that qualified costs may be eligible for Federal-aid or State-aid; and be it further

RESOLVED, that the County Executive is hereby authorized to execute the construction contract with Union Concrete and Construction Corp. for $2,943,947, enter into a construction phase engineering services agreement with C&S Companies for $364,000, and establish a construction contingency in the amount of $571,053; and be it further

RESOLVED, that the County of Erie is hereby authorized to accept all Federal and Non-Federal aid reimbursements for the Construction and Construction Inspection Phases from the Supplemental Agreement with the NYSDOT; and be it further

RESOLVED, that the estimated total sum, with adjustments, for the anticipated Federal revenue, of the Construction, Construction Inspection Phase, and contingency for the Project, in an amount of $3,879,000 is hereby appropriated from Fund 420, Funds Center 123, in the following Projects:

B.18009–Federal Aid Abbott Road $891,289
B.18010– Federal Aid McKinley Parkway $1,583,860
B.18011 – Federal Aid Armor Duells $916,701
B.19005 – Federal Aid Abbott $310,000
B.19006 – Federal Aid McKinley Parkway $177,150
TOTAL PROJECT $3,897,000

; and be it further
RESOLVED, that the Director of Budget and Management is hereby authorized to adjust the project budget accordingly for any and all additions or reductions in Federal and/or State revenue that are necessary for this Project; and be it further

RESOLVED, that the County Legislature hereby agrees that the County of Erie shall be responsible for all costs of the Project which exceed the amount of federal-aid or state-aid funding awarded to the County of Erie; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the Project’s construction and construction inspection phases exceeds the amount appropriated, $3,897,000 the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof; 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 Federal Aid and/or state-aid on behalf of the County of Erie, with the NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality’s first instance funding of Project costs and permanent funding of the local share of Federal aid and State aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; 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 ten (10) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the NYSDOT; 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, Division of Highways, 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:  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          | NYS Department of Transportation |
|                               | Union Concrete and Construction Corp. |
|                               | C&S Companies                      |
| $ 2,943,947 Union Concrete and Const. Corp. | $ 364,000 C&S Companies |
| $ 571,053 Contingency         | $ 3,879,000 Total (construction phase) |

<table>
<thead>
<tr>
<th>2. AMOUNT OF CONTRACT</th>
</tr>
</thead>
<tbody>
<tr>
<td>$ 3,897,000</td>
</tr>
</tbody>
</table>

| 3. PROJECT NUMBER | B.18009 | $ 891,289 |
|                  | B.18010 | $ 1,583,860 |
|                  | B.18011 | $ 916,701  |
|                  | B.19005 | $ 310,000  |
|                  | B.19006 | $ 177,150  |
| $ 3,897,000 |

| 4. PROJECT TITLE          | 5762.25 Rehabilitation of Abbott Road, McKinley Parkway and Armor Duells Road |

| 5. DEPARTMENT CONTACT     | Funding questions: William Geary at 7555 |
|                          | Letter pickup: Christy Weber at 8301 |

COMPTROLLER'S OFFICE   COMPLETE ITEMS 6 AND 7

| 6. AVAILABILITY OF FUNDS | $ 3,965,000 |

<table>
<thead>
<tr>
<th>7. PERFORMED BY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allen Horne</td>
</tr>
</tbody>
</table>

Date Sent to Comptroller’s Office: December 6, 2019
AUTHORIZATION BY:
Annette J.