



ECLEG APR23'13 AM 0:51

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

April 22, 2013

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

**Re: Supplemental Agreement with NYSDOT
East Robinson and North French Roads Reconstruction
Town of Amherst, Erie County - PIN 5755.43**

Dear Honorable Members:

Please find attached for your approval a proposed resolution authorizing the County of Erie to participate in the East Robinson and North French Roads Reconstruction Federal Aid Project and also authorizing the County Executive to enter into a Supplemental Agreement with the New York State Department of Transportation to pay in the first instance the Federal and non-Federal share of the cost of increased design, construction, and construction inspection phases for this project.

Should your Honorable Body require further information, I encourage you to contact Commissioner John C. Loffredo of the Department of Public Works. Thank you for your consideration on this matter.

Sincerely,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:dab

MEMORANDUM

13 APR 15 AM 10:34

To: Honorable Members of the Erie County Legislature
From: Department of Public Works, Office of the Commissioner
Re: Supplemental Agreement with NYSDOT
East Robinson and North French Roads Reconstruction
Town of Amherst, Erie County - PIN 5755.43
Date: April 15, 2013

SUMMARY

Adoption of a resolution authorizing the County of Erie to enter into a Supplemental Agreement with NYSDOT for the increased design, construction, and construction inspection phases of the above noted Project.

FISCAL IMPLICATIONS

The increased amount of the design phase of the project is \$75,000 with an increased local share of \$14,950 with revenue available in B.00185 East Robinson/North French Designs and B.12015 2012 Capital Road Program (interfund revenue subsidy). The amount of the construction phase of the project is \$12,330,000 with a local share of \$858,700 with revenue available in B.12001 East Robinson/North French Reconstruction. This is a Locally Administered Federal Aid Project (80% Federal, 20% State and Local shares).

REASONS FOR RECOMMENDATION

The Erie County Department of Public Works is completing the design phase of the Project and desires to advance the Project by entering into a Supplemental Agreement for the construction phase with the New York State Department of Transportation. The Project benefits from Federal Aid reimbursement through the Locally Administered Federal Aid Program.

BACKGROUND INFORMATION

This Project has been approved by the New York State Department of Transportation in their current Capital Program to be funded with Federal Aid funds and is tentatively scheduled for letting in April, 2013.

CONSEQUENCES OF NEGATIVE ACTION

If the Agreement is not approved, the road reconstruction with a bridge replacement will not be implemented. Failure to execute this Agreement will jeopardize receipt of the Project and possibly the loss of eligibility for future Federal Aid Program participation.

STEPS FOLLOWING APPROVAL

The County Executive will sign the Supplemental Agreement so that it can be fully executed by the New York State Department of Transportation and the project will proceed on schedule.

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.



GREGORY GACH
Deputy Comptroller

JCL/JGM/dab

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

**Re: Supplemental Agreement with NYSDOT
East Robinson and North French Roads Reconstruction
Town of Amherst, Erie County - PIN 5755.43**

WHEREAS, the East Robinson and North French Roads Reconstruction Project in the Town of Amherst, Erie County, PIN 5755.43 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the County of Erie advanced the Project's Design Phase via Comm. 14E-20(B) adopted on July 6, 2000 and 4E-10 (2011) adopted on March 17, 2011; and

WHEREAS, the County of Erie desires to increase the Design Phase and advance the Construction and Construction Inspection Phase of the Project, PIN 5755.43 through a Supplemental Agreement that increases the original Project Agreement by the amount of \$75,000 (\$14,950 local share) for Design and \$12,330,000 (\$858,700 local share) for Construction.

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature of the County of Erie 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 the Federal and Non-Federal share of the cost of the Preliminary Engineering (Scoping and Design I-VI), and Construction and Construction Inspection Phases of the Project or portions thereof; and be it further

RESOLVED, that the Project Fund B.00185 - 2008 East Robinson/North French Design, fund center 123, fund 420, be increased by the anticipated Federal and State revenue in the amount of \$60,050 and the local share be increased in the amount of \$14,950 available from B.12015, fund 420 G/L account 486000, as follows:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
414000	Federal Aid	\$ 0	\$60,000	\$60,000
405160	NYS Marchiselli Aid	0	50	50
475000	Gen Oblig Bond Proc	6,127	0	6,127
486000	Interfund Rev Subsidy	<u>0</u>	<u>14,950</u>	<u>14,950</u>
		<u>\$6,127</u>	<u>\$75,000</u>	<u>\$81,127</u>

TOTAL REVENUES

APPROPRIATIONS

Capital Projects	Capital Project Exp	<u>\$6,127</u>	<u>\$75,000</u>	<u>\$81,127</u>
TOTAL APPROPRIATIONS		<u>\$6,127</u>	<u>\$75,000</u>	<u>\$81,127</u>

; and be it further

RESOLVED, that the Project Fund B.12001 - 2012 East Robinson/North French Reconstruction, fund center 123, fund 420, be increased by the anticipated Federal and State revenue in the amount of \$11,471,300 as follows:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
414000	Federal Aid	\$ 0	\$10,072,300	\$10,072,300
405160	NYS Marchiselli Aid	0	1,399,000	1,399,000
475000	Gen Oblig Bond Proc	<u>2,400,000</u>	<u>0</u>	<u>2,400,000</u>
TOTAL REVENUES		<u>\$2,400,000</u>	<u>\$11,471,300</u>	<u>\$13,871,300</u>

APPROPRIATIONS

Capital Projects	Capital Project Exp	<u>\$2,400,000</u>	<u>\$11,471,300</u>	<u>\$13,871,300</u>
TOTAL APPROPRIATIONS		<u>\$2,400,000</u>	<u>\$11,471,300</u>	<u>\$13,871,300</u>

; and be it further

RESOLVED, that the increased amount of the design phase of the project of \$75,000 with an increased local share of \$14,950.00 is hereby appropriated from B.00185 East Robinson/North French Designs and B.12015 2012 Capital Road Program. The amount of the construction phase of the project is \$12,330,000 with a local share of \$858,700.00 is hereby appropriated from B.12001 East Robinson/North French Reconstruction Federal Aid Program and made available to cover the cost of participation in the above phase of the Project; 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 Design, Construction and Construction Inspection Phases exceeds the amount appropriated above and/or 100% of the full Federal and non-Federal shares of the cost of the Project's Design, Construction and Construction Inspection Phases exceeds the amount appropriated above, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon

the notification by the New York State Department of Transportation 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 Marchiselli Aid on behalf of the County of Erie, (subject to the County of Erie Attorney's approval as to form and content), with the New York State Department of Transportation, and utility companies in connection with the advancement or approval of the Project identified in the State/Local Agreement; 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 New York State Department of Transportation and also one copy each to the Office of the County Executive, the Office of Budget and Management, and the Office of the Comptroller.

TO: GREGORY GACH, DEPUTY COMPTROLLER

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>NYS Department of Transportation</u> |
| 2. AMOUNT OF CONTRACT | <u>\$75,000 Design, \$12,330,000 Construction</u> |
| 3. PROJECT NUMBER | <u>B.00185 and B.12015 Design
B.12001 Reconstruction</u> |
| 4. PROJECT TITLE | <u>2008 E. Robinson/N. French Design
2012 Capital Road Program
2012 E. Robinson/N. French Reconstruction</u> |
| 5. DEPARTMENT CONTACT | <u>Funding questions: Charles A. Sickler, PE at 8372
Letter pickup: Diane Bukowski at 8301</u> |

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

6. AVAILABILITY OF FUNDS

\$ No CONTRACT COST ACCEPTANCE

7. PERFORMED BY

NYS DOT AGREEMENT

Date Sent to Comptroller's Office:

April 15, 2013

[55 compt_10]

**SCHEDULE A – Description of Project Phase, Funding and Deposit Requirements
 NYSDOT/ State-Local Agreement - Schedule A for PIN 5755.43**

OSC Municipal Contract #: D013856	Contract Start Date: 1/13/2000 (mm/dd/yyyy)	Contract End Date: 12/31/2014 (mm/dd/yyyy) <input checked="" type="checkbox"/> Check, if date changed from the last Schedule
---	--	--

Purpose: Original Standard Agreement Supplemental Schedule A No. 3

Agreement Type: Locally Administered Municipality/Sponsor (Contract Payee): County of Erie
 Other Municipality/Sponsor (if applicable): _____

State Administered *List participating Municipality(ies) and the % of cost share for each and indicate by checkbox which Municipality this Schedule A applies.*

<input type="checkbox"/> Municipality:	% of Cost share
<input type="checkbox"/> Municipality:	% of Cost share
<input type="checkbox"/> Municipality:	% of Cost share

Authorized Project Phase(s) to which this Schedule applies: PE/Design ROW Incidentals
 ROW Acquisition Construction/CI/CS

Work Type: HWY RECONST **County (If different from Municipality):** N/A

Marchiselli Eligible Yes No (Check, if changed from last Schedule A):
Project Description: Reconstruction with Widening Project: CR 299, East Robinson and North French Roads, from US Route 62, Niagara Falls Boulevard to CR 301, Sweet Home Road, in the Town of Amherst, Erie County

Marchiselli Allocations Approved FOR ALL PHASES To compute Total Costs in the last row and column, right click in each field and select "Update Field."

Check box to indicate change from last Schedule A	State Fiscal Year(s)	Project Phase			TOTAL
		PE/Design	ROW (RI & RA)	Construction/CI/CS	
<input type="checkbox"/>	Cumulative total for all prior SFYs	\$155,000.00	\$265,000.00	\$0.00	\$420,000.00
<input checked="" type="checkbox"/>	Current SFY 12/13	\$0.00	\$0.00	\$1,399,000.00	\$1,399,000.00
Authorized Allocations to Date		\$155,000.00	\$265,000.00	\$1,399,000.00	\$1,819,000.00

A. Summary of allocated MARCHISELLI Program Costs FOR ALL PHASES For each PIN Fiscal Share below show current costs on the rows indicated as "Current". Show the old costs from the previous Schedule A on the row indicated as "Old." To compute Total Current Costs in the last row, right click in each field and select "Update Field."

PIN Fiscal Share	"Current" or "Old" entry indicator	Federal Funding Program	Total Costs	FEDERAL Participating Share and Percentage	STATE MARCHISELLI Match	LOCAL Matching Share	LOCAL DEPOSIT AMOUNT (Required only if State Administered)
5755.43.121 122.	Current	STP (80%)	\$1,108,000.00	\$886,400.00	\$155,000.00	\$66,600.00	\$0.00
	Old	STP (80%)	\$1,033,000.00	\$826,400.00	\$154,950.00	\$51,650.00	\$0.00
5755.43.321	Current	STP (80%)	\$10,247,000.00	\$8,197,600.00	\$1,242,775.00	\$806,625.00	\$0.00
	Old		\$	\$	\$	\$	\$
5755.43.322	Current	(90%)	\$2,083,000.00	\$1,874,700.00	\$156,225.00	\$52,075.00	\$0.00
	Old		\$	\$	\$	\$	\$
	Current		\$	\$	\$	\$	\$
	Old		\$	\$	\$	\$	\$
	Current		\$	\$	\$	\$	\$
	Old		\$	\$	\$	\$	\$
	Current		\$	\$	\$	\$	\$
	Old		\$	\$	\$	\$	\$
TOTAL CURRENT COSTS:			\$13,438,000.00	\$10,958,700.00	\$1,554,000.00	\$925,300.00	\$ 0.00

NYSDOT/State-Local Agreement – Schedule A

B. Summary of Other (including Non-allocated MARCHISELLI) Participating Costs FOR ALL PHASES For each PIN Fiscal Share, show current costs on the rows indicated as "Current." Show the old costs from the previous Schedule A on the row indicated as "Old." To compute Total Current Costs in last row, right click in each field and select "Update Field."

Other PIN Fiscal Shares	'Current' or 'Old' entry indicator	Funding Source	TOTAL	Other FEDERAL	Other STATE	Other LOCAL
..	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
..	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
..	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
..	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
..	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
..	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
..	Current		\$	\$	\$	\$
	Old		\$	\$	\$	\$
TOTAL CURRENT COSTS:			\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

C. Total Local Deposit(s) Required for State Administered Projects:	\$0.00
--	--------

D. Total Project Costs To compute Total Costs in the last column, right click in the field and select "Update Field."

Total FEDERAL Cost	Total STATE MARCHISELLI Cost	Total Other STATE Cost	Total LOCAL Cost	Total Costs (all sources)
\$10,958,700.00	\$1,554,000.00	\$0.00	\$925,300.00	\$13,438,000.00

E. Point of Contact for Questions Regarding this Schedule A (Must be completed)	Name: <u>David J. Priebe</u> Phone No: <u>716-847-3137</u>
--	---

See Agreement (or Supplemental Agreement Cover) for required contract signatures.

NYS DOT/State-Local Agreement – Schedule A

Footnotes: (See LPB's website for link to sample footnotes)

- No. 1 _ PROJECT ADMINISTRATION: The project's Preliminary Engineering (Scoping & Design I-VI) and Construction & Construction Inspection phases are being administered by Erie County (Project Sponsor) under Federal Aid Project Agreement # D013856. The SUBJECT Supplemental No. 3 to Agreement # D013856 Increases the Preliminary Engineering phase funding ; Adds the Construction phase funding and Extends the Contract End Date to 12/31/2014. The Right-of-Way (Incidentals & Acquisition) phase is being administered by NYS DOT under a separate Federal Aid Project Agreement # D033529.....
- No. 2 _ FEDERAL FUNDING PROGRAMS: (a.) Preliminary Engineering Phase: Page 1, Section A, Shares 5755.43.121 & .122 are STP Funds: Share 5755.43.121 is STP Flex Funds @ \$ 570,591 Matched, Federal Aid 80% ; 20% Local Match Required and Share 5755.43.122 is STP Urban Funds @ \$ 537,409 Matched, Federal Aid 80% ; 20% Local Match Required. (b.) Construction phase: Page 1, Section A, Share 5755.43.321 is STP Urban Funds @ \$ 10,247,000 Matched, Federal Aid 80% ; 20% Local Match Required _And_ Page 1, Section A, Share 5755.43.322 is SAFETEA_LU - HSIP (Highway Safety Improvement Program) Funds @ \$ 2,083,000 Matched, Federal Aid 90% ; 10% Local Match Required.
- No. 3 _ MARCHISELLI AID REIMBURSEMENT: (a.) Preliminary Engineering Phase (Page 1, Section A, Shares 5755.43.121 & .122): The Marchiselli Aid Reimbursement @ \$ 155,000 equals approximately 14.0% of the current Total Preliminary Engineering phase cost @ \$ 1,108,000. (b.) Construction phase (Page 1, Section A, Share 5755.43.321): The Marchiselli Aid Reimbursement @ \$ 1,242,775 equals approximately 12.1% of the current \$ 10,247,000 cost of the STP Urban (80% Federal Aid) funded portion of this project phase. (c.) Construction phase (Page 1, Section A, Share 5755.43.322): The Marchiselli Aid Reimbursement @ \$ 156,225 equals 7.5%, the Maximum Reimbursement, of the current \$ 2,083,000 cost of the SAFETEA_LL - HSIP (90% Federal Aid) funded portion of this project phase.

-
-
-
-
-
-
-
-
-
-