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# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

April 22, 2013

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

**Re: East Robinson and North French Roads Reconstruction - Construction Award  
Town of Amherst, Erie County - PIN 5755.43**

Dear Honorable Members:

The Department of Public Works is requesting authorization to award and enter into a contract with the responsible low bidder for the East Robinson and North French Roads Reconstruction Project, as well as to establish a construction contingency, execute a change order for design and a new contract for construction inspection and services during construction with Project Engineers Greenman-Pedersen, Inc. of Buffalo, New York, and execute related project utility agreements with various utility companies.

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/bb  
Enclosure

cc: John C. Loffredo, Commissioner

MEMORANDUM

COMPTROLLER'S  
RECEIVED

13 APR 15 AM 10: 34

To: Honorable Members of the Erie County Legislature  
From: Department of Public Works  
Re: East Robinson and North French Roads Reconstruction -Construction Award  
Town of Amherst, Erie County - PIN 5755.43  
Date: April 15, 2013

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**SUMMARY**

Request adoption of a resolution to authorize the County Executive to award and enter into a contract with the responsible low bidder for the East Robinson and North French Roads Reconstruction Project once bids are taken and the lowest responsible bidder is determined, establish a construction contingency, execute a change order for design and a new contract for construction inspection and services during construction with Project Engineers Greenman–Pedersen, Inc., and execute related project utility agreements with various utility companies.

**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. 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**

Timely award of the contract is necessary so that the contractor can begin work as soon as possible. The project benefits from Federal funds through the Locally Administrated Federal Aid Program.

**BACKGROUND INFORMATION**

This project is approved by the New York State Department of Transportation in their current Capital Program 5-year Plan to be funded through the Locally Administered Federal Aid Program. In order not to delay the project, it is recommended that the County Executive be authorized to execute a contract with the responsible low bidder once bids are taken and analyzed, establish the construction contingency, execute a change order for design and a new contract for construction inspection and services during construction with Project Engineers Greenman–Pedersen, Inc., and execute related project utility agreements with various utility companies.

### **CONSEQUENCES OF NEGATIVE ACTION**

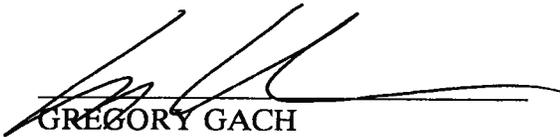
The construction phase of the Project will not be implemented in a timely manner. As a result, Federal aid for the project could be lost. Negative action would halt project advancement, expose the county traveler to health and safety risks, and jeopardize existing and future reimbursement funding through this program.

### **STEPS FOLLOWING APPROVAL**

The lowest responsible bidder will be determined by the Department of Public Works and a contract will be awarded. The County Executive will execute the construction contract, establish a construction contingency, execute the design change order and new construction contract with Project Engineers Greenman-Pedersen, Inc., and execute related project utility agreements with various utility companies. Construction work will begin as soon as possible depending on the weather. The Department of Public Works will notify the Legislature, for information only, the bid results and contract awardee.

### **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.



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GREGORY GACH  
Deputy Comptroller

JCL/JGM/dab

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

**RE: East Robinson and North French Roads Reconstruction - Construction Award  
Town of Amherst, Erie County - PIN 5755.43**

WHEREAS, the East Robinson and North French Roads Reconstruction Project PIN 5755.43 will be advertised, bid, and ready for award of construction contract to the responsible low bidder; and

WHEREAS, the East Robinson and North French Roads Reconstruction Project PIN 5755.43 will reconstruct and widen the deteriorating roadway and a bridge; and

WHEREAS, funding for this Federal Aid project increases the Design Phase and advances the Construction and Construction Inspection Phase of the Project, PIN 5755.43 through a Supplemental NYSDOT 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.; and

WHEREAS, it is necessary that this approval be granted, so that the contract can be awarded to allow the contractor to begin work as soon as possible; and

WHEREAS, in order to facilitate the East Robinson and North French Roads Reconstruction Project it will be necessary for the County to execute the construction contract with the responsible low bidder and establish a construction contingency; and

WHEREAS, a change order for design and a new contract for construction inspection and engineering services during construction must be executed with Project Engineers Greenman-Pedersen, Inc. of Buffalo, New York; and

WHEREAS, related project utility agreements must be executed with various utility companies.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to award and execute a contract for the East Robinson and North French Roads Reconstruction Federal Aid Project PIN 5755.43 between the County of Erie and the lowest responsible bidder, establish a construction contingency, execute a change order for design and a new contract for construction inspection and engineering services during construction between the County of Erie and Project Engineers Greenman-Pedersen, Inc., of Buffalo, New York, and execute related project utility agreements between the County of Erie and various utility companies; and be it further

RESOLVED, that funding for the increased amount of the design phase of the project of \$75,000. is hereby appropriated from B.00185, 2008 East Robinson/North French Road Design Federal Aid Program; funding for the construction phase of the project in the amount of \$12,330,000. is hereby appropriated from B.12001 East Robinson/North French Reconstruction Federal Aid Program; 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 on behalf of the County of Erie with the New York State Department of Transportation in connection with the advancement or approval of the project; and be it further

RESOLVED, that the Department of Public Works will inform the Erie County Legislature, for information only, as to what contractor was the successful low responsible bidder for the East Robinson and North French Roads Reconstruction Project PIN 5755.43; 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, Office of the Commissioner, 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

PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST  
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

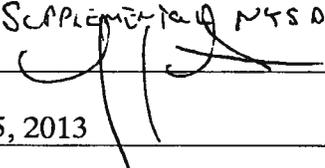
REQUESTING DEPARTMENT

COMPLETE ITEMS 1 THROUGH 5

- 1. CONTRACTOR'S NAME Greenman-Pedersen, Inc., Various Utility Companies
- 2. AMOUNT OF CONTRACT \$75,000 Design, \$12,330,000 Construction
- 3. PROJECT NUMBER B.00185 Design  
B.12001 Reconstruction
- 4. PROJECT TITLE 2008 E. Robinson/N. French Design 2012 E. Robinson/N. French Reconstruction
- 5. DEPARTMENT CONTACT Funding questions: Charles A. Sickler, PE at 8372  
Letter pickup: Diane Bukowski at 8301

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

- 6. AVAILABILITY OF FUNDS \$ DEPENDENT ON LEGISLATURE ACCEPTANCE  
OF SUPPLEMENTAL MYS DEPT AGREEMENT
  - 7. PERFORMED BY 
- Date Sent to Comptroller's Office: April 15, 2013

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