



ECLEG APR23'13 AM 8:51

# 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: Supplemental Agreement with NYSDOT  
Savage Road Bridge over Dry Creek - Town of Sardinia, Erie County  
PIN 5757.30**

Dear Honorable Members:

We are forwarding for your approval a proposed resolution authorizing the County of Erie to participate in the Savage Road Bridge over Dry Creek Project and also authorizing the County Executive to enter into a Supplemental Agreement with the New York State Department of Transportation to pay the Federal and non-Federal share of the cost of the construction and construction inspection phase for this Project.

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

Sincerely,

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP:dab  
Enclosure

cc: John C. Loffredo, Commissioner

**MEMORANDUM**

COMPTROLLER'S  
RECEIVED

13 MAR 19 AM 11:06

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Public Works  
**Re:** Supplemental Agreement with NYSDOT  
Savage Road Bridge over Dry Creek - Town of Sardinia, Erie County  
PIN 5757.30  
**Date:** March 19, 2013

---

**SUMMARY**

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

**FISCAL IMPLICATIONS**

The total cost of this project phase is currently estimated at \$935,000.00 and will be a Locally Administered Federal Aid Project (80% Federal, 20% local). Local share required for Project is \$187,000.00. Local share funding with revenue is available in B.12003 – 2012 Savage Road Bridge Reconstruction.

**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 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 scheduled for letting on March 28, 2013.

**CONSEQUENCES OF NEGATIVE ACTION**

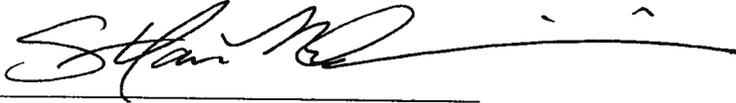
If the Agreement is not approved, the bridge replacement will not be implemented. Failure to execute this Agreement will jeopardize receipt of the Project and possibly the loss of eligibility for future Federal Aid Program participation.

**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.

A handwritten signature in black ink, appearing to read 'Stefan Mychajliw', written over a horizontal line.

STEFAN I. MYCHAJLIW  
Comptroller

JCL/JGM/dab

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

**Re: Supplemental Agreement with NYSDOT  
Savage Road Bridge over Dry Creek - Town of Sardinia, Erie County  
PIN 5757.30**

WHEREAS, the Savage Road Bridge over Dry Creek Project in the Town of Sardinia, Erie County, PIN 5757.30 (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. Nos. 8E-10 (2011) adopted on April 28, 2011 and 6E-11 (2012) adopted on May 10, 2012; and

WHEREAS, the County of Erie desires to advance the Construction and Construction Inspection Phase of the Project, PIN 5757.30 through a Supplemental Agreement that increases the Project Agreement by the amount of \$935,000 (\$187,000 required local share).

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.12003 - 2012 Savage Road Bridge Reconstruction, fund center 123, fund 420, be increased by the anticipated Federal revenue in the amount of \$748,000 as follows:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
414000	Federal Aid	\$ 0	\$748,000	\$748,000
475000	Gen Oblig Bond Proc	<u>200,000</u>	<u>0</u>	<u>200,000</u>
<b>TOTAL REVENUES</b>		<b><u>\$200,000</u></b>	<b><u>\$748,000</u></b>	<b><u>\$948,000</u></b>

APPROPRIATIONS

Capital Projects	Capital Project Exp	<u>\$200,000</u>	<u>\$748,000</u>	<u>\$948,000</u>
TOTAL APPROPRIATIONS		<u>\$200,000</u>	<u>\$748,000</u>	<u>\$948,000</u>

; and be it further

RESOLVED, that the estimated total sum of the construction phase of the Project, \$935,000 is hereby appropriated from B.12003 – 2012 Savage Road Bridge Reconstruction 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 Construction and Construction Inspection Phase exceeds the amount appropriated, \$935,000 and/or 100% of the full Federal and non-Federal shares of the cost of the Project's Construction and Construction Inspection Phase exceeds \$935,000, 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 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: STEFAN I. MYCHAJLIW, COMPTROLLER

PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST  
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

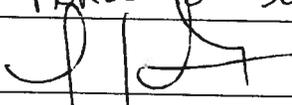
REQUESTING DEPARTMENT

COMPLETE ITEMS 1 THROUGH 5

- |                       |  |
|-----------------------|--|
| 1. CONTRACTOR'S NAME  | <u>NYS Department of Transportation</u>  |
| 2. AMOUNT OF CONTRACT | <u>\$935,000.00</u>  |
| 3. PROJECT NUMBER     | <u>B.12003</u>   |
| 4. PROJECT TITLE      | <u>2012 Savage Road Bridge Reconstruction</u>  |
| 5. DEPARTMENT CONTACT | <u>Funding questions: Charles A. Sickler, PE at 8372<br/>Letter pickup: Diane Bukowski at 8301</u> |

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

- |                                    |   |
|------------------------------------|---|
| 6. AVAILABILITY OF FUNDS           | <u>\$ PER AGREEMENT with GC</u>   |
| 7. PERFORMED BY                    | <u></u> |
| Date Sent to Comptroller's Office: | <u>March 19, 2013</u>   |

OFFICE OF THE COMPTROLLER REVIEW

DATE: 3-19-2013

PROJECT TITLE: B.12003 Savage Road Bridge Reconstruction

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

IF NO, RETURN THIS REQUEST TO THE DEPARTMENT

IF YES, COMPLETE THE FOLLOWING VERIFICATION

2) PROJECT AVAILABLE APPROPRIATION

TOTAL PROJECT REVENUES \$ 200,000.00

TOTAL PROJECT APPROPRIATIONS \$ 200,000.00

LESS: TOTAL EXPENDITURE TO DATE \$ \_\_\_\_\_

TOTAL COMMITMENTS \$ \_\_\_\_\_

AVAILABLE APPROPRIATIONS AS OF DATE OF REQUEST \$ 200,000.00

LESS: CONTRACT AMOUNT: 935,000.00

NET AVAILABLE APPROPRIATIONS \$ (735,000.00)

COMMENTS: The Comptroller's office will not approve the proposed contract of \$935,000

Until the legislature approves the \$748,000 Federal Aid increase and it is reflected on SAP

In the FM Budget as set up by the budget department - OK PER AGREEMENT WITH

GG & RWK

MAR 04/10/2013

REQUEST APPROVED: \_\_\_\_\_

[Signature]

REQUEST DENIED: \_\_\_\_\_

DATE: \_\_\_\_\_

4/10/13