



ECLEG APR09'13 AM 10:10

# COUNTY OF ERIE

**MARK C. POLONCARZ**  
COUNTY EXECUTIVE

April 4, 2013

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

**RE: Construction Contract Award & Engineering & Construction Inspection Services Contract - Reconstruction of Zoar Valley Road - Town of Concord ECDPW Project No. FM457-644-13 - FEMA PW 644**

Dear Honorable Members:

We are forwarding copies of bid tabulations for the ten (10) bidders on the above project, indicating the low bidder being CATCO of Alden, New York. The County Executive is requesting authorization to award a contract to the low bidder, being a responsible contractor. Additionally, we recommend that a contract with Clark Patterson Lee of Buffalo, New York, be authorized for construction engineering and construction inspection services.

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,

A handwritten signature in blue ink that reads "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP/BAR/dab  
Enclosures

cc: John C. Loffredo, Department of Public Works

## **MEMORANDUM**

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Public Works  
**Re:** Construction Contract Award & Engineering & Construction Inspection Services  
Contract - Reconstruction of Zoar Valley Road - Town of Concord  
ECDPW Project No. FM457-644-13 - FEMA PW 644  
**Date:** April 4, 2013

---

### **SUMMARY**

This resolution is the award of a contract between Concrete Applied Technologies Corp. (CATCO) of Alden, New York and the County of Erie for the Reconstruction of Zoar Valley Road, ECDPW Project No. FM457-644-13, FEMA PW 644 and the award of a Construction Engineering and Construction Inspection Services Agreement to Clark Patterson Lee of Buffalo, New York. The resolution will also authorize the County Executive to establish Construction Contingency and approve Change Orders for the project. The project includes reconstruction of a failed portion of Zoar Valley Road adjacent to Cattaraugus Creek including embankment reconstruction and stabilization, drainage improvements and streambank protection.

### **FISCAL IMPLICATIONS**

The proposed resolution includes the use of the following authorized project funds:

- SAP Account B.11022 (2011 FEMA, FHWA and EWP Match/Road Reconstruction [Countywide]), \$75,000;
- SAP Account B.12004 (2012 FEMA Road Reconstruction [Countywide]), \$220,000; and
- SAP Account B.13005 (2013 Road Reconstruction FEMA Projects [Zoar Valley PW 644]), \$767,000

The capital funds will be allocated as follows: \$803,921.55 for award of construction to CATCO, \$129,088.57 for Construction Engineering and Construction Inspection Services with Clark Patterson Lee of Buffalo, and \$128,600.00 as a construction contingency.

### **REASONS FOR RECOMMENDATION**

It is necessary that this approval be granted, so that the contract can be awarded to allow the contractor to begin construction as soon as possible to meet environmental permit restriction dates. Project has an aggressive schedule which is coordinated with a second Zoar Valley Road project planned for letting later this year.

## **BACKGROUND INFORMATION**

The reconstruction of Zoar Valley Road, FEMA PW 644 is recommended for approval because of the poor condition of the subject section of road. The project was bid on February 21, 2013.

## **CONSEQUENCES OF NEGATIVE ACTION**

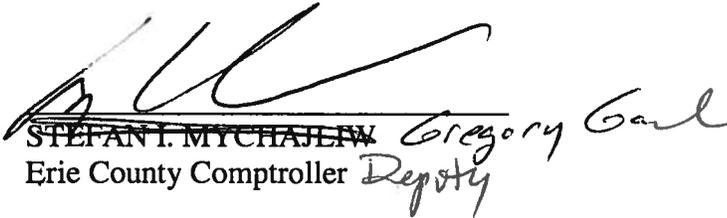
If the contract is not approved, the existing roadway will continue to physically and functionally deteriorate and further reduce the safety and mobility of the traveling public.

## **STEPS FOLLOWING APPROVAL**

The contract will be awarded and construction will begin as soon as possible depending on the weather and the availability of materials.

## **COMPTROLLER'S OFFICE REVIEW**

The proposed legislation has been reviewed by the Office of the Comptroller and is related to an authorized capital project for which there is sufficient funding.

  
~~STEFAN I. MYCHAJEW~~ Gregory Gault  
Erie County Comptroller Deputy

File (Zoar Valley Award.Construction Inspectn.catco)

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

**RE: Construction Contract Award & Engineering & Construction Inspection Services  
Contract - Reconstruction of Zoar Valley Road - Town of Concord  
ECDPW Project No. FM457-644-13 - FEMA PW 644**

WHEREAS, bids were taken for the Reconstruction of Zoar Valley Road, FEMA PW 644 ECDPW Project No. FM457-644-13 (the "Project"), in the Town of Concord, on February 21, 2013, and the low bidder was CATCO of Alden, New York in the amount of \$803,921.55; and

WHEREAS, a contract has been negotiated with Clark Patterson Lee of Buffalo, New York for construction inspection and engineering services during construction.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the project and funding as follows: SAP Account B.11022 (2011 FEMA, FHWA and EWP Match/Road Reconstruction [Countywide]) in the amount of \$75,000; SAP Account B.12004 (2012 FEMA Road Reconstruction [Countywide]) in the amount of \$220,000; and SAP Account B.13005 (2013 Road Reconstruction FEMA Projects [Zoar Valley PW 644]) in the amount of \$767,000 for a total project cost of no more than \$1,062,000; and be it further

RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract for FEMA PW 644, ECDPW Project No. FM457-644-13 between the County of Erie and the low bidder, CATCO of Alden, New York at a low bid amount of \$803,921.55 from the above identified project funds; and be it further

RESOLVED, that the County Executive be authorized to execute a contract for services during construction and construction inspection with Clark Patterson Lee of Buffalo, New York in the amount of \$129,088.57 from the above identified funds; and be it further

RESOLVED, that the County Executive be authorized to establish a project contingency and execute change orders in an amount not to exceed \$128,600.00 from the above identified funds; 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 Office of Budget and Management, and the Office of the Comptroller.

TO: STEFAN I. MYCHAJLIW, 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

CATCO  
Clark Patterson Lee

2. AMOUNT OF CONTRACT

CATCO	\$803,921.55
Clark Patterson Lee	\$129,088.57
Contingency	\$128,600.00

3. PROJECT NUMBER

SAP B.11022  
SAP B.12004  
Approved proceeds from 2013 Capital Bond Sale  
in the 2012 FEMA Road Reconstruction  
[Countywide] project.

4. PROJECT TITLE

Reconstruction of Zoar Valley Road  
FEMA PW 644, ECDPW Proj No FM457-644-13

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

\$

7. PERFORMED BY

Date Sent to Comptroller's Office:

March 22, 2013

[55 compt\_10]