

June 16, 2016

COMMUNITY ENRICHMENT COMMITTEE
REPORT NO. 4

ALL MEMBERS PRESENT.
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 9M-3 (2016)
ERIE COMMUNITY COLLEGE: “2016-2017 ECC Budget”
(6-0)
 - b. COMM. 10M-2 (2016)
BUFFALO & EC PUBLIC LIBRARY: “May 19, 2016 Board of Trustees Agenda”
(6-0)
2. RESOLVED, the following item is hereby amended by a majority vote, and tabled on Chair’s motion:
 - a. COMM. 11E-5 (2016)
COUNTY EXECUTIVE AS AMENDED
Amend the ECC 2016-2017 Budget Resolutions contained in COMM. 11E-5 (2016) to reflect the following:

Delete the thirteenth (13) WHEREAS clause in its entirety on pages 1 and 2 relative to consequences of a failure to upkeep the maintenance of effort (ECC 2016-2017 Budget Resolutions).

RESOLVED, that the Erie County Legislature does hereby approve the 2016-2017 Budget of Erie Community College as adopted by the ECC Board of Trustees on May 9, 2016, and submitted to this Honorable Body by the County Executive on May 31, 2016, with the following change:
 - Deletion of the third (3) RESOLVED clause in its entirety on page 3 relative to collective bargaining agreements (ECC 2016-2017 Budget Resolutions).
 (6-0)
3. COMM. 11E-6 (2016)
COUNTY EXECUTIVE AS AMENDED
WHEREAS, Erie Community College’s existing buildings, are worn and outdated, and the spaces are not scalable to accommodate new technology and training; and

WHEREAS, the construction of a New Academic Building is recommended for Science, Technology, Engineering and Math (STEM) and advanced technical program spaces; and

WHEREAS, this new flagship facility will provide opportunities for interdisciplinary collaboration, shared resources and will showcase the programs needed to attract and educate the region’s future innovators; and

WHEREAS, 50% of the project will be reimbursed by New York State and 25% funded by Erie Community College and the remaining 25% funded by Erie County; and

WHEREAS, the project may be eligible for rebates and incentives from various agencies such as NYPA, NYSERDA and/or utility companies; and

WHEREAS, the Erie County Department of Public Works received bids for the Erie Community College – Science, Technology, Engineering and Math (STEM) Building project on June 7, 2016; and

WHEREAS, it is now being recommended to amend the Construction Manager’s contract from a “Guaranteed Maximum Price” (GMP) contract to an Agency model due to legal concerns; and

WHEREAS, the Erie County Department of Public Works, the Project Architect, Kideney Architects, and the Construction Manager, Turner Construction are recommending award of contracts to the lowest responsible bidders.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts with the lowest responsible bidders for the Erie Community College – Science, Technology, Engineering and Math (STEM) Building project as follows:

Bid Package 1 - General Construction Work

Scrufari Construction Co., Inc.	Base Bid:	\$ 7,335,000.00
Add Height of Clerestory	Alternate No. 6 Bid:	\$ 2,000.00
Add Rooftop Equipment Screen and Structure	Alternate No. 07 Bid:	\$ 35,000.00
Add Flooring	Alternate No. 16 Bid:	\$ 184,800.00
Add Casework	Alternate No. 25 Bid:	\$ 17,000.00
Add Corridor Wainscot	Alternate No. 30 Bid:	\$ 70,300.00
Total General Construction Contract:		\$ 7,644,100.00

Bid Package 2 - Masonry Construction Work

Manning Squires Henning Co., Inc.	Base Bid:	\$ 450,000.00
Add Exterior Masonry	Alternate No. 12 Bid:	\$ <u>160,000.00</u>
Total Masonry Construction Contract:		\$ 610,000.00

Bid Package 3 – Exterior Wall Construction Work

Hogan Glass LLC	Base Bid:	\$ 1,269,900.00
Add Height of Clerestory	Alternate No. 06 Bid:	\$ 26,855.00
Add Rooftop Equipment Screen and Structure	Alternate No. 07 Bid:	\$ 80,795.00
Add Horizontal Sun Shades	Alternate No. 27 Bid:	\$ 13,995.00
Add Vertical Sun Shades – Part 1	Alternate No. 28 Bid:	\$ 14,630.00
Add Vertical Sun Shades – Part 2	Alternate No. 29 Bid:	\$ <u>22,995.00</u>
Total Exterior Wall Construction Contract:		\$ 1,429,170.00

Bid Package 4 – Interior Wall Assemblies Construction Work

Scrufari Construction Co., Inc. (No Alternates)	Base Bid:	\$ <u>2,054,000.00</u>
Total Interior Wall Assemblies Construction Contract:		\$ 2,054,000.00

Bid Package 5 – Plumbing and Fire Protection Construction Work

John W. Danforth Company (No Alternates)	Base Bid:	\$ <u>1,215,000.00</u>
Total Plumbing and Fire Protection Construction Contract:		\$ 1,215,000.00

Bid Package 6 – HVAC & HVAC Controls Construction Work

Quackenbush Co., Inc.	Base Bid:	\$ 3,447,000.00
Add Panel Radiation	Alternate No. 40 Bid:	\$ <u>47,000.00</u>
Total HVAC & HVAC Controls Construction Contract:		\$ 3,494,000.00

Bid Package 7 - Electrical & Fire Alarm Construction Work

Goodwin Electric Corporation	Base Bid:	\$ 2,298,000.00
Add Electrical Duct Bank	Alternate No. 08 Bid:	\$ 85,000.00
Add Cable Trays	Alternate No. 36 Bid:	\$ <u>19,000.00</u>
Total Electrical & Fire Alarm Construction Contract:		\$ 2,402,000.00

Total Award of Construction Contracts: \$ 18,848,270.00
; and be it further

RESOLVED, that the following not to exceed amount be allocated to the Project Contingency Fund:

Previously authorized project contingency spent to date	\$30,256.00
Project contingency amount authorized in this resolution	<u>\$5,720,811.00</u>
Total Project contingency authorized to date	\$5,751,067.00

with authorization for the County Executive, to approve change orders in an amount not to exceed the total amount in the Project Contingency Fund; and be it further

RESOLVED, that the Project Contingency Fund is authorized to be used to fund change orders to the following contracts:

1. Kideney Architects contract
2. Turner contract
3. Any or all constructions contracts or utility companies
4. Any Furniture, Fixtures and Equipment (FF&E) contracts including security cameras, computers, swipe system, phones, data raceways, wiring and any other necessary building operating system equipment

; and be it further

RESOLVED, those deduct change orders will result in these funds being returned to the Project Contingency Fund; and be it further

RESOLVED, that the Erie County Executive be authorized to amend the Construction Manager's contract (Turner Construction) from a "Guaranteed Maximum Price" (GMP) contract to an Agency model in an amount not to exceed \$1,746,986: and be it further

RESOLVED, that the Erie County Executive be authorized to accept rebates and incentives associated with this project from various agencies such as NYSERDA, NYPA or utility companies for an amount to be determined, with such revenue to be recorded in the overall project budget to be used, if necessary, for any project contingencies or work on this project; and be it further

RESOLVED, that the appropriations and revenues be increased in Business Area 122, Fund 480, SAP Project account E.12002 – 2012 – ECC New Academic Building for an amount not to exceed the rebates and incentives received from the various agencies such as NYSERDA, NYPA &/or utility companies; and be it further

RESOLVED, that in the event of shortfalls in ECC's share of the project, in order to maintain the construction schedule, the County is authorized to cover the college's share of construction and related costs in 2016 or 2017 via County-issued bond proceeds authorized for college projects; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for the above from SAP project accounts: BA122, Fund 480 E.12002 2012 ECC – New Academic Building, with total payments not to exceed \$24,599,337; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Commissioner of the Department of Environment and Planning, the Division of Budget and Management, the Office of the County Comptroller, and one copy to Erie Community College Office of the Chief Administrative and Financial Officer.

(5-1) Legislator Burke voted in the negative.

4. COMM. 11E-8 (2016)

COUNTY EXECUTIVE AS AMENDED

WHEREAS, the Department of Public Works will be receiving bids for the Erie Community College City Campus- 2016 Old Post Office Hot Water Heater Replacement project this month; and

WHEREAS, the existing antiquated domestic steam hot water boiler system requires immediate replacement which must be accomplished in a short time frame; and

WHEREAS, time is of essence in order to avoid interruption of water service during scheduled class sessions and will not allow for the normal award process of construction contracts after bids are received; and

WHEREAS, New York State will reimburse Erie County for 50% of the project cost; and

WHEREAS, in order to expedite this work, pre-approval from the Erie County Legislature is needed to award a construction contract to the lowest responsible bidder.

NOW, THEREFORE, BE IT

RESOLVED, the award of a construction contract, as designated by the Commissioner of Public Works for this project, is hereby pre-approved by the Erie County Legislature and the County Executive is hereby authorized and directed to execute said contract; and be it further

RESOLVED, that the Commissioner of Public Works shall determine the lowest responsible construction bidder and submit recommendations to the County Executive; and be it further

RESOLVED, that the pre-approved contract authorization shall be for an amount not to exceed \$200,000, plus a construction contingency of \$50,000, and shall not exceed an aggregate total of \$250,000; and be it further

RESOLVED, that pre-approval is contingent upon the advertisement and award of the construction contract pursuant to applicable Local and New York State public bidding laws; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP project E.20904 - 2009 Energy Performance Contract /City, Business Area 122, Fund 480, for a total amount not to exceed \$250,000.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, William Reuter, CAFO of Erie Community College, and the Office of the Comptroller.

(6-0)

**KEVIN R. HARDWICK
CHAIR**