

MARCH 13, 2008

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 4

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLER-WILLIAMS. CHAIR MARINELLI
PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 5E-12 (2008)
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids for construction of a new parking Lot at Buffalo and Erie County Botanical Gardens and is recommending award, along with the Engineer, to the lowest responsible bidders; and

WHEREAS, Destro Brothers, Inc. and O'Connell Electric Co., Inc. are the lowest responsible bidders for the work.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into contracts for the Botanical Gardens Parking Lot with the following:

GENERAL CONSTRUCTION WORK

Destro Brothers, Inc.

Base Bid:	\$277,000.00
Deduct Alternate No. 1	<u>- \$19,000.00</u>
Total Award:	\$258,000.00

ELECTRICAL CONSTRUCTION WORK

O'Connell Electric Co., Inc.

Base Bid:	\$82,400.00
Total Award:	<u>\$82,400.00</u>
Total Award of Contracts:	\$340,400.00

and, be it further

RESOLVED, that the sum of \$35,000.00 be allocated to a construction contingency fund with authorization for the County Executive to approve change orders in an amount not to exceed the contingency, and, be it further

RESOLVED, that deduct change orders will result in these funds returned to the contingency fund, and, be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from the 2006 Botanical Gardens Master Plan Implementation, Project A.00291 in an amount not to exceed \$375,400.00, and, be it further

RESOLVED, that two copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy each to the County Executive, the Division of Budget, Management & Finance, and the Office of the Comptroller.
(5-0)

2. COMM. 5E-14 (2008)
COUNTY EXECUTIVE

WHEREAS, the County is required to provide a multi-year Capital Improvement program pursuant to an agreement with the Botanical Gardens Society; and

WHEREAS, your Honorable Body has previously authorized a General Architectural/Engineering Agreement with the firm of Foit-Albert Associates for providing Professional Architectural/Engineering Services; and

WHEREAS, the County Executive is requesting authorization from your Honorable Body to issue a Supplemental Agreement to Foit-Albert Associates for providing Design Services and construction documents for the new Growing House.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to issue a Supplemental Agreement to Foit-Albert Associates for providing Professional Design Services and construction documents for the new Growing House for an amount not to exceed \$220,000.00, and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for the above from SAP Project A.00291 for an amount not to exceed \$220,000.00, and be it further

RESOLVED, that two copies of this resolution be sent 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, Management & Finance, and the Office of the Comptroller.
(5-0)

3. COMM. 5E-15 (2008)
COUNTY EXECUTIVE

WHEREAS, a Project for the Pavement Reconstruction of Como Park Blvd. (CR 523), from NY Route 277 Union Road to Stiglmeier Park, in the Town of Cheektowaga, Erie County, P.I.N. 5755.83 (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 above Project by making a commitment of 100% of the non-Federal share of the costs of the Preliminary Engineering (Scoping and Design I-VI) via Comm. 16E-45, adopted on September 19, 2002; and

WHEREAS, the County of Erie desires to advance the Construction & Construction Inspection Phases of the Project, PIN 5755.83 through a Supplemental Agreement that increases the original Project Agreement in the amount of \$2,969,000.00.

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 & Construction Inspection Phases of the Project or portions thereof; and be it further

RESOLVED, that the total sum of the Project, \$3,395,000.00 of which the non-federal share required is \$679,000.00 is hereby appropriated from the following capital accounts:

- B.00018 2001 Como Park Blvd. Design \$ 426,000.00
Previously appropriated via Comm. 16E-45,
Adopted September 19, 2002
- B.00167 2007 Como Park Blvd.
\$2,500,000.00

Pavement Reconstruction

- B.00168 2007 Unanticipated Road & Bridge Costs \$ 469,000.00;

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 Preliminary Engineering (Scoping and Design I-VI) and Construction & Construction Inspection Phases exceeds the amount appropriated and/or 100% of the full Federal and non-Federal shares of the cost of the Project's Preliminary Engineering (Scoping and Design I-VI) and Construction & Construction Inspection Phases exceeds \$3,395,000.00, 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 with the New York State Department of Transportation in connection with the advancement or approval of the Project 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 Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation and also one copy each to the County Executive, the Commissioner of Public Works, the Budget Director, and the County Comptroller.
(5-0)

4. COMM. 5E-24 (2008)
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids for the Buffalo Niagara Convention Center – Elevator Modernization project on June 29, 2007 and is recommending award along with the Architect/Engineer to the lowest responsible bidder; and

WHEREAS, DCB Elevator Company, Inc. is the lowest responsible bidder and has the necessary expertise and manpower to perform the work; and

WHEREAS, the firm of BHNT Architects has a General Architectural/Engineering Agreement that was previously approved by your Honorable Body; and

WHEREAS, the County Executive is seeking authorization from your Honorable Body to issue a Supplemental Agreement to BHNT Architects for providing Professional Design Services for the new convention hall ceiling sound attenuation system.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an agreement with DCB Elevator Company, Inc. to perform the elevator modernization work for the sum of \$524,950.00; and be it further

RESOLVED, that the sum of \$75,000.00 be allocated to a construction contingency fund with authorization for the County Executive to approve change orders in an amount not to exceed the contingency; and be it further

RESOLVED, that deduct change orders will be returned to the construction contingency account; and be it further

RESOLVED, that the County Executive be authorized to issue a change order to BHNT Architects to provide Professional Design Services for the new convention hall ceiling attenuation system, for an amount not to exceed \$40,000; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above in an amount not to exceed \$639,950.00, from the following SAP accounts:

SAP PROJECT	NAME	AMOUNT
A.00008	1999 Convention Center Renovations	\$ 2,432.00
A.00040	2000 Convention Center Renovations	\$ 53,886.00
A.00292	Convention Center Renovations	\$100,600.00
A.00078	2003 Convention Center Renovations	\$ 9,860.00
A.00306	2007 Convention Center Improvements	\$473,172.00

TOTAL OF ALL PAYMENTS \$639,950.00;

and be it further

RESOLVED, that two copies of this resolution be sent 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, Management & Finance, and the Office of the Comptroller.
(5-0)

TIMOTHY M. KENNEDY
CHAIR