

June 26, 2003

ECONOMIC DEVELOPMENT
COMMITTEE
REPORT NO. 9

ALL MEMBERS PRESENT. CHAIRMAN SWANICK PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, that the following item is hereby tabled as amended.

AS AMENDED

	Item	Page	-2003	(Comm. 10E-30)
a.	COUNTY EXECUTIVE: Ralph Wilson Stadium – 2003 – Sideline Seating Repairs. (6-0 to amend) Chairman Swanick present as Ex-Officio Member.			

AS AMENDED

2.	Item	Page	-2003	(Comm. 10E-26)
	COUNTY EXECUTIVE			
	WHEREAS, the Department of Public Works received bids on June 19, 2003 for the Buffalo & Erie County Central Library Building, Exterior Building Rehabilitation, Phase I, and			

WHEREAS, the Architect and the Department of Public Works are recommending award to the lowest responsible bidders,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract for the Buffalo & Erie County Central Library Building, Exterior Building Rehabilitation, Phase I, as follows:

EXTERIOR BUILDING REHABILITATION

Raymond E. Kelley, Inc.	
Base Bid	\$416,800
Alt. G-1	\$ 34,361
Alt. G-2	<u>\$ 21,270</u>
Total	\$472,431

and be it further,

RESOLVED, that the sum of \$50,000 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed the construction contingency, and be it further,

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

RESOLVED, that the sum of \$30,000 be allocated for construction technical inspection services for this project, and be it further,

RESOLVED, that the sum of \$5,000 be allocated for testing, inspection and miscellaneous expenses with authorization for the Commissioner of Public Works to expend said funds, and be it further,

RESOLVED, that the Comptroller’s Office be authorized to make payment from the following: 2002 Project 402, Fund 410 in the amount of \$200,000 and 2002 Project 326, Fund 490, in the amount of \$357,431, and be it further,

RESOLVED, that two copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management & Finance; one copy to the Office of the Comptroller; and one copy to the Buffalo & Erie County Central Library. (6-0) Chairman Swanick present as Ex-Officio Member.

3. Item Page -2003 **AS AMENDED**
COUNTY EXECUTIVE (Comm. 10E-27)

WHEREAS, the Department of Public Works received bids on June 19, 2003 for Main Branch of the Buffalo & Erie County Library – Phase IA Renovation Plan, and

WHEREAS, the Architect and the Department of Public Works are recommending award to the lowest responsible bidder,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract for Main Branch of the Buffalo & Erie County Library – Phase IA Renovation Plan Implementation as follows:

ELECTRICAL WORK

Tunney Electric, Inc.

Base Bid: \$13,590.00

and be it further,

RESOLVED, that the sum of \$2,000 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed the construction contingency, and be it further,

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

RESOLVED, that the sum of \$500 be allocated for testing, inspection and miscellaneous expenses with authorization for the Commissioner of Public Works to expend said funds, and be it further,

RESOLVED, that the Comptroller’s Office be authorized to make payment from Project 326, Fund 490, and be it further,

RESOLVED, that two copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management & Finance; one copy to the Office of the Comptroller; and one copy to the Buffalo & Erie County Public Library.
(6-0) Chairman Swanick present as Ex-Officio Member.

AS AMENDED

4. Item Page -2003 (Comm. 10E-28)
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids on June 17, 2003 for the Erie Community College, City Campus, Athletic Facility Locker Rooms, and

WHEREAS, the Architect and the Department of Public Works are recommending award to the lowest responsible bidder,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract for Erie Community College, City Campus, Athletic Facility Locker Rooms, as follows:

GENERAL CONSTRUCTION WORK

Concept Construction Co., Inc.	
Base Bid:	\$189,800
Alternate Bid G1	<u>\$ 14,800</u>
Total	\$204,600

and be it further,

RESOLVED, that the sum of \$20,000 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed the construction contingency, and be it further,

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

RESOLVED, that the project estimated revenues and appropriations funded by fifty percent (50%) State Aid be increased by \$113,300, and be it further,

RESOLVED, that the sum of \$2,000 be allocated for testing, inspection and miscellaneous expenses with authorization for the Commissioner of Public Works to expend said funds, and be it further,

RESOLVED, that the Comptroller’s Office be authorized to make payment from Project 398, Fund 410, and be it further,

RESOLVED, that two copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management & Finance; one copy to the Office of the Comptroller; and one copy to Erie Community College.

(6-0) Chairman Swanick present as Ex-Officio Member.

5.	Item	Page	-2003	AS AMENDED (Comm. 10E-33)
	COUNTY EXECUTIVE			

WHEREAS, the Department of Public Works received bids on June 16, 2003, for the Ralph Wilson Stadium – 2003 Improvements – Administration Building, Suite Renovations – Phase III, and

WHEREAS, the Department of Public Works is recommending award to the lowest responsible bidders for the Ralph Wilson – 2003 Improvements – Administration Building, Suite Renovations – Phase III, and

WHEREAS, the County of Erie is required to provide Capital Lease Improvements to the stadium facilities pursuant to the new Lease Agreement,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract for the Ralph Wilson Stadium – 2003 Improvements – Administration Building, Suite Renovations – Phase III as follows:

GENERAL CONSTRUCTION WORK

The Hadala Corporation	
Base Bid	\$187,000

ELECTRICAL WORK

Frey Electric Construction Co., Inc.	
Base Bid	<u>\$ 21,600</u>
Total of both contracts:	\$208,600

and be it further,

RESOLVED, that the sum of \$65,000 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders not to exceed the amount of the contingency, and be it further,

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

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from the 2003 Stadium Renovations Capital Budget, Fund 410, Project 406, in the total amount of \$273,600, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management & Finance; and one copy to the Office of the Comptroller.

(6-0) Chairman Swanick present as Ex-Officio Member.

AS AMENDED

6. Item Page -2003 (Comm. 11E-18)
COUNTY EXECUTIVE

WHEREAS, bids were taken for the 2003 Culvert Replacement – Group 5, which include the following culverts: North Blossom Road (327-1), Winspear Road (328-1), Bullis Road (330-1), Bullis Road (330-2A), and Bullis Road (330-2B), in the Town of Elma, on May 22, 2003, and the low bidder was Kandey Company, Inc. of West Seneca, New York, at a low bid amount of \$287,028.02, and

WHEREAS, a contract was previously awarded for design and engineering services for the above noted project to the engineering firm of TVGA Engineering & Surveying, P.C., and it has been determined that the contract must be increased to include construction inspection services.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract for Project Number CG-05-03 for the 2003 Culvert Replacement – Group 5, in the Town of Elma, between the County of Erie and the low bidder Kandey Company, Inc. of West Seneca, New York, at its low bid amount of \$287,028.02, and be it further

RESOLVED, that an amount of \$287,028.02 be allocated from the 2003 Capital Projects (Bridges) Tobacco Fund Program (SFG 443-380), and be it further

RESOLVED, that an additional amount of \$30,000.00 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed \$30,000.00 from the 2003 Capital Projects (Bridges) Tobacco Fund Program (SFG 443-380), and be it further

RESOLVED, that an amount of \$70,000.00 be allocated from the 2003 Capital Projects (Bridges) Tobacco Fund Program (SFG 443-380), for a change order to the contract for construction inspection services with TVGA Engineering & Surveying, P.C., and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Deputy Commissioner - Highways, Department of Public Works and one copy to the Commissioner of Public Works and one copy to the Erie County Comptroller.
 (6-0) Chairman Swanick present as Ex-Officio Member.

7. Item Page -2003 **AS AMENDED**
COUNTY EXECUTIVE
 (Comm. 11E-20)

WHEREAS, a project for the replacement of the Freeman Road Bridge 369-3, over Smokes Creek, BIN 3-32801-0, in the Town of Orchard Park, Erie County, PIN 5756.38 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the County of Erie desires to advance the above Project by making a commitment of 100% of the non-Federal share of the costs of Preliminary Engineering (Scoping and Design I-VI) and Right-of-Way Incidentals Phases of the Project, PIN 5756.38.

NOW, THEREFORE, the County Legislature of the County of Erie, duly convened does hereby

RESOLVE, that the Erie County Legislature 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 shares of the costs of Preliminary Engineering (Scoping and Design I-VI and Right-of-Way Incidentals Phases of the Project or portions thereof, and be it further

RESOLVED, that the sum of \$375,000 is hereby appropriated from the 2002 Federal Aid Road and Bridge Project Program (SFG 420-318) and made available to cover the cost of participation in the above phases of the Project, and be it further

RESOLVED, that in the event the full Federal and non-Federal share cost of the of Preliminary Engineering (Scoping and Design I-VI and Right-of-Way Incidentals Phases exceeds the amount appropriated above, 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 be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Erie with the NYSDOT 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 eligible Project costs and all Project costs within appropriations therefor 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 one copy each to the Commissioner of Public Works and to the Erie County Comptroller.

(6-0) Chairman Swanick present as Ex-Officio Member.

8. Item Page -2003 (Comm. 12E-16)
COUNTY EXECUTIVE

WHEREAS, a project for the replacement of the Lake Shore Road Bridge, BR 111-5 over Delaware Creek, BIN 3-32749-0, in the Town of Evans, Erie County, PIN 5755.66 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the County of Erie desires to advance the above Project by making a commitment of 100% of the non-Federal share of the costs of Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition Phases of the Project, PIN 5755.66.

NOW, THEREFORE, the County Legislature of the County of Erie, duly convened does hereby

RESOLVE, that the Erie County Legislature 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 shares of the costs of Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition Phases of the Project or portions thereof, and be it further

RESOLVED, that the sum of \$79,000.00 is hereby appropriated from the 1999 Federal Aid Road & Bridge Program (SFG 420-153) in addition to \$304,000 previously appropriated for the project's Preliminary Engineering (Scoping & Design I-VI) and Right-of-Way Incidentals phases via County Resolution No. 14E-20 adopted July 6, 2000 and made available to cover the cost of participation in the above phases of the Project, and be it further

RESOLVED, that in the event the full Federal and non-Federal share costs of the project exceeds the amount appropriated (\$383,000), 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 with the NYSDOT 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 therefor 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 one copy each to the Commissioner of Public Works and to the Erie County Comptroller.

(6-0) Chairman Swanick present as Ex-Officio Member.

9. Item Page -2003 (Comm. 12E-17)
COUNTY EXECUTIVE

WHEREAS, a project for the Replacement of the Bullis Road Bridge, BR 330-7, over Little Buffalo Creek, BIN 3-32728-0, in the Town of Marilla, Erie County, PIN 5755.67 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, and

WHEREAS, the County of Erie desires to advance the above Project by making a commitment of 100% of the non-Federal share of the cost of the Construction & Construction Inspection Phase of the Project, PIN 5755.67.

NOW, THEREFORE, the County Legislature of the County of Erie, duly convened does hereby

RESOLVE, that the Erie County Legislature 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 shares of the cost of the Construction & Construction Inspection Phase of the Project or portions thereof, and be it further

RESOLVED, that the sum of \$163,000 has been appropriated from the 2002 Federal Aid Road & Bridge Projects Program (SFG 319) for the Project's Construction & Construction Inspection phase via County Resolution No. 16E-43 adopted on the 19th day of September, 2002, 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 cost of the project's Construction & Construction Inspection Phase exceeds the amount appropriated above \$163,000 and/or 100% of the full Federal and non-Federal shares of the cost of the project's Construction & Construction Inspection Phase exceeds \$629,700, 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 be and 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 therefor 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 Commissioner of Transportation and one certified copy each to the Commissioner of Public Works and the Erie County Comptroller.

(6-0) Chairman Swanick present as Ex-Officio Member.

10. Item Page -2003 (Comm. 12E-18)

COUNTY EXECUTIVE

WHEREAS, bids will be taken for the EC Regional Public Safety Campus, Bid Package #2, Site Preparation, Superstructure, Foundations/Flatwork and Bid Package #3, Building Envelope, Conveying, and

WHEREAS, the Erie County Legislature will be in summer recess at the time of the bid opening, and

WHEREAS, in order to progress this work and take advantage of the best weather conditions and complete the project by August 2004, contracts need to be awarded,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract with the lowest responsible bidders, in an amount not to exceed \$9,100,000, and be it further,

RESOLVED, that the construction contingency fund be increased by \$1,000,000 from \$50,000 to \$1,050,000, with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed the construction contingency, and be it further,

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

RESOLVED, that the Commissioner of Public Works be authorized to issue a supplemental agreement to Cannon Design's General Architectural/Engineering Agreement for additional design and construction management services during the Construction Phase, for an amount not to exceed \$1,150,000, including reimbursables, and be it further,

RESOLVED, that the Commissioning Fees for energy evaluation and code compliance be allocated in an amount not-to-exceed \$200,000, and be it further,

RESOLVED, that the sum of \$5,000 be allocated for testing, inspection, and miscellaneous expenses with authorization for the Commissioner of Public Works to expend said funds, and be it further,

RESOLVED, that the Comptroller’s Office be authorized to make payment from Project 341, Fund 410, in the amount of \$11,455,000, and be it further,

RESOLVED, that two copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management & Finance; one copy to the Office of the Comptroller; and one copy to Central Police Services.
(6-0) Chairman Swanick present as Ex-Officio Member.

11. Item Page -2003 (Comm. 12E-19)

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids for the Buffalo & Erie County Central Library Generator Replacement project on April 9, 2002, and

WHEREAS, your Honorable Body has previously awarded a contract to the lowest responsible bidder, Weydman Electric, Inc., in the amount of \$149,396, and

WHEREAS, during installation of the generator, it was determined additional ventilation is needed,

NOW, THEREFORE, BE IT,

RESOLVED, that the construction contingency fund be increased by \$10,000 to a new total amount of \$30,000, with authorization for the Commissioner of Public Works to approve change orders, and be it further,

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

RESOLVED, that the Comptroller’s Office be authorized to make payments for all of the above from the following Library account: R&M 820973420823, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management & Finance; one copy to the Office of the Comptroller; and one copy to the Buffalo & Erie County Public Library.
(6-0) Chairman Swanick present as Ex-Officio Member.

12. Item Page -2003 (Comm. 12E-51)

COUNTY EXECUTIVE

WHEREAS, the Legislature passed a Resolution at Meeting Number 8, held on April 11, 2002, more specifically known as Communication Number 8E-10, authorizing the County Executive to execute a contract for Project Number ESD 189-01, for the Reconstruction of Kenmore Avenue, CR 189, in the Town of Tonawanda, between the County of Erie and the low bidder, Concrete Applied Technologies, Corporation (d.b.a. CATCO) of Alden, New York, and

WHEREAS, the Town of Tonawanda had requested that the County incorporate in the above noted contract, waterline relocation on Kenmore Avenue, and

WHEREAS, the Town of Tonawanda has passed a resolution authorizing payment for the waterline work performed on behalf of the Town of Tonawanda, and

WHEREAS, in accepting the payment for work Erie County completed under an agreement with Concrete Applied Technologies Corporation (dba CATCO), a proportional increase in the project fund SFG 420-249 appropriation is also required.

NOW, THEREFORE BE IT

RESOLVED, that the Comptroller be authorized to accept payment from the Town of Tonawanda, an estimated amount of \$120,000.00, to be considered as revenue in the 2001 Capital Project - GM-Kenmore Avenue Access Road Improvement Program (SFG 420-249), and be it further

RESOLVED, that a proportional increase in the project fund SFG 420-249 road construction appropriation in the amount of \$120,000 is authorized, thereby, increasing the total project from \$5,750,000 to \$5,870,000, and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Deputy Commissioner - Highways, Department of Public Works and one copy to the Erie County Comptroller.
(6-0) Chairman Swanick Present as Ex-Officio Member.

**MICHAEL H. RANZENHOFER
CHAIRMAN**