

April 21, 2016

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 7

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 7M-3 (2016)
BUFFALO & EC NAVAL & MILITARY PARK: “Mar. 24, 2016 Board of Directors Agenda” (5-0)
 - b. COMM. 7M-4 (2016)
NFTA: “Feb. 25, 2016 Board Minutes” (5-0)
2. COMM. 7E-9 (2016)
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works, Division of Highways, and the New York State Department of Transportation (NYSDOT) perform annual and biannual inspections of County-owned bridges and culverts; and

WHEREAS, as a result of these inspections and taxpayer notifications, Erie County desires to respond to conditions which may restrict access to the traveling public with a plan of action as soon as practicable; and

WHEREAS, engineering and design services are necessary for the annual Bridge Inspection and Maintenance Program; and

WHEREAS, this extension and increased funding is a necessary measure being put in place until an RFQ/RFP can be issued at a later date this year for this type of service; and

WHEREAS, your honorable body has previously authorized the County Executive to enter into a Term Agreement for providing professional engineering services via Comm. 10E-18 adopted May 28, 2015; and

WHEREAS, the Department of Public Works, Division of Highways, determined that CHA Consultants, Inc. has the appropriate expertise and experience in emergency bridge design, technical/engineering services, construction management and inspection, and Bridge Maintenance design; and

WHEREAS, in order for the Department of Public Works, Division of Highways, to respond to these cited County bridge deficiencies with appropriate action, Legislature approval is required to authorize the County Executive to extend the existing contract with CHA Consultants, Inc. to perform this work through a Change Order.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to execute a Change Order to extend the existing contract with CHA Consultants, Inc. for one year for the required services and increase the funding in the amount of \$207,244 from Fund 420, BA 123, SAP Account B.13016, 2013 Capital Overlay Program (PAYGO), and be it further

RESOLVED, that five (5) certified 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 and Management, the Office of the Comptroller and the Division of Purchase. (5-0)

3. COMM. 7E-10 (2016)
COUNTY EXECUTIVE

WHEREAS, the County Executive declared a State of Emergency in the County of Erie on November 18, 2014 and the Federal Emergency Management Association (FEMA) granted the Declaration, due to the unprecedented snow storm that occurred between November 17 and November 26, 2014; and

WHEREAS, the County submitted various claims to FEMA for damage caused to County owned facilities by the November 2014 Knife Snow Storm; and

WHEREAS, the County hired various contractors to perform repair work to the damaged County facilities; and

WHEREAS, do to unknown or unforeseen conditions, changes in the contractors scope of work were encountered as the work progressed, resulting in Contract Amendments or increases to Purchase Orders.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive and/or Director of Purchasing be authorized to enter into Contract Amendments or increases to Purchase Orders with the contractors as follows:

FERGUSON ELECTRIC

Contract Amendment E-1 \$13,750.00

TRASON DEVELOPMENT

Contract Amendment G-1 \$53,157.83
 Contract Amendment G-2 \$ 1,849.53

LOUIS DEL PRINCE & SONS

Contract Amendment SC-01 \$116,051.00
 Contract Amendment SC-06 \$ 5,850.00

Total Contract Amendment/PO Increases \$190,658.36

; and be it further

RESOLVED, that the Comptroller’s Office be authorized to make payment for all the above Contract Amendments or increases to Purchase Orders for an amount not to exceed \$190,658.36 from the Operating Budget, BA122, Fund 251, Cost Center 12220, G/L Account 516020; 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 Director of the Division of Budget and Management, the Director of Purchasing, and the Office of the Comptroller. (5-0)

4. COMM. 7E-11 (2016)
COUNTY EXECUTIVE

WHEREAS, the design phase of the Bullis Road Bridge over Buffalo Creek, PIN 5760.54, (the “Project”) was approved via Communication 10E-18 of May 28, 2015; and

WHEREAS, the County of Erie desires to advance the Construction phase of the Project; and

WHEREAS, bids were taken for the Rehabilitation of Bullis Road Bridge over Buffalo Creek, PIN 5760.54 in the Town of Elma, on October 22, 2015, and the lowest responsible bidder was Oakgrove Construction, in the amount of \$1,258,017; and

WHEREAS, the Department of Public Works was notified of the lack of Federal and New York State revenue through the Locally Administered Federal Aid Program for the Project and has identified available funds to carry out the Project; and

WHEREAS, the Department of Public Works recommends the Project progress through the Construction phase to prevent further deterioration of the bridge; and

WHEREAS, the Department of Public Works seeks authorization for the County Executive to enter into agreements with low bidder Oakgrove Construction, in the amount of \$1,258,017, design phase engineers CHA Consulting, Inc. for construction phase engineering and inspection services in the amount of \$88,000., and establish a Construction Contingency in an amount not to exceed \$190,000.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the above subject Project phase; and be it further

RESOLVED, that the County Executive be authorized to award and execute contracts between the County of Erie and Oakgrove Construction, CHA Consulting, Inc., establish a Construction Contingency, execute Change Orders for the Rehabilitation of Bullis Road over Buffalo Creek, PIN 5760.54 in the Town of Elma for a total project amount of \$1,536,017; and be it further

RESOLVED, that the Project Fund B.13002, 2013 Bridge Enhancement Programs, Fund Center 123, Fund 420, be adjusted for the lack of available program Federal and State funds through the Locally Administered Federal Aid Program in the amount of \$641,250 as follows:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
405160	NYS Marchiselli	\$ 354,000	(\$ 101,250)	\$ 252,750
414000	Federal Aid	\$ 2,480,000	(\$ 540,000)	\$1,940,000
445070	Prem on Obligation	\$ 54,162.12	\$ 0	\$ 54,162.12
475000	Gen Oblig Bond Proc	<u>\$345,837.88</u>	<u>\$ 0</u>	<u>\$ 345,837.88</u>
TOTAL REVENUES		<u>\$3,234,000</u>	<u>(\$ 641,250)</u>	<u>\$2,592,750</u>
APPROPRIATIONS				
Capital Projects	Capital Project Exp	<u>\$3,234,000</u>	<u>(\$ 641,250)</u>	<u>\$2,592,750</u>
TOTAL APPROPRIATIONS		<u>\$3,234,000</u>	<u>(\$ 641,250)</u>	<u>\$2,592,750</u>

; and be it further

RESOLVED, that the estimated total sum of the construction and construction inspection Phase of the Project, \$1,536,017, is hereby appropriated from:

B.13002 - 2013 Bridge Enhancement Programs	\$167,750.00
B.14024 - 2014 Capital Road Overlay Project (PAYGO)	\$604,539.00
B.15019 - 2015 Capital Road Overlay Project (PAYGO)	\$500,000.00
B.15011 - 2015 Preservation of Bridges, Construction	\$263,728.00

; and be it further

RESOLVED, the County Executive is hereby authorized to execute the construction contract with the responsible low bidder, Oakgrove Construction, and enter into a construction phase engineering service agreement with project designers CHA Consulting, Inc., and establish a Construction Contingency in an amount not to exceed \$1,536,017.; and be it further

RESOLVED, that the Clerk of the Legislature forward three (3) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, and also one (1) copy each to the Office of the County Executive, the Division of Budget and Management and the Office of the Comptroller.
(5-0)

5. COMM. 7E-12 (2016)
COUNTY EXECUTIVE

WHEREAS, the County of Erie is interested in the fostering of business growth and job creation within Erie County; and

WHEREAS, Erie County desires to encourage the sound, productive reuse of urban brownfields, be it industrial, commercial or recreational; and

WHEREAS, the former Bethlehem Steel site in the City of Lackawanna is now owned by Tecumseh Redevelopment, Inc.; and

WHEREAS, the relocation of existing rail lines are required to install new roads and infrastructure which are necessary to service new and future companies on the site; and

WHEREAS, Welded Tube USA Realty, LLC (Welded Tube) previously acquired property from Tecumseh Redevelopment, Inc. and in order for Welded Tube's steel pipe manufacturing facility to become operational, the Parties to this Agreement, together with the Erie County Water Authority and Welded Tube entered into a Site Infrastructure Agreement dated as of April 5, 2013; and

WHEREAS, the Site Infrastructure Agreement contemplated three phases of work to be

performed on the real property owned by Tecumseh Redevelopment, Inc.; and

WHEREAS, the three phases of work included a Water Line Phase, a Railroad Phase and a Road Phase; and

WHEREAS, the Water Line Phase has been completed to the satisfaction of all Parties; and

WHEREAS, the Parties now desire to move forward with the Railroad and Road Phases of the Project; and

WHEREAS, construction of the Road Phase cannot be completed until the Lower E Yard has been relocated in a manner acceptable to Tecumseh Redevelopment, Inc. and the Railroad (the Railroad Phase).

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Three Party Agreement and sign easements for the infrastructure project with Tecumseh Redevelopment, Inc. and the South Buffalo Railway Company to allow design and construction of the Railroad and Road Phases of the Bethlehem Redevelopment for the Welded Tube Project; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Office of the County Executive; the Commissioner of the Department of Environment and Planning; the Commissioner of the Department of Public Works; the Director of the Division of Budget and Management; the Comptroller's Office and the County Attorney.
(5-0)

EDWARD A. RATH, III
CHAIR