

May 17, 2011

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 7

ALL MEMBERS PRESENT.

CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO 7-4 (2010)
WALTER, MILLS, RATH, DIXON & FUDOLI: “Opposing the Imposition of a Community Agreement on the Canal Side Project”
(4-2) Legislators Walter & Rath voted in the negative.
 - b. COMM. 8M-7 (2011)
BUFFALO NIAGARA CONVENTION & VISITORS BUREAU: “Letter of Response to Comptroller’s Audit of Buffalo Niagara Convention & Visitors Bureau”
(6-0)
 - c. COMM. 8M-18 (2011)
NFTA: “Copy of Revised Five Year Capital Plan & Annual Operating Budget for Fiscal Year Ending 2012”
(6-0)
 - d. COMM. 9M-3 (2011)
BUFFALO URBAN DEVELOPMENT CORPORATION: “Notice of Public Meeting to be Held 4/27/2011”
(6-0)
 - e. COMM. 10M-4 (2011)
NFTA: “Minutes of Meeting Held 3/28/2011”
(6-0)
 - f. COMM. 10M-6 (2011)
NFTA: “Copy of NFTA Notice of Proposed Rulemaking - Text of Proposed Revisions”
(6-0)
 - g. COMM. 10M-13 (2011)
ECIDA: “Copy of 2010 Annual Audited Financial Statement Including Supplemental Schedules Listing Indebtedness, Lease Transactions & Notes”
(6-0)

2. RESOLVED, THE FOLLOWING ITEM IS HEREBY RECEIVED, FILED AND REFERRED TO THE COMMUNITY ENRICHMENT COMMITTEE:
 - a. COMM. 7E-1 (2011)
WHYTE: “Copy of Three Local Laws, Previously Passed by the EC Legislature Concerning the Utilization of Minority & Women Owned Businesses in County Contracting & Purchasing”
(6-0)
3. COMM. 9E-8 (2011)
COUNTY EXECUTIVE
WHEREAS, your Honorable Body, previously authorized the County Executive to enter into a General Architectural/Engineering Term Agreement with Cannon Design; and

WHEREAS, additional civil engineering services are needed to assess and correct the parking lot field conditions at the entranceways to improve system operation and site security at the Erie County Public Safety Campus; and

WHEREAS, Cannon Design has the necessary experience to design and oversee the installation of the aforementioned parking area work at the Erie County Public Safety Campus.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to execute an Agreement Amendment with the firm of Cannon Design for providing Professional Architectural/Engineering Services for the Additional Professional Design Services for Parking Lot Modifications for Erie County Public Safety Campus for an amount not to exceed \$29,726.72; and be it further

RESOLVED, that the Comptroller’s Office be authorized to make payment for all the above from SAP Project A.00061.7 – 2002 Central Police Services Facilities for an amount not to exceed \$29,726.72; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Division of Real Estate and Asset Management, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.
(6-0)

4. COMM. 9E-12 (2011)

COUNTY EXECUTIVE

WHEREAS, in 2006 the Erie County Legislature passed a resolution to provide \$5 million of phased improvements to the Fire Training Facilities located in Erie County; and

WHEREAS, the Department of Public Works, Division of Real Estate and Asset Management received bids on March 22, 2011 for construction of a new storage building to be located at the Fire Training Facilities in Cheektowaga and is recommending award, along with the Engineer, to the lowest responsible bidders.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into contracts for the Fire Training Facilities – 2011 – New Storage Building with the following:

GENERAL CONSTRUCTION WORK

Transit Construction Services Corporation	Base Bid	\$673,000.00
Add Alternate No. 1		<u>\$ 71,000.00</u>
TOTAL AWARD OF GENERAL CONSTRUCTION CONTRACT		\$744,000.00

ELECTRICAL WORK

Goodwin Electric Corporation	Base Bid	\$104,825.00
Add Alternate No. 1		<u>\$ 8,075.00</u>
TOTAL AWARD OF ELECTRICAL CONTRACT		\$112,900.00

PLUMBING CONSTRUCTION WORK

MKS Plumbing Corporation	Base Bid	<u>\$108,000.00</u>
TOTAL AWARD OF PLUMBING CONTRACT		\$108,000.00

MECHANICAL CONSTRUCTION WORK

Lakeside Mechanical Services	Base Bid	<u>\$ 33,400.00</u>
TOTAL AWARD OF MECHANICAL CONTRACT		<u>\$ 33,400.00</u>

TOTAL AWARD OF ALL CONTRACTS NOT TO EXCEED \$998,300.00

and be it further

RESOLVED, that the sum of \$80,136.94 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 the Comptroller’s Office be authorized to make payment for all the above from SAP Projects as follows:

A.00311.6	2007 – Renovations to Training Center Complex	\$ 34,682.94
A.00321.11	2008 – Renovations to Training Center Complex	\$ 28,873.00
A.20908.8	2009 – Renovations to Training Center Complex	<u>\$1,014,881.00</u>

TOTAL PAYMENTS NOT TO EXCEED \$1,078,436.94

and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Division of Real Estate and Asset Management, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Division of Emergency Services, and the Office of the Comptroller.
(6-0)

5. COMM. 10E-11 (2011)

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works, Division of Highways have a number of completed Capital Projects to close; and

WHEREAS, the recommended Capital Projects for closure have available cash balances after payoff of debt service; and

WHEREAS, the Department of Public Works desires to have any and all cash remaining in the closed projects transferred to an existing capital project, 2011 Preservation of Roads; and

WHEREAS, bids were taken for the reconstruction of the Federal Aid project for Como Park Boulevard (CR523), PIN 5755.83, in the Town of Cheektowaga, on March 27, 2008 and awarded to the low bidder, Concrete Applied Technologies Corporation (CATCO) of Alden, New York via Comm. 8E-18 adopted on May 8, 2008. It has been determined that the contract must be increased due to unanticipated, on-site work scope and quantity changes.

NOW, THEREFORE, BE IT

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

RESOLVED, that the County Legislature of the County of Erie, hereby authorizes the County of Erie to close the following capital projects:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
B.00006	1998 Bridge Reconstruction	\$ 84,923.38
B.00047	2006 Ransom Road Bridge Construction	\$ 28,330.62
B.00089	1996 Various Federal Aid Projects	\$316,785.11
B.00103	2000 CHIPS	\$ 1.00
B.00104	1998 Highway Garage Repairs	\$ 671.74
B.00135	2001 Glen Ave Bridge Reconstruction	<u>\$ 45,348.73</u>
TOTAL		\$476,060.58

and be it further

RESOLVED, that the County Legislature of the County of Erie, hereby authorizes the Comptroller to transfer the outstanding balances in the noted SAP project accounts to an existing capital project for Fund 420 Business Area 123; and be it further

RESOLVED, that the County Legislature of the County of Erie, hereby authorizes the Director of Budget and Management to close the aforementioned capital projects and make the necessary budget adjustments for the transfer of available cash after payoff of existing debt service obligations to an existing capital project; and be it further

RESOLVED, that the old capital projects be decreased by the remaining cash balances and Project Fund SAP B.21001.1.8, 2011 Preservation of Roads be increased by the transferred revenue in the amount of \$476,060.58; and be it further

RESOLVED, that the County Executive be authorized to execute a negotiated change order in an amount not to exceed \$200,000.00, appropriated from capital account B.21001.1.8.1, between the County of Erie and project contractor CATCO of Alden, New York for unanticipated, on-site work scope and quantity changes for the Como Park Boulevard Reconstruction project; and be it further

RESOLVED, that two 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, and the Office of the Comptroller.
(6-0)

6. COMM. 10E-12 (2011)
COUNTY EXECUTIVE

WHEREAS, your honorable body has previously authorized the County Executive to enter into a General Architectural/Engineering Services Agreement with Trautman Associates for providing professional design services on Erie County projects; and

WHEREAS, an existing highway maintenance building at the Erie County Cemetery Road Highway Facility will be demolished as part of a current bridge and road construction project. To maintain current facility operations and recover lost space, a new building addition will be constructed; and

WHEREAS, Trautman Associates has the necessary expertise and manpower to provide professional design services for the utilities relocation and design of the building addition; and

WHEREAS, the County Executive is requesting authorization to enter into an Agreement Amendment with the firm of Trautman Associates to provide Professional Architectural/Engineering Services for this project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to execute an Agreement Amendment with the firm of Trautman Associates for providing Professional Architectural/Engineering Services for relocating the site utilities and design of the building addition at the Erie County Cemetery Road Highway Facility for an amount not to exceed \$22,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project A.00071 - 2003 Electrical System Improvements Phase 1 in the amount of \$11,822.48, A.00072 - 2003 Mechanical System Improvements Phase 1 in the amount of \$5,300.98 and A.00309 - 2007 Code Compliance & Reconstruction in the amount of \$4,876.54 for an amount not to exceed \$22,000.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Division of Real Estate and Asset Management, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.
(6-0)

7. COMM. 10E-13 (2011)

COUNTY EXECUTIVE AS AMENDED

WHEREAS, the Seneca Street Bridge Reconstruction Project PIN 5755.25 will be advertised, bid, and ready for award of construction contract to the responsible low bidder; and

WHEREAS, this project for the reconstruction of the Seneca Street Bridge Reconstruction PIN 5755.25 will improve travel and safety for the traveling public; and

WHEREAS, funding for this project was approved and is available in B.00177 - 2007 Seneca Street Bridge Reconstruction in the amount of \$3,199,433.00 and B.20931 – 2009 Seneca Street Reconstruction in the amount of \$1,720,000.00; and

WHEREAS, 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; and

WHEREAS, in order to facilitate the construction of the Seneca Street Bridge Reconstruction Project it will be necessary for the County to execute the construction contract with the responsible low bidder and establish a construction contingency; and

WHEREAS, a change order must be negotiated with Abate Engineers for construction inspection and services during construction.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to award and execute a contract for the Seneca Street Reconstruction Project PIN 5755.25 between the County of Erie and the lowest responsible bidder, establish a construction contingency and execute a negotiated change order between the County of Erie and Abate Engineers in an amount not to exceed \$4,919,433.00; and be it further

RESOLVED, that the funds for the Seneca Street Reconstruction Project be allocated from fund B.00177.1 in an amount not to exceed \$3,199,433.00 and fund B.20931.1 in an amount not to exceed \$1,720,000.00; 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 be it further

RESOLVED, that the Department of Public Works will inform the Erie County Legislature, for information only, as to what contractor was the successful lowest responsible bidder for the Seneca Street Bridge Reconstruction Project PIN 5755.25; 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 Division of Budget and Management, and the Office of the Comptroller.
(6-0)

8. COMM. 10E-14 (2011)

COUNTY EXECUTIVE

WHEREAS, the Maple Road Intersections Reconstruction Project PIN 5755.33 will be advertised, bid, and ready for award of construction contract to the responsible low bidder; and

WHEREAS, this project for the reconstruction of the Maple Road intersections PIN 5755.33 will improve travel and safety for the traveling public; and

WHEREAS, funding for this project was approved and is available in B.00174 - 2007 Maple Road Intersection in the amount of \$3,199,433.00 and B.00184 – 2008 Maple Road Intersection in the amount of \$1,000,567.00; and

WHEREAS, 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; and

WHEREAS, in order to facilitate the construction of the Maple Road Intersections Project it will be necessary for the County to execute the construction contract with the responsible low bidder and establish a construction contingency; and

WHEREAS, a change order must be negotiated with Hatch Mott McDonald for construction inspection and services during construction.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to award and execute a contract for the Maple Road Intersections Reconstruction Project PIN 5755.33 between the County of Erie and the lowest responsible bidder, establish a construction contingency and execute a negotiated change order between the County of Erie and project engineers Hatch Mott McDonald in an amount not to exceed \$4,200,000.00; and be it further

RESOLVED, that the funds for the Maple Road Intersections Reconstruction Project be allocated from fund B.00174.1 in an amount not to exceed \$3,199,433 and fund B.00184.1 in an amount not to exceed \$1,000,567.00; 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 be it further

RESOLVED, that the Department of Public Works will inform the Erie County Legislature, for information only, as to what contractor was the successful lowest responsible bidder for the Maple Road Intersections Reconstruction Project PIN 5755.33; 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 Division of Budget and Management, and the Office of the Comptroller.
(6-0)

9. **COMM. 10E-15 (2011)**
COUNTY EXECUTIVE

WHEREAS, the Greiner at Shimerville Intersection Improvement Project PIN 5756.85 will be advertised, bid, and ready for award of construction contract to the responsible low bidder; and

WHEREAS, this project for the improvement of the intersection at Greiner and Shimerville PIN 5756.85 will improve travel and safety for the traveling public; and

WHEREAS, funding for this project was approved and is available in B.00125.1.3 – 2004 Signal and Intersection Improvements, Greiner at Shimerville in the amount of \$1,090,000.00; and

WHEREAS, 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; and

WHEREAS, in order to facilitate the construction of the Greiner at Shimerville Intersection Improvement Project it will be necessary for the County to execute the construction contract with the responsible low bidder and establish a construction contingency; and

WHEREAS, a change order must be negotiated with Nussbaumer & Clarke for construction inspection and services during construction.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to award and execute a contract for the Greiner at Shimerville Intersection Improvement Project PIN 5756.85 between the County of Erie and the lowest responsible bidder, establish a construction contingency and execute a negotiated change order between the County of Erie and project engineers Nussbaumer & Clarke in an amount not to exceed \$1,090,000.00; and be it further

RESOLVED, that the funds for the Greiner at Shimerville Intersection Improvement Project be allocated from fund B.00125.1.3 in an amount not to exceed \$1,090,000.00; 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 be it further

RESOLVED, that the Department of Public Works will inform the Erie County Legislature, for information only, as to what contractor was the successful lowest responsible bidder for the Greiner at Shimerville Intersection Improvement Project PIN 5756.85; 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 Division of Budget and Management, and the Office of the Comptroller.
(6-0)

10. **COMM. 10E-16 (2011)**
COUNTY EXECUTIVE

WHEREAS, the reconstruction of Seneca Street Bridge (CR215) in the Town of West Seneca, Erie County, PIN 5755.25 (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, depending on the Federal Aid Funding Program; and

WHEREAS, the County of Erie desires to advance the Construction and Construction Inspection Phases of the Project, PIN 5755.25 through a Supplemental Agreement that increases the original Project Agreement in the amount of \$4,919,433.00 (\$245,972.00 required local share).

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), Right-of-Way Incidentals, Right-of-Way Acquisition, and Construction and Construction Inspection Phases of the Project or portions thereof; and be it further

RESOLVED, that the estimated total sum of the construction phase of the Project, \$4,919,433.00 is hereby appropriated from B.00177 - 2007 Seneca Street Bridge Reconstruction in the amount of \$3,199,433.00 and B.20931 – 2009 Seneca Street Reconstruction in the amount of \$1,720,000.00 and made available to cover the cost of participation in the above phase of the Project; and be it further

RESOLVED, that the Project Fund B.00177 - 2007 Seneca Street Bridge Reconstruction in the amount of \$3,199,433.00 has been adjusted to include all anticipated revenue and Project Fund B. 20931, 2009 Seneca Street Reconstruction, fund center 123, fund 420, be increased by the anticipated Federal and State Marchiselli revenue in the amount of \$1,634,000.00 as follows:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
410170	Federal Aid - Road	\$ 0	\$1,376,000	\$1,376,000
405160	NYS Marchiselli Aid	\$ 0	\$ 258,000	\$ 258,000
475000	Gen Oblig Bond Proc	<u>\$ 86,000</u>	<u>\$ 0</u>	<u>\$ 86,000</u>
TOTAL REVENUES		<u>\$ 86,000</u>	<u>\$1,634,000</u>	<u>\$1,720,000</u>
APPROPRIATIONS				
Capital Projects	Capital Project Exp	<u>\$ 86,000</u>	<u>\$1,634,000</u>	<u>\$1,720,000</u>
TOTAL APPROPRIATIONS		<u>\$ 86,000</u>	<u>\$1,634,000</u>	<u>\$1,720,000</u>

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 Construction and Construction Inspection Phases exceeds the amount appropriated, \$4,919,433.00 and/or 100% of the full Federal and non-Federal

shares of the cost of the Project's Construction and Construction Inspection Phases exceeds \$4,919,433.00, 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, (subject to the County of Erie Attorney's approval as to form and content), with the New York State Department of Transportation in connection with the advancement or approval of the Project identified in the State/Local Agreement; 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 Department of Public Works, Office of the Commissioner, to be forwarded to the New York State Department of Transportation and also one copy each to the Office of the County Executive, the Office of Budget and Management, and the Office of the Comptroller.
(6-0)

11. COMM. 10E-17 (2011)
COUNTY EXECUTIVE

WHEREAS, the reconstruction of Maple Road (CR192) in the Town of Amherst, Erie County, PIN 5755.33 (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, depending on the Federal Aid Funding Program; and

WHEREAS, the County of Erie desires to advance the Construction and Construction Inspection Phases of the Project, PIN 5755.33 through a Supplemental Agreement that increases the original Project Agreement in the amount of \$4,200,000.00 (\$210,000.00 required local share).

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), Right-of-Way Incidentals, Right-of-Way Acquisition, and Construction and Construction Inspection Phases of the Project or portions thereof; and be it further

RESOLVED, that the estimated total sum of the construction phase of the Project, \$4,200,000.00 is hereby appropriated from B.00174 - 2007 Maple Road Intersection in the amount of \$3,199,433.00 and B.00184 - 2008 Maple Road Intersection in the amount of \$1,000,567.00 and made available to cover the cost of participation in the above phase of the Project; and be it further

RESOLVED, that the Project Fund B.00174 - 2007 Maple Road Intersection in the amount of \$3,199,433.00 has been adjusted to include all anticipated revenue and Project Fund B.00184, 2008 Maple Road Intersection, fund center 123, fund 420, be increased by the anticipated Federal and State Marchiselli revenue in the amount of \$950,539.00 as follows:

		CURRENT	INCREASE/	REVISED
		BUDGET	DECREASE	BUDGET
REVENUES				
Account	Description			
410170	Federal Aid - Road	\$ 0	\$800,454	\$ 800,454
405160	NYS Marchiselli Aid	\$ 0	\$150,085	\$ 150,085
475000	Gen Oblig Bond Proc	<u>\$181,150</u>	<u>\$ 0</u>	<u>\$ 181,150</u>
TOTAL REVENUES		<u>\$181,150</u>	<u>\$950,539</u>	<u>\$1,131,689</u>
APPROPRIATIONS				
Capital Projects	Capital Project Exp	<u>\$181,150</u>	<u>\$950,539</u>	<u>\$1,131,689</u>
TOTAL APPROPRIATIONS		<u>\$181,150</u>	<u>\$950,539</u>	<u>\$1,131,689</u>

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 Construction and Construction Inspection Phases exceeds the amount appropriated, \$4,200,000.00 and/or 100% of the full Federal and non-Federal shares of the cost of the Project's Construction and Construction Inspection Phases exceeds \$4,200,000.00, 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, (subject to the County of Erie Attorney's approval as to form and content), with the New York State Department of Transportation in connection with the advancement or approval of the Project identified in the State/Local Agreement; 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 Department of Public Works, Office of the Commissioner, to be forwarded to the New York State Department of Transportation and also one copy each to the Office of the County Executive, the Office of Budget and Management, and the Office of the Comptroller.
(6-0)

12. **COMM. 10E-18 (2011)**
COUNTY EXECUTIVE

WHEREAS, the Erie County Division of Real Estate received bids for the Erie Community College City Campus – HVAC Equipment, Controls, Lighting and Plumbing Renovations project on April 4, 2011; and

WHEREAS, the Erie County Division of Real Estate and Asset Management is recommending award of contract to the lowest responsible bidders, along with the engineer; and

WHEREAS, your honorable body has previously approved a General Architectural/Engineering Agreement with the Engineering firm of Buffalo Engineering for providing professional services on County projects; and

WHEREAS, The County Executive is seeking authorization from your honorable body to enter into construction contracts with Mollenberg Betz, Inc. and D Jones Electrical, Inc. for the Erie Community College City Campus – HVAC Equipment, Controls, Lighting and Plumbing Renovations project; and

WHEREAS, New York State has approved all of the above projects and will reimburse the County for 50% of the total costs.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidders for the Erie Community College City Campus – HVAC Equipment, Controls, Lighting and Plumbing Renovations project as follows:

Mechanical Construction Work
Mollenberg Betz, Inc. for a base bid and total contract in the amount of \$3,157,000.00

Plumbing Construction Work
Mollenberg Betz, Inc. for a base bid and total contract in the amount of \$48,815.00

Electrical Construction Work
D Jones Electric, Inc. for a base bid and total contract in the amount of \$468,000.00

and be it further

RESOLVED, that the sum of \$350,000.00 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 SAP Project account E.20904.3 - 2009 ECC Energy Performance Contract/City Campus in the amount of \$4,023,815.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Division of Real Estate and Asset Management, and one copy each to the Office of the County Executive, the Division of Budget and Management, Erie Community College – Chief Financial Officer, and the Office of the Comptroller.

(6-0)

13. COMM. 10E-19 (2011)
COUNTY EXECUTIVE

WHEREAS, the New York State Department of Transportation (NYSDOT) is currently performing annual and biannual inspections of County-owned bridges and culverts; and

WHEREAS, as a result of these inspections Erie County was cited with numerous yellow and red flags which restricts access to the traveling public and requires the County to respond to NYSDOT with a plan of action as soon as practicable; and

WHEREAS, the Department of Public Works – Division of Highways determined that Clough, Harbour & Associates, a legislatively approved Term Agreement consultant via Comm. 14E-19 adopted July 17, 2008, has the appropriate experience in construction management, technical services, and construction inspection of bridges and culverts; and

WHEREAS, in order for the Department of Public Works – Division of Highways to urgently respond to these cited County bridge and culvert deficiencies with repairs and construction during the 2011 construction season, it requires authorization to award construction contracts.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be allowed to execute a contract to Clough, Harbour & Associates for an amount not to exceed \$29,853.79, from B.00059 – 2003 Culvert Design in the amount of \$9,769.70 and B.00040 – 2002 Culvert Inspection, Load Rating and Design in the amount of \$20,084.09; and be it further

RESOLVED, that the Commissioner of the Department of Public Works – Division of Highways is authorized to requisition for purchase orders for bridge and culvert repair and construction through the Department of Purchase approved Highways Material Bid or through an open competitive bidding process; and be it further

RESOLVED, that the Erie County Legislature be provided with an informational item upon return from recess that includes a report of progress, vendors awarded, and contract amounts from the Department of Public Works – Division of Highways; 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 New York State Department of Transportation, the Office of the County Executive, the Division of Budget and Management, the Office of the Comptroller, and the Department of Purchase.

(6-0)

TIMOTHY J. WHALEN
CHAIR