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# COUNTY OF ERIE

MARK C. POLONCARZ  
COUNTY EXECUTIVE

OPEN

February 13, 2012

Erie County Legislature  
92 Franklin Street, 4<sup>th</sup> Floor  
Buffalo, New York 14202

## Immediate Consideration Requested

**RE: Erie County Holding Center – Second Floor Reception Housing Units**

Dear Honorable Members:

Pursuant to the “Stipulated Order of Dismissal” agreed to by Erie County & United States of America, and as ordered by Honorable William M. Skretny, United States District Judge, Western District of New York, and filed in Erie County on August 18, 2011, the County is required to continue its current plan to develop and implement policies and procedures to create a Reception Housing Unit in the Erie County Holding Center, subject to the approval by the NYS Commission of Corrections. The plans developed by the County have been approved by the NYS Commission of Corrections on October 18, 2011.

This resolution is requesting authorization to establish additional funding to complete the project and also to allow the County Executive, to enter into agreements with the lowest responsible bidders so the work can begin. Time is of the essence for completion of this contract.

Should your honorable body require further information, I encourage you to contact John C. Loffredo at the Department of Public Works. Thank you for your consideration on this matter.

Sincerely,

Mark. C. Poloncarz, Esq.  
Erie County Executive

MCP/bb  
Enclosure

3E-22

## **MEMORANDUM**

To: Honorable Members of the Erie County Legislature  
From: Department of Public Works  
Re: Erie County Holding Center – Second Floor Reception Housing Unit  
Date: February 8, 2012

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### **SUMMARY**

This resolution is requesting authorization to establish additional funding to complete the second floor reception housing unit and also to allow the County Executive, to enter into agreements with the lowest responsible bidders so the work can begin. Time is of the essence for completion of this contract.

### **FISCAL IMPLICATIONS**

The total project is estimated to cost \$1,200,000. Existing capital projects shall be utilized in the amount of \$850,000, \$150,000 from project A.00332 and \$700,000 from project A.11001. An additional \$350,000 will be provided to complete the project through the utilization of unanticipated revenue in the 2011 Budget of the Sheriff Jail Management Division. The unanticipated revenue has been generated through the greater than anticipated rental of jail cells to the Federal Marshalls. Said funds will be transferred to project A.11001 to complete the funding requirements.

### **REASON FOR RECOMMENDATION**

The County is required to develop and implement policies and procedures to create a reception housing unit in the Erie County Holding Center pursuant to the “Stipulated Order of Dismissal” and as ordered by the Honorable William M. Skretny, US District Judge, on August 18, 2011. If the County does not comply with the “Stipulated Order of Dismissal”, further action will be taken by the United States of America against Erie County.

## BACKGROUND INFORMATION

The "Stipulated Order of Dismissal" was agreed to by Erie County and the United States of America to fully resolve the differences and disputes between the parties. On August 18, 2011, the above mentioned was signed by the Honorable William M. Skretny and filed in Erie County. As part of this order, the County is required to continue its current plan to develop and implement policies and procedures to create a reception unit in the Erie County Holding Center, subject to the approval of the NYS Commission of Corrections. On October 18, 2011, the County received approval from the Commission of Corrections for the proposed reception housing units. The project was advertised for bids and bids were received by the Department of Public Works on December 14, 2011. This resolution is requesting award of the contracts to the lowest responsible bidders so the County Executive can enter into contracts and the work can begin.

## CONSEQUENCES OF NEGATIVE ACTION

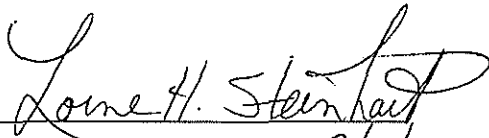
If the County of Erie does not comply with the "Stipulation Order of Dismissal", the United States of America could impose further expense, disruption and uncertainty or litigation, without admitting liability on the terms and conditions set forth in the above noted order.

## STEPS FOLLOWING APPROVAL

Agreements with the lowest responsible bidders will be entered into by the County Executive so the work can begin

## COMPTROLLER'S OFFICE REVIEW

The proposed legislation has been reviewed by the Comptroller's Office and is related to an authorized capital project for which there will be sufficient appropriations after approval of this Resolution for the action proposed.

  
LORNE H. STEINHART 2/8/2012  
Acting Comptroller  
Comptroller's Office

• Availability of Funds:  
Proj. A. 00332 - \$149,727.79  
Proj. A. 11001 - \$669,705.69

⊗ If this proposed resolution is approved, then \$350,000 will be moved from jail management in the General Fund to this capital project, bringing the cash in the project to \$1,019,705.69

- ZHS

A RESOLUTION SUBMITTED BY:  
DEPARTMENT OF PUBLIC WORKS

**RE: Erie County Holding Center Second Floor  
Reception Housing Unit**

WHEREAS, the County of Erie is required to continue its current plan to develop and implement policies and procedures to create a reception housing unit in the Erie County Holding Center pursuant to the "Stipulated Order of Dismissal" agreed to by the County of Erie and the United States of America and as ordered by the Honorable William M. Skretny, United States District Judge; and

WHEREAS, the New York State Commission of Corrections has approved the County's plan to construct the Reception Housing Units in the Erie County Holding Center, at their meeting on October 18, 2011; and

WHEREAS, the increase in funding required for the completion of this project, in the amount of \$350,000, shall be provided through the use of unanticipated revenue generated in the Sheriff's Jail Management Division and transferred to project A.11001; and

WHEREAS, the total cost of this portion of the project, \$980,600, is to be derived from available funds in the amount of \$830,871.21 in project A.11001 and \$149,727.79 in project A.00332; and

WHEREAS, the Erie County Department of Public Works received bids for the Erie County Holding Center – Second Floor Reception Housing Units on December 14, 2011; and

WHEREAS, the Erie County Department of Public Works, along with the Architect, is recommending award of the contracts to the lowest bidder.

NOW, THEREFORE, BE IT

RESOLVED, that funding for the completion of the second floor Holding Center reception area is hereby authorized as follows:

Fund 110 - 2011 Budget  
Fund Center 116 - Jail Management

Revenue	Increase
Account 420040 Jail Facilities for Other Governments	\$350,000
Expense	
Account 570050 Interfund transfer to Capital	\$350,000
Revenue less Expense	0

Fund 410 - 2011 Budget - Project A.11001  
Fund Center 122 - Department of Public Works

Revenue	Increase
Account 486000 Interfund Revenue Subsidy	\$350,000
Expense	
Account - Capital Project	\$350,000
Revenue less Expense	0

and be it further

RESOLVED, that the County Executive is authorized to enter into contracts with the lowest responsible bidders for the Erie County Holding Center – Second Floor Reception Housing Units project as follows:

**General Construction Work**

S&W Contracting of WNY	Base Bid:	\$435,000.00
	Deduct Alt #1	(1,000.00)
	Add Alt #2	<u>1,100.00</u>
Total General Construction Contract		\$435,100.00

**Plumbing & Fire Protection Work**

W.C. Roberson Plumbing &	Base Bid:	\$114,500.00
Construction Group	Add Alt #1	<u>24,500.00</u>
Total Plumbing & Fire Protection Contract		\$139,000.00

**Mechanical Construction Work**

MLP Plumbing & Mechanical, Inc.	Base Bid:	<u>\$94,000.00</u>
Total Mechanical Contract		\$94,000.00

**Electrical Construction Work**

Weydman Electrical, Inc.	Base Bid:	\$180,800.00
	Add Alt #2	<u>31,700.00</u>
		\$212,500.00
<b>Total Award of Construction Contracts</b>		<b>\$880,600.00</b>

and be it further

RESOLVED, that the sum of \$100,000 be allocated to a Construction Contingency Fund with authorization for the County Executive and/or Commissioner of Public Works, to approve change orders in an amount not to exceed the Contingency Fund, and be it further

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

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP project accounts as follows:

A.00332 – 2008 – Erie County Holding Center Plumbing	\$149,727.79
A.11001 – 2011 – Erie County Holding Center Improvements	<u>830,872.21</u>
Total Payments not to exceed	\$980,600.00

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, and the Office of the Comptroller.