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COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

ED

February 21, 2012

Erie County Legislature
92 Franklin Street – 4th Floor
Buffalo, New York 14202

**Re: Supplemental Agreement with NYSDOT
Colvin Boulevard at Highland Avenue
Town of Tonawanda
Erie County
PIN 5756.86**

Dear Honorable Members:

We are forwarding for your approval a proposed resolution authorizing the County of Erie to participate in the above noted Project and also authorizing the County Executive to enter into a Supplemental Agreement with the New York State Department of Transportation to pay the Federal and non-Federal share of the cost of construction and construction inspection Phases for this project.

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

Sincerely,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:dab
Enclosure

cc: John C. Loffredo, Department of Public Works

4E-8

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works, Office of the Commissioner
Re: Supplemental Agreement with NYSDOT
Colvin Boulevard at Highland Avenue
Town of Tonawanda
Erie County
PIN 5756.86
Date: February 10, 2012

SUMMARY

Adoption of a resolution authorizing the County of Erie to enter into a Supplemental Agreement with NYSDOT for the construction and construction inspection phase of the above noted project.

FISCAL IMPLICATIONS

The total cost of this project phase is currently estimated at \$700,000.00 and will be a Locally Administered Federal Aid Project (80% Federal, 15% State, 5% local). Local share required for Project is \$35,000.00. Local share funding with revenue is available in B.21002 - 2010 Colvin Signals Construction.

REASONS FOR RECOMMENDATION

The Erie County Department of Public Works has completed the design phase of the Project and desires to advance the Project by entering into a Supplemental Agreement for the construction phase with the New York State Department of Transportation. The Project benefits from Federal Aid reimbursement through the Locally Administered Federal Aid Program.

BACKGROUND INFORMATION

This project has been approved by the New York State Department of Transportation in their current Capital Program to be funded with Federal Aid funds and is tentatively scheduled for letting in late February 2012.

CONSEQUENCES OF NEGATIVE ACTION

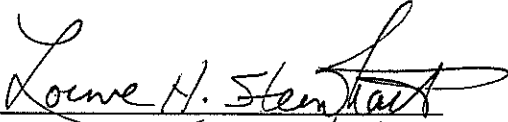
If the Agreement is not approved, the intersection improvements will not be implemented. Failure to execute this Agreement will jeopardize receipt of the Project and possibly the loss of eligibility for future Federal Aid Program participation.

STEPS FOLLOWING APPROVAL

The County Executive will sign the Supplemental Agreement so that it can be fully executed by the New York State Department of Transportation and the project will proceed on schedule.

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 are sufficient appropriations for the action proposed.



LORNE H. STEINHART 2/12/2012
Acting Comptroller
Comptroller's Office

- Cashier Project/Availability of Funds: \$158,00
- This proposed resolution requests authorization to enter into a Supplemental Agreement with NYSDOT and, once approved, to increase the budget in the project by the Federal/State Aid to a new budget of \$700,000. -LHS

JCL/dab

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF PUBLIC WORKS
DIVISION OF HIGHWAYS

Re: Supplemental Agreement with NYSDOT
Colvin Boulevard at Highland Avenue
Town of Tonawanda
Erie County
PIN 5756.86

WHEREAS, the Colvin Boulevard at Highland Avenue Project in the Town of Tonawanda, Erie County, PIN 5756.86 (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 Project's Design Phase via Comm. Nos. 13E-38, 9E-16, and 24E-24 adopted on June 24, 2004, May 17, 2007, and December 16, 2010 respectively; and

WHEREAS, the County of Erie desires to advance the Construction and Construction Inspection Phase of the Project, PIN 5756.86 through a Supplemental Agreement that increases the original Project Agreement by \$700,000.00.

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

RESOLVED, that the Project Fund B.21002 - 2010 Colvin Signals Construction, fund center 123, fund 420, be increased by the anticipated Federal and State revenue in the amount of \$665,000.00 as follows:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
410170	Federal Aid -Road	\$ 0	\$560,000	\$560,000
405160	NYS Marchiselli Aid	0	105,000	105,000
475000	Gen Oblig Bond Proc	<u>158,000</u>		<u>158,000</u>
TOTAL REVENUES		<u>\$158,000</u>	<u>\$665,000</u>	<u>\$823,000</u>

APPROPRIATIONS

Capital Projects	Capital Project Exp	<u>\$158,000</u>	<u>\$665,000</u>	<u>\$823,000</u>
TOTAL APPROPRIATIONS		<u>\$158,000</u>	<u>\$665,000</u>	<u>\$823,000</u>

and be it further

RESOLVED, that the estimated total sum of the construction phase of the Project, \$700,000.00 is hereby appropriated from B.21002 – 2010 Colvin Signals Construction 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 costs of the Project's Construction and Construction Inspection Phases exceeds the amount appropriated, \$700,000.00 and/or 100% of the full Federal and non-Federal shares of the cost of the Project's Construction and Construction Inspection Phases exceeds \$700,000.00, 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.

COMPTROLLER'S
RECEIVED
12 FEB 10 AM 10:35

TO: LORNE STEINHART, COMPTROLLER'S OFFICE

PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

REQUESTING DEPARTMENT

COMPLETE ITEMS 1 THROUGH 5

- | | |
|-----------------------|--|
| 1. CONTRACTOR'S NAME | <u>NYS Department of Transportation</u> |
| 2. AMOUNT OF CONTRACT | <u>\$700,000.00</u> |
| 3. PROJECT NUMBER | <u>B.21002</u> |
| 4. PROJECT TITLE | <u>2010 Colvin Signals, Construction only</u> |
| 5. DEPARTMENT CONTACT | <u>Funding questions: Charles A. Sickler, PE at 8372
Letter pickup: Diane Bukowski at 8301</u> |

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

- | | |
|------------------------------------|-------------------------------|
| 6. AVAILABILITY OF FUNDS | <u>\$ 158,000.00 *</u> |
| 7. PERFORMED BY | <u><i>Jackie Pulsofer</i></u> |
| Date Sent to Comptroller's Office: | <u>February 10, 2012</u> |

* **COMMENTS:** Cash in project @ 2/10/12: \$158,000
This proposed reso is requesting authorization to enter into a Supplemental Agreement with
NYSDOT and, once approved, to increase the budget in the project by the Federal/State Aid to a
new total budget of \$700,000.

[55 compt_10]

OFFICE OF THE COMPTROLLER REVIEW

DATE: 2/10/12PROJECT TITLE: B.21002 2010 Colvin Signals Construction

1) IS THE REASON FOR THIS CONTRACT CONSISTENT WITH THE PURPOSE
OF THE PROJECT: YES NO

IF NO, RETURN THIS REQUEST TO THE DEPARTMENT

IF YES, COMPLETE THE FOLLOWING VERIFICATION

2) PROJECT AVAILABLE APPROPRIATION

TOTAL PROJECT REVENUES	\$	<u>158,000.00</u>
TOTAL PROJECT APPROPRIATIONS	\$	<u>158,000.00</u>
LESS: TOTAL EXPENDITURE TO DATE	\$	<u>0</u>
TOTAL COMMITMENTS	\$	<u>0</u>
AVAILABLE APPROPRIATIONS AS OF DATE OF REQUEST	\$	<u>158,000.00</u>
PLUS PROPOSED INC-SUPPLEMENTAL AGREEMENT WITH NYSDOT		<u>542,000.00</u>
NET AVAILABLE APPROPRIATIONS	\$	<u>700,000.00</u>

COMMENTS: Cash in project @ 2/10/12: \$158,000

This proposed reso is requesting authorization to enter into a Supplemental Agreement with NYSDOT and, once approved, to increase the budget in the project by the Federal/State Aid to a new total budget of \$700,000.

REQUEST APPROVED: 

REQUEST DENIED: _____

DATE: February 12, 2012