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COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

ED

March 26, 2012

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

**RE: Department of Public Works
NYSDOT Supplemental Agreement No. 2
Reconstruction of Seneca Street Bridge (BR 215-RR1)
Town of West Seneca
NYS PIN 5755.25; BIN 3362080**

Dear Honorable Members:

Please find enclosed a proposed resolution that authorizes the County to enter into a Federal-Aid Highway and Marchiselli-Aid Local Project Supplemental Agreement with the New York State Department of Transportation, provides payment of the local share, and authorizes execution of a related project Change Order with project engineers, Greenman Pederson Inc. formerly Abate Associates Engineers & Surveyors, P.C.

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

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/dab
Enclosure

cc: John C. Loffredo, Department of Public Works

6E-10

MEMORANDUM

TO: Honorable Members of the Erie County Legislature
FROM: Department of Public Works
RE: NYSDOT Supplemental Agreement No. 2
Reconstruction of Seneca Street Bridge (BR 215-RR1)
Town of West Seneca
NYS PIN 5755.25; BIN 3362080
DATE: March 15, 2012

SUMMARY

Request the adoption of a resolution to authorize the County Executive to enter into a Federal-Aid Highway and Marchiselli-Aid Local Project Supplemental Agreement with the New York State Department of Transportation (NYSDOT) that commits the County of Erie to advance the Federal share, and obligate the non-Federal share of the cost of design engineering, right of way services, construction and construction inspection of the project as well as authorize the County Executive to execute a related project Change Order with project engineers Greenman Pederson, Inc. formerly Abate Associates Engineers & Surveyors, P.C.

FISCAL IMPLICATIONS

Supplemental Agreement No. 2 from NYSDOT currently estimates engineering Design and Right of Way cost of this project at \$553,000.00, an increase of \$61,000.00 from the previous agreement, and includes Construction phase at an estimated cost of \$ 4,000,000.00. Erie County is required to advance the Federal and State share, and pay the local share (LS) of the project increase and construction and inspection, in the amount of \$268,250.00. This amount is available from SAP Projects:

- B.20916 – 2009 Seneca Bridge Design \$55,000.00 (\$3,950.00 LS)
- B.00216 – 2008 Seneca Street Bridge Right of Way \$6,000.00 (\$300.00 LS)
- B.00205 – 2008 Various Federal Aid Bridge Construction Projects \$4,000,000.00 (\$264,000.00 LS)

The total Project budget will be increased by the amount of anticipated Federal and State revenue the Agreement includes, 80% Federal funds and approximately 7% NYS Marchiselli funds. Should additional Marchiselli funds, up to 15%, become available from the State, the budget revenue will be adjusted. Also, the necessary related Change Order to the agreement between Erie County and Greenman Pedersen, Inc. formerly Abate Associates Engineers & Surveyors, P.C., as Project Design Engineer to complete the phases of this project, will not exceed the amount of the Project's allowance.

REASONS FOR RECOMMENDATION

Seneca Street Bridge (BR 215-RR1) Over Norfolk Southern Railroad, Town of West Seneca project is eligible for this program as a Locally Administered Federal Aid Project which allows the County of Erie to utilize available capital funds to leverage Federal and State funds towards the reconstruction of its aging infrastructure. Greenman Pederson, Inc. formerly Abate Associates Engineers & Surveyors, P.C. is designated Project Design Engineers because of their necessary expertise, experience and manpower to provide the County of Erie with the service required.

BACKGROUND INFORMATION

This project is approved by the New York State Department of Transportation in their current Capital Program to be funded with Federal Aid and NYS Marchiselli aid. All phase will continue through construction upon approval of this resolution.

CONSEQUENCES OF NEGATIVE ACTION

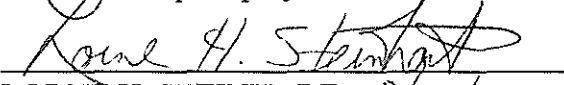
This action is required to ensure project advancement and financing through Federal and State Marchiselli program funds to pay for costs for all phases of the reconstruction of the Seneca Street Bridge (BR 215-RR1) Over Norfolk Southern Railroad, Town of West Seneca. Negative action would halt project progress, and jeopardize existing and future reimbursement funding available through this program.

STEPS FOLLOWING APPROVAL

Highway Division will proceed with execution of agreements in accordance with the Federal and NYSDOT guidelines. Upon the Erie County Legislature's approval and execution of the agreement with the NYSDOT, a Change Order will be negotiated and executed with Greenman Pederson, Inc. formerly Abate Associates Engineers & Surveyors, P.C. Once the agreements are fully executed, Project work will continue, and costs related to this project will be claimed for reimbursement thereafter.

COMPTROLLER'S OFFICE REVIEW

The proposed legislation has been reviewed by the Office of the Comptroller and is related to authorized capital projects for which there are sufficient appropriates for the action proposed.


LORNE H. STEINHART 3/15/2012
Deputy Comptroller
Comptroller's Office

Availability of Funds:
B.20916 - \$7985.48
B.00216 - \$2495.46
B.00205 - \$346,120.72

* All bonds (local share) have been sold for these projects. They are eligible for Federal/Marchiselli Aid. Claims must be filed in a timely manner to receive these reimbursements. - AK

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

RE: NYS DOT Supplemental Agreement No. 2
Reconstruction of Seneca Street Bridge (BR 215-RR1)
Town of West Seneca
NYS PIN 5755.25; BIN 3362080

WHEREAS, A Project for Reconstruction of Seneca Street Bridge (BR 215-RR1) Over Norfolk Southern Railroad, Town of West Seneca, Erie County, NYS PIN 5755.25; BIN 3362080 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the appointment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, a Supplemental Agreement with New York State Department of Transportation increases the Project Design by \$55,000.00 and Right of Way phases by \$6,000.00 from the previous agreement, and includes Construction phase at an estimated cost of \$ 4,000,000.00;

WHEREAS, the County of Erie desires to advance the Project by making a commitment to advance the Federal and State share of the costs of the Preliminary Engineering (Scoping & Design I-VI), Right of Way Incidentals and Right of Way Acquisition increase, and total Construction & Inspection of the Project, PIN 5755.25;

WHEREAS, the County of Erie is required to commit the payment of the Local share for the Project in the amount of \$268,250.00; and

WHEREAS, your honorable body has previously authorized Greenman Pederson, Inc. formerly Abate Associates Engineers & Surveyors, P.C. as a qualified, Term Agreement General Architectural/Engineering firm via Comm.14E-19 of July 17, 2008.

NOW, THEREFORE BE IT

RESOLVED, 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 Preliminary Engineering (Scoping & Design I-VI), Right of Way Incidentals and Right of Way Acquisition, Construction and Inspection phases of the Project or portions thereof; and be it further

RESOLVED, that in addition to the previous Project agreement appropriations authorized via County Resolution Comm. 6D-16 adopted on April 29, 1999 and 8E-36 on May, 19. 2005, the budget for the Project Preliminary Engineering (Scoping & Design I-VI) be increased by \$51,050.00 for anticipated federal and State revenue, and the local share of \$3,950.00 be appropriated from Erie County bond proceeds in Project Fund B.20916– 2009 Seneca Bridge Design as follows:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
405160	NYS Marchiselli	\$0	\$7,050	\$7,050
414000	Federal Aid	\$0	\$44,000	\$44,000
475000	Gen Oblig Bond Proc	\$8,000	\$0	\$8,000
TOTAL REVENUES		<u>\$8,000</u>	<u>\$ 51,050</u>	<u>\$59,050</u>
APPROPRIATIONS				
516020	Pro Ser Cnt & Fee Capital Projects	\$8,000	\$51,050	\$59,050
	Capital Projects Expense	\$8,000	\$51,050	\$59,050
TOTAL APPROPRIATIONS		<u>\$8,000</u>	<u>\$51,050</u>	<u>\$59,050</u>

; and be it further

RESOLVED, that the budget for the Project right of Way Phases be increased by \$5,700.00 for anticipated federal and State revenue, and the local share of \$300.00 be appropriated from Erie County bond proceeds in Project Fund B.00216 – 2008 Seneca Street Bridge Right of Way as follows:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
414000	Federal Aid	\$0	\$4,800	\$4,800
405160	NYS Marchiselli	\$0	\$900	\$900
475000	Gen Oblig Bond Proc	<u>\$2,500</u>	<u>\$ 0</u>	<u>\$2,500</u>
TOTAL REVENUES		<u>\$2,500</u>	<u>\$5,700</u>	<u>\$8,200</u>

APPROPRIATIONS

Capital Projects	Capital Project Exp	<u>\$2,500</u>	<u>\$5,700</u>	<u>\$8,200</u>
TOTAL APPROPRIATIONS		<u>\$2,500</u>	<u>\$5,700</u>	<u>\$8,200</u>

RESOLVED, that the budget for Construction & Inspection Phases be increased by \$3,736,000.00 for anticipated federal and State revenue, and the local share of \$264,000.00 be appropriated from Erie County bond proceeds in Project Fund from B.00205 – 2008 Various Federal Aid Bridge Construction Projects as follows:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
414000	Federal Aid	\$0	\$3,200,000	\$3,200,000
405160	NYS Marchiselli	\$0	\$536,000	\$536,000
475000	Gen Oblig Bond Proc	<u>\$346,750</u>	<u>\$0</u>	<u>\$346,750</u>
TOTAL REVENUES		<u>\$346,750</u>	<u>\$3,736,000</u>	<u>\$4,082,750</u>
APPROPRIATIONS				
Capital Projects	Capital Project Exp	<u>\$346,750</u>	<u>\$3,736,000</u>	<u>\$4,082,750</u>
TOTAL APPROPRIATIONS		<u>\$346,750</u>	<u>\$3,736,000</u>	<u>\$4,082,750</u>

RESOLVED, should additional Federal or State revenue be made available for this project, the project budgets shall be adjusted accordingly; 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 Preliminary Engineering (Scoping & Design I-VI) Right of Way Incidentals and Right of Way Acquisition phases phase \$4,553,000.00 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 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 therefore that are not so eligible; and be it further

RESOLVED, that the County Executive be authorized to execute a negotiated Change Order in an amount not to exceed the allowable Project design and Right of Way amount between the County of Erie and Greenman-Pedersen, Inc. formerly Abate Associates Engineers & Surveyors, P.C. as Project Design Engineers, contingent upon execution of the agreement with the NYSDOT; 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 be it further

RESOLVED, that two (2) certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one (1) copy each to the Office of the County Executive, the Division of Budget and Management and the Office of the Comptroller.