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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
Federal-Aid Highway and Marchiselli-Aid
Local Project Supplemental Agreement with NYSDOT and
Change Order for Engineering Design Services for the
Reconstruction of Savage Road Bridge over Dry Creek (BR 225-1),
Town of Sardinia - NYS PIN 5757.30, BIN 3328500**

Dear Honorable Members:

We are forwarding for your approval a proposed 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.

This resolution commits the County to advance the Federal share, and obligate the non-Federal share of the cost of the project and to authorize the County Executive to execute a related project Change Order with project engineers, Wendel Duchscherer Architects & Engineers, PC of Amherst, NY.

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

Enclosure

cc: John C. Loffredo, Commissioner, Department of Public Works

6E-11

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works
Re: Federal-Aid Highway and Marchiselli-Aid
Local Project Supplemental Agreement with NYSDOT and
Change Order for Engineering Design Services for the
Reconstruction of Savage Road Bridge over Dry Creek (BR 225-1),
Town of Sardinia
NYS PIN 5757.30, BIN 3328500
Date: March 7, 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 that commits the County of Erie to advance the Federal share, and obligate the non-Federal share of the cost of design of the project and to authorize the County Executive to execute a related project Change Order with project engineers Wendel Duchscherer Architects & Engineers, PC, of Amherst, NY.

FISCAL IMPLICATIONS

The engineering design cost of this project is currently estimated at \$225,000.00 representing an increase of \$75,000.00 for which an additional local share of \$14,500.00 is required. The project's original agreement as well as this supplemental is available from SAP Project B.00151 2006 Unanticipated Federal Aid Road & Bridge Program. The Agreement is currently 90.2% reimbursable, 80% Federal funds and 10.2% NYS Marchiselli funds.

REASONS FOR RECOMMENDATION

NYSDOT initially issued a Federal-Aid Highway and Marchiselli-Aid Local Project Agreement for a portion of the design of the reconstruction of Savage Road Bridge. By executing this Agreement with NYSDOT, Erie County will be eligible for additional federal and state reimbursement. This will enable Erie County to complete design. In order to complete the phase a Change Order with Project Engineers Wendel Duchscherer Architects & Engineers, PC of Amherst, NY will be necessary.

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 Marchiselli funds. Project design engineering will continue upon approval of this resolution.

CONSEQUENCES OF NEGATIVE ACTION

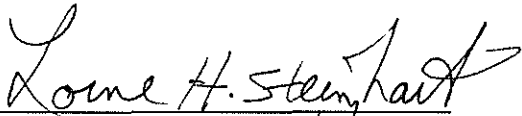
This action is required to ensure project advancement and financing through Federal, NYS Marchiselli, and County funds to pay for costs for the design of the reconstruction of the bridge. Negative action would halt design and jeopardize existing and future reimbursement funding through this program.

STEPS FOLLOWING APPROVAL

The County Executive will sign the Agreement so that it can be fully executed by the New York State Department of Transportation and a Change Order will be executed for Wendel Duchscherer Architects & Engineers, PC. Future project funding requests for the County share will be based on actual New York State approved aid.

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 STEINHART 3/9/2012
Deputy Comptroller
Comptroller's Office

JCL/dab
File (Savage Rd Bridge.3.7.12)

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF PUBLIC WORKS

RE: Federal-Aid Highway and Marchiselli-Aid Local
Project Supplemental Agreement with New York State
Department of Transportation and related Change Order
for Engineering Design Services for the
Reconstruction of Savage Road Bridge over Dry Creek (BR 225-1),
Town of Sardinia
NYS PIN 5757.30, BIN 3328500

WHEREAS, a Project for the Reconstruction of BR 225-1, Savage Road Bridge over Dry Creek, in the Town of Sardinia, Erie County, P.I.N. 5757.30, BIN 3328500 (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 by making a commitment of 100% of the non-Federal share of the costs of the Preliminary Engineering (Design I-VI) phase of the Project via Comm. 8E-10, adopted on April 28, 2011; and

WHEREAS, the County of Erie desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Design I-VI) phase of the Project, PIN 5757.30 through a Supplemental Agreement that increases the previous Project Agreement's Preliminary Engineering (Design I-VI) phase by \$75,000.00 to the new agreement amount of \$225,000.00;

WHEREAS, the additional local share is available from Project Fund B.00151, 2006 Unanticipated Federal Aid Road & Bridge Program in the amount of \$14,500.00, and in order to enter into the agreement the budget needs to be increased by the increased revenue amount of \$60,500.00;

WHEREAS, a change order for engineering design services for the above noted Project between the County of Erie and the engineering firm of Wendel Duchscherer Architects & Engineers, PC of Amherst, New York is necessary for the design of the reconstruction of the bridge.

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 shares of the cost of the Preliminary Engineering (Design I-VI) Phase of the Project or portions thereof; and be it further

RESOLVED, that the Project's budget be increased by \$75,000.00 which includes Federal and State revenue in the amount of \$60,500.00, and the additional local share required of \$14,500.00 hereby

appropriated from B.00151, 2006 Unanticipated Federal Aid Road & Bridge Program and made available to cover the cost of participation in the Preliminary Engineering (Design I-VI) Phase of the Project; and be it further

RESOLVED, that should additional Federal or State revenue become available for the Project, the Project budget will be adjusted accordingly; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the full Federal and non-Federal shares of the cost of the Project's Preliminary Engineering (Design I-VI) Phase exceeds the amount appropriated \$225,000.00, 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 therefor that are not so eligible; and be it further

RESOLVED, that the County Executive be authorized to execute a Change Order in an amount not to exceed the allowable Project design amount between the County of Erie and project engineers Wendel Duchscherer Architects & Engineers, PC of Amherst, New York for the design of the reconstruction of Savage Road Bridge over Dry Creek; 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 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 of the Office of the Comptroller.