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COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

June 5, 2012

Erie County Legislature
92 Franklin Street, 4th 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 and the United States of America, and as ordered by federal judge William M. Skretny 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 approval by the New York State Commission of Correction. The plans developed by the County were approved by the Commission of Correction on October 18, 2011.

Your Honorable Body previously authorized the County Executive to enter into contracts with the lowest responsible bidders on February 16, 2012 (copy attached). Copies of the original bids received on December 14, 2011 are also attached for your reference.

This resolution is requesting authorization to allow the County Executive to enter into contracts with the second-lowest responsible bidders for the plumbing and heating, ventilation and air conditioning portions of the work only. Time is of the essence for completion of this contract. Should your Honorable Body require further information, please contact Commissioner John C. Loffredo at the Department of Public Works. Thank you for your consideration on this matter.

Sincerely,

A handwritten signature in blue ink, reading "Mark C. Poloncarz".

Mark. C. Poloncarz, Esq.
Erie County Executive

Enclosure

cc: John C. Loffredo, Department of Public Works

MEMORANDUM

COMPTROLLER'S
RECEIVED
12 JUN -1 AM 9:05

To: Honorable Members of the Erie County Legislature
From: Department of Public Works
Re: Erie County Holding Center – Second Floor Reception Housing Unit
Date: May 31, 2012

SUMMARY

Your Honorable Body previously authorized the County Executive to enter into contracts with the lowest responsible bidders. Due to the delay in starting the project, the lowest responsible bidders for the Plumbing and HVAC contracts would not extend their bid proposals beyond the original expiration date of March 14, 2012. This resolution is requesting authorization for the County Executive to enter into contracts with the second lowest responsible bidders for the Plumbing and HVAC contracts only. Time is of the essence for completion of this contract.

FISCAL IMPLICATIONS

Funds for the project are currently available from the approved and adopted 2011 Capital budget, SAP project account is A.11001 – 2011 – Erie County Holding Center Improvements.

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. One 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. On February 16, 2012, your honorable body authorized the County Executive to enter into contracts with the lowest responsible bidders. Due to the delay in starting the project, the lowest responsible bidders for the Plumbing and HVAC contracts, would not extend their bid proposals beyond the original expiration date of March 14, 2012. This resolution is requesting authorization for the County Executive to enter into contracts with the second lowest bidder for the Plumbing and HVAC contracts only.

CONSEQUENCES OF NEGATIVE ACTION

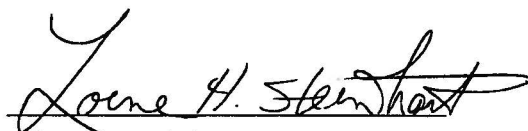
If the County of Erie does not comply with the "Stipulation Order of Dismissal", the United States of America could impose further expense, disruption and uncertainty or litigation, without admitting liability on the terms and conditions set forth in the above noted order.

STEPS FOLLOWING APPROVAL

Contracts with the second 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
Deputy Comptroller
Comptroller's Office

Project: A.110 01
Availability of Funds: \$1,010,110.69

**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 Correction 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, your Honorable Body has previously authorized the County Executive to enter into contracts with the lowest responsible bidders on February 16, 2012; and

WHEREAS, the lowest responsible bidders for the Plumbing and HVAC contracts would not extend their bid proposals beyond the original expiration date of March 14, 2012,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts with the second lowest responsible bidders for the Plumbing and HVAC contracts as follows:

Plumbing & Fire Protection Work

Numarco, Inc.	Base Bid	\$123,700.00
	<u>Alt #1</u>	<u>\$ 19,900.00</u>
Total Plumbing & Fire Protection Contract		\$143,600.00

Mechanical Construction Work

MKS Plumbing Corporation	Base Bid:	<u>\$116,000.00</u>
Total Mechanical Contract		\$116,000.00

Total Award of Construction Contracts		\$259,600.00
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and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP project: A.11001 – 2011 – Erie County Holding Center Improvements for an amount not to exceed \$259,600.00; 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, the County Attorney's Office and the Office of the Comptroller.

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 | Numarco, Inc.
<u>MKS Plumbing Corp.</u> |
| 2. | AMOUNT OF CONTRACT | \$259,600.00 |
| 3. | PROJECT NUMBER | <u>A.11001</u> |
| 4. | PROJECT TITLE | Erie County Holding Center –
<u>Second Floor Reception Housing Unit</u> |
| 5. | DEPARTMENT CONTACT | Funding questions: Jeffrey P. Zack #8824
<u>Letter pickup: Diane Bukowski at 8301</u> |

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

6. AVAILABILITY OF FUNDS \$ 1,010,110.69

7. PERFORMED BY Jackie Pulver

Date sent to Comptroller's Office: May 31, 2012

[55 compt_08]

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY
CLERK'S OFFICE

BUFFALO, N.Y., May 12, 2011

TO WHOM IT MAY CONCERN:

I HEREBY CERTIFY, That at the 10th Session of the Legislature of Erie County, held in the Legislative Chambers, in the City of Buffalo, on the Twelfth day of May, 2011 A.D., a Resolution was adopted, of which the following is a true copy:

WHEREAS, the preliminary 2010 financial results were announced by the County Comptroller indicating a year-end surplus of approximately \$23.8 million; and

WHEREAS, the preliminary 2010 financial results will result in an undesignated fund balance in excess of the five percent requirement in the County Charter, section 2605(b); and

WHEREAS, the 2011 capital budget contained \$40,000,000 in capital projects to be bonded; and

WHEREAS, in addition to the 2011 capital budget the County has committed \$7,500,000 to Erie Community College to fund its share of the planned North Campus Building project, and

WHEREAS, it is in the best interest of the County's taxpayers to reduce the County's dependence on borrowed funds and pay cash whenever possible, thus reducing the amount of outstanding debt; and

WHEREAS, the Erie County Fiscal Stability Authority has recommended numerous times to reduce planned County borrowing; and

WHEREAS, it is the policy of this administration to pay for non recurring expenditures with non recurring revenue; and

WHEREAS, the Four-Year Plan of the County anticipates minimal, if any, surpluses in the future; and

WHEREAS, reducing future debt service will aid in keeping the Four-Year Plan in balance; and

WHEREAS, after these designations the unreserved fund balance will still be in excess of the five percent Charter requirement; and

WHEREAS, the administration has identified the following capital projects to be funded on a pay-as-you-go basis rather than borrowing:

ECMCC Nursing Home	\$11,500,000 x
ECC North Campus New Building	7,500,000
2011 CHIPS Highway Program - Capital Overlay	800,000 x
2011 Countywide Highway Buildings	750,000 x
2011 EC Holding Ctr Improvements	700,000 x
2011 Fuel Tank Replacements	500,000 x
2011 Fuel Dispensing Fire Ext System	650,000 x

and

WHEREAS, none of these were in the 2011 adopted budget as pay-as-you go projects; and

WHEREAS, the opportunity to reconfigure and retrofit Central library space is being explored based on feedback already received through the Library's Re-Imagine initiative and from area non-profits and foundations; and

ATTEST



ROBERT M. GRABER

Clerk of the Legislature of Erie County

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY CLERK'S OFFICE

BUFFALO, N.Y., May 12, 2011

TO WHOM IT MAY CONCERN:

I HEREBY CERTIFY, That at the 10th Session of the Legislature of Erie County, held in the Legislative Chambers, in the City of Buffalo, on the Twelfth day of May, 2011 A.D., a Resolution was adopted, of which the following is a true copy:

WHEREAS, funding to recondition and reconfigure soon to be vacated space on the Central Library's second floor in the amount of \$250,000 would allow this space to be reused for community collaborations; and

WHEREAS, the County has announced a one-time allocation of \$500,000 to the Martin House Restoration Corporation, if the Corporation is able to raise another million dollars in private sector donations; and

WHEREAS, it is necessary for a designation of 2010 fund balance to pay for these expenses.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Comptroller is authorized to establish designation of 2010 fund balance in the amount of \$22,650,000 to be used to fund the following capital projects:

ECMCC Nursing Home	\$11,500,000
ECC North Campus New Building	7,500,000
2011 CHIPS Highway Program	800,000 × B.11001
2011 Countywide Highway Buildings	750,000
2011 EC Holding Ctr Improvements	700,000 × A.11001
2011 Fuel Tank Replacements	500,000
2011 Fuel Dispensing Fire Ext System	650,000
2011 Central Library Space Reconfiguration (2 nd Floor)	250,000

and be it further

RESOLVED, that the Erie County Comptroller is authorized to establish designation of 2010 fund balance in the amount of \$500,000 to be used to fund the challenge grant for the Darwin Martin House and the County Executive is hereby authorized to sign a contract with the Martin House Restoration Corporation; and be it further

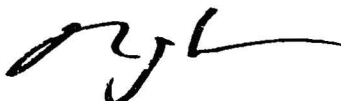
RESOLVED, that the Erie County Comptroller is authorized to establish designation of 2010 fund balance in the amount of \$300,000 to be used to fund capital projects for not-for-profit organizations and the County Executive is hereby authorized to sign contracts with these organizations, upon prior legislative approval; and be it further

RESOLVED, that the Director of Budget and Management in conjunction with the Office of Comptroller is authorized to make all the appropriate 2010 and 2011 budget and accounting adjustments and entries to effectuate this change; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Division of Budget and Management, the Comptroller's Office, the Department of Law, the Department of Environment and Planning, the Buffalo and Erie County Public Library, and two copies to the Department of Public Works (Highways and REAM).

REFERENCE: COMM. 8E-1 (2011)

AS AMENDED
ATTEST



ROBERT M. GRABER
Clerk of the Legislature of Erie County

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY
CLERK'S OFFICE

BUFFALO, N.Y., February 16, 2012

TO WHOM IT MAY CONCERN:

I HEREBY CERTIFY, That at the 3rd Session of the Legislature of Erie County, held in the Legislative Chambers, in the City of Buffalo, on the *Sixteenth* day of February, 2012 A.D., a Resolution was adopted, of which the following is a true copy:

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

ATTEST



ROBERT M. GRABER
Clerk of the Legislature of Erie County

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY CLERK'S OFFICE

BUFFALO, N.Y., February 16, 2012

TO WHOM IT MAY CONCERN:

I HEREBY CERTIFY, That at the 3rd Session of the Legislature of Erie County, held in the Legislative Chambers, in the City of Buffalo, on the Sixteenth day of February, 2012 A.D., a Resolution was adopted, of which the following is a true copy:

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 & Construction Group	Base Bid:	\$114,500.00
	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:	\$94,000.00
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
Total Award of Construction Contracts		\$880,600.00

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

ATTEST



ROBERT M. GRABER
Clerk of the Legislature of Erie County

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY
CLERK'S OFFICE

BUFFALO, N.Y., February 16, 2012

TO WHOM IT MAY CONCERN:

I HEREBY CERTIFY, *That at the 3rd Session of the Legislature of Erie County, held in the Legislative Chambers, in the City of Buffalo, on the Sixteenth day of February, 2012 A.D., a Resolution was adopted, of which the following is a true copy:*

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.

REFERENCE: COMM. 3E-22 (2012)

ATTEST



ROBERT M. GRABER
Clerk of the Legislature of Erie County

BIDDER	BASE BID	ALTERNATE GC-1	ALTERNATE GC-2	UNIT PRICE GC-1
Trason Development Corporation	\$ 499,000	Deduct \$500	Add \$5,000	Add \$100
Rodems Construction Company, Inc.	\$ 446,000	Deduct \$1,000	Add \$3,000	\$ 110
Cloverbank Construction, Inc.	\$ 477,500	Deduct \$1,000	Add \$2,000	\$ 85
Concept Construction Corporation	\$ 473,550	Deduct \$1,000	Add \$1,000	\$ 85
Hadala Construction, Inc.	\$ 552,000	Deduct \$1,000	Add \$2,000	\$ 150
Sicoli & Massaro, Inc.	\$ 664,600	Deduct \$1,000	Add \$1,500	\$ 85
SM Hayes, LLC	\$ 454,000	\$ 8,500	\$ 6,500	\$ 215
Sicoli Construction Services, Inc.	\$ 462,300	Add \$4,300	Add \$1,200	\$ 130
S & W Contracting of WNY, Inc.	\$ 435,000	Deduct \$1,000	Add \$1,100	\$ 125
RB Mac Construction Company, Inc.	\$ 504,000	Add \$1,000	Add \$2,500	\$ 75
C. Nichter Construction, Inc.	\$ 533,000	\$ 2,800	\$ 2,500	\$ 105
Mark Cerrone, Inc.	\$ 562,899	Deduct \$800	Add \$3,200	\$ 100
Northern Dreams Construction, LLC	\$ 489,000	\$ 1,400	\$ 2,500	\$ 80
NewCal Construction, Inc.	\$ 461,300	Deduct \$1,000	Add \$1,300	\$ 85

Erie County
Division of Real Estate and Asset Management

Information Included In This Report Does Not Indicate Award of Contract. For Informational Purposes Only.

BIDDER	BASE BID	UNIT PRICE E-1	UNIT PRICE E-2
Goodwin Electric Corporation	\$ 198,900	\$ 8,000	\$ 34,500
Weydman Electric, Inc.	\$ 180,800	\$ 8,000	\$ 31,700
Industrial Power & Lighting Corporation	\$ 252,500	\$ 6,900	\$ 29,500
Frey Electric Construction Company, Inc.	\$ 188,000	\$ 10,000	\$ 35,000
CIR Electrical Construction Corporation	\$ 198,600	\$ 7,600	\$ 27,800
O'Connell Electric Company, Inc.	\$ 248,000	\$ 4,800	\$ 30,200

BIDDER	BASE BID	ALTERNATE PC-1	ALTERNATE PC-2
US Veterans Construction & Management Corp.	\$ 137,999	\$ 30,500	\$ 300
MKS Plumbing Corporation	\$ 172,000	Add \$44,700	\$ 150
MLP Plumbing & Mechanical, Inc.	\$ 129,900	\$ 29,300	\$ 330
W.C. Roberson Plumbing & Construction Corp.	\$ 114,500	\$ 24,500	\$ 490
John W. Danforth Company	\$ 207,000	\$ 31,000	\$ 375
Numarco, Inc.	\$ 123,700	Add \$19,900	\$ 400
Ackerman Plumbing, Inc.	\$ 146,302	\$ 28,350	\$ 500

BIDDER	BASE BID	UNIT PRICE M-1
MKS Plumbing Corporation	\$ 116,000	\$ 150
MLP Plumbing & Mechanical, Inc.	\$ 94,000	\$ 330
John W. Danforth Company	\$ 127,000	\$ 375