



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

July 14, 2021

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

RE: 134 West Eagle – Fuel Tank Replacement & Upgrades – Construction Award
IMMEDIATE CONSIDERATION REQUESTED

Dear Honorable Members:

This resolution is requesting authorization for the County Executive to enter into a contract with the lowest responsible bidders for the 134 West Eagle – Fuel Tank Replacement & Upgrades project. Electrical Construction bids were received by the Department of Public Works on May 4, 2021, and General Construction bids were received on July 1, 2021. Copies of the bid tabulations are attached for your reference.

This project involves replacement and upgrades of the diesel fuel system that serves the emergency generators and one dual-fuel boiler for the 120 and 134 West Eagle building and the Erie County Holding Center.

Should your Honorable Body require further information, I encourage you to contact Commissioner William E. Geary, Jr., at the Department of Public Works. Thank you for your consideration on this matter.

Sincerely yours,

A handwritten signature in blue ink, reading "Mark C. Poloncarz", with a long horizontal flourish extending to the right.

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/kra
Enclosure

cc: William E. Geary, Jr., Commissioner, Department of Public Works

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works
Re: 134 West Eagle – Fuel Tank Replacement & Upgrades – Construction Award
Date: July 14, 2021

SUMMARY

This resolution is requesting authorization for the County Executive to enter into a contract with the lowest responsible bidders for the 134 West Eagle – Fuel Tank Replacement & Upgrades project. Electrical Construction bids were received by the Department of Public Works on May 4, 2021. General Construction bid openings were on May 4, 2021 and May 24, 2021 with no bidders. In conformance with General Municipal Law 103, the Department of Public Works (DPW), in conjunction with our consultant, solicited and received bids on July 1, 2021. Copies of the bid tabulations are attached for your reference.

This project involves replacement and upgrades of the diesel fuel system that serves the emergency standby generators and one dual-fuel boiler for the 120/134 West Eagle building and the Erie County Holding Center.

FISCAL IMPLICATIONS

Funds for the project are currently available from the previously approved, as adopted Erie County Capital Budget, Fund 410, Fund Center 122 as follows:

A.21106 – 2021 Countywide Mechanical, Electrical, Plumbing, and Misc. Improvements	\$ 173,231.72
A.20060 – 2020 Countywide Mechanical, Electrical, Plumbing, and Misc. Improvements	\$ 31,208.71
A.19003 – 2019 EPA Environmental Regulatory Compliance	\$ 742,125.87
A.18008 – 2018 EPA Environmental Regulatory Compliance	\$ 49,625.00
A.17004 – 2017 Countywide Code and Environmental Compliance	\$ 13,116.70
<u>A.15006 – 2015 Countywide Environmental Regulatory Compliance</u>	<u>\$ 19,693.00</u>
Total not to exceed	\$1,029,001.00

REASONS FOR RECOMMENDATION

To comply with NYS Department of Environmental Conservation (DEC) and the US Environmental Protection Agency (EPA) regulations, an existing underground fuel tank will be properly removed from service and abandoned, and the other tanks will be replaced. Tank replacements and fuel system re-piping and upgrades will ensure the standby generators are supplied with diesel fuel in the event of an electric service interruption. Additional upgrades will connect the dual-fuel boiler to the diesel fuel system to allow continued operation if natural gas service is interrupted.

BACKGROUND INFORMATION

There is a total of three standby generators that provide emergency power to both the 120/134 West Eagle building and the Erie County Holding Center. The twin boiler system located within the basement of 134 West Eagle supplies heating to each building.

The bid opening for the 134 West Eagle – Fuel Tank Replacement & Upgrades project occurred on May 4, 2021. While there were Electrical Construction bids received and opened, there were no General Construction bids received at that time. A re-bid of the General Construction portion of work for the project resulted in no bids as well. In consultation with the Department of Law, guidance was given to DPW to negotiate with a General Construction contractor, after following General Municipal Law procedures for the original bid and re-bid. Therefore, DPW requested General Construction bid proposals directly from several contractors, and two bid submissions were received prior to the July 1, 2021 deadline.

CONSEQUENCES OF NEGATIVE ACTION

If this project is not completed, then the EPA and DEC regulations will not be complied with and fines could be issued.

STEPS FOLLOWING APPROVAL

Upon Legislative approval, the County Executive will enter into a contract with the lowest responsible bidders.

COMPTROLLER'S OFFICE REVIEW

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



JOHN SOLECKI

Director of Accounting Services/Cash Management
Comptroller's Office

A.21106 – 2021 Countywide Mechanical, Electrical, Plumbing, and Misc. Improvements
A.20060 – 2020 Countywide Mechanical, Electrical, Plumbing, and Misc. Improvements
A.19003 – 2019 EPA Environmental Regulatory Compliance
A.18008 – 2018 EPA Environmental Regulatory Compliance
A.17004 – 2017 Countywide Code and Environmental Compliance
A.15006 – 2015 Countywide Environmental Regulatory Compliance

File Copy (DPW Resolution_BG 134 W Eagle Tanks_Construction Award.docx)

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF PUBLIC WORKS

RE: 134 West Eagle – Fuel Tank Replacement & Upgrades – Construction Award

WHEREAS, the County of Erie must comply with NYS Department of Environmental Conservation (DEC) and the US Environmental Protection Agency (EPA) regulations; and

WHEREAS, the 134 West Eagle – Fuel Tank Replacement & Upgrades project (herein called the “Project”) seeks to replace diesel fuel storage tanks and upgrade the fuel system; and

WHEREAS, completion of the Project will ensure that the three emergency generators and one dual-fuel boiler for the 120 and 134 West Eagle building and the Erie County Holding Center are supplied with the necessary diesel fuel to operate in the event of electric and natural gas service interruptions; and

WHEREAS, the County of Erie received Electrical Construction bids for the Project on May 4, 2021, but did not receive any General Construction bids at that time; and

WHEREAS, the General Construction portion of work was promptly re-bid, but the County of Erie did not receive any General Construction bids on May 24, 2021; and

WHEREAS, in consultation with the Department of Law, and in conformance with General Municipal Law 103, the Department of Public Works was permitted to negotiate directly with General Construction contractors to award the work since no bids were received for two consecutive publicly advertised bids for General Construction scope of work; and

WHEREAS, Public Works requested General Construction bid proposals directly from several contractors, and received General Construction bids for the Project on July 1, 2021; and

WHEREAS, the Department of Public Works and Wendel Architecture, Engineering, Surveying & Landscaping Architecture, P.C. are recommending award of the contracts to the lowest responsible bidder for the Electrical Contract received on May 4, 2021 and to the lowest responsible bidder for the General Construction Contract received on July 1, 2021.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts with the lowest responsible bidders for the Project for an amount not to exceed as follows:

General Construction Work

<u>Picone Construction Corporation</u>	Base Bid:	\$ 870,321
Total Award of General Construction Contract:		\$ 870,321

Electrical Construction Work

<u>CIR Electrical Construction Corporation</u>	Base Bid:	\$ 58,680
Total Award of Electrical Construction Contract:		\$ 58,680

; and be it further

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

RESOLVED, that change order reductions will result in these funds being returned to the Construction Contingency Fund; and

RESOLVED, that the Comptroller's Office be authorized to make payment for the above from the previously approved, as adopted capital projects in Fund 410, Funds Center 122 as follows:

A.21106 – 2021 Countywide Mechanical, Electrical, Plumbing, and Misc. Improvements	\$ 173,231.72
A.20060 – 2020 Countywide Mechanical, Electrical, Plumbing, and Misc. Improvements	\$ 31,208.71
A.19003 – 2019 EPA Environmental Regulatory Compliance	\$ 742,125.87
A.18008 – 2018 EPA Environmental Regulatory Compliance	\$ 49,625.00
A.17004 – 2017 Countywide Code and Environmental Compliance	\$ 13,116.70
<u>A.15006 – 2015 Countywide Environmental Regulatory Compliance</u>	<u>\$ 19,693.00</u>
Total not to exceed	\$1,029,001.00

; 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.

TO: JOHN SOLECK, 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 | Picone Construction Corporation
<u>CIR Electrical Construction Corporation</u> |
| 2. AMOUNT OF CONTRACT | Construction Contingency \$ 100,000
Picone Construction Corp. \$ 870,321
<u>CIR Electrical Construction Corp. \$ 58,680</u>
Total \$1,029,001 |
| 3. PROJECT NUMBER | A.21106 – \$ 173,231.72
A.20060 – \$ 31,208.71
A.19003 – \$ 742,125.87
A.18008 – \$ 49,625.00
A.17004 – \$ 13,116.70
<u>A.15006 – \$ 19,693.00</u> |
| 4. PROJECT TITLE | A.21106 – 2021 Countywide Mechanical,
Electrical, Plumbing, and Misc. Improvements;
A.20060 – 2020 Countywide Mechanical,
Electrical, Plumbing, and Misc. Improvements;
A.19003 – 2019 EPA Environmental Regulatory
Compliance;
A.18008 – 2018 EPA Environmental Regulatory
Compliance;
A.17004 – 2017 Countywide Code and
Environmental Compliance;
A.15006 – 2015 Countywide Environmental
Regulatory Compliance

Funding questions: Kristofer Straus, PE at
x7294
Letter pickup: Christy Weber at x8301 |
| 5. DEPARTMENT CONTACT | |

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

6. AVAILABILITY OF FUNDS

\$1,969,907.09

7. PERFORMED BY

John Sleski

Date Sent to Comptroller's Office:

July 12, 2021

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Unofficial Bid Results

Job Name: 134 WEST EAGLE FUEL TANK REPLACEMENT, ELECTRICAL CONSTRUCTION

Date: 5/4/2021

Project No.: 2020-800-01

Time: 10am local time

DEPARTMENT OF PUBLIC WORKS
DIVISION OF BUILDINGS AND GROUNDS

Bidder	Base Bid
CIR ELECTRICAL CONSTRUCTION CORP.	\$58,680.00
FREY ELECTRIC CONSTRUCTION CO.	\$76,000.00
GOODWIN ELECTRIC CORP.	\$65,395.00



Unofficial Bid Results

Job Name: 134 WEST EAGLE FUEL TANK REPLACEMENT, GENERAL CONSTRUCTION

Date: 7/1/2021

Project No.: 2020-800-01

Time: 10:30am local time

DEPARTMENT OF PUBLIC WORKS
DIVISION OF BUILDINGS AND GROUNDS

Bidder	Base Bid
NW Contracting	\$1,113,700.00
Picone Construction Corporation	\$870,321.00