



EC LEG NOV 10 '21 PM12:48

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

November 9, 2021

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

**RE: Rehabilitation of Borden Road
ECDPW Project No. CAP-CR322-1-2020
Towns of West Seneca and Cheektowaga
Village of Depew
County of Erie**

Dear Honorable Members:

The Department of Public Works, Division of Highways is requesting authorization for the County Executive to execute a contract amendment with Bergmann Associates (BA) for additional design engineering services for the above-mentioned project and to execute a related agreement with the Erie County Water Authority.

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

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/br
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: Rehabilitation of Borden Road
ECDPW Project No. CAP-CR322-1-2020
Towns of West Seneca and Cheektowaga
Village of Depew
County of Erie
Date: November 9, 2021

SUMMARY

This resolution is seeking authorization for the County Executive to execute a contract amendment with Bergmann Associates for additional design engineering services connected to the Rehabilitation of Borden Road (the Project). Your Honorable Body approved the rehabilitation project via COMM 15E-12 (July 23, 2020) and COMM 8E-33 (April 29, 2021). The resolution is also requesting authority for the County Executive to execute a related agreement with the Erie County Water Authority (ECWA).

The Erie County Department of Environment and Planning Division of Sewerage Management (DSM) has determined from inspection that a section of 30" diameter sewer force main on Borden from Strasmer Road to just north of Rowley Road needs imminent replacement. As the Erie County Department of Public Works (DPW) already had a project on Borden from Strasmer to Broadway that could be slated for construction in 2022, DSM requested that DPW include the force main replacement in its design contract with Bergmann Associates. It is estimated that the design cost for the replacement of the force main is \$76,300. These funds will be provided by DSM.

In notifying ECWA about the planned work ECWA notified DPW that in the subject section of road there is about 1400 LF of 8-inch diameter cast iron watermain that needs replacement. As that section of road would be under construction in 2022, ECWA asked that DPW include replacement of the waterline in Bergmann's design contract. The estimated design cost for the replacement of the watermain is \$19,550 and will be provided by ECWA.

An inter-agency agreement between the County and ECWA covering the required engineering design services will need to be executed prior to those funds being available. Given the accelerated schedule required to permit bidding the overall project in early 2022 the County will upfront the design funds from existing Project funds and invoice ECWA for reimbursement once the inter-agency agreement has been approved by the County Attorney as to form and content and has been fully executed. ECWA funds will be used to replenish existing Project design funds expended on design of the water line.

Both the DSM force main and the ECWA waterline would be constructed as part of the rehabilitation of this portion of Borden Road. The agreement with ECWA would be amended to include construction phase costs once those figures are available.

FISCAL IMPLICATIONS

It is desired to execute a contract amendment with Bergmann Associates in the total amount of

\$95,850 for design engineering services for the subject project. This amount is broken down as follows:

- DSM Force Main Replacement design: \$76,300. These funds are available from Fund 430, Funds Center 181, C.17401 – Erie County Sewer District No. 4 Capital Bond Account.
- ECWA Water Main Replacement design: \$19,550 These funds will be provided by ECWA under the terms of an agreement to be negotiated with ECWA and approved by the County Attorney. Initially the funds are available from existing Project funds in Fund 420, Funds Center 123, B.20005 – 2020 Preservation of Roads. The County will invoice ECWA for reimbursement.

REASONS FOR RECOMMENDATION

The Borden Road project already included a project for the section of road from Strasmer Road to Broadway that can be bid in time for construction in 2022. The DSM force main needs imminent replacement. The subject ECWA waterline is cast iron which is brittle and would be subject to fracture during road construction. For time and cost efficiency in both design and construction and to limit disruption to area residents and the travelling public during construction we recommend that design of both the DSM force main replacement and the ECWA water main replacement be included in Bergmann Associates design contract.

In order to include the ECWA water main in the contract an agreement as approved by the County Attorney will be required between ECWA and Erie County. The County Executive will need the authority to execute said agreement.

As the intent is to bid this section of the project (Strasmer Road to Broadway (NY 130) in time to take advantage of the full 2022 construction season, time is of the essence in starting the referenced additional work.

BACKGROUND INFORMATION

See SUMMARY and REASONS FOR RECOMMENDATION above.

CONSEQUENCES OF NEGATIVE ACTION

All the work noted, the rehabilitation of Borden Road, replacement of the DSM force main and replacement of the ECWA waterline need to be done. Including them in a single project allows for better coordination, lower overall cost, reduced overall total construction time, and reduced disruption to the travelling public and area residents. Having them done as separate projects does just the opposite.

STEPS FOLLOWING APPROVAL

The County executive will execute a contract amendment with Bergmann Associates for the necessary design engineering services for the DSM force main and the ECWA waterline and will execute an inter-agency agreement with ECWA covering design and construction of the subject waterline.

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 appropriations for the action proposed.



JOHN SOLECKI

Director of Accounting Services/Cash Management
Comptroller's Office

Fund 430, Fund Center 181

C.17401 – Erie County Sewer District No. 4 Capital Bond Account

Fund 420, Fund Center 123

B.20005 – 2020 Preservation of Roads

DEPARTMENT OF PUBLIC WORKS
DIVISION OF HIGHWAYS

RE: Rehabilitation of Borden Road
ECDPW Project No. CAP-CR322-1-2020
Towns of West Seneca and Cheektowaga
Village of Depew
County of Erie

WHEREAS, the Rehabilitation of Borden Road - CR322 (the Project) was approved by your Honorable Body via COMM 15E-12 (July 23, 2020) and COMM 8E-33 (April 29, 2021); and

WHEREAS, as part of the Project it is intended to rehabilitate Borden Road from Strasmer Road to Broadway (NY 130); and

WHEREAS, Erie County DEP, Division of Sewerage Management (DSM) has determined through inspection that a section of 30-inch diameter force main approximately from Strasmer Road to just north of Rowley Road imminently requires replacement; and

WHEREAS, in that same section of road the Erie County Water Authority (ECWA) has approximately 1400 linear feet of 8" diameter cast iron watermain that is slated for replacement; and

WHEREAS, it is desired to reduce the overall cost of the work, limit duplication of effort and to limit disruption during construction to area residents and the travelling public; and

WHEREAS, this may be accomplished by including design of the replacement of both the DSM force main and the ECWA water line in the design for the Project; and

WHEREAS, DSM agrees to be responsible for 100% of the cost of engineering design services for replacement of the force main which is estimated to be \$76,300; and

WHEREAS, ECWA agrees to be responsible for 100% of the cost of engineering design services for replacement of the water line which is estimated to be \$19,550; and

WHEREAS, it is desired to amend the design contract of the Project consultant, Bergmann Associates, to include the engineering design services necessary for the replacement of the DSM force main and the ECWA water line; and

WHEREAS, it is desired to advertise the Project including the DSM force main and the ECWA water line early in 2022; and

WHEREAS, to meet this schedule pending execution of the necessary inter-agency agreement between the County and ECWA the County will fund the design of the water line in the first instance from funds already approved for the Project and will invoice ECWA for reimbursement thereof; and

WHEREAS, reimbursement from ECWA will be used to replenish existing County Project design funds advanced by the County to permit an accelerated Project schedule.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves inclusion of replacement of the DSM force main and the ECWA water line in the Project; and be it further

RESOLVED, that the County Executive is hereby authorized to execute an agreement with ECWA, subject to the County Attorney's approval as to form and content, regarding incorporation of the waterline replacement into the Project and the ECWA's responsibility to provide 100% of the funding for the necessary engineering design services including any approved cost overruns or unanticipated expenses; and be it further

RESOLVED, that the County Executive is authorized to execute a contract amendment with Bergmann Associates for engineering design services in the total amount of \$95,850 for design engineering services for replacement of the DSM force main and ECWA water line; and be it further

RESOLVED, that the funding for the design of the DSM force main is hereby appropriated from Fund 430, Funds Center 181, C.17401 – Erie County Sewer District No.4 Capital Project and made available for the project as follows:

<u>C.17401 - Erie County Sewer Dist.No. 4 Cap. Project</u>	<u>\$76,300</u>
Total	\$76,300

; and be it further

RESOLVED, that funding for the engineering design services for the water line is authorized from existing Project design funds in Fund 420, Funds Center 123, B.20005 – 2020 Preservation of Roads as follows:

<u>B.20005 – 2020 Preservation of Roads</u>	<u>\$19,550</u>
Total	\$19,550

; and be it further

RESOLVED, that upon full execution of an agreement between Erie County and ECWA regarding the water line replacement, the County is hereby authorized to invoice the ECWA for water line design costs, accept reimbursement funds from ECWA and to replenish the project budget in Fund 420, Funds Center 123, B.20005 – 2020 Preservation of Roads in the amount expended not to exceed \$19,550; and be it further

RESOLVED, that three (3) certified copies of this resolution be forwarded 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, the Office of the County Attorney, and the Office of the Comptroller.

TO: JOHN SOLECKI - 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>Bergmann Associates</u> |
| 2. AMOUNT OF CONTRACT | <u>\$95,850 (amendment)</u> |
| 3. PROJECT NUMBER | <u>B.20005 - \$19,550</u>
<u>C.17401 - \$76,300</u> |
| 4. PROJECT TITLE | <u>Rehabilitation of Borden Road</u>
<u>Funding questions: Darlene M. Svilokos, PE at 7801</u>
<u>Letter pickup: Christy Weber at 8301</u> |
| 5. DEPARTMENT CONTACT | <u>_____</u>
<u>_____</u> |

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

- | | |
|------------------------------------|----------------------------|
| 6. AVAILABILITY OF FUNDS | <u>\$4,555,358.70</u> |
| 7. PERFORMED BY | <u><i>John Solecki</i></u> |
| Date Sent to Comptroller's Office: | <u>1/13/2022</u> |

[55 compt_10]