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# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

May 6, 2022

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

**RE: Reallocation of American Rescue Plan Funds  
Lakeshore Road (CR111) Rehabilitation & Drainage  
Design Engineering Services Contract Amendment  
Town of Evans  
County of Erie**

Dear Honorable Members:

The Department of Public Works, Division of Highways is requesting authorization to reallocate the unused funding for Grand Island-East River Road to the Division of Highways Pay-As-You-Go funding, both authorized in the American Rescue Plan, COMM 13E-15 on 7/8/21 and for the County Executive to amend the existing design engineering services contract with Wendel for the above project.

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,

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/Division of Highways  
**Re:** Reallocation of American Rescue Plan Funds  
Lakeshore Road (CR111) Rehabilitation & Drainage  
Design Engineering Services Contract Amendment  
Town of Evans  
County of Erie  
**Date:** May 6, 2022

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### **SUMMARY**

This resolution is seeking authorization for the County Executive to execute a contract amendment to the existing design engineering services contract with Wendel to accommodate an agreed upon change in scope for the above-mentioned project.

This resolution also is requesting authorization to reallocate the unused funding for Grand Island-East River Road to the Division of Highways Pay-As-You-Go (PAYGO) funding in the 2021 Capital Overlay Project – B.21150, both authorized in the American Rescue Plan, COMM 13E-15 on 7/8/21 and to use some of those funds for Wendel’s contract amendment.

### **FISCAL IMPLICATIONS**

\$126,005.49 in unused and unallocated funds currently reside in Fund 420, Fund Center 123, Capital Project B.21150.4 – 2021 Capital Overlay - Grand Island-East River Road. Upon approval of this resolution the Division of Budget and Management would reallocate these funds to Fund 420, Fund Center 123, Capital Project B.21150.3 – 2021 Capital Overlay - PAYGO. \$84,030.67 of the reallocated funds would then be allocated to complete the funding for Wendel’s contract amendment.

The amendment to Wendel’s contract is in the amount of \$128,030 and increases the current contract total from \$185,000 to \$313,030. Upon approval of this resolution funding would be available in Fund 420, Fund Center 123 as follows:

B.18004	2018 Preservation of Roads Design	\$43,999.33
B.21150	2021 Capital Overlay	\$84,030.67
Total Change Order		\$128,030.00

### **REASONS FOR RECOMMENDATION**

There are three elements of the project that all need to be designed together so that they work together: road rehabilitation, roadway drainage system replacement, and improved facilities for pedestrians. The proposed contract amendment allows all three to be designed together.

### **BACKGROUND INFORMATION**

The overall revised project limits are from Bennett Beach access road to Evans Town Park. The limits of the road rehabilitation and improved pedestrian accommodations are from Bennett Beach access road to Evans Town Park. This is the section of road that was scheduled for Phase

II of the Lakeshore Shoreline Trail Multi-Use Pathway. Current design requirements do not permit installation of a multi-use pathway given the site constraints, however, pedestrian accommodations can be improved. The limits of the storm drainage system replacement are from approximately Hickory Street to Big Sister Creek. This contract amendment allows for all three elements to be designed as part of a single project. To preserve access to federal funding for the construction phase of the project, the design phase will be designed according to the New York State Department of Transportation (NYSDOT) Local Projects Manual even though the design phase will be a County capital expense.

### **CONSEQUENCES OF NEGATIVE ACTION**

Work on all three parts of the project will be suspended as all three need to be designed as part of a single project. In addition, delays risk losing the opportunity of obtaining federal funds for the construction phase of the project.

### **STEPS FOLLOWING APPROVAL**

The Division of Budget and Management will reallocate the American Rescue Plan funds as noted and the County Executive will execute an amendment to Wendel's current design engineering services contract and project design will proceed.

**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.

*Timothy C. Callen*

~~JOHN SOLECKI~~ *Timothy C. Callen*  
Director of Accounting Services/Cash Management *Deputy Comptroller*  
Comptroller's Office

Fund 420, Fund Center 123  
B.18004 – 2018 Preservation of Road Design  
B.21150 – 2021 Capital Overlay

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

RE: Reallocation of American Rescue Plan Funds  
Lakeshore Road (CR111) Rehabilitation & Drainage  
Design Engineering Services Contract Amendment  
Town of Evans  
County of Erie

WHEREAS, your Honorable Body approved a project to rehabilitate Lakeshore Road between Bennett Beach Road and the entrance to Evans Town Park, including full replacement of the storm drainage between Hickory Road and Big Sister Creek, via COMM 15E-5 (July 23, 2020); and

WHEREAS, that same resolution also authorized contracting with Wendel for the necessary design engineering services; and

WHEREAS, it is desired to improve pedestrian accommodations to the extent practical within the project limits and it is necessary for the three elements, road, drainage, and pedestrian accommodations to be designed together to function properly; and

WHEREAS, to preserve the opportunity for federal funding for the construction phase of the project the design engineering services, a County capital expense, must follow the requirements of the New York State Department of Transportation (NYSDOT) Local Projects Manual; and

WHEREAS, it is desired to amend Wendel's existing design engineering services contract to include the expanded scope noted; and

WHEREAS, your Honorable Body approved American Rescue Plan funding for work on East River Road in Grand Island under COMM 13E-15 on July 8, 2021; and

WHEREAS, that work has been completed leaving a balance of \$126,005.49 in unused funds in Fund 420, Fund Center 123, Capital Project B.21150.4 – 2021 Capital Overlay - Grand Island-East River Road; and

WHEREAS, it is desired to reallocate those funds to the Division of Highways Pay-As-You-Go (PAYGO) funding also authorized under COMM 13E-15 (2021) in Fund 420, Fund Center 123, Capital Project B.21150.3 – 2021 Capital Overlay - PAYGO; and

WHEREAS, funds for the desired contract amendment are then available from the sources hereinafter identified.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the reallocation of \$126,005.49 from Fund 420, Fund Center 123, Capital Project B.21150.4 – 2021 Capital Overlay - Grand Island-East River Road to B.21150.3 – 2021 Capital Overlay - PAYGO; and be it further

RESOLVED, that the Erie County Legislature hereby approves the expanded project scope for the Lakeshore Road (CR 111) Rehabilitation and Drainage Project; and be it further

RESOLVED, that the County Executive be authorized to execute a design engineering services contract amendment with Wendel in the amount of \$128,030 which increases the current contract from \$185,000 to \$313,030; and be it further

RESOLVED, that funding for the amendment is hereby appropriated from Fund 420, Fund Center 123 and made available for the project as follows:

B.18004	2018 Preservation of Roads Design	\$43,999.33
B.21150	2021 Capital Overlay	\$84,030.67
<u>Total Contract Amendment</u>		<u>\$128,030.00</u>

; and be it further

RESOLVED, that three (3) certified copies of this resolution be forwarded to the Department of Public Works, Division of Highways, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Office of the County Attorney, the Office of the Comptroller, and the Department of Environment and Planning.

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 Wendel
2. AMOUNT OF CONTRACT \$128,030 – Increase in current contract
3. PROJECT NUMBER B.18004 B.21150
4. PROJECT TITLE Lakeshore (CR 111) Roadway and Drainage Improvements
5. DEPARTMENT CONTACT Funding questions: Darlene M. Svilokos, PE at 7801  
Letter pickup: Christy Weber at 8301

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

6. AVAILABILITY OF FUNDS \$4,490,451.86
7. PERFORMED BY *Thrupp, J*
- Date Sent to Comptroller's Office: 4-26-22

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