

February 8, 2024

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 3

ALL MEMBERS PRESENT.

1. RESOLVED, the following item is hereby received and filed:

COMM. 3D-5 (2024)

COMMISSIONER OF PUBLIC WORKS: “2023 GBNRTC Road Score Book”
(Chair’s Ruling)

2. COMM. 3E-5 (2024)

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works entered into a contract with SJB Services Inc. for Special Inspections and Testing on July 8, 2019, per COMM 8E-6 (2019); and

WHEREAS, this contract was previously transferred from SJB Services, Inc. to Atlantic Testing Laboratories at the revised rate schedule per the previously approved COMM 13E-13 (2023); and

WHEREAS, the Department of Public Works (DPW) desires to increase the funding for the Special Inspections and Tests by Atlantic Testing Laboratories to comply with the requirements of building code on various County Projects; and

WHEREAS, the remaining funds dedicated to the term agreement (DPW Contract #19-492-PW) originally authorized per COMM 8E-6 (2019) will be exhausted based on current assignments to the term contract; and

WHEREAS, Atlantic Testing Laboratories has proven they have the necessary expertise, experience, and manpower to continue to provide the required services; and

WHEREAS, DPW is requesting additional funding be approved for Atlantic Testing Laboratories to accommodate the use of the term for future projects as the current funds per the existing contract have been utilized through the end of the term agreement on June 1, 2024; and

WHEREAS, each assignment will be billed according to the approved rate schedule; and

WHEREAS, the Department of Public Work will also advertise a Request for Proposal/Qualifications in early 2024 to solicit firms to provide the similar services as the previous term contract is expiring and need to provide the inspections required by Building Code; and

WHEREAS, award of the new term agreement will be presented before your Honorable Body for approval of the contract based on the selected firm to ensure that the new term agreement for inspection services will be in place as the current term agreement with Atlantic Testing Laboratories expires on the date specified herein.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the Erie County Executive to amend the existing contract with Atlantic Testing Laboratories Special Inspections and Testing in the amount of \$50,000; and be it further

RESOLVED, that the Comptroller’s Office be authorized to make payment for services from A.23005 DPW (Buildings and Grounds) – Preservation of County Buildings and Facilities, BA 122, Fund 410 for a total amount not to exceed \$50,000; and be it further

RESOLVED, that two (2) certified copies each of this resolution be sent to the Department of Public Works, Commissioner’s Office and one (1) copy each to the County Executive’s Office, the Comptroller’s Office and the Division of Budget and Management.
(5-0)

2. COMM.3E-6 (2024)

COUNTY EXECUTIVE

WHEREAS, the County of Erie has received the award of several bridge replacement projects through the Bridge NY Program; and

WHEREAS, these projects are as follows; PIN 5764.88 Hammond Hill Road over Cattaraugus Creek in the Town of Concord, PIN 5764.89 Dennis Road over Little Sister Creek in the Town of Evans, PIN 5764.91 Marshfield over North Branch of Clear Creek in the Town of North Collins and PIN 5764.92 East Eden Road over Hampton Brook in the Town of Eden; and

WHEREAS, these projects are eligible for funding under Title 23, U.S. Code, as amended, 23CFR as amended PUB.L. 117-58 also known as the “Bipartisan Infrastructure Law” (BIL); and

WHEREAS, agreements need to be executed with New York Dept. of Transportation for these projects enabling the disbursement of the funding from Bridge NY; and

WHEREAS, the County of Erie desires to advance the Projects by making a commitment to 100% of the costs of the projects for Design Engineering (Scoping & Design I-VI) and Right of Way Incidentals phases for all four of the Projects; and

WHEREAS, in advancing these projects the Department of Public Works desires to award design contracts to each of the engineering consultants selected for the projects through the Federal Aid request for proposal process; and

WHEREAS, there is funding for these projects is available in BA 123, Fund 420, SAP project B.23008, Federal Aid Bridge Preservation - Design, the cost of these projects being bore by the County are \$1,339,025 in a Federal Aid reimbursable share and \$70,475 in local share totaling \$1,409,500 for these projects.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves projects PIN 5764.88 Hammond Hill Road over Cattaraugus Creek, PIN 5764.89 Dennis Road over Little Sister Creek, PIN 5764.91 Marshfield over North Branch of Clear Creek and PIN 5764.92 East Eden Road over Hampton Brook awarded to the County of Erie through the Bridge NY Program; and be it further

RESOLVED, that authorization is hereby given to the County Executive to enter into and execute the state and local agreements for these projects with the New York State Department of Transportation; and be it further

RESOLVED, that authorization is hereby given to pay in the first instance 100% of the Federal and non-Federal shares of the cost of the design engineering (Design I-VI) and right-of-way incidentals, phases of all four projects; and be it further

RESOLVED, that the Department of Public Works, Division of Highways, with the Division of Budget and Management are hereby authorized to adjust the budgets of B.23008, Federal Aid Bridge Preservation - Design, in Fund 420, Funds Center 123 for the four projects as follows:

REVENUES Account	Description	CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
414000	Federal Aid	\$ 1,000,000	\$ 339,025	\$ 1,339,025
475000	Gen. Oblig. Bond	\$ 500,000	\$ 0	\$ 500,000
TOTAL REVENUES		<u>\$ 1,500,000</u>	<u>\$ 339,025</u>	<u>\$ 1,839,025</u>
APPROPRIATIONS				
Capital Projects	Capital Project Exp	\$ 1,500,000	\$ 339,025	\$ 1,839,025
TOTAL APPROPRIATIONS		<u>\$ 1,500,000</u>	<u>\$ 339,025</u>	<u>\$ 1,839,025</u>

and be it further

RESOLVED, that authorization is hereby given to the County Executive to execute agreements with the following engineering firms selected by the Federal Aid RFP process for the projects as listed:

Project	Engineering Firm	Contract (not to exceed)
PIN 5764.88	DiDonato Associates	\$405,000
PIN 5764.89	Greenman Pedersen Inc.	\$365,000
PIN 5764.91	Bergmann	\$359,500
PIN 5764.92	Fisher Associates	\$280,000

and be it further

RESOLVED, that authorization is hereby given to the Director of Budget and Management to adjust the Project budget for any and all increases or reductions in Federal and/or State revenue that are made available for this Project; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the projects, 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 authorization is hereby given to the County Executive to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or State 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 identified in the State/Local Agreement; 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 therefore that are not so eligible; and be it further

RESOLVED, that the County of Erie hereby agrees that construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months; and be it further

RESOLVED, that authorization is hereby given to the Erie County Comptroller to make all necessary payments Projects; 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 three (3) 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 one (1) copy each to the County Executive's Office, Comptroller's Office and the Division of Budget and Management.
(5-0)

HOWARD J. JOHNSON, JR.
CHAIR