

April 18, 2024

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 7

ALL MEMBERS PRESENT.

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

a. COMM. 7M-5 (2024)
NFTA: “NFTA – Revised Annual Budget for FYE 2025”
(Chair’s Ruling)

2. COMM. 7E-17 (2024)
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works (DPW), Division of Highways (Division), maintains a Geographic Information System (GIS) for asset management; and

WHEREAS, the Division, has a two-year term agreement for GIS support services with Bergmann and Associates (AKA Colliers Engineering & Design) approved in Comm 16E-2 (2022); and

WHEREAS, the Department desires to fund the second year of the contract for support GIS services and further implementation of the highway safety items work order system an amendment to the contract is being requested in the sum of \$100,000.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to execute a contract amendment with Bergmann and Associates (AKA Colliers Engineering & Design) in an amount not to exceed \$100,000 to provide GIS support services in accordance with their two-year term agreement; and be it further

RESOLVED, that sufficient funding for this contract amendment is available in Fund 420, Fund Center 123, Capital Project B.22050 Capital Overlay; and be it further.

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

3. COMM.7E-18 (2024)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Public Works (DPW), Division of Highways wishes to further its practice of renting various pieces of equipment, to provide the County with specialized equipment and training, as needed, for winter/seasonal work and other unique emergency situations; and

WHEREAS, an RFP was prepared to select the best vendor to contract with to continue with the rental option; and

WHEREAS, Admar Supply Company, Inc., was the chosen respondent after review of their submittal; and

WHEREAS, Legislative approval is needed for the County Executive to enter into a two-year agreement with Admar Supply Company, Inc., with the option of an additional two years of renewals; and

WHEREAS, there is the option of adding additional types of equipment, as needed at any time, which would add additional rental/training charges for the specialized equipment, with the possibility of the need to purchase specialized accessories for the equipment throughout the various seasons or for unique emergency situations throughout the year; and

WHEREAS, renting gives the advantage of using the latest reliable technology and equipment while eliminating service costs, minimizing downtime, through this agreement with Admar Supply Company, Inc.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to enter into a two-year agreement with the option for two one-year renewals with Admar Supply Company, Inc, as needed, to provide the County with specialized equipment for winter/seasonal work and other unique emergency situations; and be it further

RESOLVED, that authorization is hereby given for the Director of Budget and Management to transfer funding greater than \$20,000 as needed within the Department of Public Works, Division of Highways 2024 Adopted Budget (Fund 210, Funds Center 123) Account #505600 – Auto, Truck, & Heavy Equipment Supplies and Account 545000 – Rental Charges to cover unanticipated rental needs associated with this contract; 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 County Executive’s Office, Comptroller’s Office, Department of Law, and the Division of Budget and Management.
(5-0)

4. COMM. 7E-19 (2024)
COUNTY EXECUTIVE

WHEREAS, the Legislature of Erie County authorized the 2023-2024 On Call/Emergency Bridge and Culvert Engineering Services Contract with CHA Consultants in COMM 12E-8 (2023) on June 22, 2023; and

WHEREAS this contract provides emergency bridge/culvert design, technical/engineering services, construction management and inspection, and Federal Aid Bridge Maintenance design services; and

WHEREAS, there are several approved Federal Aid Bridge Maintenance projects on the Transportation Improvement Plan (TIP), which do not include federal funding for design but need to be designed in advance of their required lettings within the next 2 years; and

WHEREAS, COMM 12E-8 (2023) included funding for only the first year of the contract, and the contract is entering the second year.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to execute an amendment to the 2023-2024 On Call/Emergency Engineering Services with CHA Consultants, Inc. for the second year of the contract in an amount not to exceed \$375,000; and be it further

RESOLVED, that sufficient funding exists within the Department of Public Works Highways Division’s Capital Budget (Fund 420, Funds Center 123) as follows:

B.21158 – 2021 Federal Aid Bridge Preservation Design	\$175,000
B.22056 – 2022 Federal Aid Bridge Preservation Design	\$100,000
<u>B.22058 – 2022 As Directed/Emergency Design</u>	<u>\$100,000</u>
TOTAL Project Cost	\$375,000

and be it further

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

5. COMM. 7E-20 (2024)
COUNTY EXECUTIVE

WHEREAS, the County of Erie was awarded PIN 5764.90 – Mill Rd. over Cazenovia Creek, BIN 2260400, Bridge Replacement Project in the Town of West Seneca (“Project”) through the Bridge NY Program; and

WHEREAS, the subject Project is 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, an agreement needs to be executed by the County of Erie with New York Dept. of Transportation for the subject Project to enable the disbursement of the funding from Bridge NY; and

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

WHEREAS, in advancing the project, the Department of Public Works desires to award a design contract to CHA Consulting, Inc., the engineering consultant selected for the project through the Federal Aid request for proposal process; and

WHEREAS, the funding for the Project is available in BA 123, Fund 420, SAP project B.23008, Federal Aid Bridge Preservation - Design, including Project revenue in the amount of \$365,570.00 in a Federal Aid reimbursable share and \$19,250 in a local share, totaling \$385,000 for the project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to enter into and execute the state and local agreement for project PIN 5764.90 Mill Road over Cazenovia Creek Bridge Replacement, awarded to the County of Erie through the Bridge NY Program, with the New York State Department of Transportation; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County of Erie 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 the project; and be it further

RESOLVED, that authorization is hereby given to modify Capital Project B.23008, Federal Aid Bridge Preservation - Design, in Fund 420, Funds Center 123 with the anticipated revenue in the Project Agreement as follows:

Project B.23008
Federal Aid Bridge Preservation - Design
Fund 420, Funds Center 123

REVENUES	BUDGET	CHANGE	REVISED BUDGET
414000 Federal Aid	\$1,339,025	\$365,750	\$1,704,775
475000 General Obligation Bond	<u>\$ 500,000</u>	<u>\$ 0</u>	<u>\$ 500,000</u>
	<u>\$1,839,025</u>	<u>\$365,750</u>	<u>\$2,204,775</u>
APPROPRIATIONS			
Capital Project Expense	<u>\$1,839,025</u>	<u>\$365,750</u>	<u>\$2,204,775</u>
TOTAL	<u>\$1,839,025</u>	<u>\$365,750</u>	<u>\$2,204,775</u>

and be it further

RESOLVED, that authorization is hereby given for the County Executive or Deputy County Executive to enter into contract with CHA Consulting, Inc., the engineering firm selected by the Federal Aid RFP process for the Project, in an amount not to exceed \$385,000; and be it further

RESOLVED, that authorization is hereby given for the Director of Budget and Management to make any necessary budgetary adjustments to Capital Project B.23008 for any and all increases or reductions in Federal and/or State revenue that are made available; 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 or Deputy County Executive of the County of Erie 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 in accordance with the Agreement; and be it further

RESOLVED, that the County of Erie hereby agrees that to be responsible for all costs of the Projects, including costs which exceed the amount of the reimbursement available from the Bridge NY funding awarded to the County; and be it further

RESOLVED, that the County of Erie will be responsible for all maintenance of the 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, the Comptroller's Office and the Division of Budget and Management.
(5-0)

6. COMM. 7E-21 (2024)
COUNTY EXECUTIVE

WHEREAS, it is desired to rehabilitate Abbott Road (CR 4) from Milestrip Road (NYS 179) to Fisher Road (TH) and Willett Road (CR 187) from the Smokes Creek Bridge to Abbott Road (CR 4) including a mill and overlay of the pavement and rehabilitation of the drainage; and

WHEREAS, the Legislature previously approved participation in the Project via Comm. 2E-16 (2023) on February 2, 2023; and

WHEREAS, the Department of Public Works wishes to award the construction contract to the lowest responsible bidder, D&H Excavating, Inc., in the amount not to exceed \$7,527,770, enter into a construction administration and inspections services agreement with CPL Architects, Engineers, Landscape Architect and Surveyor, D.P.C. for \$391,344 and establish a project contingency of \$350,000 with the project total not to exceed \$8,269,114; and

WHEREAS, the estimated total cost of the Project is \$8,269,114, and is available in Fund 420, Funds Center 123, Capital Projects B.16013 – 2016 Road Construction, B.20009 - 2020 Turn Back of Roads, B.23004 - 2023 Abbott & Willett, B.22050 - 2022 Capital Overlay, B.23050 – 2023 Capital Overlay; and

WHEREAS, the Department wishes to implement the project in a timely manner for construction.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to award and execute a construction contract between the County of Erie and D&H Excavating, Inc., for construction services in the amount not to exceed \$7,527,770; and be it further

RESOLVED, that authorization is hereby given for the County Executive or Deputy County Executive to award and execute an agreement between the County of Erie and CPL Architects, Engineers, Landscape Architect and Surveyor, D.P.C. for construction administration and inspection services in the amount of \$391,344; and be it further

RESOLVED, that authorization is hereby given for a project contingency to be established in the amount of \$350,000 with a total project cost not to exceed \$8,269,114; and be it further

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

B.16013.5	2016 Road Construction, Abbott & Willet Cons.	\$ 12,519.17
B.20009.1.2	2020 Turn Back of Roads	\$ 723,000.00
B.23004	2023 Abbott & Willett	\$3,162,500.00
B.22050.1.11	2022 Capital Overlay/Abbott & Willet	\$ 654,945.26
B.22050.2.10	2022 Capital Overlay/ Abbott & Willet	\$ 546,124.85
<u>B.23050.2.5</u>	<u>2023 Capital Overlay/ Abbott & Willet Const.</u>	<u>\$3,170,025.00</u>
Total Not to Exceed		\$8,269,114.28

and be it further

RESOLVED, that authorization is hereby given to the County Executive or Deputy County Executive to execute any necessary change orders, amendments and agreements; and be it further

RESOLVED, that the Clerk of the Legislature forward one (1) certified copy of this Resolution to the Department of Public Works, Division of Highways, and one 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