

June 29, 2023

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 10

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR GILMOUR.

1. COMM. 13E-6 (2023)
COUNTY EXECUTIVE

WHEREAS, the Erie County Division of Information and Support Services provides printing and copying services to all County departments; and

WHEREAS, the contract with the current vendor for printing and copying services ends on August 19, 2023; and

WHEREAS, a Request for Proposal was issued to seek proposals for printing and copying services; and

WHEREAS, the proposal submitted by Usherwood was found to provide the best solution for Erie County's printing and copying needs.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter a five (5) year services contract, including lease of equipment and consent to assignment of payment with Usherwood for printing and copying services at an annual cost \$476,820 (or \$39,735 a month); and be it further

RESOLVED, that the prorated cost of this contract for the remainder of 2023 is approximately \$198,675; and be it further

RESOLVED, that sufficient funding for the current year of this contract exists within the Division of Information and Support Services 2023 Budget (Fund 110, Funds Center 105) in Account 545000 - Rental Charges; and be it further

RESOLVED, that authorization is hereby given for the Division of Budget and Management to make any technical adjustments necessary to effectuate this resolution; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive's Office, the Comptroller's Office, Division of Information and Support Services, Department of Law, and Division of Budget and Management.

(4-0)

2. COMM. 13E-8 (2023)
COUNTY EXECUTIVE

WHEREAS, our local small business economy has been adversely affected by the Covid-19 pandemic; and

WHEREAS, an initial \$10 million was allocated as part of the 2022 Adopted Erie County Budget for a Storefront Revitalization Program; and

WHEREAS, Erie County has reinvested into our local business economy by offering grants of up to \$40,000 to improve the visual aesthetic, functionality, and pedestrian/customer interface of such business facades; and

WHEREAS, an additional \$5 million has been allocated as part of the 2022 Year-End Budget Balancing Amendments and Designations resolution COMM 8E-1 (2023) to help more area businesses with their recovery and continued growth; and

WHEREAS, contracts were previously awarded to H. Sicherman and Company, LLC to provide project administration services, and Clinton Brown Company Architecture, P.C., La Bella Associates, P.C., Anowara Architecture, P.C., and Bammel Architects, P.C., to provide architectural design services as a result of RFP processes; and

WHEREAS, in order to expeditiously move forward with additional storefront revitalization awards to businesses, the County would like to continue working with the existing contractors for project administration and architectural services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute all agreements necessary to implement the second round of the Storefront Revitalization Program; and be it further

RESOLVED, that authorization is hereby given to the County Executive to execute a second amended contract for consultant services in an amount not to exceed \$13,350,000 with H. Sicherman and Company, LLC; and be it further

RESOLVED, that authorization is hereby given to the County Executive to execute Contracts for Consultant services in an amount not to exceed \$1,650,000 with Clinton Brown Company Architecture, P.C., La Bella Associates, P.C., Anowara Architecture, P.C., and Bammel Architects, P.C.; and be it further

RESOLVED, that sufficient funding is available for this purpose in the Erie County 2023 Budget in Funds Center 1332010, Account 516340 – Storefront Community Revitalization; and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with State and local funding requirements; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive’s Office; the Comptroller’s Office; the Director of the Division of Budget and Management; the County Attorney; and the Commissioner of the Department of Environment and Planning.
(4-0)

3. COMM. 13E-9 (2023)
COUNTY EXECUTIVE

WHEREAS, Erie County has long recognized the importance of cultural organizations, providing annual appropriations for over 40 years; and

WHEREAS, the nonprofit arts and culture sector in Western New York spent \$156 million in the region, including expenditures for facilities and capital asset acquisition, with an additional \$196.1 million spent by their audiences to generate \$352.1 million in total economic activity in 2015; and

WHEREAS, the sector also provided 10,160 full-time equivalent jobs, generating \$208.2 million in household income to local residents. This economic activity and investment in WNY delivered \$40.3 million in local and state government revenue in 2015; and

WHEREAS, a plan is needed to more effectively connect the arts and cultural sector and its numerous assets to tourism, urban design/land use, education, economic development, and community development, in order to provide a workplan that all stakeholders can contribute to in a coordinated manner; and

WHEREAS, Erie County was awarded a \$75,000 Empire State Development (ESD) Strategic Planning and Feasibility Studies grant on a reimbursement basis; and

WHEREAS, Arts Services, Inc. is the fiscal agent for \$57,000 in grants secured by the Greater Buffalo Cultural Alliance for the creation of a Cultural Plan; and

WHEREAS, in the approved 2023 Erie County Budget funding for the development of the Cultural Plan was allocated for this purpose, including a \$15,000.00 county share; and

WHEREAS, Erie County is desirous of engaging planning services for the Erie County Cultural Plan; and

WHEREAS, in compliance with Section 26.08 of the Erie County Administrative Code a consultant selection process was undertaken to evaluate responses to Request for Proposal #2023-019VF; and

WHEREAS, Erie County desires to engage AEA Consulting to complete the Cultural Plan, the ranking and selection is further detailed in “Attachment A”.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into agreement with the New York State Department of Economic Development and the New York State Urban Development Corporation, d/b/a Empire State Development (collectively referred to as ESD) to accept \$75,000 in funding through the ESD Strategic Planning and Feasibility Studies grant program and to be used towards the Erie County Cultural Plan; and be it further

RESOLVED, that authorization is hereby given for the County Executive to enter into agreement with Art Services, Inc. to accept \$57,000 to be used towards the Erie County Cultural Plan; and be it further

RESOLVED, that authorization is hereby given for \$15,000 be transferred within the Department of Environment and Planning’s 2023 Budget and be made available as Interfund Revenue Subsidy to cover the \$15,000 County share of the Erie County Cultural Plan project as follows:

Department of Environment and Planning
Fund 110, Funds Center 16200

<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>CHANGE</u>
516020	Prof Svcs Contracts & Fees	\$(15,000)
570050	Interfund Transfer Capital	\$ <u>15,000</u>
	TOTAL	<u>\$ 0</u>

and be it further

RESOLVED, that authorization is hereby given to create a new capital project in Fund 410, Funds Center 162 for the Erie County Cultural Plan project as follows:

Project A.213XX – Erie County Cultural Plan
Fund 410, Funds Center 162

REVENUES		
409000	State Aid Revenue	\$ (75,000.00)
479100	Other Contributions	(57,000.00)
486000	Interfund Revenue Subsidy	(15,000.00)
	TOTAL	<u>\$(147,000.00)</u>

APPROPRIATIONS		
	Capital Project Expense	<u>\$(147,000.00)</u>

and be it further

RESOLVED, that authorization is hereby given to the County Executive to enter into contract with AEA Consulting in an amount not to exceed \$124,740 for planning services for the Erie County Cultural Plan; and be it further

RESOLVED, that authorization is hereby given to the County Executive to execute amendments or change orders as necessary in the amount not to exceed \$22,260; and be it further

RESOLVED, that authorization is hereby given to the Director of the Division of Budget and Management to implement any budget adjustments as required to comply with private, State and local funding requirements; and be it further


RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Comptroller's Office, the Director of the Division of Budget and Management, the Department of Law, and the Department of Environment and Planning.

Attachment 1: Consultant Selection Scores

ERIE COUNTY CULTURAL PLAN
PROPOSAL EVALUATION FORM

DATE: 4/28/2023	CONSULTANT TEAMS			
Names of consultants:	Aria Strategies	Fourth Economy	AEA Consulting	SAIRA consulting
REVIEWERS	RATING	RATING	RATING	RATING
REVIEWER 1:	3	1	2	4
REVIEWER 2:	4	1	3	2
REVIEWER 3:	3	2	1	4
REVIEWER 4:	3	1	2	4
REVIEWER 5:	3	2	1	4
RANKING:	3	2	1	4
Cost Proposal:	\$ 124,800.00	\$ 124,533.00	\$ 124,740.00	\$ 118,525.00
RANKING:	3	2	1	4
INTERVIEW SCORE:		2	1	
FINAL RANKING:	3	2	1	4

FORMAL RECORDED VOTE:		
RANK	CONSULTANT	VOTES BY
Recommended:	AEA	Unanimous

REVIEWED & APPROVED: 
Deputy County Executive

(4-0)

4. COMM. 13E-11 (2023)
COUNTY EXECUTIVE

WHEREAS, on February 18, 2021 your Honorable Body authorized the Construction Contracts for the Erie County Medical Examiner's Anthropology Lab Phase 6 Renovations via Comm. 3E-7 (2021); and

WHEREAS, unforeseen conditions incurred during the execution of the Project brought on by delays during the COVID pandemic, as well as, ECMEO's increased demand on the facility along with additional scope requested by the Erie County Medical Examiner's Office to accommodate additional staff, made it necessary for the Construction Contingency to be increased.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to increase the current construction contingency fund by \$60,000.00 from \$140,467.42 to \$200,467.42; and be it further

RESOLVED, that change order reductions will result in these funds being returned to the Construction Contingency fund; and be it further

RESOLVED, that authorization is hereby given for the County Executive to negotiate and issue Contract Amendments to the previously approved contractors on site to complete the additional work; and be it further

RESOLVED, that authorization is hereby given for the Comptroller's Office be to make payment for all the above from the following Capital Projects in Fund 410, Funds Center 122 as follows:

A.20003 – 2020 Erie County Medical Examiners Toxicology/Pathology Phase 6	\$44,861.52
<u>A.21108 – 2021 Erie County Medical Examiners Toxicology/Pathology Phase 7</u>	<u>\$15,138.48</u>
TOTAL	\$60,000.00

and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the County Executive's Office, the Comptroller's Office, the Department of Public Works, the Department of Health - Medical Examiner's Office, and the Division of Budget and Management.
(4-0)

5. COMM. 13E-12 (2023)
COUNTY EXECUTIVE

WHEREAS, the existing layout of the Health Lab Building is situated in a manner that does not meet the needs of the Health Department due to increased staff as well as operational needs; and

WHEREAS, the County of Erie received general construction and electrical construction bids for the Renovation project on February 22, 2023, but did not receive any mechanical construction or plumbing construction bids at that time; and

WHEREAS, the mechanical construction and plumbing construction were rebid on April 12, 2023 but did not receive any bids; and

WHEREAS, while Sicoli Construction Services was the apparent low-bidder on for the General Construction Contract, they withdrew their bid prior to uploading a resolution for construction contract award per the terms of General Municipal Law 105; 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 mechanical contractors and plumbing contractors directly to award the work since no bids were received for two consecutive publicly advertised bids for mechanical construction and plumbing construction scope of work; and

WHEREAS, the Department of Public Works requested mechanical construction and plumbing construction bid proposals directly from several contractors, and received mechanical construction and plumbing construction bids for the project on May 24, 2023; and

WHEREAS, the Department of Public Works, along with Foit Albert Associates is recommending award of the contract to the lowest responsible bidders for the general construction and electrical construction received on February 22, 2023 and to the lowest responsible bidders for the mechanical and plumbing construction received on May 24, 2023.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a contract with the lowest responsible bidders for the Erie County Health Lab Building 17 Renovations – Phase 3 for an amount not to exceed as follows:

<u>General Construction Work</u>		
Rodriguez Construction Group	Base Bid:	\$1,708,000
<u>Electrical Construction Work</u>		
CIR Electrical Construction Corp.	Base Bid:	\$ 269,680
<u>Mechanical Construction Work</u>		
John W Danforth Co.	Base Bid	\$ 498,000
<u>Plumbing Construction Work</u>		
MKS Plumbing Corp.	Base Bid	\$ 122,122
Total Award of Construction Contract:		\$2,597,802

and be it further

RESOLVED, that authorization is hereby given for a sum of \$250,000 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 deductions will result in these funds being returned to the Construction Contingency Fund; and be it further

RESOLVED, that authorization is hereby given to the Comptroller’s Office to make payment for all the above from the following Capital Projects in Fund 410, Funds Center 122 as follows:

A.23001 - DPW (Buildings and Grounds) – Roof Replacement and Exterior Waterproofing (Countywide)	\$ 17,934.41
A.22004 - DPW (Buildings and Grounds) – EC Health Department – Improvements to Building 17 (Buffalo)	\$2,591,718.89
A.22002 - DPW (Buildings and Grounds) – Roof Replacement and Exterior Waterproofing (Countywide)	\$ 98,485.00
A.21153 – EC Health Lab	\$ 10,710.00
A.20002 - DPW (Buildings and Grounds) - Roof Replacement and Exterior Waterproofing (Countywide) - General	\$ 93,850.57
<u>A.19002 - Roof Replacement and Exterior Waterproofing (Countywide)</u>	<u>\$ 35,103.13</u>
TOTAL	\$2,847,802.00

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 County Executive’s Office, the Comptroller’s Office, and the Division of Budget and Management.
(4-0)

6. COMM. 13E-13 (2023)
COUNTY EXECUTIVE

WHEREAS, the Commissioner of Public Works desires to engage in services for Special Inspections and Testing in order to comply with the requirements of Building Code on various County projects; and

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, the Department of Public Works was made aware that SJB Services has been acquired by Atlantic Testing Laboratories on April 13, 2023; and

WHEREAS, the Department of Public Works is recommending transferring the contract from SJB Services, Inc. to Atlantic Testing Laboratories at the revised rate schedule provided by Atlantic Testing after they acquired SJB Services, Inc.; and

WHEREAS, the Department of Public Works is requesting an extension of the Special Inspections and Testing contract for the 5th year and final one-year extension of the original contract per the terms of the original Request for Qualifications received on March 6, 2019 to provide the required services; and

WHEREAS, the remaining funds originally authorized per COMM 8E-6 (2019) will be used for the final year of the term contract (Contract # 19-492-PW); and

WHEREAS, all terms of the original Request for Qualifications COMM 8E-6 (2019) and contract (19-492-PW) will remain with the amendment wage rate schedule.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute an amendment to the contract with the SJB Services, Inc./Atlantic Testing Laboratories for the Erie County – On-Call Special Inspections and Tests for a one-year extension of the term contract valid through June 1, 2024 with an amended wage rate schedule; and be it further

RESOLVED, the authorization is hereby given for the County Executive to transfer the terms of the original contract with SJB Services, Inc. to Atlantic Testing Laboratories based on Atlantic Testing Laboratories acquiring SJB Services, Inc.; and be it further

RESOLVED, that the total cost of this contract including the one-year extension will still not exceed the original contracted amount of \$150,000; and be it further

RESOLVED, that sufficient funding was previously authorized in COMM 8E-6 (2019) to cover the total cost of this contract as memorialized below:

A.18004 – Code and Environmental Compliance	\$ 75,000.00
<u>Sewer Operating Fund 220</u>	<u>\$ 75,000.00</u>
Total Payment Not To Exceed:	\$150,000.00

and be it further

RESOLVED, that two certified copies each of this resolution be sent to the Department of Public Works, Commissioner's Office, and Department of Environment and Planning, Division of Sewerage Management and one copy each to the County Executive's Office, the Comptroller's Office, and the Division of Budget and Management.
(4-0)

HOWARD J. JOHNSON, JR.
CHAIR