

July 13, 2023

ECONOMIC DEVELOPMENT COMMITTEE  
REPORT NO. 11

ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 14E-11 (2023)  
**COUNTY EXECUTIVE**

WHEREAS, the Department of Information and Support Services (DISS) requires a Point of Presence server room to be installed on the 15<sup>th</sup> floor of the Erie County Rath Building in preparation of ErieNet; and

WHEREAS, construction for the abatement scope of work for this Project was previously approved per COMM. 10E-9 (2023); and

WHEREAS, the Rath Building – ErieNet POP Server Rm 15th Floor renovation project includes the required scope of work to house the future Point of Presence to support ErieNet; and

WHEREAS, the Department of Public Works (DPW) received bids for the Rath Building 15<sup>th</sup> Floor Abatement Project on June 20, 2023; and

WHEREAS, the lowest bidder on the General Construction Contract was not an acceptable bid as the responsibility questionnaire was not included as required per Local Law 2-2021; and

WHEREAS, the lowest responsible bidder for the General Construction Contract was Rodriguez Construction; and

WHEREAS, no bids for the Mechanical Construction and the Electrical Construction Contracts were received and these contracts will have to be publicly re-bid; and

WHEREAS, the Department of Public Works and C&S Engineers are recommending award of the contract to the lowest responsible bidder for the Rath Building – ErieNet POP Server Rm 15th Floor Project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a contract with the lowest responsible bidder for the Rath Building – ErieNet POP Server Rm 15th Floor Renovation project for an amount not to exceed as follows:

<u>Abatement Construction Work</u>		
Rodriguez Construction	Base Bid:	\$ 639,000.00
Total Award of General Construction Contract:		\$ 639,000.00

and be it further

RESOLVED, that authorization is hereby given that the sum of \$33,000.00 will 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 authorization is hereby given for \$37,000 of Construction Contingency Funds previously designated for the ErieNet POP Room Project per COMM. 10E-9 (2023) be used for all contracts associated with the ErieNet POP Server Room Projects; 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 to the Comptroller’s Office to make payment from the following capital project in Funds Center 122, Fund 410:

A.23005 – DPW (Bldgs and Grounds) Prevention of County Buildings and Facilities	\$351,000
<u>A.22068 – 2022 DISS Point of Presence Server Room</u>	<u>\$321,000</u>
Total:	\$672,000

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.

(5-0) Chair Baskin not present for vote.

2. COMM. 14E-12 (2023)  
**COUNTY EXECUTIVE**

WHEREAS, the County of Erie received bids for the Erie County Medical Examiner’s Office Renovations Phase 7 project on June 13, 2023; and

WHEREAS, the Department of Public Works, along with Trautman Associates is recommending award of the contract to the lowest responsible bidders; and

WHEREAS, the County Executive is requesting authorization to issue an Agreement Amendment to the firm of Trautman Associates for providing additional design and construction administration for Phase 7; and

WHEREAS, the Medical Examiner’s Office added additional staff during the Phase 5 construction requiring additional design services by Trautman Associates; and

WHEREAS, the County Executive is requesting authorization to issue an agreement amendment to the firm of Watts Architecture & Engineering for providing asbestos, air monitoring and testing services.

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 Medical Examiner’s Office Renovations – Phase 7 project for an amount not to exceed as follows:

General Construction Work: Resetarits Construction	Base Bid	\$1,688,000
Hazardous Materials: Oneida Sales & Service	Base Bid	\$81,400
Mechanical Work: John W. Danforth Company	Base Bid	\$636,000
Electrical Construction Work CIR Electric & Construction Corp.	Base Bid	\$342,100
Plumbing Work MKS Plumbing Corp.	Base Bid	\$248,000
Roofing Work Progressive Roofing	Base Bid	\$380,000
Total Award of Construction Contracts		\$3,375,500

and be it further

RESOLVED, that authorization is hereby given for the sum of \$330,000 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 reductions will result in these funds being returned to the Construction Contingency Fund; and be it further

RESOLVED, that authorization is hereby given to the County Executive to execute an Agreement Amendment with the firm of Trautman Associates, for additional design services for the Phase 5 Renovations and additional design and construction administration for Phase 7 project for an amount not to exceed \$230,000.00; and be it further

RESOLVED, that authorization is hereby given to the County Executive to execute an Agreement Amendment with Watts Architecture and Engineering for additional abatement air monitoring and testing fee in an amount not to exceed \$12,000.00 for this project; and be it further

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

A.21108	2021 Medical Examiners Toxicology/Pathology Renovations	\$2,933,861.00
A.22006	2022 Medical Examiner’s Toxicology/Pathology Renovations	\$1,013,639.00
Total Payments not to exceed		\$3,947,500.00

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.  
(5-0) Chair Baskin not present for vote.

3. COMM. 14E-13 (2023)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature previously authorized the 2021-2022 Large Culvert/Small Bridge and Pedestrian Bridge Condition Inspection Contract with Popli Design Group in COMM 12E-19 (2021) on June 24, 2021; and

WHEREAS, the resolution includes the provisions to extend the contract for an additional 2-year period, covering 2023-2024, subject to renegotiated costs and Legislative approval; and

WHEREAS, Popli Design Group has performed the inspections in a timely and efficient manner in the previous 2-year period, covering 2021-2022; and

WHEREAS, there is a need for structural inspections, including large culvert/small bridges and pedestrian bridges, to be performed by an engineering firm specializing in such services; and

WHEREAS, Legislative approval is required for the County Executive to extend the contract with Popli Design Group for the 2023-2024 period.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a contract extension with Popli Design Group for the 2021-2022 Large Culvert/Small Bridge and Pedestrian Bridge Condition Inspection Services project for a 2-year period covering 2023-2024 in an amount not to exceed \$497,150; and be it further

RESOLVED, that funds be made available for the Project from the following Projects in Fund 420, Funds Center 123:

B.21155 – 2021 Culvert Bridge Inspection Program	\$212,601.95
B.22060 – 2022 Large Culvert, Small Bridge, Ped. Bridge Insp.	\$200,000.00
<u>B.23055 – 2023 Culvert Bridge &amp; Ped Bridge Inspect</u>	<u>\$ 84,548.05</u>
<b>TOTAL PROJECT</b>	<b>\$497,150.00</b>

and be it further

RESOLVED, that five (5) 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, the Division of Budget and Management, and the Division of Purchase.  
(5-0) Chair Baskin not present for vote.

4. COMM. 14E-14 (2023)

**COUNTY EXECUTIVE**

WHEREAS, the 2021 year-end Budget Balancing resolution, Comm. 8E-1 (2022) was approved on May 12, 2022 allocating funding to a variety of community development and County projects in the interest of fostering tourism and supporting arts and cultural organizations, including \$25,000,000 to the “Cultural Agency Capital Fund”; and

WHEREAS, the nonprofit arts and culture sector is a significant industry in the Western New York economy generating over \$352 million in direct and indirect economic activity according to Arts Services Initiative; and

WHEREAS, the aforementioned Fund seeks to provide capital improvement grants to defray the cost of capital improvements at art and cultural institution’s facilities; and

WHEREAS, a competitive application process was facilitated by the Department of Environment and Planning and the Erie County Capital Projects Committee reviewed applications and selected a list of awardees representing arts and cultural organizations throughout the County; and

WHEREAS; additional legislation is needed to enter into contracts with awarded arts and cultural organizations to facilitate the projects; and

WHEREAS, pursuant to 6 N.Y.C.R.R. § 617.1 which implements the State Environmental Quality Review Act requires the consideration of environmental factors into decision making processes of local governments prior to the Legislature undertaking, approving or funding an action; and

WHEREAS, the proposed cultural capital project is considered an Unlisted action pursuant to SEQR; and

WHEREAS, the Hispanic Heritage Cultural Institute was among those selected for grant awards.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature concurs with the City of Buffalo’s negative declaration dated May 8, 2023, as set forth in 6 N.Y.C.R.R. § 617.7(c) denoting a de minimis environmental impact; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute a contract with the Hispanic Heritage Council of Western New York in the amount of \$500,000, from the capital account A.22095.1.3; 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, the authorization is hereby given to the County Executive and the Department of Law to execute easements, deed restrictions, intermunicipal agreements and/or place additional requirements on the aforementioned contracting entity and associated real property (project location) as necessary to implement the project; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the Erie County Executive’s Office, Comptroller’s Office, Division of Budget and Management, Department of Law, and Department of Environment and Planning.  
(5-0) Chair Baskin not present for vote.

5. COMM. 14E-16 (2023) **AS AMENDED**  
**COUNTY EXECUTIVE**

WHEREAS, the November 2022 Winter Storm and December 2022 Blizzard required extensive snow removal operations in order to allow for roads to be opened for travel; and

WHEREAS, during the snow removal operations for both of these storms, damage was caused to items such as curbs, sidewalk, drainage inlets, landscaping, and other county-maintained infrastructure and appurtenances within the County right-of-way; and

WHEREAS, the Erie County Department of Public Works desires to restore these items to their pre-storm conditions as part of the 2022 Storm Damage Restoration Project (CAP-STORM2022), (the "Project"); and

WHEREAS, the design of the 2022 Storm Damage Restoration is complete and will be publicly bid in June 2023; and

WHEREAS, the Department of Public Works would like to successfully implement the Project in a timely manner, it will be necessary to execute the construction contract with the lowest responsible bidder, McLaughlin Construction Corp. dba. Edbauer Construction, and establish a construction contingency, for a total project construction phase allowance of \$1,750,000.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the utilization of \$1,750,000 within the November 2022 Storm Fund (Fund 254) to create a new capital project in Fund 420, Funds Center 123 for the 2022 Storm Damage Restoration Project as follows:

Project B.23XXX 2022 Storm Damage Restoration Project Fund 420, Funds Center 123	
REVENUES	
486000 Interfund Revenue Subsidy	<u>\$1,750,000</u>
TOTAL	<u>\$1,750,000</u>
APPROPRIATIONS	
CAPITAL PROJECT EXPENSE	<u>\$1,750,000</u>
TOTAL	<u>\$1,750,000</u>

and be it further

RESOLVED, that authorization is hereby given to the County Executive to execute a contract for ECDPW Project CAP-STORM2022 with the lowest responsible bidder, McLaughlin Construction Corp. dba. Edbauer Construction in an amount not to exceed \$1,685,000; and be it further

RESOLVED, that authorization is hereby given for the sum of \$65,000 to be allocated to a construction contingency fund with authorization for the County Executive to execute change orders in an amount not to exceed the contingency fund; 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 to the Division of Budget and Management to make any budget adjustments necessary to effectuate the transfer of funds for this project; 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 County Executive's Office, the Comptroller's Office, the Division of Budget and Management, and the Department of Law. (5-0) Chair Baskin not present for vote.

6. COMM. 14E-20 (2023)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie Community College currently does not have the proper athletic fields in accordance with NCAA regulations to support their athletic teams; and

WHEREAS, the Erie County Department of Public Works (DPW) received professional Architectural/Engineering design qualifications and proposals for the SUNY Erie Community College North Campus ECC North Campus Sports Playing Fields – Term Agreement project on April 19, 2023; and

WHEREAS, a review of qualifications evaluated each firm, it was deemed, via the County's consultant selection process, that Wendel WD, Architects, Engineering, Surveying, and Landscape Architects, PC (Wendel) had the necessary expertise, experience, and manpower to provide the required architectural and engineering services to support the project; and

WHEREAS, it has been determined that it was appropriate to award the term contract to one design firm; and

WHEREAS, the qualifications and proposals were solicited by DPW as a term agreement with an initial scope of providing a new NCAA compliant multi-use field with supporting amenities as the initial (Phase 1) lump sum proposal; and

WHEREAS, the Phase 1 scope of work includes design of the initial scope of work as well as a masterplan for planning purposes of the open grass area apart of the campus north of the campus buildings bound by Arrow Drive, Main Street, Youngs Road and Tech Drive; and

WHEREAS, the County Executive is requesting authorization to enter into a three (3) year Term Agreement with Wendel for a lump sum proposal as submitted for Phase 1 providing professional architectural/engineering services for SUNY Erie Community College North Campus ECC North Campus Sports Playing Fields – Term Agreement project, with the possibility of two (2) one (1) year extensions at the discretion of DPW; and

WHEREAS, the design fee for the professional services described herein is being requested for the initial scope titled ‘Phase 1’ as future scopes of work to further develop the fields at the Erie Community College North Campus based on the needs of the facility and available construction funds; and

WHEREAS, proposals for design services for future scopes of work not included in ‘Phase 1’ will be negotiated with the County, ECC and the consultant and all future work will be proposed before your Honorable Body for approval based on available funds; and

WHEREAS, the County of Erie will receive 50% reimbursement from New York State for this project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into one three (3) year Term Agreement with the firm of Wendel, with the possibility of two (2) one (1) year extensions, for providing professional engineering services on a lump sum basis for the SUNY Erie Community College North Campus ECC North Campus Sports Playing Fields – Term Agreement project for an amount not to exceed \$500,000, including architectural and design services, site investigations and field work to support the project, and reimbursables; and be it further

RESOLVED, the initial design services as part of the term agreement includes design of the Phase 1 work as initial lump sum in the amount of \$391,955 inclusive of base design fee, and reimbursables, with future work to be determined in coordination with the Consultant, ECC, and DPW as a negotiated lump sum fee for the scope of work at hand as agreed upon by all parties; and be it further

RESOLVED, authorization is hereby given for a design contingency to be included as part of the Phase 1 work in the amount of \$108,045; and be it further

RESOLVED, that sufficient funding exists for this contract in the Buildings and Grounds Capital Project (Fund 480, Funds Center 122) E.20001 - 2000 Collegewide Improvements and Renovations; and be it further

RESOLVED, authorization is hereby given for any unused design contingency may be used for future phases of work; and be it further

RESOLVED, that such contract extensions are at the discretion of DPW as agreed upon by Wendel; 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, the Division of Budget and Management, and SUNY Erie Financial Officer.  
(5-0) Chair Baskin not present for vote.

7. COMM. 14E-21 (2023)

**COUNTY EXECUTIVE**

WHEREAS, frequent repairs and limited to no availability on replacement parts make the electrical switchgear increasingly less reliable and more dangerous to maintenance staff to preform repairs; and

WHEREAS, the Buffalo Erie County Central Library seeks to upgrade the equipment for the well-being of the facility and safety of their staff as the current switchgear is beyond its useful life being original to the building; and

WHEREAS, completion of the Project will ensure the library will continue to perform efficiently for all staff and patrons; and

WHEREAS, the County of Erie received electrical construction bids for the Buffalo and Erie County Central Library Electrical Switchgear Replacement Project on June 14, 2023; and

WHEREAS, the Department of Public Works along with its consultant, Trautman Associates, are recommending award of the contracts to the lowest responsible bidder.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contracts with the lowest responsible bidders for the Project for an amount not to exceed as follows:

Electrical Construction Work

Frey Electric Construction Co., Inc.	Base Bid:	\$ 757,000.00
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Total Award of Electrical Construction Contract:	\$ 757,000.00

and be it further

RESOLVED, that authorization is hereby given for the sum of \$76,000 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 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 Comptroller's Office to make payment for all the above from the following Capital Project, Fund 410, Funds Center 122 and Library State Aid Grant, Funds 821, Funds Center 420 and Grant 420NYSCONSTCTR2124 – NYS Construction Grant – Central, Account 516020 - Professional Services, Contracts and Fees as follows:

A.22007 – DPW (Buildings and Grounds) – Buffalo & Erie County Public Library – Various Improvements and Upgrades	\$246,451
<u>Grant 420NYSCONSTCTR2124 – NYS Construction Grant – Central</u>	<u>\$586,549</u>
Total payment not to exceed	\$833,000

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, the Division of Budget and Management, the Buffalo & Erie County Central Library, Kenneth Stone.

(5-0) Chair Baskin not present for vote.

8. COMM. 14E-24 (2023)

**COUNTY EXECUTIVE**

WHEREAS, Erie County has received funding through the American Rescue Plan Act (ARPA) State and Local Fiscal Recovery Funds (SLFRF) to respond to negative impacts resulting from the COVID-19 pandemic and meet local needs within eligible use categories; and

WHEREAS, more than \$89 million SLFRF was appropriated as part of a newly created American Rescue Plan Fund (Fund 253) in the 2022 Adopted Erie County Budget; and

WHEREAS, \$24 million of which was appropriated to the Department of Health to support urgent COVID-19 response efforts necessary to decrease the spread of the virus and bring the pandemic under control; and

WHEREAS, with the end of the local COVID-19 State of Emergency, previously appropriated funding remained that was eligible for reallocation; and

WHEREAS, the County seeks to address vacant property in communities disproportionately impacted by the pandemic, while simultaneously addressing the ongoing lack of affordable housing that has been exacerbated by the pandemic; and

WHEREAS, \$13.5 million in remaining SLFRF will be re-appropriated to increase the supply, quality, and diversity of housing while also addressing socioeconomic inequities amongst some of the lowest income residents of our community; and

WHEREAS, development of affordable housing is an enumerated eligible use within SLFRF to respond to the negative economic impacts of the pandemic; and

WHEREAS, Erie County’s localized response to the pandemic seeks to address a shortage in housing supply while also providing opportunities for wealth-building via homeownership opportunities to low- and moderate-income families; and

WHEREAS, the County of Erie seeks to establish a relationship with a development partner to assist with the above stated goals and therefore requests approval to contract with the Buffalo Erie Niagara Land Improvement Corporation (BENLIC) for the development of approximately 40 single-family, new construction, homeownership units for sale to low- and moderate-income income buyers whose incomes do not exceed 300% of the federal poverty level; and

WHEREAS, said units will be infill housing, constructed on vacant lots to be conveyed to or already owned by BENLIC for this purpose; and

WHEREAS, BENLIC will be responsible for securing financing and overseeing construction of said parcels, as well as marketing said homes, securing income-eligible homebuyers, and providing homebuyer counseling; and

WHEREAS, ARPA SLFRF guidelines mandate that funds must be committed by December 31, 2024, and expended by December 31, 2026.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the re-appropriation and transfer of \$13,500,000 of remaining ARPA SLFRF from direct COVID-19 mitigation to affordable housing development within the American Rescue Plan Fund (Fund 253) as follows:

Health Division  
Fund 253, Funds Center 12700

<u>ACCOUNT</u>	<u>REVENUE</u>	<u>CHANGE</u>
414027	Federal Aid – American Rescue Plan	<u>\$(13,500,000)</u>
	TOTAL	<u>\$(13,500,000)</u>

<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>CHANGE</u>
516044	COVID 19 Mitigation – American Rescue	<u>\$(13,500,000)</u>
	TOTAL	<u>\$(13,500,000)</u>

Environment and Planning  
Fund 253, Funds Center 16200

<u>ACCOUNT</u>	<u>REVENUE</u>	<u>CHANGE</u>
414027	Federal Aid – American Rescue Plan	<u>\$ 13,500,000</u>
	TOTAL	<u>\$ 13,500,000</u>

<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>CHANGE</u>
516046	Affordable Housing – American Rescue Plan	<u>\$ 13,500,000</u>
	TOTAL	<u>\$ 13,500,000</u>

and be it further

RESOLVED, that authorization is hereby given to the County Executive to execute an agreement with BENLIC for development of single-family infill homes within Erie County for sale to eligible low/moderate income buyers; 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 and re-appropriation of funds within the American Rescue Plan Fund (Fund 253) to effectuate the full utilization of ARPA SLFRF in advance of programmatic obligation and expenditure deadlines set by the U.S. Department of Treasury; and be it further

RESOLVED, that this Resolution takes effect from and after its date of adoption; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive’s Office; the Director of the Division of Budget and Management; the Comptroller’s Office; Commissioner of the Department of Environment and Planning, and the County Attorney.  
(6-0)

**HOWARD J. JOHNSON, JR.**  
**CHAIR**