

Amending Capital Project No. 242 – Authorizing And Funding A Change Order For Out-Of-Scope Services And Rate Adjustments For The Elimination And Replacement Of Two Bridges, Carrying Old New Paltz Road (CR159) Over The Abandoned Conrail Right-Of-Way, In The Town Of Lloyd (Highway Bridge Replacement And Rehabilitation) PIN 8755.14, BIN 3224270 And BIN 3224280 – Amending The 2009-2014 Capital Program – Amending The 2009 Ulster County Capital Fund Budget – Department Of Public Works (Highways And Bridges)

The Public Works and Capital Projects Committee (Chairman Loughran and Legislators Decker, Hochberg, Sheeley, Fabiano, Felicello and Roberts) offers the following:

WHEREAS, pursuant to Resolution No. 332 dated November 9, 2000, the Chairman of the Ulster County Legislature executed an agreement with the New York State Department of Transportation approving a Federal Aid Highway Replacement Project not on the State Highway System and authorizing Ulster County to fund for Preliminary Engineering and Right Of Way Incidentals phases for the Replacement of two bridges on County Road 159 over the Abandoned Conrail, Town of Lloyd, (PIN 8755.14), BIN's 3224270 and 3224280 (hereinafter known as the "Project"), and

WHEREAS, the costs for the Project were to be borne at the rate of 80% Federal funds and 20% non-federal funds and Ulster County agreed to advance the project by making a commitment of 100% of the federal and non-federal share of the costs of preliminary engineering and right-of-way incidental work, and

WHEREAS, pursuant to Resolution No. 333 dated November 9, 2000, the sum of \$215,000.00 was appropriated to cover the cost of the Preliminary Engineering and Right-of-Way Incidentals phases of Project or portions thereof, and

WHEREAS, subsequently, additional sums were appropriated to cover the cost of these phases pursuant to Resolution No. 140 dated April 14, 2005, \$46,433.00, Resolution No. 119 dated April 11, 2006, \$10,000.00, and Resolution No. 379 dated November 8, 2006, \$25,575.00, bringing the total appropriation to \$297,008.00 as of November 8, 2006, and

WHEREAS, the completion date of this project was originally assumed to occur in 2003, however, due to delays created by a determination, after entering into the engineering agreement, that the bridges were eligible for historic status and extended review periods of the various aspects of the design, the Preliminary Engineering and Right-of-Way Incidentals phases will now be completed in the spring of 2009, and

Resolution No. 124 April 7, 2009

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WHEREAS, it is now necessary to increase funding to cover adjustments for rate escalations due to these unforeseen project delays and out-of-scope services required to complete the project, and

WHEREAS, the additional funds required for these phases will be approximately \$56,993.00, in advance funding for Federal and Non-Federal costs, and it is hereby authorized for the rate escalations and out-of-scope services (of this amount approximately 95% will be reimbursed by the State of New York Transportation Funds), and

WHEREAS, the Commissioner of Public Works has requested that the Ulster County Legislature authorize and fund a change order for the rate escalations and out-of-scope services in the amount of \$56,993.00, for the Elimination of two bridges on County Road 159 over the Abandoned Conrail, Town of Lloyd, (PIN 8755.14), BINs 3224270 and 3224280 for the Preliminary Engineering and Right-of-Way Incidental Phase of Capital Project No. 242 – Bridge Elimination, and

WHEREAS, full completion of the Preliminary Engineering and Right-of-Way Incidental Phase of Capital Project No. 242 will enable the balance of the project to qualify for 100% funding from Federal Stimulus monies, and

WHEREAS, the current total Project cost is now estimated to be \$2,656,993.00 (\$2,271,000.00 as of December 2008, plus \$329,000.00 additional costs for Construction and Construction Inspection, plus \$56,993.00 in additional Preliminary Engineering and Right-of-Way Incidental costs), and

WHEREAS, the Public Works and Capital Projects Committee has met and reviewed said request with a majority of the members voting approval, and

WHEREAS, the Ways and Means Committee has met and reviewed said request with a majority of the members voting approval, now, therefore, be it

Resolution No. 124 April 7, 2009

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RESOLVED, that the Ulster County Legislature is hereby authorized to execute an amended agreement with Modjeski & Masters for change orders for rate escalations and out-of-scope services in the amount of \$56,993.00 for the Project, and, be it further

RESOLVED, that the 2009 – 2014 Capital Program is hereby amended to increase Project costs in the amount of \$385,993.00 from \$2,271,000.00 to \$2,656,993.00 for Preliminary Engineering, Right- Of- Way Incidentals, Construction, and Construction Inspection as follows:

	<u>INCREASE</u>	<u>AMOUNT</u>
Capital Project No. 242	Bridge HBRR, Lloyd	\$385,993.00

and, be it further

RESOLVED, that the Capital Project Fund is hereby amended as follows:

<u>TRANSFER</u>		
<u>FROM</u>		<u>AMOUNT</u>
A4-1331-4553 (App. #)	Contingent Account	\$ 2,850.00
<u>TO</u>		<u>AMOUNT</u>
A4-4650-9006 (App. #)	Transfer to Capital Projects Fund Capital Project No. 242	\$ 2,850.00

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	<u>INCREASE</u>	<u>AMOUNT</u>
H4-0242-2962 (App. #)	Capital Project No. 242 Engineer Services	\$56,993.00
H3-0242-3591	State Aid, Highway Projects	\$ 8,549.00
H3-0242-4591	Federal Aid, Highway Projects	\$45,594.00
H3-0242-5031 (Rev. #'s)	Interfund Revenues	\$ 2,850.00

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 25 NOES: 0
(1 Abstention: Legislator Roberti)
(Absent: Legislators Aiello, Dart, Maloney,
Provenzano, Roberts, Shapiro and Stoeckeler)

FINANCIAL IMPACT:

\$56,993.00 – CAPITAL PROJECT NO. 242 APPROPRIATION DOLLARS
\$45,594.00 – 80% REIMBURSABLE FROM FEDERAL REVENUE DOLLARS
(STIMULUS)
\$ 8,549.00 – 15% REIMBURSABLE FROM STATE REVENUE DOLLARS
\$ 2,850.00 – 5% COUNTY DOLLARS - LOCAL MATCHING SHARE

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STATE OF NEW YORK

ss:

COUNTY OF ULSTER

This is to certify that I, the undersigned Clerk of the Legislature of the County of Ulster have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 7th Day of April, 2009, and that the same is a true and correct transcript of said resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 9th Day of April in the year Two Thousand and Nine.

|s| Mary L. Carey
Mary L. Carey, Clerk
Ulster County Legislature

Submitted to the County Executive this

9th Day of April, 2009.

|s| Mary L. Carey
Mary L. Carey, Clerk
Ulster County Legislature

Approved by the County Executive this

9th Day of April, 2009.

|s| Michael P. Hein
Michael P. Hein, County Executive