Public Works & Capital Projects

RESOLUTION NO. 2015222

RE: AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFOR (PIN 8757.26) MILL STREET, TIVOLI (CR 78)

Legislators HUTCHINGS, BOLNER, BORCHERT, HORTON SAGLIANO, FARLEY, and STRAWINSKI offer the following and move its adoption:

WHEREAS, a project for Mill Street (CR 78) Bridge over Stony Creek (BIN 1047720) in the Village of Tivoli, Dutchess County PIN 8757.26 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds, and

WHEREAS, Dutchess County desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of right-of-way acquisition, now therefore be it

RESOLVED, that the Dutchess County Legislature hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Dutchess County Legislature hereby authorizes Dutchess County to pay in the first instance 100% of the federal and non-federal share of the cost of right of way acquisition work for the project or portions thereof, and it is further

RESOLVED, that the sum of $7,830 is hereby appropriated from Capital Project H0289.5120.3450.213 – 2000 Bridges (ISTEA/TEA21) and made available to cover the cost of participation in the above phase of the Project, and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Dutchess County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Dutchess County Executive thereof, and it is further

RESOLVED, that the County Executive be and he hereby is authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid on behalf of Dutchess County with the New York State Department of Transportation in connection with the advancement or approval of the Project 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 it is further

RESOLVED, that a copy of this resolution shall be filed with the New York State Commissioner of Transportation by attaching it to any necessary executed agreement in connection with the project, and it is further

RESOLVED, that this resolution shall take effect immediately.

CA-141-15
CAB/kvh/R-0951
8/14/14
Fiscal Impact: See attached statement

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess 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 16th day of September, 2015, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this16th day of September, 2015.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

☐ NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost $ 7,830

Total Current Year Revenue $ 7,439
and Source

Source of County Funds *(check one)*: ☑ Existing Appropriations, ☐ Contingency, ☐ Transfer of Existing Appropriations, ☐ Additional Appropriations, ☐ Other *(explain)*.

Identify Line Items(s):
H0289.5120.3450.213

Related Expenses: Amount $ _____
Nature/Reason:

Anticipated Savings to County: _____

Net County Cost (this year): $391
Over Five Years: _____

Additional Comments/Explanation:
This F.I.S. is related to the resolution request to accept Supplemental Agreement # 2 for Right Way Acquisition funds and increase the Marchisell (State) aid for the Preliminary Engineering phase and to extend the end date from NYSDOT for PIN 8757.26 Mill Street (CR 78) over Stony Creek Bridge RH-25 (BIN 1047720) in the Village of Tivoli, Dutchess County.

Prepared by: Rosanne M. Hall, Contract Specialist, 486-2924 Prepared On: 08/10/15

Dut.pdf

Supplemental Agreement Cover for Local Agreements (11/12)
MUNICIPALITY/SPONSOR: Dutchess County
PIN: 8757.26
BIN: 1047720
Comptroller's Contract No: D024643
Supplemental Agreement No. 2
Date Prepared & By: 08/05/2015dh

SUPPLEMENTAL AGREEMENT NO 2 to D024643

This Supplemental Agreement is by and between:

the New York State Department of Transportation ("NYSDOT"), having its principal office at 50 Wolf Road, Albany, New York, 12232, on behalf of New York State ("State");

And

Dutchess County (the Municipality/Sponsor)
Acting by and through the **Commissioner of Public Works**
With its office at **22 Market Street, Poughkeepsie, Dutchess County, New York**

This amends the existing Agreement between the parties in the following respects only:

X Amends a previously adopted Schedule A by:

- ☐ amending a project description
- X amending the contract end date
- X amending the scheduled funding by:
  - X adding additional funding:
    - X adding **right-of-way acquisition** phase which covers eligible costs incurred on/after _____
    - ☐ adding 1,2,3 phase which covers eligible costs incurred on/after xxxxxx
  - ☐ increasing funding for a project phases(s)
  - ☐ adding a pin extension
  - ☐ change from Non-Marchiselli to Marchiselli
  - ☐ deleting/reducing a project phase(s)
  - ☐ other (xxxxx)

☐ Amends a previously adopted Schedule "B"

X Amends a previously adopted agreement by adding Appendix 2-S – Iran Divestment Act

☐ Amends the Text of the Agreement as follows:

C-7038

Supplemental Agreement Cover for Local Agreements (11/12)
MUNICIPALITY/SPONSOR: Dutchess County
PIN: 8757.26
BIN: 1047720
Comptroller's Contract No: D024643
Supplemental Agreement No. 2
Date Prepared & By: 08/05/2015dh

IN WITNESS WHEREOF, the parties have caused this agreement to be executed by its duly authorized officials as of the date first above written.

Approved for the Municipality/Sponsor

By: _____

Print Name: _____

Title: _____

Date: ____/____/_____

Municipality/Sponsor Attorney:

By: _____

Print Name: _____

APPROVED AS TO CONTENT

_____
DEPARTMENT OF PUBLIC WORKS

STATE OF NEW YORK)
)ss.:
COUNTY OF DUTCHESS)

On this _____ day of _____, 2015 before me personally came _____ to me known, who, being by me duly sworn did depose and say that he/she resides at _____; that he/she is the _____ of the Municipal/Sponsor Corporation described in and which executed the above instrument; that it was executed by order of the _____ of said Municipal/Sponsor Corporation pursuant to a resolution or other authorization which was duly adopted on _____ and which a certified copy is attached and made a part hereof, and that he/she signed his/her name thereto by like order.

_____
Notary Public

By: _____
For Commissioner of Transportation

Agency Certification: In addition to the Acceptance of this contract, I also certify that original copies of this signature page will be attached to all other exact copies of this Contract.

APPROVED AS TO FORM:
STATE OF NEW YORK ATTORNEY GENERAL

By: _____
Assistant Attorney General

COMPTROLLER'S APPROVAL:

By: _____
For the New York State Comptroller
Pursuant to State Finance Law§ 112

SCHEDULE A – Description of Project Phase, Funding and Deposit Requirements
NYSDOT/ State-Local Agreement - Schedule A for PIN 8757.26

OSC Municipal Contract #: D024643

Contract Start Date: 9/21/2005 (mm/dd/yyyy) **Contract End Date:** 9/30/2018 (mm/dd/yyyy)
☒ *Check, if date changed from the last Schedule A*

Purpose: ☐ Original Standard Agreement ☒ Supplemental Schedule A No. 2

Agreement Type: ☒ Locally Administered Municipality/Sponsor (Contract Payee): Dutchess County
Other Municipality/Sponsor (if applicable):

☐ State Administered *List participating Municipality(ies) and the % of cost share for each and indicate by checkbox which Municipality this Schedule A applies.*
☐ Municipality: % of Cost share
☐ Municipality: % of Cost share
☐ Municipality: % of Cost share

Authorized Project Phase(s) to which this Schedule applies: ☒ PE/Design ☒ ROW Incidentals ☒ ROW Acquisition ☐ Construction/CI/CS

Work Type: BR REHAB **County** (If different from Municipality): Dutchess County

Marchiselli Eligible ☒ Yes ☐ No *(Check, if Project Description has changed from last Schedule A):* ☐
Project Description: Mill Street (CR 78)/Stony Creek - BIN 1047720 - Village of Tivoli, Dutchess County

Marchiselli Allocations Approved FOR All PHASES *To compute Total Costs in the last row and column, right click in each field and select "Update Field."*

Check box to indicate change from last Schedule A	State Fiscal Year(s)	Project Phase			TOTAL
		PE/Design	ROW (RI & RA)	Construction/CI/CS	
☒	Cumulative total for all prior SFYs	$25,000.00	$1,500.00	$0.00	$26,500.00
☒	Current SFY 15/16	$8,000.00	$6,000.00	$0.00	$14,000.00
Authorized Allocations to Date		$33,000.00	$7,500.00	$ 0.00	$40,500.00

A. Summary of allocated MARCHISELLI Program Costs FOR ALL PHASES *For each PIN Fiscal Share below, show current costs on the rows indicated as "Current." Show the old costs from the previous Schedule A on the row indicated as "Old." To compute Total Current Costs in the last row, right click in each field and select "Update Field."*

PIN Fiscal Share	"Current" or "Old" entry indicator	Federal Funding Program	Total Costs	FEDERAL Participating Share and Percentage	STATE MARCHISELLI Match	LOCAL Matching Share	LOCAL DEPOSIT AMOUNT (Required only if State Administered)
8757.26.121	Current	HBRRP (80%)	$220,000.00	$176,000.00	$33,000.00 *	$11,000.00	$0.00
	Old	HBRRP (80%)	$220,000.00	$176,000.00	$25,000.00	$19,000.00	$0.00
8757.26.221 222.	Current	HBRRP (80%)	$17,830.00	$14,264.00	$2,675.00	$891.00	$0.00
	Old	HBRRP (80%)	$10,000.00	$8,000.00	$1,500.00	$500.00	$0.00
. .	Current		$	$	$	$	$
	Old		$	$	$	$	$
. .	Current		$	$	$	$	$
	Old		$	$	$	$	$
. .	Current		$	$	$	$	$
	Old		$	$	$	$	$
. .	Current		$	$	$	$	$
	Old		$	$	$	$	$
TOTAL CURRENT COSTS:			$237,830.00	$190,264.00	$36,675.00	$11,891.00	$ 0.00

B. Summary of Other (including Non-allocated MARCHISELLI) Participating Costs FOR ALL PHASES *For each PIN Fiscal Share, show current costs on the rows indicated as "Current". Show the old costs from the previous Schedule A on the row indicated as "Old". To compute Total Current Costs in last row, right click in each field and select "Update Field".*

Other PIN Fiscal Shares	'Current' or 'Old' entry indicator	Funding Source	TOTAL	Other FEDERAL	Other STATE	Other LOCAL
	Current		$	$	$	$
	Old		$	$	$	$
	Current		$	$	$	$
	Old		$	$	$	$
	Current		$	$	$	$
	Old		$	$	$	$
	Current		$	$	$	$
	Old		$	$	$	$
	Current		$	$	$	$
	Old		$	$	$	$
	Current		$	$	$	$
	Old		$	$	$	$
	Current		$	$	$	$
	Old		$	$	$	$
	Current		$	$	$	$
	Old		$	$	$	$
TOTAL CURRENT COSTS:			$ 0.00	$ 0.00	$ 0.00	$ 0.00

C. Total Local Deposit(s) Required for State Administered Projects:	$0.00

D. Total Project Costs *To compute Total Costs in the last column, right click in the field and select "Update Field".*

Total FEDERAL Cost	Total STATE MARCHISELLI Cost	Total Other STATE Cost	Total LOCAL Cost	Total Costs (all sources)
$190,264.00	$35,675.00	$0.00	$11,891.00	$237,830.00

E. Point of Contact for Questions Regarding this Schedule A (Must be completed)	Name: Doreen Holsopple Phone No: 845-431-5977

See Agreement (or Supplemental Agreement Cover) for required contract signatures.

Footnotes: (See LPB's website for link to sample footnotes)

- This Schedule A adds the ROW Acquisition phase
- This Schedule A includes approved Marchiselli funding for the preliminary engineering phase.
- This Schedule A amends the contract end date.
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-
-
-
-
-
-
- PIN 8757.26, 08/05/15dh

APPENDIX 2-S
IRAN DIVESTMENT ACT

As a result of the Iran Divestment Act of 2012 (Act), Chapter 1 of the 2012 Laws of New York, a new provision has been added to the State Finance Law (SFL), § 165-a, effective April 12, 2012. Under the Act, the Commissioner of the Office of General Services (OGS) will be developing a list (prohibited entities list) of "persons" who are engaged in "investment activities in Iran" (both are defined terms in the law). Pursuant to SFL § 165-a(3)(b), the initial list is expected to be issued no later than 120 days after the Act's effective date, at which time it will be posted on the OGS website.

By entering into a renewal or extension of this Contract, Contractor (or any assignee) certifies that once the prohibited entities list is posted on the OGS website, it will not utilize on such Contract any subcontractor that is identified on the prohibited entities list.

Additionally, Contractor understands that during the term of the Contract, should NYSDOT receive information that a person is in violation of the above-referenced certification NYSDOT will offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment which is in violation of the Act within 90 days after the determination of such violation, then NYSDOT shall take such action as may be appropriate including, but not limited to, imposing sanctions, seeking compliance, recovering damages, or declaring the Contractor in default.

NYSDOT reserves the right to reject any renewal, extension or request for assignment for an entity that appears on the prohibited entities list hereafter and to pursue a responsibility review with respect to any entity that is granted a contract extension/renewal or assignment and appears on the prohibited entities list thereafter.