

September 24, 2013

MEMORANDUM TO THE TRUSTEES

FROM THE PRESIDENT and CHIEF EXECUTIVE OFFICER

**SUBJECT: Niagara Power Project –
Robert Moses South Access Gate
Security Enhancements –
South Access Road Improvements**

SUMMARY

The Trustees are requested to approve the award of a two-year contract in the amount of \$3,646,000 to Edbauer Construction, Inc. (“Edbauer”) of West Seneca, NY for the modifications and upgrades required for the Niagara Power Project Robert Moses South Access Gate Security Enhancements, South Access Road Improvements.

In order to provide the additional time necessary to complete season-critical construction operations for the road improvements prior to the winter weather, in accordance with the Authority’s Guidelines for Procurement Contracts, interim approval in the amount of \$600,000 was authorized in July 2013 by the Chief Operating Officer for Edbauer to commence with the initial construction activities.

The Capital Expenditure Authorization Request (“CEAR”) for Niagara Power Project Robert Moses South Access Gate Security Enhancements (the “Project”) in the amount of \$7,769,000 was approved at the Trustees’ July 23, 2013 meeting. This project consists of two individual contracts, one for the Guard House Replacement and the other for South Access Road Improvements. The contract for the Guard House Replacement was subsequently awarded and construction has commenced; it is scheduled to be completed by December 2013.

BACKGROUND

In accordance with the Authority’s Expenditure Authorization Procedures, the award of non-personal services contracts in excess of \$3 million and contracts exceeding a one-year term require the Trustees’ approval.

The South Access Road (the “Road”), a steep inclined road, serves as the main entrance into the Robert Moses Niagara Power Project (“RMNPP”). The Road extends along the Niagara River leading to the security guardhouse and main gate at the base of the Niagara River gorge. Additionally, the Road provides public access to the fishing pier and associated parking lots, one at the top and another at the base of the Road.

Over the last several years, there have been three incidents involving vehicles crashing through the main security gate. As a result, the gate was modified and reinforced to prevent

vehicle intrusion. Additionally, a highway consultant was contracted to study and propose roadway modifications and enhancements for the Road. Based on the consultant’s study, the proposed enhancements include:

- An emergency stopping area at the base of the Road to assist drivers with stopping their vehicle;
- Realignment at the base of the Road to include an “S” curve to prevent vehicles intentionally trying to breach the security gate at high speed;
- Construction of a 400 ft. long retaining wall to accommodate the Road realignment;
- Relocation of the lower public parking area near the fishing pier to improve security, public safety and accommodate the new road configuration;
- Construction of a dedicated pedestrian path from the upper parking lot to the fishing pier;
- Installation of radar speed signs and rumble strips to promote slower vehicle speeds;
- Construction of a vehicle "check-in" point and turnaround area at the top of the Road to prevent unauthorized vehicles from continuing down the Road.

DISCUSSION

The Authority issued an advertisement in the New York State *Contract Reporter* and bid packages were available as of June 14, 2013. Seventy (70) companies downloaded the bid documents via the Authority’s website. A bid walk-down at the Niagara Project was conducted on June 25, 2013 and nine (9) companies attended.

Three (3) proposals were received on July 17, 2013. The bidders’ pricing summary is as follows:

Edbauer Construction	\$ 3,646,000
Yarussi Construction	\$ 3,955,599
Scrufari Construction	\$ 4,051,500
NYPA Fair Cost Estimate	\$ 3,943,343

Edbauer’s bid was the lowest in price and was also technically acceptable. Edbauer, having extensive experience in general construction, has demonstrated knowledge of the scope-of-work and is capable of completing this project in accordance with the required schedule. In addition, Edbauer has performed to the Authority’s satisfaction on previous projects.

FISCAL INFORMATION

Payment associated with this project will be made from the Authority’s Capital Fund.

RECOMMENDATION

The Senior Vice President and Chief Engineer – Operations Support Services, the Vice President – Project Management, the Vice President – Procurement, the Project Manager and the Regional Manager – Western New York recommend that the Trustees award a contract to Edbauer Construction of West Seneca, NY in the amount of \$3,646,000 for the modifications and upgrades required at the Niagara Power Project, Robert Moses South Access Gate Security Enhancements, South Access Road Improvements.

For the reasons stated, I recommend the approval of the above-requested action by adoption of a resolution in the form of the attached draft resolution.

Gil C. Quiniones
President and Chief Executive Officer

Att.
NIA – South Access Security
Enhancements

RESOLUTION

RESOLVED, That pursuant to the Guidelines for Procurement Contracts adopted by the Authority, approval is hereby granted to award a two-year contract to Edbauer Construction, Inc., of West Seneca, NY in the amount of \$3,646,000 for construction services for implementation of the Niagara Power Project Robert Moses South Access Gate Security Enhancements, South Access Road Improvements, as recommended in the attached memorandum of the President and Chief Executive Officer;

Contractor

Edbauer Construction, Inc.
West Seneca, N.Y.

Contract Approval

\$3,646,000

AND BE IT FURTHER RESOLVED, That the Chairman, the Vice Chairman, the President and Chief Executive Officer, the Chief Operating Officer and all other officers of the Authority are, and each of them hereby is, authorized on behalf of the Authority to do any and all things and take any and all actions and execute and deliver any and all agreements, certificates and other documents to effectuate the foregoing resolution, subject to the approval of the form thereof by the Executive Vice President and General Counsel.