



Department of
Transportation

KATHY HOCHUL
Governor

MARIE THERESE DOMINGUEZ
Commissioner

FRANK P. CIRILLO, SR/WA
Regional Director

March 22, 2022

Brad Bentley, P.E. , Commissioner
Chautauqua Co. Department of Public Facilities
454 N. Work Street
Falconer, NY 14733

**Re: FEDERAL AID LOCAL PROJECT AGREEMENT - Supplemental Agreement No. 3
PIN 5761.82, Comptroller's Contract #D035636
Bridge Replacement, Foote Ave. over Chadakoin River
City of Jamestown, Chautauqua County**

Dear Mr. Bentley:

In order to progress the above referenced project with Federal Aid, the New York State Department of Transportation (NYSDOT) will need both a Resolution and a Supplemental Agreement, signed by the County of Chautauqua, indicating a commitment to continue to participate in the administration and funding of the various phases of this project.

Please obtain a Resolution authorizing the County Executive to enter into the enclosed Supplemental Agreement No. 3 (SA #3) to Federal Aid Project Agreement No. D035636 with the NYSDOT to provide a total of \$2,884,000. This amount is both the Federal and Non-Federal share of the cost for the above project's Engineering (Design I-VI), Right-of-Way Incidentals and Construction/ Construction Inspection phases. SA #3 supersedes the Supplemental Agreement No. 2 which had a total value of \$2,470,000 by increasing the Construction/ Construction Inspection phase. **As noted in Section 4 of the Federal Aid Local Project Agreement, reimbursement requests must be submitted at least once every six months.**

Please return six (6) certified copies of the county's Resolution along with six (6) original and notarized one-sided copies of the enclosed (SA #3) to Agreement No. D035636 to the regional NYSDOT office located at **100 Seneca Street, Buffalo, New York 14203**. Please note that your Approved Signatory is required to sign each copy of the SA #3.

Questions regarding the enclosed SA #3 and/or the implementation of the project should be directed to Christopher Renn, P.E., Regional Local Projects Liaison, at 716-847-2289.

Sincerely,

Joseph D. Buffamonte
Program Management & Local Programs Manager

JDP/PAK/pak
Encs

RECEIVED

MAR 24 2022

Sponsor: **County of Chautauqua**
PIN: **5761.82** BIN: **2258390**
Comptroller's Contract No. **D035636**
Supplemental Agreement No. **3**
Date Prepared: **3/22/2022** By: **PAK**
Initials

Press F1 for instructions in the blank fields:

SUPPLEMENTAL AGREEMENT No. 3 to D035636 (Comptroller's Contract No.)

This Supplemental Agreement is by and between:

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

and

County of Chautauqua (the Sponsor)
Acting by and through the **County Executive**
with its office at **Gerace County Office Building, 3 North Erie Street, Mayville, NY 14757.**

This amends the existing Agreement between the parties in the following respects only (check applicable categories):

Amends a previously adopted Schedule A by (check as applicable):

- amending a project description
- amending the contract end date
- amending the scheduled funding by:
 - adding additional funding (check and enter the # phase(s) as applicable):
 - adding phase _____ which covers eligible costs incurred on/after / /
 - adding phase _____ which covers eligible costs incurred on/after / /
 - increasing funding for a project phase(s)
 - adding a pin extension
 - change from Non-Marchiselli to Marchiselli
 - deleting/reducing funding for a project phase(s)
 - other (_____)

Amends a previously adopted Schedule "B" (Phases, Sub-phase/Tasks, and Allocation of Responsibility)

Amends a previously adopted Agreement by replacing the Appendix A dated January 2014 with the Appendix A dated October 2019

Amends the text of the Agreement as follows (insert text below):

Sponsor: **County of Chautauqua**
PIN: **5761.82** BIN: **2258390**
Comptroller's Contract No. **D035636**
Supplemental Agreement No. **3**
Date Prepared: **3/22/2022** By: **PAK**
Initials

Press F1 for instructions in the blank fields:

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

SPONSOR:

SPONSOR ATTORNEY:

By: _____

By: _____

Print Name: _____

Print Name: _____

Title: _____

STATE OF NEW YORK

)ss.:

COUNTY OF **CHAUTAUQUA**

On this _____ day of _____, 20__ 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; (except New York City) that it was executed by order of the _____ of said Municipal/Sponsor Corporation pursuant to a resolution 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

APPROVED FOR NYSDOT:

APPROVED AS TO FORM:
STATE OF NEW YORK ATTORNEY GENERAL

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.

By: _____
Assistant Attorney General

Date: _____

COMPTROLLER'S APPROVAL:

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

SCHEDULE A

**SCHEDULE A – Description of Project Phase, Funding and Deposit Requirements
 NYSDOT/ State-Local Agreement - Schedule A for PIN 5761.82**

OSC Municipal Contract #: D035636	Contract Start Date: 7/18/2017 (mm/dd/yyyy)	Contract End Date: 12/31/2025 (mm/dd/yyyy) <input checked="" type="checkbox"/> Check, if date changed from the last Schedule A
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Purpose: Original Standard Agreement Supplemental Schedule A No. 3

Agreement Type: Locally Administered Municipality/Sponsor (Contract Payee): County of Chautauqua
 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.*

<input type="checkbox"/> Municipality:	% of Cost share
<input type="checkbox"/> Municipality:	% of Cost share
<input type="checkbox"/> 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 REPLACE **County (If different from Municipality):** N/A

Marchiselli Eligible Yes No *(Check, if Project Description has changed from last Schedule A):*

Project Description: Bridge Replacement of Foote Ave over Chadakoin River, BIN 2258390, in the City of Jamestown in Chautauqua County

Marchiselli Allocations Approved FOR ALL PHASES *All totals will calculate automatically.*

<i>Check box to indicate change from last Schedule A</i>	State Fiscal Year(s)	Project Phase			TOTAL
		PE/Design	ROW (RI & RA)	Construction/CI/CS	
<input checked="" type="checkbox"/>	Cumulative total for all prior SFYs	\$45,000.00	\$750.00	\$258,750.00	\$304,500.00
<input type="checkbox"/>	Current SFY	\$0.00	\$0.00	\$0.00	\$ 0.00
Authorized Allocations to Date		\$45,000.00	\$ 750.00	\$258,750.00	\$304,500.00

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." All totals will calculate automatically.*

PIN Fiscal Share	"Current" or "Old" entry indicator	Federal Funding	Total Costs	FEDERAL Participating Share	STATE MARCHISELLI Match	LOCAL Matching Share	LOCAL DEPOSIT AMOUNT (Required only if State Administered)
5761.82.121	Current	STP (80%)	\$335,000.00	\$268,000.00	\$45,000.00 *	\$22,000.00	\$0.00
	Old	STP (80%)	\$335,000.00	\$268,000.00	\$45,000.00 *	\$22,000.00	\$0.00
5761.82.221	Current	STP (80%)	\$5,000.00	\$4,000.00	\$750.00	\$250.00	\$0.00
	Old	STP (80%)	\$5,000.00	\$4,000.00	\$750.00	\$250.00	\$0.00
5761.82.321	Current	STP (80%)	\$2,544,000.00	\$2,035,200.00	\$258,750.00 *	\$250,050.00	\$0.00
	Old		\$2,130,000.00	\$1,704,000.00	\$258,750.00 *	\$167,250.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Current		\$ 0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Old		\$ 0.00	\$.	\$0.00	\$0.00	\$0.00
TOTAL CURRENT COSTS:			\$2,884,000.00	\$2,307,200.00	\$304,500.00	\$272,300.00	\$ 0.00

NYS DOT/State-Local Agreement – Schedule A

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." All totals will calculate automatically.

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

C. Local Deposit(s) from Section A:	\$ 0.00
Additional Local Deposit(s)	\$
Total Local Deposit(s)	\$ 0.00

D. Total Project Costs All totals will calculate automatically.

Total FEDERAL Cost	Total STATE MARCHISELLI Cost	Total OTHER STATE Cost	Total LOCAL Cost	Total ALL SOURCES Cost
\$2,307,200.00	\$304,500.00	\$ 0.00	\$272,300.00	\$2,884,000.00

E. Point of Contact for Questions Regarding this Schedule A (Must be completed)

Name: Paul A. Kozlowski
Phone No: 716-847-3233

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

NYSDOT/State-Local Agreement – Schedule A

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

- **ADDITIONAL PROJECT DESCRIPTION:** This project will replace the bridge on Foote Ave over Chadakoin River in the City of Jamestown, Chautauqua County.
- * **Marchiselli funding hereunder is limited by the amount authorized on the Comprehensive List. Additional Marchiselli funding is contingent on appropriate increase(s) to the Comprehensive List and the execution of a Supplemental Schedule A providing such additional funds.**
- **MARCHISELLI AID REIMBURSEMENT:** The Marchiselli Aid Reimbursement amount for the Preliminary Engineering (Design I-VI), Right-of-Way Incidentals and Construction / Construction Inspection Phases, Page 1, Section A, Shares .121, .221 and .321 @ \$304,500 equals 70.38% of the maximum, 15.0% State Marchiselli Match, reimbursement of the current \$2,884,000 cost of this project phases eligible for Marchiselli funding.
- **FUND SOURCE:** The Engineering (Design I-VI), Right-of-Way Incidentals and Construction / Construction Inspection phases: Page 1, Section A, Shares .121, .221 and .321 are STP Flex funds @ 80% Federal Aid matched with 20% Local funds.
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SAMPLE RESOLUTION

SAMPLE RESOLUTION BY MUNICIPALITY

(Locally Administered Project)

RESOLUTION NUMBER: _____

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 therefore.

WHEREAS, a Project for the _____, P.I.N. _____ (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of _____% Federal funds and _____% non-federal funds; and

[For SOFT MATCH CREDIT AGREEMENTS add: WHEREAS, as provided for by agreement with the NYS Department of Transportation, PE and/or ROW Incidental or ROW acquisition work performed by the municipality for the federal aid-eligible construction project covered by the agreement, the costs of such work that are approved in writing by NYSDOT as applicable to the federal aid and Marchiselli aid construction work (excluding costs applicable to non-federally eligible or non-Marchiselli eligible project elements) shall be credited following FHWA's construction phase closeout audit of the Project to Project costs that are eligible for federal aid and Marchiselli aid; and]

WHEREAS, the _____ of _____ desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of _____;

NOW, THEREFORE, the _____ Board, duly convened does hereby

RESOLVE, that the _____ Board hereby approves the above-subject project; and it is hereby further

RESOLVED, that the _____ Board hereby authorizes the _____ of _____ to pay in the first instance 100% of the federal and non-federal share of the cost of _____ work for the Project or portions thereof; and it is further

RESOLVED, that the sum of _____ is hereby appropriated from _____ [or, appropriated pursuant to _____] 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 _____ of _____ shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the _____ thereof, and it is further

RESOLVED, that the _____ of the _____ of the _____ of _____ be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the _____ of _____ 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 certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project. and it is further

RESOLVED, this Resolution shall take effect immediately