

Buffalo Fiscal Stability Authority

Resolution No. 04-08

**AFFIRMATION OF THE BFSA CHAIR'S ACTION VALIDATING THE CITY OF BUFFALO'S CONTRACT WITH SICILIA CONSTRUCTION AND AUTHORIZING THE CITY COMPTROLLER TO MAKE PAYMENT ON SUCH CONTRACT**

WHEREAS, Chapter 122 of the laws of 2003 permits the Buffalo Fiscal Stability Authority ("BFSA") to review or approve or disapprove contracts or other obligations binding or purporting to bind the City of Buffalo or any covered organization;

WHEREAS, Chapter 122 of the laws of 2003 permits the BFSA to review and approve or disapprove the terms of any proposed settlement of claims against the City or any covered organization in excess of \$50,000;

WHEREAS, in order to carry out the mission of the BFSA, the BFSA will review contracts or other obligations in excess of \$50,000;

WHEREAS, the BFSA authorized an internal approval process [Resolution 03-78] for the approval of contracts or other obligations binding or purporting to bind the City or covered organizations which shall be employed during the periods between Authority meetings for emergency matters requiring immediate BFSA action;

WHEREAS, the various City officials have submitted a contract with Sicilia Construction and have signed the BFSA Remittance Approval Request Form ("RARF") in which they indicate that there are sufficient funds available for such contract;

WHEREAS, BFSA staff have reviewed such contract and the RARF and recommend approval of said contract;

WHEREAS, Mayor Masiello requested on December 22, 2003 emergency approval of a contract with Sicilia Construction, based on the fact that the City had entered into said contract with Sicilia Construction on November 14, 2003 directing it to commence work, and that such work had been completed by Sicilia Construction;

WHEREAS, the specific work performed by Sicilia Construction was to have been performed by the lowest bidder in the amount of \$48,378;

WHEREAS, the lowest bidder opted out of the contract with the City, and Sicilia Construction was the second lowest bidder, in the amount of \$52,238.45; and

WHEREAS, on December 30, 2003 Chair Baker, with the concurrence of Vice-Chair Townsend, agreed to validate the City's contract with Sicilia Construction and authorize the City Comptroller to make payment on the work previously performed;

NOW THEREFORE BE IT RESOLVED, that the BFSA affirms the action of Chair Baker validating the contract entered into by the City with Sicilia Construction and authorizing the City Comptroller to make payment on such completed work.

This resolution shall take effect immediately.

Approved January 21, 2004

/S/ Richard Tobe  
Secretary