

Rochester Joint Schools Construction Board
Minutes
July 19, 2011
4:30 PM

Present

Board Chair Kenneth Bell, Members: Bob Brown, Alex Castro, Brian Roulin, Richard Pifer, and ICO Windell Gray. Member Jerome Underwood was away. Also present were: Executive Director Tom Renauto, General Counsel Peter Abdella, and Program Director Tom Rog r.

Chairman Bell requested the Board go into Executive Session under New York State Open Meetings Law 105 .F, to discuss personnel related issues.

Chairman Bell made a Motion to go into Executive Session
Second by Member Pifer
Approved 5-0 at 4:42 pm with Member Underwood away

Executive Session Adjournment
Motion by Chairman Bell to adjourn the Executive Session
Second by Member Brown
Approved 5-0 at 5:00 pm with Member Underwood away

Chairman Bell convened the Board meeting at 5:02 pm.

Approve Minutes of June 6, 2011

Motion by Member Castro
Second by Member Pifer
Approved 5-0 with Member Underwood away

Action Items:

Resolution 2011-12: 1
Request for Proposals, Construction Management Services

By Chairman Bell

WHEREAS, the Rochester School Facilities Modernization Program Act ("the Act") established the Rochester Joint Schools Construction Board ("RJSCB"), a seven voting member board consisting of equal representation by the City of Rochester ("City") and the Rochester City School District ("District"), as well as a member jointly selected by the City and the District; and

WHEREAS, under the Act, the RJSCB has certain enumerated powers to act as agent for the District, the City, or both; and

WHEREAS, the RJSCB, upon the recommendation of its Program Manager, has determined a need for a construction management firm to provide a single point of contact for all construction management tasks on each of the upcoming projects to be commenced in Phase 1 of the Rochester Schools Modernization Program ("RSMP"); and

WHEREAS, the RJSCB issued a Request for Proposals (Part 1 of 2) for Construction Management Services on June 7, 2011, in keeping with its timeline for construction that will commence Summer 2012; and

WHEREAS, pursuant to Resolution 2010-11:45, the RJSCB's MWBE and Services Procurement Committee, with the advice and recommendation of the Program Manager, reviewed the Part 1 Request for Proposals responses and reduced the short-list of firms of the most qualified candidates to receive the Part 2 Request for Proposals ("RFP"); and

WHEREAS, at its July 7, 2011 meeting, the MWBE and Services Procurement Committee approved a short-list of the most qualified Construction Management firms to receive the RFP (Part 2 of 2) from the RJSCB for Construction Management Services; and

WHEREAS, the RJSCB's Program Manager has prepared the RFP (Part 2 of 2) for Construction Management Services that requires the responding firms to set forth their Fee Proposals for one or more of the projects (3 groups of 2 schools each)(the "Projects"); and

WHEREAS, the MWBE and Services Procurement Committee has reviewed the RFP (Part 2 of 2) for Construction Management Services and approved it at its meeting on July 7, 2011, for forwarding to the full Board; and

THEREFORE, BE IT RESOLVED:

1. The RFP (Part 2 of 2) for Construction Management Services is approved for issuance on July 20, 2011, to the following short-list of firms as identified by the MWBE and Services Procurement Committee:

1. Campus Construction Management Group Inc.
2. LeChase /Cummings JV
3. LP Ciminelli, Inc.
4. Scott & Buckley, LLC JV
5. The Pike Co.
6. Turner Construction Co.
7. Welliver McGuire Inc.

2. The MWBE and Services Procurement Committee, with the advice and recommendations of the Program Manager, is authorized on behalf of the RJSCB to review the Part 2 RFP responses, further reduce the short-list of firms if appropriate, participate along with other RJSCB board members in the interviews of the Construction Management firms, and recommend to the RJSCB the most qualified candidates.

***Second by Member Pifer
Adopted 5-0 with Member Underwood away***

**Resolution 2011-12: 2
Recognizing Service of Ms. Carolyn Vitale**

By Chairman Bell

WHEREAS, the Rochester School Facilities Modernization Program Act ("the Act") established the Rochester Joint Schools Construction Board ("RJSCB"), a seven voting member board consisting of equal representation by the City of Rochester ("City") and the Rochester City School District ("District"), as well as a member jointly selected by the City and the District; and

WHEREAS, under the Act, the RJSCB has certain enumerated powers to act as agent for the District, the City, or both; and

WHEREAS, Ms. Vitale was appointed as a charter member of the RJSCB in October, 2008; and

WHEREAS, Ms. Vitale has provided leadership, commitment and expertise to the RJSCB during her tenure on the Board; and

WHEREAS, Ms. Vitale has shown an unparalleled level of dedication to the students of the Rochester City School District through her service as a member of the RJSCB;

Therefore, be it RESOLVED,

1. That the Rochester Joint Schools Construction Board hereby recognizes Ms. Carolyn Vitale's service to the Board and gratefully acknowledges her contributions as a Board Member, October 2008-June 2011.

Second by Member Brown

Adopted 5-0 with Member Underwood away

Resolution 2011-12: 3

Adoption of the State of New York Deferred Compensation Plan

By Chairman Bell

WHEREAS, the Rochester School Facilities Modernization Program Act ("the Act") established the Rochester Joint Schools Construction Board ("RJSCB"), a seven voting member board consisting of equal representation by the City of Rochester ("City") and the Rochester City School District ("District"), as well as a member jointly selected by the City and the District; and

WHEREAS, under the Act, the RJSCB has certain enumerated powers to act as agent for the District, the City, or both; and

WHEREAS, the RJSCB wishes to adopt a Deferred Compensation Plan for Employees of the State of New York and Other Participating Jurisdictions (the "Plan") for the voluntary participation of all eligible employees; and

WHEREAS, the RJSCB believes that it is authorized to maintain such a Plan in accordance with Section 457(b) of the Internal Revenue Code; and

WHEREAS, the purpose of the Plan is to encourage employees to make and continue careers with the RJSCB by providing eligible employees with a convenient and tax favored method of saving on a regular and long-term basis and thereby provide for their retirement;

NOW, THEREFORE, it is hereby:

RESOLVED, that the RJSCB hereby adopts a Plan for the voluntary participation of all eligible employees; and it is further

RESOLVED, that the RJSCB's Chair is hereby authorized to take such actions and enter such agreements as are required or advisable for the adoption, implementation, and maintenance of such a Plan, upon the advice of its General Counsel and Human Resources Consultant; and it is further

RESOLVED, that the Administrative Services Agency is hereby authorized to file copies of these resolutions and other required documents with the President of the State of New York Civil Service Commission.

Second by Member Pifer

Adopted 5-0 with Member Underwood away

Resolution 2011-12: 4

Amendment to JCJ Architecture's Agreement

By Chairman Bell

WHEREAS, the Rochester School Facilities Modernization Program Act ("the Act") established the Rochester Joint Schools Construction Board ("RJSCB"), a seven voting member board consisting of equal representation by the City of Rochester ("City") and the Rochester City School District ("District"), as well as a member jointly selected by the City and the District; and

WHEREAS, under the Act, the RJSCB has certain enumerated powers to act as agent for the District, the City, or both; and

WHEREAS, the RJSCB approved the selection of JCJ Architecture, P.C. ("JCJ Architecture") as the Architect for the School 58 World of Inquiry project in Phase I (Resolution 2010-11: 35);

WHEREAS, the RJSCB entered into an agreement with JCJ Architecture (Resolution 2010-11: 35) dated March 28, 2011, entitled Agreement Between Board and Architect (the "Agreement");

WHEREAS, following the execution of the Agreement, JCJ Architecture, along with the Program Manager, identified the need for additional scopes of design work, and cost proposals were then obtained for these additional scope items and provided to the Program Manager for review;

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that JCJ Architecture's Agreement should be amended to add these additional scope items in the total amount of \$90,194 to Exhibit I of the Agreement and that this amount shall be treated as a not-to-exceed allowance under Section 11.1.1 of the Agreement; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its July 7, 2011 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. That the proposed amendment to the JCJ Architecture Agreement Between Board and Architect dated March 28, 2011 as set forth above is hereby approved; and
2. The RJSCB's Chair is hereby authorized in the name and on behalf of the RJSCB, to execute an amendment to the Agreement that is consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB's general counsel.

Second by Member Brown

Adopted 5-0 with Member Underwood away

Resolution 2011-12: 5

Amendment to SWBR Architect's Agreement

By Chairman Bell

WHEREAS, the Rochester School Facilities Modernization Program Act ("the Act") established the Rochester Joint Schools Construction Board ("RJSCB"), a seven voting member board consisting of equal representation by the City of Rochester ("City") and the Rochester City School District ("District"), as well as a member jointly selected by the City and the District; and

WHEREAS, under the Act, the RJSCB has certain enumerated powers to act as agent for the District, the City, or both; and

WHEREAS, the RJSCB approved the selection of SWBR Architects, ("SWBR") as the Architect for the School 17 project in Phase I (Resolution 2010-11: 35);

WHEREAS, the RJSCB entered into an agreement with SWBR Architects (Resolution 2010-11: 35) dated March 28, 2011, entitled Agreement Between Board and Architect (the "Agreement");

WHEREAS, following the execution of the Agreement, SWBR Architects, along with the Program Manager, identified the need for additional scopes of design work, and cost proposals and/or estimates were then obtained for these additional scope items and provided to the Program Manager for review;

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that SWBR's Agreement should be amended to add these additional scope items in the total amount of \$12,000 to Exhibit I of the Agreement and that this amount shall be treated as a not-to-exceed allowance under Section 11.1.1 of the Agreement; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its July 7, 2011 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. That the proposed amendment to the SWBR's Agreement Between Board and Architect dated March 28, 2011 as set forth above is hereby approved; and
2. The RJSCB's Chair is hereby authorized in the name and on behalf of the RJSCB, to execute an amendment to the Agreement that is consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB's general counsel.

Second by Member Brown

Adopted 5-0 with Member Underwood away

Staff Updates

Chairman Bell stated that any questions regarding the monthly reports should be directed to Tom Roger, Program Director.

Chairman Bell stated that Executive Director, Tom Renauto, will be working with the District's accounting department to put together a monthly financial statement showing the detailed use of the Board's operating funds.

Member Roulin stated that he had been contacted by a 3rd party auditing company. It was discussed whether this audit would be of just the Board's operating expenses (either from the very beginning or just the 2010-2011 fiscal year) or would it be of the entire project to date including all contracts/consultants. Depending on the scope, this may need to be an RFP for services. General Council Abdella asked for a couple of days to review this issue and he will make a recommendation to the Board.

The Committee Report from 7/7/11 was distributed.

Adjournment

Motion by Chairman Bell

Second by Member Brown

Approved 5-0 at 5:30 pm