

**Resolution 2020-21: 50**

**Change Orders #91, 92 & 94 to Holdsworth Klimowski Construction Contract (East Campus – Phase 2a)**

**By Board Member Thomas Richards**

WHEREAS, the Rochester School Facilities Modernization Program Act (“the Act”) established the Rochester Joint Schools Construction Board (“RJSCB” or “Board”), 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 authorizing legislation for Phase 2 of the Rochester Schools Modernization Program (“RSMP”) was signed into law by the Governor of the State of New York on December 17, 2014; and

WHEREAS, the amended Act authorized up to 26 projects in Phase 2 of the RSMP including a District Wide Technology program which involves technology upgrades and infrastructure work at several of the possible projects; and

WHEREAS, for Phase 2 of the RSMP, the RJSCB intends to undertake 14 projects for the design, reconstruction, or rehabilitation of existing school buildings for their continued use by the District (collectively, the “Phase 2 Projects”), which have been further defined as Phase 2a, Phase 2b, Phase 2c and Phase 2d, plus a DWT project at each of the Phase 2 school buildings; and

WHEREAS, the East Campus Modernization Project (“East”) is one of the projects included in Phase 2 of the RSMP as provided in the Phase 2 Master Plan; and

WHEREAS, the RJSCB approved the award of the general construction contract to Holdsworth Klimowski Construction (“HKC”) for the East project in Phase 2 (Resolution 2018-19: 51); and

WHEREAS, the RJSCB entered into a contract with HKC (Resolution 2018-19: 51) dated September 10, 2018 (the “Contract”), to perform the scope of services defined in the contract documents as the general construction contractor’s scope of work; and

WHEREAS, following the execution of the Contract, HKC, along with The Pike Company, Inc. (the Construction Manager), and the Program Manager, identified changes in the scope of work, and cost proposals were then obtained for these changes in scope items and provided to the Construction Manager and the Program Manager for review; and

WHEREAS, Change Order #91 includes the following items:

1. Per IB 028 / 028 R1 - in the C-Wing, room C-125, ducts were required for the Owner provided washer and dryer (design inconsistency).	\$992.00
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<p>2. Per IB 124 / 124 R1 - in the designed door infill locations across the B, D, E and F-Wings, the Owner requested the design be changed from the originally approved writable glass surfaces, to thin profile display cases.</p>	<p>\$2,598.00</p>
<p>3. Per IB- 168 / 168 R1 - In the C-Wing, this ceiling was intended to remain as existing. Due to another field condition, two of the adjacent walls in this corridor, needed- to be rebuilt. As a result, this ceiling needed to be removed and then replaced with new.</p>	<p>\$1,338.00</p>
<p>4. Per IB 189 R1-R5 - in the C-Wing weight room, the ceiling needed to be infilled as a result of a prior change to the mechanical system in the C-Wing penthouse where existing unit ventilators were kept and a credit was received for not using ERV's (design inconsistency).</p>	<p>\$4,809.00</p>
<p>5. Per IB 219 / 219R1 - in the F-Wing kiln room, due to the Owners request to provide a different kiln than originally approved, the ceiling had to be lowered to provide space for a larger exhaust system.</p>	<p>\$1,489.00</p>
<p>6. Per IB 247 - in the F-Wing, doors needed to be revised in order to meet code requirements for sidelights/lights in the door itself (design inconsistency).</p>	<p>\$24,328.00</p>

The total amount of Change Order #91 is **\$35,554.00**; and

WHEREAS, Change Order #92 includes the following items:

<p>1. Per IB 231 - In the C-Wing health rooms, the designed ceiling condition did not accommodate the existing window wall height. Raised pockets at the exterior window were required to transition from the designed ceiling height to meet the height of the existing windows (design inconsistency).</p>	<p>\$5,260.00</p>
<p>2. Per RFI 568 / IB 239/239R1 - In the B-Wing, room B-116A, the door, as designed, needed to be relocated as a result of existing conduit needing to be enclosed, therefore not leaving enough clearance for the door in its designed location (design inconsistency).</p>	<p>\$3,808.00</p>

<p>3. Per IB 248 - In the B-Wing Collaboratorium, due to an existing roof leak, the metal panels previously installed in the collaboratorium needed to be tested for contamination, cleaned and reinstalled.</p>	<p>\$613.00</p>
<p>4. Per RFI 587 - In the F-Wing, room FC-1.3, the ceiling, as designed, was not able to be installed without the removal of a small, existing metal expansion joint assembly. The assembly was therefore removed (design inconsistency).</p>	<p>\$1,541.00</p>
<p>5. Per RFI 590 / IB 257 - in the D-Wing, rooms D-336 and D-338, the existing condition differed from the record documents. This change documented the actual existing condition and how it should be built.</p>	<p>\$1,756.00</p>
<p>6. Per IB 249 - in the D-Wing, room D-242, the original scope of work was to keep the existing metal walls. Upon reinvestigation by the design team and the Owner, it was determined that these walls should be replaced, for consistency, to allow for better insulation, and acoustical value and finishing quality.</p>	<p>\$16,806.00</p>
<p>7. Per IB 255 - on the C-Wing roof, the Owner requested the installation of a new roof ladder to eliminate concerns of the custodial staffs inappropriate use of an existing/new duct as a walkway.</p>	<p>\$5,837.00</p>

The total amount of Change Order #92 is **\$35,621.00**; and

WHEREAS, Change Order #94 includes the following items:

<p>1. Per IB 238 - throughout the school, the design specified closers inconsistently. Per the Owners instruction, electric closers were to be provided (design inconsistency).</p>	<p>\$13,926.00</p>
<p>2. Per IB 280 - In the D-Wing East, the locker counts were not correctly documented. In order to replace in kind, additional lockers needed to be purchased (design inconsistency).</p>	<p>\$4,715.00</p>
<p>3. Per IB 274/274R1 - In the D-Wing, in the rooms adjacent to the faculty lounge, the Contract Documents included a new ceiling in the specified rooms but did not account for</p>	<p>\$4,062.00</p>

the demolition of the existing ceilings. Demolition was therefore required (design inconsistency).	
4. Per IB 281 - In the D-Wing, room D-330, as requested by the Owner, a wall was demolished in order for furniture to be positioned in a more efficient manner.	\$2,299.00

The total amount of Change Order #94 is **\$25,002.00**; and

WHEREAS, the Construction Manager and the Program Manager believe that the change order work is necessary, the pricing is appropriate and the Contract Time will not be increased by the foregoing changes; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB that HKC's Contract should be amended to add these scope items for an increase in the Contract Sum of **\$96,177.00**; and

WHEREAS, the RJSCB Board considered, discussed and deliberated the Program Manager's recommendation at its January 11, 2021 regular meeting.

THEREFORE, BE IT RESOLVED:

1. The Rochester Joint Schools Construction Board hereby approves the proposed Change Orders to HKC's Contract between the Board and Contractor dated September 10, 2018 as set forth above are hereby approved; and
2. The RJSCB Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute the Change Orders to the Contract that are 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 Board Member Jesse Dudley**  
**Adopted 5-0**