

**Rochester Joint Schools Construction  
Board Monthly Meeting Minutes  
February 10, 2020  
4:30 PM**

**Present**

Meeting attended by Board Vice Chair Mike Schmidt, Jesse Dudley, Rosiland Brooks-Harris, Tom Richards, I. Geena Cruz, RJSCB Coordinator Allen Williams, Savin Program Director P  pin Accilien, Savin Deputy Director Roland Coleman; General Counsel Greg McDonald, Attorney Melissa Mahler and ICO Brian Sanvidge. Board Chair Norman Jones and Member Everton Sewell were absent.

**Approval of Minutes**

Monthly Meeting held on January 13, 2020

Motion by Board Member Rosiland Brooks-Harris

Second by Board Member Jesse Dudley

Approved 5-0

Board Vice Chair Michael Schmidt asked the Committee to go into Executive Session pursuant to New York Public Officer’s Law Article 7, Section 105.1 (f), to discuss personnel matters.

Motion by Member Jesse Dudley

Second by Member Rosiland Brooks-Harris

Approved 5-0 at 4:58 pm

The Board came out of Executive session at 6:15 pm

Motion by Member Rosiland Brooks-Harris

Second by Member Jesse Dudley

Approved 5-0

**Vice Chairman Schmidt convened the public meeting at 6:15 pm.**

**Action Items**

***Resolution 2019-20-87 Phase 2 Amended SEQRA Determination of Significance***

By Member Tom Richards

Second by Member Jesse Dudley

Adopted 5-0

***Resolution 2019-20:88 Change Order #12 to Manning Squires Hennig (School 54 Phase 2d)***

By Member Tom Richards

Second by Member Jesse Dudley

Adopted 5-0

## **Consent Agenda Items**

By Member Tom Richards

Second by Member Rosiland Brooks Harris

Adopted 5-0

### **Resolution 2019-20: 81**

#### **Amendment #1 to DiMarco Constructors Construction Management Services Agreement George Mathers Forbes School 4 (Phase 2c)**

##### **By Board Member Tom Richards**

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 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 (the “Amended Act”); 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 George Mathers Forbes School 4 (“School 4”) 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 selection of DiMarco Constructors as the Construction Manager for the School 4 project in Phase 2 (Resolution 2016-17: 201); and

WHEREAS, the RJSCB entered into an agreement with DiMarco Constructors (Resolution 2016-17: 201) dated May 25, 2017, entitled Agreement Between Board and Construction Manager (the “Agreement”) for the School 4 project; and

WHEREAS, following the execution of the Agreement, the Program Manager requested, and cost proposals were then obtained and reviewed, for additional construction management services at the School 4 project; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB’s MWBE and Services Procurement Committee (the “Committee”) that DiMarco Constructors Agreement should be amended to adjust the original not-to-exceed allowance and add additional scope items in the total amount of \$41,165.50 and that this amount shall be treated as a not-to-exceed allowance under the Agreement; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its February 6, 2020 meeting, and after due deliberation, it approved the request to amend the Agreement as set forth above.

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Agreement between Board and DiMarco Constructors dated May 25, 2017 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 DiMarco Constructors 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 Board Member Rosiland Brooks-Harris**  
**Adopted 5-0**

**Resolution 2019-20: 82**

**Purchase Order – Energy Management Controls Edison Technological Campus (Day Automation Systems) Phase 2**

**By Board Member Tom Richards**

WHEREAS, the Rochester School Facilities Modernization Program Act ("School Modernization 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 School Modernization 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 School Modernization 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, the RJSCB's procurement policy allows for the issuance of purchase orders from centralized contracts let by the New York State Office of General Services ("OGS"); and

WHEREAS, the RJSCB is an authorized purchaser from OGS centralized contracts and was issued a customer identification number (Customer ID #8174) by OGS in 2012; and

WHEREAS, in 2001, the Board of Education for the District passed Resolution number 2001-2002: 176, which standardized the use of Andover Controls products for energy management, video and access systems in District facilities; and

WHEREAS, the RJSCB's Program Manager recommends the purchase of Energy Management Controls off an OGS contract ("State Contract") in conjunction with the Edison Technology Campus ("Edison Tech") project; and

WHEREAS, the OGS State Contract PT 68783 includes materials meeting the specifications for the Edison Tech project in accordance with the District's standardization policy and also accords with the RJSCB's procurement policy; and

WHEREAS, the RJSCB has been advised that the firm Schneider Electric acquired Andover Controls in 2014; and

WHEREAS, the RJSCB has been advised that the firm Day Automation Systems, Inc. ("Day Automation") is the sole distributor of Schneider/Andover controls in the Rochester, NY area; and

WHEREAS, the Program Manager recommends that a purchase order be issued to Day Automation as the authorized distributor of Schneider/Andover products pursuant to State Contract PT 68783 for the following project and amount:

School Project	Equipment	NTE Amount
Edison Tech	Energy Management Controls	\$120,607.78

WHEREAS, at the M/WBE and Services Procurement Committee (“Committee”) meeting held on February 6, 2020, following the review and consideration of the recommendations provided by the Program Manager and after due deliberation, the Committee approved the recommendation to issue a purchase order to Day Automation, a distributor listed on the competitively bid State Contract PT 68783, and identified as being the provider of the District mandated energy management controls.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the recommendation of the Program Manager to utilize State Contract PT 68783 to procure the Energy Management Controls as indicated above associated with the Edison Tech project; and
2. The RJSCB hereby awards the purchase order to Day Automation for Energy Management Controls as set forth above, and the Chair, with the advice of the Program Manager and the RJSCB’s general counsel, will issue purchase orders to procure the commodities through the State Contract from this firm in the amount set forth above.

**Second by Board Member Rosiland Brooks-Harris  
Adopted 5-0**

**Resolution 2019-20: 83  
Purchase Order – Playground Equipment Dr. Walter Cooper Academy School No. 10 (Landscape Structures) Phase 2**

**By Board Member Tom Richards**

WHEREAS, the Rochester School Facilities Modernization Program Act (“School Modernization 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 School Modernization 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 School Modernization 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, the RJSCB’s procurement policy allows for the issuance of purchase orders from centralized contracts let by the New York State Office of General Services (“OGS”); and

WHEREAS, the RJSCB is an authorized purchaser from OGS centralized contracts and was issued a customer identification number (Customer ID #8174) by OGS in 2012; and

WHEREAS, the RJSCB’s Program Manager recommends the purchase of Playground Equipment off an OGS contract (“State Contract”) in conjunction with the Dr. Walter Cooper Academy School No. 10 (“School 10”) project; and

WHEREAS, the OGS State Contract PC 67833 includes materials meeting the specifications for the School 10 project in accordance with the RJSCB’s procurement policy; and

WHEREAS, the RJSCB has been advised that the firm Landscape Structures (“Landscape Structures”) is an OGS approved vendor of Playground Equipment; and

WHEREAS, the RJSCB has been advised that Landscape Structures has agreed to utilize 2019 pricing for the Playground Equipment for the School 10 project, and

WHEREAS, the RJSCB has been advised that Landscape Ventures has agreed to provide an eight (8%) percent discount off the 2019 OGS Contract PC 67833 price; and

WHEREAS, the Program Manager recommends that a purchase order be issued to Landscape Structures for Playground Equipment pursuant to State Contract PC 67833 for the following project and amount:

School Project	Equipment	NTE Amount
School 10	Playground Equipment for two playgrounds: Pre-K and Intermediate Elementary	\$116,818.80*

\* Does not included the cost of installation and other incidentals, including play surface and fencing which are being negotiated separately with the School 10 General Trades Contractor.

WHEREAS, at the M/WBE and Services Procurement Committee (“Committee”) meeting held on February 6, 2020, following the review and consideration of the recommendations provided by the Program Manager and after due deliberation, the Committee approved the recommendation to issue a purchase order to Landscape Structures, a vendor listed on the competitively bid State Contract PC 67833.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the recommendation of the Program Manager to utilize State Contract PC 67833 to procure the Playground Equipment as indicated above associated with the School 10 project; and
2. The RJSCB hereby awards the purchase order to Landscape Structures for Playground Equipment as set forth above, and the Chair, with the advice of the Program Manager and the RJSCB’s general counsel, will issue a purchase order to procure the commodities through the State Contract from this firm in the amount set forth above.

**Second by Board Member Rosiland Brooks-Harris  
Adopted 5-0**

**Resolution 2019-20: 84  
Change Orders #58 - #62 to DiPasquale Construction, Inc. Contract (Clara Barton School 2)**

**By Board Member Tom 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 Clara Barton School No. 2 (“School 2”) is one of the projects included in Phase 2c of the RSMP as provided in the Phase 2 Master Plan; and

WHEREAS, Phase 2c of the RSMP includes general construction, mechanical, plumbing and electrical work at School 2; and

WHEREAS, the RJSCB approved the award of the general contractor contract to DiPasquale Construction, Inc. (“DCI”) for the School 2 project in Phase 2c (Resolution 2017-18: 181); and

WHEREAS, the RJSCB entered into a contract with DCI (Resolution 2017-18: 181) dated May 7, 2018 (the “Contract”), to perform the scope of services defined in the contract documents as the general contractor’s scope of work; and

WHEREAS, following the execution of the Contract, DCI, 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 #58 includes the following item:

1. Concrete Slab Moisture Mitigation - \$61,280.00

The total amount of Change Order #58 is **\$61,280.00**; and

WHEREAS, Change Order #61 includes the following item:

1. Extension of General Conditions Until 12/29/2019 –\$29,500.00

The total amount of Change Order #61 is **\$29,500.00**; and

WHEREAS, Change Order #62 includes the following item:

1. IB-119R1 Refurbish Existing Playground Equipment –\$17,201.00

The total amount of Change Order #61 is **\$17,201.00**; 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's M/WBE and Services Procurement Committee (the "Committee") that DCI's Contract should be amended to add the scope items for an increase in the Contract Sum of \$107,981.00; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its February 6, 2020 meeting and after due deliberation, it approved the request to amend the Contract.

THEREFORE, BE IT RESOLVED:

1. The proposed Change Orders to DCI's Contract between the Board and Contractor dated May 7, 2018 as set forth above are hereby approved; and
2. The RJSCB's 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 Rosiland Brooks-Harris  
Adopted 5-0**

**Resolution 2019-20: 85  
Change Order #7 to Manning Squires Hennig (School 54 Phase 2d)**

**By Board Member Tom 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 Flower City School No. 54 Project ("School 54") is one of the projects included in Phase 2d of the RSMP as provided in the Phase 2 Master Plan; and

WHEREAS, the RJSCB approved the award of the general contractor contract to Manning Squires Hennig, Inc. ("Manning Squires") for the School 54 project in Phase 2d (Resolution 2018-19: 155); and

WHEREAS, the RJSCB entered into a contract with Manning Squires (Resolution 2018-19: 155) dated April 8, 2019 (the "Contract"), to perform the scope of services defined in the contract documents as the general contractor's scope of work; and

WHEREAS, following the execution of the Contract, Manning Squires, along with Buffalo Construction Consultants (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 #7, includes the following item:

1. 2<sup>nd</sup> Floor Furring Walls at Exterior \$25,008.00

The Total amount of Change Order #7 is **\$25,008.00**; 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 this additional work; and

WHEREAS, the Program Manager recommended to the RJSCB's M/WBE and Services Procurement Committee (the "Committee") that Manning Squires' Contract should be amended to add and the scope items for a total net increase in the Contract Sum of \$25,008.00; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its February 6, 2020 regular meeting and after due deliberation, it approved the request to amend the Contract.

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to Manning Squires Contract between the Board and the Contractor dated April 8, 2019 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 the Change Order to the Contract 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 Board Member Rosiland Brooks-Harris  
Adopted 5-0**

**Resolution 2019-20: 86  
Pay Requisition Summary Acceptance (January 2020)**

**By Board Member Tom Richards**

WHEREAS, the Rochester School Facilities Modernization Program Act ("School Modernization 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 School Modernization Act, the RJSCB has certain enumerated powers to act as agent for the District, the City, or both; and

WHEREAS, the RJSCB developed a pay requisition approval procedure with input from its Counsel, the M/WBE and Services Procurement Committee, members of the accounting department of Rochester City School District, and the RJSCB's independent auditing firm; and

WHEREAS, the RJSCB, at its regular monthly meeting on September 12, 2011, adopted the pay requisition approval procedure (Resolution 2011-12: 23) ("Pay Requisition Approval Procedure"); and



WHEREAS, the RJSCB, at its regular monthly meeting on September 10, 2012, revised the Pay Requisition Approval Procedure (Resolution 2012-13: 37) to include the Trustee as paying agent for construction related payments; and

WHEREAS, the RJSCB, at its regular monthly meeting on April 7, 2014, revised the Pay Requisition Approval Procedure (Resolution 2013-14: 257) to include discussion of the Pay Requisition Summary by the Finance Committee and certain verification activities by the Program Manager following each monthly Board meeting; and

WHEREAS, the RJSCB, at its regularly monthly meeting on January 17, 2017, revised the Pay Requisition Approval Procedure (Resolution 2016-17: 118) to add certain additional internal controls to assist the RJSCB by clarifying duties in absence of an Executive Director and by providing additional internal controls; and

WHEREAS, the COMIDA issued bond proceeds for the Rochester Schools Modernization Program ("RSMP") Phase 1a projects were deposited in the Trustee's account on June 20, 2012; and

WHEREAS, the COMIDA issued bond proceeds for the RSMP Phase 1b projects were deposited in the Trustee's account on June 6, 2013; and

WHEREAS, the COMIDA issued bond proceeds for the RSMP Phase 1c projects were deposited in the Trustee's account on February 4, 2015; and

WHEREAS, Excel Aid funding associated with the RSMP is currently in the final stages of review and certification by the Dormitory Authority of the State of New York ("DASNY"); and

WHEREAS, the intended purpose of the Excel Aid funding is to partially pay for costs associated with the design and/or construction of certain Phase 1a projects; and

WHEREAS, due to the late timing of the DASNY certification process for the Excel Aid, if necessary, the District has decided to establish and fund a special account for the RSMP ahead of the completion of the DASNY certification process to pay for certain invoices associated with the Phase 1a projects; and

WHEREAS, the District will be reimbursed for any payments made after the DASNY certification process has been completed and the Excel Aid funds are released; and

WHEREAS, in order to avoid a year delay in the start of Phase 2 construction at East High School, Monroe High School, and School 15 (the "Early Start Projects"), the District has advanced funds to the RSMP for Phase 2; and

WHEREAS, it is understood by the District, the City, and the RJSCB that the funds advanced by the District would be reimbursed by the City as soon as possible through a Bond Anticipation Note ("BAN") against the City's debt limit; and

WHEREAS, the District's counsel prepared a Board of Education ("BOE") resolution to authorize the advance of the funds based on the full faith and credit of the City (BOE Resolution 2014-15: 627); and

WHEREAS, a future BAN provided by the City would reimburse the funds advanced by the District for the design work associated with the Early Start Projects, as well as provide the interim financing necessary to begin other Phase 2 project designs and to engage other professional service firms to begin Phase 2 planning and coordination work; and

WHEREAS, the closing for the City BAN took place on August 9, 2016 for the amount of \$32,000,000; and

WHEREAS, the District, the City and the RJSCB have executed a memorandum that sets forth the understanding that the District will advance funds to the RSMP for the payment of the expenses for the Early Start Projects and that the City will reimburse the District for these amounts through the BAN proceeds; and

WHEREAS, the COMIDA issued bond proceeds for the RSMP Phase 2a projects were deposited in the Trustee's account on August 2, 2017; and

WHEREAS, the City was reimbursed for its BAN from the Phase 2 bond proceeds on or about August 2, 2017; and

WHEREAS, the COMIDA issued bond proceeds for the RSMP Phase 2 projects were deposited in the Trustee's account on August 1, 2018; and

WHEREAS, the Program Manager, Program Coordinator and RJSCB Chair have reviewed the individual pay applications from each of the consultants, contractors and suppliers for accuracy and completeness; and

WHEREAS, the Program Manager forwarded the Phase 2 monthly Pay Requisition Summary (attached to this Resolution) totaling \$9,583,251.20, including all invoices to be paid by the Trustee using bond proceeds and those invoices to be paid by the District using other funding, to the RJSCB Chair with copy to the full Board on January 31, 2020; and

WHEREAS, the RJSCB Chair approved the Phase 2 monthly Pay Requisition Summary on or about January 10, 2020; and

WHEREAS, the RJSCB's Phase 2 Program Managers reviewed the Phase 2 monthly Pay Requisition Summary with the RJSCB's Finance Committee at its meeting on February 6, 2020.

THEREFORE, BE IT RESOLVED:

1. The Rochester Joint Schools Construction Board hereby accepts Phase 2 monthly Pay Requisition Summary for the month of January 2020 in the amount stated above and as shown in the Summary sheets attached to this Resolution.

**Second by Board Member Rosiland Brooks-Harris  
Adopted 5-0**

**Resolution 2019-20: 87  
Phase 2 SEQRA Determination Amendment #2 (Flower City School 54)**

**By Board Member Tom Richards**

WHEREAS, the Rochester Schools Facilities Modernization Program Act ("School Modernization 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 School Modernization 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, the District, with the technical support of the RJSCB, and after developing and considering (including provision for public input and public discussion) a comprehensive master plan specified under the School Modernization Act, developed a list of school renovation projects at several school buildings (the "Action"); and

WHEREAS, the Board of Education (“BOE”) approved the comprehensive master plan in March 2016 (BOE Resolution 2015-16: 630); and

WHEREAS, the proposed projects and the BOE decisions related to the Action and its components are or may be subject to the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, on February 8, 2016 the RJSCB adopted a Resolution declaring its intent to act as SEQRA Lead Agency for the Action and its project components (Resolution 2015-16: 95); and

WHEREAS, notices of RJSCB’s intent to be SEQRA Lead Agency (including copies of the Environmental Assessment Forms Part 1s) were forwarded to all Involved Agencies on February 9, 2016 and additionally on April 22, 2016 with several updates; and

WHEREAS, no other Involved Agency objected to RJSCB acting as Lead Agency; and

WHEREAS, the RJSCB on March 7, 2016 adopted Resolution 2015-16: 123 confirming it would act as SEQRA Lead Agency; and

WHEREAS, the RJSCB, acting through its SEQRA Consultant, completed long-form Environmental Assessment Forms (“EAFs”) for all 14 proposed renovation projects, including Flower City School 54 (“School 54”); and

WHEREAS, the RJSCB, based upon an examination of the EAFs and the “Reasons Supporting SEQRA Negative Declaration,” and considering both the magnitude and importance of each relevant area of environmental concern, and based upon the RJSCB’s knowledge of the area surrounding the Phase 2 projects and such further investigation of the projects and the potential environmental impacts as the RJSCB deemed appropriate, determined that the Action, as proposed, would not result in any significant adverse environmental impacts (the “SEQRA Negative Declaration”) on June 20, 2016 (Resolution 2015-16: 190); and

WHEREAS, following the SEQRA Negative Declaration, the proposed scope of work at School 54 was changed and the RJSCB and its SEQRA Consultant determined that the scope changes required the RJSCB to confer with the New York State Office of Parks, Recreation and Historic Preservation (“SHPO”) and that the RJSCB comply with SEQRA with respect to the scope changes at School 54; and

WHEREAS, the RJSCB and its SEQRA Consultant prepared the “Amended Reasons to Support SEQRA Determination of Significance” (“Amendment 1”) and by letter dated December 14, 2018, SHPO informed the RJSCB that the scope changes would have no impact upon archeological or historic resources in or eligible for inclusion in the State and National Register of Historic Places; and

WHEREAS, following the SEQRA Negative Declaration and Amendment 1, the proposed scope of work at School 54 has been further expanded to include the acquisition of residential properties, abandonment of Chace Street and other ground disturbing activities (“Expanded Action”); and

WHEREAS, the RJSCB and its SEQRA Consultant determined that the Expanded Action at School 54 requires the RJSCB to confer with the SHPO and that the RJSCB comply with SEQRA with respect to the Expanded Action; and

WHEREAS, by letter dated January 16, 2020, SHPO informed the RJSCB that the Expanded Action will have no impact upon archeological or historic resources in or eligible for inclusion in the State and National Register of Historic Places; and

WHEREAS, in furtherance of its desire to comply with SEQRA, the RJSCB has reviewed the “Second Amended Reasons to Support SEQRA Determination of Significance” (“Amendment 2”) attached hereto; and

WHEREAS, based upon an examination of the original EAFs, Amendment 1, Amendment 2 and other available supporting information, and considering both the magnitude and importance of each relevant area of environmental concern, and

based further upon the RJSCB's knowledge of the area surrounding the School 54 project and such further investigation of said project and the potential environmental impacts as the RJSCB has deemed appropriate, the RJSCB makes the following findings and determinations

THEREFORE be it resolved that:

1. The RJSCB hereby determines the Expanded Action, as proposed, does not create any new or different potential impacts on the environment that have not already been identified, considered, and evaluated during the RJSCB's review of the Action and resulting in the Negative Declaration issued by the RJSCB for the Action on June 20, 2016 (Resolution 2015-16: 190). The Expanded Action will not result in any significant adverse environmental impacts. The RJSCB hereby ratifies the June 20, 2016 Negative Declaration and affirms that the Negative Declaration remains in full force and effect.
2. The Chairman of the RJSCB is hereby authorized and directed to sign the attached "Second Amended Reasons to Support SEQRA Determination of Significance" and the attached Determination of Significance.
3. Copies of this Resolution shall be promptly forwarded by the SEQRA Consultant to the Involved Agencies listed on the Agency List, to all interested agencies, and to the NYSDEC Environmental Notice Bulletin for Publication in such Bulletin, if required.

**Second by Board Member Jesse Dudley**  
**Adopted 5-0**

**Resolution 2019-20: 88**  
**Change Order #12 to Manning Squires Hennig (School 54 Phase 2d)**

**By Board Member Tom 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 Flower City School No. 54 Project ("School 54") is one of the projects included in Phase 2d of the RSMP as provided in the Phase 2 Master Plan; and

WHEREAS, the RJSCB approved the award of the general contractor contract to Manning Squires Hennig, Inc. ("Manning Squires") for the School 54 project in Phase 2d (Resolution 2018-19: 155); and

WHEREAS, the RJSCB entered into a contract with Manning Squires (Resolution 2018-19: 155) dated April 8, 2019 (the "Contract"), to perform the scope of services defined in the contract documents as the general contractor's scope of work; and

WHEREAS, following the execution of the Contract, Manning Squires, along with Buffalo Construction Consultants (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 #12, includes the following item:

1. All labor and materials for playground \$578,000.00

The Total amount of Change Order #12 is **\$578,000.00**; 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 this additional work; and

WHEREAS, the Program Manager recommended to the RJSCB's that Manning Squires' Contract should be amended to add these scope items for a total net increase in the Contract Sum of \$578,000.00; and

WHEREAS, the RJSCB considered and discussed the Program Manager's recommendation at its February 10, 2020 regular meeting and after due deliberation, it approved the request to amend the Contract between the Board and Manning Squires dated April 8, 2019 as set forth above is hereby approved.

THEREFORE, BE IT RESOLVED:

1. The RJSCB's Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute the Change Order to the Contract 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 Board Member Dudley**  
**Adopted 5-0**

## **COMMUNICATIONS**

**The Compliance Report from Anchin was included in the Members packets and was reviewed by ICO Brian Sanvidge.**

### **Phase 1:**

- 100.00% submissions for the October 2019 reporting period.
- 98.88% of all data requested has been received and approved (April 2011 through October 2019).
- Overall Workforce (EEO) Participation: Minority @ 22.87% (goal is 20%) and Women @ 7.22% (goal is 6.9%).
- Overall Business Participation: Minority @ 15.67% (goal is 15%), Women @ 7.73% (goal is 5%), Small @ 3.80% (goal is 5%) and Disadvantaged @ 2.32% (goal is 2%).
- Rochester Residents: No active Rochester residents for the October 2019 reporting period (or 0%). The historical average Rochester Resident workforce (construction) from inception (April 2011 through October 2019) is 27.19%.

### **Phase 2:**

- 93.48% submissions for the December 2019 reporting period.

- 94.09% of all data requested has been received and approved (January 2016 through December 2019).
- Overall Workforce (EEO) Participation: Minority @ 26.19% (goal is 22%) and Women @ 6.55% (goal is 8%).
- Overall Workforce (EEO) Participation: Minority Males @ 24.74% and All Women @ 8% \*.
- Overall Business Participation: Minority @ 22.93% (goal is 17%), Women @ 11.27% (goal is 10%), Small @ 3.20% (goal is 3%) and Disadvantaged @ 2.31% (goal is 3%).
- Rochester Residents: 128 of the 371 workers for the December 2019 reporting period (or 34.5%).

**\* - This breakdown will now be included in the ICO report going forward**

## **RSMP PHASE III STATUS**

### **STRATEGIC PLANNING PROGRESS:**

- The RSMP Phase III Bill is still with the NYS Assembly’s Education Committee since 8JAN2020. The next Education Committee meeting is on 26FEB2020 at 10:00am. However, Assembly Bill A7976 is not currently listed on the agenda for the upcoming Committee meeting. RSMP is seeking passage of the Bill by February 2020 to keep the overall Program on track.
- Updates to the Phase III Strategic Plan, Swing Space, Financial and Diversity Plans suspended until passage of the Phase III Legislation. Capital Markets Advisors and Citi Global Services will start work on the Phase III Financial Plan upon passage of the Legislation (averts risk/minimizes Professional Fees).
- Draft Project Labor Agreement (PLA) prepared for Phase III and submitted to City and State Stakeholders for review (previously distributed December 2018).

## **RSMP PHASE II UPDATE**

### **GENERAL:**

- SED made partial corrections to building aid unit calculations. Manual deductions on the SA-130s have been addressed; but assignments of the interest rates by SED are still not based on the District blended borrowing interest rate as was filed via the SA-132’s and SA-135’s during the year in which the Commissioner’s Approval Dates occur.
- The City’s Real Estate and Law Departments have submitted draft resolution to City council for the March meeting for the authority to acquire residential properties neighboring School 54. Acquisitions around School 4 are placed on hold until funding is identified for purchase and demolition of those properties.
- The SEQR review for School 54 was updated using an inventory and narrative of the existing utilities along Chace Street and other potential impacts that could be associated with the School 54 land acquisition and street abandonment. At the RJSCB 10 February 2020 meeting, it was determined the expanded campus and street abandonment work will not create any new or different potential impacts on the environment that have not already been identified,

considered, and evaluated during the RJSCB's review of the Action and resulting in the Negative Declaration issued by the RJSCB.

- The RJSCB has rejected the request from the District to transfer Investment earnings on the Series 2018 bonds to pay for debt service in May 2021. The unauthorized transfer that was made in January 2020 was reversed by the Trustee today (20FEB2020) as ordered by the RJSCB Leadership. The funds are now returned to the Project fund to pay for acquisition costs and construction work at Schools 54, 16 and 4.
- Continued to work with the RJSCB Municipal Advisor and the Bond Underwriter in structuring and sizing the Series 2020 Bonds (third and last tranche). An updated financing schedule was issued by the Bond Underwriter (Citi Global Services), which reflects new dates based on conversations with Barclay Damon, Norton Rose Fulbright, RJSCB, and the School District. The schedule allows time for the 2020-2021 RCSD Budget numbers to be incorporated into the Preliminary Official Statement (POS) after the RCSD board votes in May 2020.
- RSMP Cash Flow and Phase II expenditure reports were updated to include monies coming from outside sources (\$8.5 million of SSBA, Cash Capital money, Community Schools Grants, and balance of investment earnings from the 2018 Bond Series). The Municipal Advisor restated on 23JAN2020 that additional CAPI and Cost of Issuance dollars will be needed for the Series 2020 Bond Issue.

### **JAMES MONROE HIGH SCHOOL 2a/2b:**

- The RJSCB General Counsel (BSK) is currently negotiating a possible settlement of the Plumbing Contractor's claim to avoid unnecessary litigation costs.
- The Monroe Cafeteria Public Art installation is complete. The dedication plaque narrative is due from the artist on 19Feb2020.

### **VIRGIL I. GRISSOM SCHOOL NO. 7:**

- RCSD Accounting Department still reviewing the draft Final Cost Report for Grissom School 7 for submission to SED.

### **EAST UPPER AND LOWER SCHOOLS:**

- E-Wing punch list 90% complete.
- The construction continues in F-Wing
- Current activities are the following:
  - F-Wing - 3<sup>rd</sup> Floor reconstruction underway, 2<sup>nd</sup> Floor demolition and abatement complete, 1<sup>st</sup> Floor demolition and abatement complete. Work on schedule for August 2020 completion of F-Wing.
  - Natatorium Seating Ceiling – work completed and scaffold removed
  - Dental Suite – Work complete, Partial Certificate of Occupancy granted by SED. Eastman Dental scheduled the Department of Health (DOH) inspection for March 10, 2020.
  - Signage – SWBR provided the East Signage package draft on February 10, 2020. SWBR will provide the order of magnitude price for the East Signage by March 2020.

### **JOHN WALTON SPENCER SCHOOL NO. 16:**

- Architect (SWBR) is confirming the winter bid package estimates with independent estimator.
- Construction drawings are 90-percent complete. Once estimate is revised and approved, SED will be contacted for guidance on documentation required to be submitted for new work.

### **THE CHILDREN'S SCHOOL OF ROCHESTER SCHOOL NO. 15:**

- Warranty repair of Cafeteria floor scheduled for completion during February 2020 Winter Break.

### **SCHOOL WITHOUT WALLS COMMENCEMENT ACADEMY:**

- No activity. Project closed out 100%.

### **DR. FREDDIE THOMAS LEARNING CENTER:**

- Project closed out 100%.
- Final Cost Report sent by District to NYSED in early October 2019 for filing with SED.

### **EDISON TECHNOLOGY CAMPUS:**

- An RFI has been submitted to the Engineer to answer questions and obtain required details for the replacement of a broken existing storm pipe. Once the answer is received, a price proposal can be prepared by the contractor, and replacement of the pipe will be scheduled when the lower parking lot storm work starts in the spring, unless favorable weather allows this replacement to be done earlier.
- Chiller piping Rough-in work is substantially complete. Prior to chiller commissioning, the existing piping throughout the building must receive chemical treatment/ cleaning to prevent damage of the new pumps and chillers.
- Electrical conduit and conductor installations serving Chillers and Equipment continue on schedule.
- Window delivery received with replacement scheduled to start by the end of the month which is currently ahead of schedule.
- Additional scope currently under consideration include exterior masonry repointing, interior crawlspace structural concrete refurbishment, and intrusion system upgrades, (budget cost to follow AoR's information bulletin)

### **CLARA BARTON SCHOOL NO. 2:**

- Change Order work will complete in Spring 2020.
- Work to correct ponding issue on Reynolds Street continues weather permitting.
- Punch list re-inspection report published 11Feb2020
- Existing to Remain HVAC in kitchen requires some additional Change Order work prior to completion of HVAC system commissioning. A/E crawlspace inspection scheduled 20Feb2020 to troubleshoot the issue.
- A second RCSD Facilities walk-through was conducted on 14Feb2020.
- Move coordination meetings with end users starting soon.

### **GEORGE MATHER FORBES SCHOOL NO. 4:**

- The project is generally completed with some weather-related change order work to be finished in Spring 2020.



- Certificate of Occupancy has been issued and filed.
- AP Security will provide unarmed security guard services from 5pm – 7am M-F and 24hr/day on weekends thru 30 June 2020. The security system installed as part of the project will be used from 7am – 5 pm M-F.
- An amendment was issued to the CM for additional services for the completion of change order work thru 8 FEB 2020, due to owner requests and existing conditions.
- Playground and front entrance work could be completed in the spring. Awaiting direction on whether to add this scope to the project pending program funding decisions.
- Additional staff parking and plaza design is on hold pending program funding decisions.
- Move coordination planning meetings starting soon.

### **ABRAHAM LINCOLN SCHOOL NO. 22:**

- An unveiling ceremony for the Lincoln/Douglas artwork at the school has been rescheduled for 26 Feb 2020. The Mayor's attendance has been confirmed. Superintendent attendance pending but not likely.
- Exterior Punch-list will be complete Spring 2020.
- EC completed connections to light the exterior sign Friday 14 Feb 2020.
- GC proposal for basketball back boards with plexiglass received. Change order submitted to RSMP for approval at March Board meeting.
- GC received a proposal to perform Courtyard Change Order work during Spring/Summer 2020 that exceeds current budget. RSMP and CM directed GC to negotiate proposal with site subcontractor or request a proposal from another site subcontractor. A change order will be prepared once a proposal that is in line with the budget is received.

### **DR. WALTER COOPER ACADEMY SCHOOL NO. 10:**

- The project is generally on schedule.
- Millwork, ceramic tile and floor finishes continue in the existing building.
- The new addition Area A is enclosed, and all work continues with temporary heat.
- Electrical and mechanical rough-in for the new addition is complete in the 2-story classroom addition. Rough-ins ongoing in Cafeteria/Kitchen & Gymnasium.
- Metal stud framing is complete in the new addition.
- Exterior brick and precast is complete.
- Playground equipment Purchase Order prepared and approved by the RJSCB.
- Sitework will resume on 10 March 2020 weather permitting and continue thru June 2020.

### **THE FLOWER CITY SCHOOL NO. 54:**

- SEQRA Determination of Significance being updated by CPL (SEQRA Consultant) as part of acquisition of the Chace and Sherman Streets residential properties to expand the site. BAC meeting held to support SEQRA submission. Scheduled work along Chace Street suspended until property acquisition is finalized.
- Playground change order approved by RJSCB on 10Feb2020.

### **DISTRICT WIDE TECHNOLOGY:**

- RSMP, through Millennium Strategies, is providing equipment requested by RCSD IT (Rob Schmitt) to allow live-streaming by the media studio at Edison.
- DWT punch list items at East are being resolved through the winter break period.

- Schools 10 and 54 DWT teaching wall mock-ups are in completion stages. These will set the standard/pattern for the rest of the rooms in each school.

### **DISTRICT STANDARDS UPDATE:**

- East Campus signage designs are being developed as a model for future District-standard signage. SWBR Architects preparing a presentation for the EPO and District in late February 2020 to present progress and receive feedback.
- Revision 'C' to the District's Design Standards for RSMP Phase III is in progress.

### **BUSINESS OPPORTUNITIES PROGRAM (BOP):**

- 17 February 2020 saw the start of the 8<sup>th</sup> cycle of the Instructional Series (I.S.) and it was encouraging to welcome 28 business owners who registered for the semester. The method of how participants learned of the Program was varied, with the shared sources including: RSMP social media, referrals from previous graduates, radio advertisements, public outreach events where BOP has been featured (three attendees at SBDC's Contractor Forum held on 5Feb2020 where BOP presented signed up).
  - 2/17- Session 1.1: Instructional Series Orientation- Savin
  - 2/19- Session 2.1: Marketing Strategies- Ariel Marketing Solutions
- Two previous BOP I.S. graduates: MLB Cleaning (DBE) and Handle With Care (SBE) are included as EBE subs in Diversity Utilization Plans of each of the two recommended vendors to receive Summer 2020 Moving Services contracts (see FFE below).

### **FURNITURE, FIXTURES & EQUIPMENT (VARGAS):**

- FFE for School #54 has been ordered.
- Waiting for Makerspace furniture design matrix for School 10 (SEI Design) and East Campus (CannonDesign).
- Summer 2020 Moving Services Bid conducted. Recommending award of two packages to Intivity (MBE) and one to Clark Moving (WBE).
- School 4 only has the cubbies left in order to complete punch list.
- School 2 punch list is 100% complete.

### **RSMP PHASE I – Update provided by Gilbane**

#### **HELEN BARRETT MONTGOMERY SCHOOL NO. 50 (OLD MAYNARD'S ELECTRIC SITE)**

- Project is closed out.

**Report: Change Orders Authorized by Chair**

Allen Williams & Pépin Accilien stated that the amount authorized by the Chair this month is for 12 Change Orders totaling \$225,282.56, included in the Committee Packet, and outlined below for this month:

<b>Change Orders Authorized by Chair for February 2020 Mtg</b>			
<b>PROJECT</b>	<b>CONTRACTOR</b>	<b>C/O #</b>	<b>AMOUNT</b>
<b>BARTON 2</b>	GC - DIPASQUALE CONSTRUCTION	60	\$ 13,780.00
	PC - MICHAEL A. FERRAUILO	20	\$ 4,039.00
<b>COOPER 10</b>	GC - MANNING SQUIRES HENNIG	5	\$ 33,827.00
	EC - CONCORD ELECTRIC	3	\$ 5,731.00
	PC - MICHAEL A. FERRAUILO	1	\$ 34,855.00
<b>LINCOLN 22</b>	GC - STEVE GENERAL	13	\$ 34,649.91
	PC - D.V.BROWN INC.	5	\$ 13,267.18
<b>FORBES 4</b>	GC - DIPASQUALE CONSTRUCTION	19	\$ 13,177.23
<b>FLOWER CITY 54</b>	GC - MANNING SQUIRES HENNIG	5	\$ 16,794.00
	GC - MANNING SQUIRES HENNIG	8	\$ 10,148.00
	EC - FREY ELECTRIC	2	\$ 33,768.24
<b>EDISON</b>	GC2-STEVE GENERAL	2	\$ 11,246.00
<b>TOTAL</b>		<b>12</b>	<b>\$ 225,282.56</b>

*Committee Meeting: Thursday, February 6, 2020*

**Report: Amendments Authorized by Chair**

Allen Williams & Pépin Accilien stated that the amount authorized by the Chair this month is for 2 Amendments totaling \$21,710.00, included in the Committee Packet, and outlined below for this month:

<b>Amendments Authorized by Chair for February 2020 Meeting</b>			
<b>Project</b>	<b>Firm</b>	<b>Amendment No.</b>	<b>Amount</b>
East	CannonDesign	19EHS-P2-006	\$23,710.00
Monroe High 2b	Escapade	20-ART-MH2B-01	(\$2,000.00)
<b>TOTAL:</b>		<b>2</b>	<b>\$21,710.00</b>

*Committee Meeting: Thursday, February 6, 2020*

**Adjournment**

**Adjourned at 6:16 pm.**

Motion by Member Tom Richards

Second by Member Jesse Dudley

Approved 5-0