

**Rochester Joint Schools Construction
Board Monthly Meeting Minutes
March 9, 2020
4:30 PM**

Present

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

Approval of Minutes

Monthly Meeting held on February 10, 2020

Motion by Board Vice Chair Mike Schmidt

Second by Board Member Tom Richards

Approved 5-0

Consent Agenda Items

By Board Vice Chair Mike Schmidt

Second by Jesse Dudley

Adopted 5-0

Resolution 2019-20: 89

Authorization to Release DWT Mini-Bid Package #9 Network Equipment (Phase 2a/c/d)

By Board Member Michael Schmidt

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 ("DWT-2") program which involves technology upgrades and infrastructure work at several of the possible projects; and

WHEREAS, the RJSCB's Program Manager has been working with the Technology Consultant, Millennium Strategies ("Millennium"), to prepare a request for bid package for the DWT-2 project associated with the Phase 2a/c/d schools. Schools include School 10, School 54 and East Campus "DWT-2 Mini-Bid Package #9"; and

WHEREAS, the commodities procured as a part of the Phase 2 DWT Mini-Bid Package #9 will be bid off of a New York State Office of General Services contract (“State Contract”); and

WHEREAS, the DWT-2 Mini-Bid Package #9 is proposed to be released for bid beginning March 10, 2020; and

WHEREAS, the category of items included in the DWT-2 Mini-Bid Package #9 is Network Equipment for Phase 2 Schools; and

WHEREAS, the Program Manager received State Education Department approval of the designs for the DWT-2 projects on July 12, 2016; and

WHEREAS, on February 25, 2020, Millennium requested authorization from the RJSCB to release the DWT-2 Mini-Bid Package #9; and

WHEREAS, the RJSCB’s M/WBE and Services Procurement Committee considered and discussed Millennium’s request at its March 5, 2020 meeting, and after due deliberation, it approved the request to release the DWT-2 Mini-Bid Package #9.

THEREFORE, BE IT RESOLVED:

1. The RJSCB, through its Program Manager, shall proceed with the issuance of a DWT-2 Mini-Bid Package #9 in order to maintain the overall project schedule;
2. Also, prior to issuance, the Program Manager and Millennium will work with the RJSCB’s general counsel to further develop and finalize the DWT-2 Mini-Bid Package #9, including the General Conditions of the Contract and the Purchase Order forms; and
3. The M/WBE and Services Procurement Committee, with the advice and recommendations of the Program Manager, is authorized on behalf of the RJSCB to review the bid responses and recommend to the RJSCB the lowest responsible bidders.

Second by Board Member Jesse Dudley

Adopted 5-0

Resolution 2019-20: 90

Bid Award – 2020 Move Services (School 4, School 10, School 54, East High & RSMP Warehouse)

By Board Member Michael Schmidt

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 (“DWT”) 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 RJSCB, upon the recommendation of its Program Manager and Move Management Consultant (Vargas Associates), has determined a need for a moving services firm to provide the labor and equipment to perform the physical moves in 2020 for all furniture and contents of School 4, School 10, School 54, East High School and the RSMP Warehouse that are included in and part of the RSMP; and

WHEREAS, the RJSCB authorized the release of request for bids (“Request for Bids”) to obtain bids from the move services firms using an open public bid process at its regular meeting on January 7, 2019 (Resolution 2018-19: 94); and

WHEREAS, following RJSCB approval, the Program Manager advertised and released the bid documents for the 2020 moving services on January 13, 2020; and

WHEREAS, the Program Manager and Move Management Consultant received bids on February 12, 2020 per the deadline stipulated in the Request for Bids, and those bids were subsequently opened and read aloud at the location stated in the Request for Bids; and

WHEREAS, the RJSCB’s Program Manager and the Move Management Consultant have reviewed the bids, conducted de-scoping meetings and made assessments on the sufficiency of staffing for the moves, and concluded that the apparent low bidder is capable to perform the scope of work packages and is also a qualified and a responsible bidder; and

WHEREAS, at its March 5, 2020 meeting, the M/WBE Procurement and Services Committee considered the recommendation of the Program Manager and Move Management Consultant and following due deliberation, approved the firms as follows:

School	Name of Firm	Not to Exceed Amount
School 4	Intivity, 106 Despatch Dr., Suite 2, East Rochester, NY 14445	\$50,648.00
School 54	Intivity, 106 Despatch Dr., Suite 2, East Rochester, NY 14445	\$49,051.00
School 10	Intivity, 106 Despatch Dr., Suite 2, East Rochester, NY 14445	\$47,582.00
RSMP Warehouse	Clark Moving & Storage, Inc. 3680 Buffalo Road Rochester, NY 14624	\$40,680.00
East High	Clark Moving & Storage, Inc. 3680 Buffalo Road Rochester, NY 14624	\$103,000.00

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the recommendation of the Program Manager and Move Management Consultant that the contract awards shall be made to the above-named firms, in the amount specified to provide the necessary moving services; and

2. The RJSCB Chair is hereby authorized, to execute and deliver a Purchase Order to the firms named above, in substantially the form included in the Request for Bids with such changes as the Chair may approve (the Chair's signature thereon being conclusive evidence of such approval) on the advice of the Program Manager and the RJSCB's general counsel.

Second by Board Member Jesse Dudley

Adopted 5-0

Resolution 2019-20: 91

Purchase Order Summer 2020 FF&E – East High

By Board Member Michael Schmidt

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 ("DWT") 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 RJSCB's Program Manager, with the advice of Vargas Associates (the "Move Manager"), the RJSCB's general counsel, the Construction Managers, the Architects, and the RJSCB's Independent Compliance Officer ("ICO"), prepared bid documents for the Furniture, Fixtures and Equipment ("FF&E") bid associated with the Phase 2 schools (the "Phase 2 FF&E Projects"); and

WHEREAS, East High School ("East High") is one of the projects included in Phase 2c/2d of the RSMP, as provided in the Phase 2 Master Plan; and

WHEREAS, the RJSCB authorized the release of the FF&E bid documents for the Phase 2 FF&E Projects at its regular meeting on November 13, 2017 (Resolution 2017-18: 92); and

WHEREAS, the Program Manager received bids on January 23, 2018 per the deadline stipulated in the Request for Bids for the Phase 2 FF&E Projects, and those bids were subsequently publicly opened and read aloud at the location stated in the Request for Bids; and

WHEREAS, the Program Manager, Independent Compliance Officer ("ICO") and the Move Management Consultant reviewed the bids submitted for the Phase 2 FF&E Projects, conducted de-scoping meetings, inspected physical samples of some items, and identified four qualified and responsible bidders; and

WHEREAS, the RJSCB at its regular meeting on February 6, 2018 approved the recommendations of the Move Management Consultant (Resolution 2017-18: 138); and

WHEREAS, the Move Management Consultant was able to utilize unit pricing (with allowable increases) from the 2017 Main Furniture Bid received on January 23, 2018 for the East High FF&E Project; and

WHEREAS, on February 12, 2020, the Move Management Consultant and the Program Manager recommended to the RJSCB's M/WBE and Services Procurement Committee (the "Committee") that a purchase order for FF&E be issued for the East High Project as identified in the table below:

Name of Firm	Not-to-Exceed PO Amount
Intivity,106 Despatch Drive Suite 2 Rochester NY 14445	\$164,880.00 .
Hertz Furniture 170 Williams Drive Ramsey, NJ 07446	\$87,480.00
Quality Office Environments 127 Main Street Geneseo, NY 14454	\$40,680.00 .

WHEREAS, deliveries and installation of FF&E orders placed at this time will be coordinated by the Move Management Consultant to coincide with the construction schedule of the East High FF&E Project; and

WHEREAS, at its meeting on March 5, 2020, the M/WBE and Services Procurement Committee approved the forwarding of the Move Management Consultant's FF&E recommendations to the full Board for consideration at its March 9, 2020 regular meeting.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the recommendation of the Move Management Consultant that the contract award shall be made to the above named firms, in the amounts specified to provide the necessary Furniture, Fixtures, and Equipment (delivered and installed at point of use) for the East High FF&E Project; and
2. The RJSCB Chair is hereby authorized, to execute and deliver the Purchase Orders to the firms named above, in substantially the form included in the Request for Bids for the Furniture, Fixtures, and Equipment with such changes as the Chair may approve (the Chair's signature thereon being conclusive evidence of such approval) on the advice of the Program Manager and the RJSCB's general counsel.

Second by Board Member Jesse Dudley

Adopted 5-0

**Resolution 2019-20: 92
Change Order #59 to DiPasquale Construction, Inc. Contract (Clara Barton School 2)**

By Board Member Michael Schmidt

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 #59 includes the following items:

1. IB-153-Additional Interior Signage\$8,514.00
2. IB-154-Plants at Vestibule V1 Planter\$669.00
3. RFI-295- Install 15" PVC down turned tee fitting for MH#9\$3,403.00
4. Additional work per IB's - T&M 141, 148R1, 149\$3,198.00

The total amount of Change Order #59 is **\$15,784.00**; 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 \$15,784.00; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its March 5, 2020 meeting and after due deliberation, it approved the request to amend the Contract.

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to DCI's Contract between the Board and Contractor dated May 7, 2018 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 Jesse Dudley

Adopted 5-0

Resolution 2019-20: 93

Change Order #20 to DiPasquale Construction Contract (George Mather Forbes School 4) Phase 2b

By Board Member Michael Schmidt

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, George Mather Forbes School 4 ("School 4") is one of the projects included in Phase 2c of the RSMP, as provided in the Phase 2 Master Plan; and

WHEREAS, the RJSCB approved the award of the general contractor contract to DiPasquale Construction, Inc. ("DCI") for the School 4 project in Phase 2c (Resolution 2018-19: 24); and

WHEREAS, the RJSCB entered into a contract with DCI (Resolution 2018-19: 24) dated July 13, 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 DiMarco Constructors (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 #20 includes the following items:

1. ASI 098 - Damaged Loading Dock \$33,230.32
2. ASI 077 - Metal Fence/Plantings \$21,549.14
3. Replace Main Entrance Treads \$2,329.71
4. Door 108B Demo \$3,530.16
5. Classroom Door Extension \$1,639.60
6. Loading Dock Stair Riser \$2,628.88
7. ASI 097 - Gas Meter Fence \$24,297.44

The total amount of Change Order #20 is **\$89,205.25**; 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 \$89,205.25; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its March 5, 2020 meeting and after due deliberation, it approved the request to amend the Contract.

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to DCI's Contract between the Board and Contractor dated July 13, 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 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 Jesse Dudley

Adopted 5-0

Resolution 2019-20: 94

Change Order #14 to Steve General Contractor Inc. Contract (Lincoln School 22)

By Board Member Michael Schmidt

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 RJSCB approved the award of the general contractor contract to Steve General Contractor Inc. (“SGC”) for the Lincoln School No. 22 project (f/k/a as the Dag Hammarskjold School 6) in Phase 2c (Resolution 2017-18: 182); and

WHEREAS, the RJSCB entered into a contract with SGC (Resolution 2017-18:182) 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, SGC, along with Buffalo Construction Consultants, 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 #14 includes the following items:

1. PCO 135 – CB 20 Door Revisions \$40,124.10
2. PCO 168 – CB 27 Revisions \$21,389.57

The total amount of Change Order #14 is **\$61,513.67**; 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 thereafter recommended to the RJSCB’s M/WBE and Services Procurement Committee (the “Committee”) that SGC’s Contract should be amended to add these scope items for a total increase in the Contract Sum of \$61,513.67; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its March 5, 2020 meeting and after due deliberation, it approved the request to amend the Contract as set forth herein.

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to SGC’s Contract between the Board and Contractor dated May 7, 2018 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 Jesse Dudley

Adopted 5-0

Resolution 2019-20: 95

Change Orders #10 & 13 to Manning Squires Hennig Contract (School 54 Phase 2d)

By Board Member Michael Schmidt

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 #10, includes the following item:

1. Structure for chiller rails \$6,925.00

The Total amount of Change Order #10 is **\$6,925.00**; and

WHEREAS, Change Order #13, includes the following items:

1. Structure for Mechanical Units \$18,032.00
2. Misc. Unstable ETR Masonry \$4,884.00
3. Terrazzo Patch at Rm. 209 Alcove \$2,131.00

The Total amount of Change Order #13 is **\$25,047.00**; 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 these scope items for a total net increase in the Contract Sum of \$31,972.00; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its March 5, 2020 regular meeting and after due deliberation, it approved the request to amend the Contract.

THEREFORE, BE IT RESOLVED:

1. The proposed Change Orders to Manning Squires' Contract between the Board and Contractor dated April 8, 2019 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 Jesse Dudley

Adopted 5-0

Resolution 2019-20: 96

Change Order #3 to Frey Electric Construction Co. Inc. (School 54 Phase 2d)

By Board Member Michael Schmidt

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 electrical contractor contract to Frey Electric Construction Co. Inc. ("Frey") for the School 54 project in Phase 2d (Resolution 2018-19: 138); and

WHEREAS, the RJSCB entered into a contract with Frey (Resolution 2018-19: 138) dated April 8, 2019 (the "Contract"), to perform the scope of services defined in the contract documents as the electrical contractor's scope of work; and

WHEREAS, following the execution of the Contract, Frey, 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 #3, includes the following item:

1. Alternate EC-02 Site Electrical Across Chace Street \$40,000.00

The Total amount of Change Order #3 is **\$40,000.00**; 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 M/WBE and Services Procurement Committee (the "Committee") that Frey's Contract should be amended to add these scope items for a total net increase in the Contract Sum of \$40,000.00; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its March 5, 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 Frey's Contract between the Board and 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 Jesse Dudley

Adopted 5-0

Resolution 2019-20: 97

Change Orders #59-61, 63 to Holdsworth Klimowski Construction Contract (East Campus – Phase 2b)

By Board Member Michael Schmidt

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 #59 includes the following item:

1. RFI-168 - C2 Locker Room - Masonry Column Encasement - C116 \$1,807.00
2. RFI-168 - C2 Locker Room - Masonry Column Encasement - C5 and CR \$1,875.00
3. RFI-168 - C2 Locker Room - Column Encasement - Tile Finish \$5,129.00
4. RFI-168 - C2 Locker Room - Column Encasement - Tile Backer-C110 & C111 \$1,861.00
5. RFI#257 - E - Wall Changes \$8,903.00

The total amount of Change Order #59 is **\$19,575.00**; and

WHEREAS, Change Order #60 includes the following item:

1. B#073 - Ceilings in C-wing - CS-4 Corridor - Corner Guards \$317.00
2. IB#100 - F-Wing Existing Areaways – Scuppers \$2,795.00
3. RFI-366 - A - Dental Suite Fittings \$5,947.00
4. IB#108 - F-wing Level 03 Custodian \$6,412.00
5. IB#113 - Art Storage Room Walls \$1,463.00
6. IB#132 - A-100 Suite Wall Laminate \$3,002.00
7. IB#140 C-Wing-C-202a RM Separation \$2,940.00
8. RFI#119 - Door Frames @ Masonry Openings \$3,864.00

The total amount of Change Order #60 is **\$26,740.00**; and

WHEREAS, Change Order #61 includes the following item:

1. IB#006 - Area 3 C3 - Penthouse Duct – Abatement \$18,524.02
2. IB#056 - Cafeteria Corridor Revision \$12,824.00
3. IB#110 - F - Level 3 Teaching Walls – Correction (\$259.00)
4. IB#119 - F-312 Soffits \$1,305.00
5. RFI#345 - Door Stops at Solid Surface Corner \$479.00
6. IB#125R1 - F-wing Overall Ceiling Condition – Demo \$1,302.00
7. IB#133 - F-111 Existing Equipment \$291.00

The total amount of Change Order #61 is **\$34,466.02**; and

WHEREAS, Change Order #63 includes the following item:

1. IB 139 – F Level 2 Wall Condition \$41,883.00

The total amount of Change Order #63 is **\$41,883.00**; 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 HKC’s Contract should be amended to add these scope items for an increase in the Contract Sum of \$122,664.02; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its March 5, 2020 meeting and after due deliberation, it approved the request to amend the Contract as set forth herein.

THEREFORE, BE IT RESOLVED:

1. 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

Resolution 2019-20: 98

Change Orders #53 - 55 to Hewitt Young Construction Contract (East Campus – Phase 2b)

By Board Member Michael Schmidt

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 electrical contract to Hewitt Young Electric, LLC (“Hewitt”) for the East project in Phase 2 (Resolution 2018-19: 51); and

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

WHEREAS, following the execution of the Contract, Hewitt, 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 #53 includes the following item:

1. RFI – 372 Feeders Reconnection \$80,223.60

The total amount of Change Order #53 is **\$80,223.60**; and

WHEREAS, Change Order #54 includes the following items:

1. IB#048 - Pool Balcony Ceiling Scope – Reconstruction \$4,584.15
2. IB#117 - Split Unit in B-Wing Data \$2,281.00
3. IB#087 & 087R1- F-Wing Data Room Change \$3,812.57
4. RFI-387 - A-100 Suite Speakers \$1,628.54

The total amount of Change Order #54 is **\$12,306.26**; and

WHEREAS, Change Order #55 includes the following items:

1. IB#071 - Power and Data Add. Collab \$12,099.70
2. IB#104 & RFI#354 - E-115 Lighting - See 80236 & 80217 \$4,796.02

The total amount of Change Order #55 is **\$16,895.72**; 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 Hewitt's Contract should be amended to add the scope item for an increase in the Contract Sum of \$109,425.58; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its March 5, 2020 meeting and after due deliberation, it approved the request to amend the Contract as set forth herein.

THEREFORE, BE IT RESOLVED:

1. The proposed Change Orders to Hewitt'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

**Resolution 2019-20: 99
Pay Requisition Summary Acceptance (February 2020)**

By Board Member Michael Schmidt

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 \$6,981,129.31, 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 February 28, 2020; and

WHEREAS, the RJSCB Chair approved the Phase 2 monthly Pay Requisition Summary on or about February 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 March 5, 2020.

THEREFORE, BE IT RESOLVED:

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

Second by Board Member Jesse Dudley

Adopted 5-0

Rochester Joint Schools Construction Board

Resolution 2019-2020: 100

Approval of Closing Documents for Issuance of County of Monroe Industrial Development Agency School Facility Revenue Bonds

(Rochester Schools Modernization Project), Series 2020

By Member of the Board Michael Schmidt

WHEREAS, the New York State Industrial Development Agency Act, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act") authorizes and provides for the creation of industrial development agencies in the several counties, cities, villages and towns in the State of New York (the "State"); and

WHEREAS, pursuant to and in accordance with the provisions of the Enabling Act, the County of Monroe Industrial Development Agency (the “Agency”) was established by Chapter 55 of the 1972 Laws of New York, as amended (together with the Enabling Act, the “IDA Act”), for the benefit of the County of Monroe, New York (the “County”) and the inhabitants thereof; and

WHEREAS, many of the public schools of the Rochester City School District (the “District”) are in need of substantial improvement, renovation and reconstruction in order to improve the quality of education in the City of Rochester (the “City”); and

WHEREAS, the Rochester School Facilities Modernization Program Act constituting Chapter 416 of the 2007 Laws New York and Chapter 533 of the 2014 Laws of New York (collectively the “Rochester Schools Act”) established the Rochester Joint Schools Construction Board (“RJSCB”), a seven voting member board consisting of equal representation by the City and the District, as well as a member jointly selected by the City and the District; and

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

WHEREAS, pursuant to the Rochester Schools Act and a Cooperative Agreement among the District, the RJSCB and the City, executed on February 22, 2010, as amended on August 4, 2016 (the “Cooperative Agreement”), the RJSCB has developed a comprehensive school facilities modernization plan for Phase II (the “Phase II Master Plan”) and the State Comptroller has approved the Phase II Master Plan, all as contemplated by Section 5 of the Rochester Schools Act; and

WHEREAS, the RJSCB has selected the 13 existing school building sites listed below for modernization in the Phase II Master Plan (the “Phase II Existing Site Facilities”):

1. James Monroe High School, 164 Alexander Street;
2. East Upper School and East Lower School, 1801 East Main Street;
3. Edison Technology Campus, 655 Colfax Street;
4. Dr. Freddie Thomas Learning Center, 625 Scio Street;
5. School Without Walls Commencement Academy, 480 Broadway Street;

- 6.Children’s School of Rochester No. 15 (formerly known as Martin B. Anderson School No. 1), 85 Hillside Avenue;
- 7.Clara Barton School No. 2, 190 Reynolds Street;
- 8.George Mather Forbes School No. 4, 198 Dr. Samuel McCree Way;
- 9.Abraham Lincoln School No. 22 (formerly known as Dag Hammarskjold School No. 6), 595 Upper Falls Boulevard;
- 10.Virgil I. Grissom School No. 7, 31 Bryan Street;
- 11.Dr. Walter Cooper Academy School No. 10, 353 Congress Avenue;
- 12.John Walton Spencer School No. 16, 321 Post Avenue;
- 13.Flower City School No. 54 (formerly known as General Elwell S. Otis School No. 30), 36 Otis Street; and

WHEREAS, in addition to the Phase II Existing Site Facilities, the City and the District have acquired or may acquire additional ancillary real property for purposes of facilitating the modernization of the Phase II Existing Site Facilities pursuant to the Phase II Master Plan and to facilitate their subsequent use as school buildings (such real property, together with the Phase II Existing Site Facilities, the “Phase II Facilities”); and

WHEREAS, the RJSCB has presented the plans and specifications for the modernization and improvement of the Phase II Facilities in accordance with the Phase II Master Plan, including the implementation of the District-wide technology project at such facilities (the “Phase II Project”) to the Commissioner of Education of the State (the “Commissioner”) for approval as contemplated by Section 6 of the Rochester Schools Act; and

WHEREAS, the Phase II Project collectively constitutes a “project” within the meaning of the IDA Act by reason of Section 16 of the Rochester Schools Act; and

WHEREAS, the RJSCB, exercising its properly authorized powers conferred upon it for such purposes by the Rochester Schools Act, has selected Savin Engineers, P.C. a New York professional corporation, as its independent program manager under Section 10 of the Rochester Schools Act (the “Program Manager”) to implement the Phase II Master Plan for the Phase II Project, and the Program Manager and the RJSCB (acting for itself and as agent for the District and the City) have entered into a Program Management Agreement effective as of December 15, 2015, as amended (the “Program Management Agreement”); and

WHEREAS, the RJSCB declared its intent to serve as State Environmental Quality Review Act (“SEQRA”) Lead Agency for the Phase II Master Plan on February 8, 2016 (Resolution 2015-16:95), and subsequently confirmed its Lead Agency status on March 7, 2016 (Resolution 2015-16:123); and

WHEREAS, after having reviewed the completed long-form Environmental Assessment Forms for the Phase II Project, the RJSCB formally issued a Negative Declaration to all interested and involved parties on June 20, 2016 (Resolution 2015-16:190); and

WHEREAS, to accomplish the purposes of the IDA Act, the Agency, in response to an application from the RJSCB requesting Agency financing for the Phase II Project, adopted a resolution on December 6, 2016 authorizing the issuance of up to \$435,000,000 of bonds therefor; and

WHEREAS, the Agency previously issued its School Facility Revenue Bonds (Rochester Schools Modernization Project) on behalf of the City, the District and the RJSCB for the Phase I projects authorized under the Rochester Schools Act (the “Phase I Bonds”), pursuant to an Amended and Restated Indenture of Trust (the “Amended and Restated Indenture”) dated as of February 1, 2015, between the Agency and U.S. Bank National Association, as trustee (the “Trustee”); and

WHEREAS, the Agency previously issued its School Facility Revenue Bonds (Rochester Schools Modernization Project), Series 2017 (the “Series 2017 Bonds”), to finance a portion of the costs of the Phase II Project (the “Series 2017 Project”), incidental and related costs therefor and costs of issuance of the Series 2017 Bonds, pursuant to the Amended and Restated Indenture and the Third Supplemental Indenture of Trust, dated as of August 1, 2017, between the Agency and the Trustee; and

WHEREAS, the Agency previously issued its School Facility Revenue Bonds (Rochester Schools Modernization Project), Series 2018 (the “Series 2018 Bonds”), to finance a portion of the costs of the Phase II Project (the “Series 2018 Project”), incidental and related costs therefor and costs of issuance of the Series 2018 Bonds, pursuant to a resolution of the Agency, the Amended and Restated Indenture and the Fourth Supplemental Indenture of Trust (the “Fourth Supplemental Indenture”) between the Agency and the Trustee; and

WHEREAS, the Agency will authorize the issuance of the Agency’s School Facility Revenue Bonds (Rochester Schools Modernization Project), Series 2020 (the “Series 2020 Bonds”), to finance a portion of the costs of the Phase II Project (the “Series 2020 Project”), incidental and related costs therefor and costs of issuance of the Series 2020 Bonds, pursuant to a resolution of the Agency, the Amended and Restated Indenture and the Fifth Supplemental Indenture of Trust (the “Fifth Supplemental Indenture”) between the Agency and the Trustee; and

WHEREAS, the District and the City have leased, pursuant to a ground lease dated as of June 1, 2012, as amended and restated as of August 1, 2017, and which is to be further amended and restated as of May 1, 2020 (the “Amended and Restated Ground Lease”), the Phase II Facilities and certain additional property described in the Amended and Restated Ground Lease (collectively, the “Ground Lease Facilities”) to the Agency; and

WHEREAS, the District and the City have subleased the Ground Lease Facilities from the Agency, pursuant to a Sublease Agreement dated June 1, 2012, as amended and restated as of June 1, 2013, February 1, 2015 and August 1, 2017, and which is to be further amended and restated as of May 1, 2020 (the “Amended and Restated Sublease Agreement”); and

WHEREAS, payments to be made by the District under the Amended and Restated Sublease Agreement are expected to be sufficient to pay the principal and interest on the Phase I Bonds, the Series 2017 Bonds, the Series 2018 Bonds and the Series 2020 Bonds (collectively, the “Bonds”); and

WHEREAS, the District and the City have entered into a State Aid Trust Agreement dated as of June 1, 2012, as amended and restated as of February 1, 2015 and August 1, 2017 (the “Amended and Restated State Aid Trust Agreement”), with U.S. Bank National Association, as depository bank (the “Depository Bank”), to provide for, among other things, the payment of all State Aid Revenues (as defined therein) into the State Aid Depository Fund (as defined therein) maintained with the Depository Bank for periodic transfer to the Bond Fund (as defined in the Amended and Restated Indenture) toward payment of the Bonds, and the balance to the General Fund (as defined therein); and

WHEREAS, such State Aid Revenues deposited to the Bond Fund shall be credited against Sublease Payments otherwise payable by the District under the Amended and Restated Sublease Agreement; and

WHEREAS, it is expected that the proceeds of the Series 2020 Bonds will be used to (i) finance costs of the Series 2020 Project, (ii) fund capitalized interest for the Series 2020 Bonds, and (iii) finance costs of issuance of the Series 2020 Bonds; and

WHEREAS, the Series 2020 Bonds will be marketed pursuant to a Preliminary Official Statement and an Official Statement, each containing certain information relating to the Agency, the District, the City and the RJSCB, and will be sold pursuant to a contract of purchase; and

WHEREAS, the respective counsels to the Agency, the City, the District, the RJSCB, Citigroup Global Markets Inc., as representative of the Underwriters (the “Underwriter”), the Depository Bank, and the Trustee, have prepared or reviewed, and/or will prepare or review, the following documents

relating to the issuance of the Series 2020 Bonds (and together with all other documents and certificates in connection therewith, the "Transaction Documents"):

- 1.Fifth Supplemental Indenture between the Agency and the Trustee;
- 2.Amended and Restated Ground Lease between the Agency, the District and the City;
- 3.Amended and Restated Sublease Agreement between the Agency, as sublessor, and the City and the District, as sublessees;
- 4.Amended and Restated Indenture between the Agency and the Trustee;
- 5.Amended and Restated State Aid Trust Agreement between the District, the City, the Depository Bank and the Trustee;
- 6.Preliminary Official Statement and an Official Statement of the Agency and the District prepared in connection with the offering of the Series 2020 Bonds;
- 7.Purchase Contract between the Underwriter, the Agency and the District;
- 8.Continuing Disclosure Agreement between the District and the Trustee; and

WHEREAS, the Agency is expected to adopt a resolution authorizing the issuance by the Agency of the Series 2020 Bonds, the execution and delivery of the Transaction Documents to which the Agency is a party, and the approval of all other Transaction Documents; and

WHEREAS, the District is expected to adopt a resolution authorizing the issuance by the Agency of the Series 2020 Bonds, the execution and delivery of the Transaction Documents to which the District is a party, and the approval of all other Transaction Documents; and

WHEREAS, the City is expected to adopt a resolution authorizing the issuance by the Agency of the Series 2020 Bonds, the execution and delivery of the Transaction Documents to which the City is a party, and the approval of all other Transaction Documents; and

WHEREAS, the Rochester Schools Act requires the RJSCB and the District to compare the financing available for the Rochester Schools Modernization Project through the Agency with the financing available through the Dormitory Authority of the State of New York (“DASNY”) and employ the financing mechanism that will result in the lowest cost to taxpayers of the City and State.

THEREFORE, BE IT RESOLVED:

1.The RJSCB hereby ratifies and confirms that the RJSCB, acting on behalf of the District and the City, has filed an application with the Agency, requesting the Agency to provide financing for the Phase II Project, which includes the Series 2020 Project.

2.In order to finance the costs of the Series 2020 Project, the RJSCB hereby approves the issuance by the Agency of the Series 2020 Bonds in an amount not to exceed \$55,466,081.

3.The RJSCB hereby ratifies and confirms that the RJSCB, acting on behalf of the District and the City, has compared or will compare prior to closing the financing available for the Rochester Schools Modernization Project through the Agency with financing through DASNY and has determined, or will determine prior to closing, that financing through the Agency will result in the lowest cost to the taxpayers of the City and State.

4.The RJSCB acknowledges that the President of the Board of Education of the District and in his absence his appointed designees (individually and collectively, the “District’s Authorized Officer”), is expected to be authorized on behalf of the District to approve, execute and deliver documents necessary to facilitate the financing of the Series 2020 Project, including without limitation any Transaction Documents to which the District is a party, draft forms of Transaction Documents which are to be executed by the District’s Authorized Officer have been provided to the RJSCB and the final forms of which shall be approved by the Executive Director, Chair, or Vice Chair, all of which are expected to be approved by the Board of Education of the District.

5.The RJSCB acknowledges that (i) pursuant to the Rochester Schools Act and the Cooperative Agreement, the RJSCB will serve as the City’s and the District’s agent with respect to the Phase II Project, and (ii) pursuant to the Transaction Documents, the RJSCB will serve as an authorized representative of the District with respect to certain obligations and responsibilities of the District in

connection with the Phase II Project and the Series 2020 Bonds, as further described in the Transaction Documents.

6. Each of the Chair, Vice Chair, and Executive Director of the RJSCB is hereby authorized on behalf of the RJSCB to enter into such agreements and execute such certificates and documents as may be appropriate to facilitate the issuance of the Series 2020 Bonds.

7. The RJSCB affirms that it will continue to act as SEQRA Lead Agency.

8. Citigroup Global Markets Inc., as representative of the Underwriters, is authorized to utilize information about the RJSCB and the Program Manager in connection with the distribution of the Preliminary Official Statement and final Official Statement with respect to the offering and sale of the Series 2020 Bonds, the forms of which shall be approved by the Executive Director, Chair, or Vice Chair.

9. This Resolution shall take effect immediately.

Second by Member of the Board Jesse Dudley

Approved 5-0 Page Break

I, _____, Treasurer and Finance Committee Chair of the Rochester Joint Schools Construction Board, do hereby certify that I have compared the foregoing with the original resolution passed by the Rochester Joint Schools Construction Board at a legally convened meeting held on the ____ day of March, 2020, on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original. I further certify that the full Rochester Joint Schools Construction Board, consists of seven voting members and one non-voting member and that _____ of the seven such voting members were present at such meeting and that _____ of the voting members in attendance voted in favor of such resolution.

IN WITNESS THEREOF, I have hereunto set my hand on this ____ day of March, 2020.

Rosiland Brooks-Harris

Treasurer and Finance Committee Chair,
Rochester Joint Schools Construction Board

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:

- 93.58% submissions for the January 2020 reporting period.
- 96.28% of all data requested has been received and approved (January 2016 through January 2020).
- Overall Workforce (EEO) Participation: Minority @ 26.33% (goal is 22%) and Women @ 6.53% (goal is 8%).
- Overall Workforce (EEO) Participation: Minority Males @ 22.90% and All Women @ 9.96% *.
- Overall Business Participation: Minority @ 22.75% (goal is 17%), Women @ 11.33% (goal is 10%), Small @ 3.22% (goal is 3%) and Disadvantaged @ 2.47% (goal is 3%).
- Rochester Residents: 112 of the 365 workers for the January 2020 reporting period (or 30.68%).

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

The Phase 2 Monthly Report was included in the Members packets and was reviewed by Deputy Program Director Roland A. Coleman II.

RSMP PHASE III STATUS

STRATEGIC PLANNING PROGRESS:

- The RSMP Phase III Bill is still being held in the NYS Assembly's Education Committee since 8JAN2020. Assembly Bill A7976 is not currently listed on the Education and Ways and Means Committees' agenda for upcoming meetings. There are scheduling, financial, and societal

impacts associated with the Bill not being passed and signed into law in the current legislative session.

- Updates to the Phase III Strategic Plan, Swing Space, Financial and Diversity Plans suspended until passage of the Phase III Legislation.
- 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:

- Received new SA-130 forms from SED that corrected the building aid unit calculations and cost allowances for projects that submitted Early Aid Start Requests (EASRs). Assignments of the interest rates by SED are still not based on the District blended borrowing interest rate filed via the SA-132's and SA-135's during the year in which the Commissioner's Approval Dates (CADs) occur.
- RJSCB/RCSB authority to acquire residential properties neighboring School 54 will be discussed at 12MAR2020 City Council Committee meeting. Determinations and findings relating to the acquisition of the properties and authorization for the acquisition by negotiation or condemnation are on the City Council Agenda for review and consideration. Property acquisitions around School 4 will be addressed in the near future.
- 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. Following the second amended set of reasons to support SEQRA determination of Significance, RJSCB resolution 2019-20: 87 was adopted by determining 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. The SEQRA Consultant was instructed to submit copies of to the Involved Agencies listed on the Agency List, all interested agencies, and the NYSDEC Environmental Notice Bulletin for Publication in such Bulletin, if required.
- Continued to work with the RJSCB Municipal Advisor and the Bond Underwriter in structuring and sizing the Series 2020 Bonds (third and last tranche). The Preliminary Official Statement (POS) and basic financing documents for issuing the Series 2020 COMIDA Revenue Bonds have been prepared and distributed for review. As with previously issued Series 2017 and 2018 bonds; approvals by the RJSCB, COMIDA, RCSB Board of Education and lastly City Council are required for issuing this last and final tranche of the Phase II long-term debt issuance. Bond ratings are expected the first week of May 2020, pricing expected on May 19th with pre-closing and closing by May 27th and May 28th, 2020. This final bond sale is sized for an amount not-to-exceed \$55,466,081.
- 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 2017 and 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 has been received and commented on By Roland Coleman so it can now be finalized and priced. Final location of the dedication plaque will be determined by RCSD Officials.

VIRGIL I. GRISSOM SCHOOL NO. 7:

- RCSD Accounting Department has made some comments on the draft Final Cost Report. RSMP to revise it and resubmit to RCSD Accounting by the end of March for submission to SED.

EAST UPPER AND LOWER SCHOOLS:

- E-Wing punch list 100% complete. Waiting on sign-off sheet from primes.
- The construction continues in F-Wing
- Current activities are the following:
 - F-Wing - 3rd floor: Wall installation (completed) ceiling installation is underway. DWT teaching wall is to follow.
 - F-Wing - 2nd floor: Wall installation is underway
 - F-Wing - 1st floor: Demolition is underway
 - Dental Suite – Work complete, Partial Certificate of Occupancy granted by SED. Eastman Dental scheduled the Department of Health (DOH) inspection for 10 March 2020.
 - Signage – SWBR provided the East Signage package draft on 10 February 2020. SWBR will provide the order of magnitude price for the East Signage by March 2020.
 - Collaboratorium Roof – Design is complete. This work will be publicly bid.

JOHN WALTON SPENCER SCHOOL NO. 16:

- Architect (SWBR) revising design of Playground Site for drainage solution.
- Contractor to remove standing water and grade for water mitigation in crawl space.
- New speed bump suitability being reviewed with City of Rochester.

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

- Warranty repair of Cafeteria floor completed 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:

- A Bulletin showing the details for the replacement of a broken existing storm pipe was just received and will be distributed to the contractor to provide a price proposal. The 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 flushing will occur once the wiring to the pumps is complete.
- Electrical conduit and conductor installations serving the new Chillers and related Equipment continue on schedule. The pumps are scheduled to be wired the week of 7 Mar 2020.
- Window replacement started 25 Feb 2020 ahead of schedule. RSMP is reviewing the 1st of the installations as a mock up to work out any installation issues and establish the acceptable level of quality.
- Additional scope currently under consideration include exterior masonry repointing, interior crawlspace structural concrete refurbishment, and intrusion system replacement, (budget cost to follow the Architect's information bulletin)
- Additional training has been provided to the teacher at the TV Studio, per her request, in preparation of the grand opening that occurred on 5 Mar 2020.

CLARA BARTON SCHOOL NO. 2:

- Change Order work will complete in Spring 2020.
- Work to correct ponding issue on Reynolds Street continues weather permitting with final completion in the Spring when asphalt plants re-open.
- Punch list corrections continue following the issue of the re-inspected punch list.
- Move coordination meetings with end users will be re-starting later this month.

GEORGE MATHER FORBES SCHOOL NO. 4:

- Weather-related change order work scheduled to start 6 April 2020.
- "Lead-in-water" testing has been completed. Preliminary results are good with final analysis due 9 March 2020.
- MOU between RCSD and RJSCB for partial occupancy of the completed school is being finalized.
- CM & contractors are working on a proposal for Principal requested changes at the main office.
- 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:

- The unveiling ceremony for the Lincoln/Douglas artwork at the school occurred on 26 Feb 2020. The Mayor, RCSD School Chief, Monroe County Elected officials were in attendance.
- Exterior Punch-list will be complete Spring 2020.
- New plexiglass basketball back boards (2) have been received by GC and are scheduled for installation during Spring Break in April.
- 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 sub-

contractor 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.
- Area A (1st & 2nd Floors)
 - Ceramic wall tile - 2nd Floor Gang Restrooms are complete. Working on the 1st floor Gang Restrooms. Event Lobby and
 - Kitchen remaining. Drywall soffits being installed in Event Lobby
 - Interior brick at columns in Event Lobby in progress.
 - Priming/painting CMU walls
 - Exterior Curtain wall glass in progress.
 - Acoustical ceiling grid - 2nd floor in progress
 - Millwork - 1st floor in progress
- Area B (1st & 2nd floors)
 - Millwork - in progress
 - VCT Flooring has started (IntegraPly is being installed under the VCT flooring at existing hardwood locations)
 - The floor refinishing in the (4) Legacy Classrooms is complete and drying.
- Site Work
 - Site work resumed on 24 February 20. Cerrone working excavation of new exterior stairs on the west side of the building.
 - - Parking lot subbase prep in progress west side of the building.
- Electrical and mechanical rough-in for the new addition is complete in the 2-story classroom addition. Rough-ins ongoing in Cafeteria/Kitchen & Gymnasium.
- Playground equipment Purchase Order prepared and approved by the RJSCB.

THE FLOWER CITY SCHOOL NO. 54:

- Construction is progressing on schedule. Ductwork installation had been holding up drywall in Area A of 1st Floor but has caught up and the drywall is now complete. The Prime Contractors have committed to new milestone dates on the 2nd floor to prevent any delays.
- All of the asbestos abatement work has now been completed.
- Playground equipment will be ordered as soon as the engineers complete their review and approval of the submittals.

DISTRICT WIDE TECHNOLOGY:

- School 10 Teaching Wall and WAP locations drawing layout completed; School 54 Teaching Wall drawing layout completed; Schools 10 and 54 DWT equipment quantities confirmed and ordered.
- Recommendation Letter placed in March Board packet for authorization to mini-bid network electronics for Schools 10, 54, and East.

DISTRICT STANDARDS UPDATE:

- Recent standards implemented: (1) Fire Evacuation signage, holders, and sign information; (2) Sewer Drain Piping flush and video records; (3) Subcontractor Insurance oversight; (4) Data Closet flooring installation for dust prevention.
- Lessons-learned session(s) planned prior to Phase 3.

BUSINESS OPPORTUNITIES PROGRAM (BOP):

- The 8th cycle of the Instructional Series (I.S.) is underway in Module 2 with 28 business participants.
 - 2/24- Session 2.2: Business State of Mind- *Savin Engineers*
 - 2/26- Session 2.3: Elevator Speech I- *The Pike Company*
 - 3/2- Session 2.4: Government & Municipal Procurement -*PTAC*
 - 3/4- Session 2.5: Elevator Speech II- *Cannon Design*
- A successful unveiling of Shawn Dunwoody's 6' X 7' bas-relief sculpture depicting a meeting of Abraham Lincoln and Frederick Douglass occurred in the lobby of Lincoln School No. 22 on 26 February 2020. In addition to Mayor Lovely Warren, also attending was RJSCB Chair/Commissioner N. Jones, Vice Chair/COO M. Schmidt, Treasurer/Director R. Brooks-Harris, Member I. Cruz and Schools Chief Dr. Shirley Green. Three television stations appeared for the event providing news coverage.

FURNITURE, FIXTURES & EQUIPMENT (VARGAS):

- School 10 & East Makerspace furniture Purchase Orders getting signed by vendors 3 March 2020;
- School 4 only has the kindergarten cubbies left in order to complete punch list.
- New kilns will have to be ordered for Schools 4, 10, and 54. The Engineers will be consulted to determine the proper ones to order based on each respective room design.

RSMP PHASE I – Update provided by Gilbane

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

- Project is closed out.

The M/WBE and Services Procurement Committee Report for February 6, 2020 was included in the Members Packets.

Report: Change Orders Authorized by Chair

Allen Williams & Pépin Accilien stated that the amount authorized by the Chair this month is for 13 Change Orders totaling \$152,943.00, included in the Committee Packet, and outlined below for this month:

Change Orders Authorized by Chair for March 2020 Mtg			
PROJECT	CONTRACTOR	C/O #	AMOUNT
BARTON 2	GC - DIPASQUALE CONSTRUCTION	63	\$ 34,300.00
	MC - J.W. DANFORTH	18	\$ 2,143.00
	EC - CONCORD ELECTRIC	55	\$ 1,256.00
FORBES 4	EC - CONCORD ELECTRIC	11	\$ 4,103.43
COOPER 10	PC - M.A.FERRAUILO	2	\$ 32,259.00
LINCOLN 22	EC - CONCORD ELECTRIC	9	\$ 15,166.79
FLOWER CITY 54	GC - MANNING SQUIRES HENNIG	9	(\$69,312.00)
	GC - MANNING SQUIRES HENNIG	11	\$ 34,740.00
	EC - FREY ELECTRIC	4	\$ 34,510.69
EAST	GC - HOLDSWORTH KLIMOWSKI	62	\$ 34,792.49

Change Orders Authorized by Chair for March 2020 Mtg			
	EC - HEWITT YOUNG ELECTRIC	51	\$0.00
	EC - HEWITT YOUNG ELECTRIC	52	\$ 33,983.60
MONROE 2B	MC - J.W. DANFORTH	12	(\$5,000.00)
	TOTAL	13	\$ 152,943.00

Report: Purchase Orders Authorized by Chair

Allen Williams & Pépin Accilien stated that the amount authorized by the Chair this month is for 2 Purchase Orders totaling \$5,187.35, included in the Committee Packet, and outlined below for this month:

Purchase Orders Authorized by Chair				
Project	Contractor	PRODUCT/SERVICE	PO #	Amount
School 10	Troxell Communications	Adjustable Wall Brackets	DWT-ADJ-SCH10-08	\$2,720.00
School 10	CDW Government LLC	PC Brackets	DWT-ARM-SCH10-09	\$1,147.35
East	Intivity	Furniture Delivery/Install	FFE-2B-0061	\$1,320.00
			TOTAL:	\$5,187.35

Adjournment

Adjourned at 5:18 pm.

Motion by Vice Chair Mike Schmidt

Second by Member Rosiland Brooks-Harris

Approved 5-0