

MWBE and Services Procurement Committee Report

4.6.2017 Meeting

Prepared by A. Fleischer

Meeting attended by: Board Chair Allen Williams, Vice Chair Mike Schmidt, Charlie Benincasa (arrived 7:37 a.m.), Bob Brown, Norman Jones (arrived 8:06 a.m., left 9:03 a.m.), Tom Richards, ICO Brian Sanvidge (phone); Savin Program Director P  pin Accilien, Savin Deputy Director Rolie Coleman, Gilbane Program Director Tom Rog  r; and General Counsel Greg McDonald.

Allen Williams convened the meeting at 7:34 a.m.

1. Amendment #6 to SEI Design Group (AE - School 12)

Tom Rog  r stated that this this deduct Amendment is to reconcile their final invoice, zeroing out the unused balance of their contract (allowances and additional services). Tom Richards asked how the money is shown. Tom Rog  r explained that this amount was already committed, so the dollars will go into the Owner's contingency, increasing the actual cash value. Motion to move this item to the full Board for consideration at the monthly Board meeting on April 10, 2017 by Bob Brown. Second by Tom Richards. Approved 4-0.

2. Amendment #29 to Vargas Associates (Move Manager - Phase 1)

Tom Rog  r stated that this net zero Amendment is for the coordination and relocation of the warehouse at 1776 N. Clinton Ave to the new warehouse space being leased at 68 Nassau Street. John Springer stated that the lease is being reviewed by General Counsel. Motion to move this item to the full Board for consideration at the monthly Board meeting on April 10, 2017 by Tom Richards. Second by Bob Brown. Approved 5-0.

3. Amendment #1 to MEH Consulting (Environmental - School 7)

Bob DiPaola explained that this not-to-exceed Amendment is to make adjustments to the original budget and scope. The \$125K budget was a placeholder calculated by analyzing a previously performed scope of services done in Phase 1. Hazardous Materials have been discovered, and lead sampling is being designed resulting in additional scope and costs to MEH. Fibertech's work plan, number of containment areas, and project schedule have necessitated working double shifts resulting in additional costs to MEH. In addition, Bob stated that MEH did not monitor their staffing or sub-consultants, testing quantity, etc. in conjunction with their budget and schedule. Motion to move this item to the full Board for consideration at the monthly Board meeting on April 10, 2017 by Tom Richards. Second by Bob Brown. Approved 5-0.

4. Phase 2a School 16 Abatement and Demolition Award

John Springer explained that the apparent lowest bidder (NRC) did not meet the apprenticeship requirements, diversity goals, or start and completion dates and withdrew their bid without penalty. The next responsible bidder, Mark Cerrone, is being recommended for award by the Program Manager, Construction Manager, and ICO. Jeff Wild stated that they have shortfalls on their WBE and DBE goals, but have greatly improved since their original EBE Utilization Plan and will continue to work with Baker Tilly to fill the gaps. Allen Williams stated that Mark Cerrone was one of the 5 firms that entered into agreement with the Attorney General's office and that we will need a waiver from their office. Tom Richards asked how much lower the apparent was. NRC was about \$300K less than Mark Cerrone. Motion to move this item to the full Board for consideration at the monthly Board meeting on April 10, 2017 by Bob Brown. Second by Charlie Benincasa. Approved 5-0.

5. Phase 2b Materials Testing and Special Inspection Services Request for Proposals

Motion to move this item to the full Board for consideration at the monthly Board meeting on April 10, 2017 by Tom Richards. Second by Mike Schmidt. Approved 5-0.

6. Phase 2b Environmental & Indoor Air Quality Monitoring Services Request for Proposals

Motion to move this item to the full Board for consideration at the monthly Board meeting on April 10, 2017 by Tom Richards. Second by Charlie Benincasa. Approved 5-0.

7. Phase 2c Construction Manager Request for Proposals

Motion to move this item to the full Board for consideration at the monthly Board meeting on April 10, 2017 by Tom Richards. Second by Mike Schmidt. Approved 5-0.

8. Authorization to Bid - School 15/1 (Demolition and Abatement)

9. Authorization to Bid - School 15/1 (Main Project)

10. Authorization to Bid - Monroe Phase 2b (Demolition and Abatement)

11. Authorization to Bid - School Without Walls (Main Project)

12. Authorization to Bid - School 7 (Main Project)

13. Authorization to Bid - School 16 (Main Project)

14. Authorization to Bid - Moving Services Contract (Summer 2017)

All of the authorization to bid memos were voted on as one item per Board Chair Allen Williams. Motion to move these items to the full Board for consideration at the monthly Board meeting on April 10, 2017 by Mike Schmidt. Second by Bob Brown. Approved 6-0.

Based on his last visit to SED, Rolie Coleman informed the Committee that SED is changing and tightening their criteria including the following: site variance, early site review narrative (because our packages are larger than site improvements), and a demolition and abatement narrative (justification on why the project needs to start early, usually applicable to buildings over 50K ft²). A high level meeting will be scheduled with the District.

15. Authorization to Bid - Dr. Freddie Thomas Learning Center (Main Office)

Erika Abbondanzieri with Watts gave an overview of the project timeline (from 'make ready' to addressing BCS/maintenance) and discussion was held regarding cost, schedule, implications to East and School 25, and the cost and benefits of an air cooled system vs. the current water cooled system.

Pépin Accilien stated that this memo is for the Main Office project for Summer 2017 and that the 2018 work is what is being discussed and needs to be decided - the 'make ready' project or the chiller plant and cooling system.

The Committee requested additional information - attached under separate cover.

16. Change Orders to Monroe 1c Contractors

- #17 to Manning Squires Hennig
- #15 to MA Ferraulo
- #10 to Eastcoast Electric

Tom Rogér explained that we are winding down Phase 1 items or moving them into Phase 2. Most of these change orders are net credits and the respective change orders will be brought to the Committee next month. Mike Schmidt asked for an update on the Monroe 2b abatement and demolition project (demolition of School 15 building) - Rob Skeele to provide an update at the monthly Board meeting on April 10, 2017. Motion to move these items to the full Board for consideration at the monthly Board meeting on April 10, 2017 by Tom Richards. Second by Charlie Benincasa. Approved 6-0.

17. Change Order to School 12 Contractor

- #27 to Hewitt Young Electric

Tom Rogér explained that this change order is for an Owner requested item - an auto door opener and 2 ADA push buttons integrated with the Day Security System. Motion to move this item to the full Board for consideration at the monthly Board meeting on April 10, 2017 by Bob Brown. Second by Norman Jones. Approved 6-0.

18. Change Orders to DWT Phase 1b Contractor

- #5 to Hewitt Young Electric
- #6 to Hewitt Young Electric

Tom Rogér explained that these change orders are the conclusion to the ongoing negotiations with HYE (Cody Hewitt) and Millennium Strategies (Jim McGuinness). The original Contract included scopes for both Monroe and East, and the

technology work will take place in Phase 2, not Phase 1. The net is a \$345K deduct which will help and take pressure off the School 50 project's bidding situation. Motion to move these items to the full Board for consideration at the monthly Board meeting on April 10, 2017 by Mike Schmidt. Second by Charlie Benincasa. Approved 6-0.

Other

Mike Schmidt asked for an update on the School 50 project (and demolition of the Maynard's building). Tom Rog r stated that the major items remain the same: demolition of Maynard's building - creating green/play space for School 50, and the School 50 roof replacement. The plan is to bid it in pieces so that if there's a budget issue we can award a certain amount of the work and maintain the pricing for the District. Based on the current budget situation we do not see a problem. RGRTA owns a piece of property in the front of this building. Tom has had several discussions with Dan DeLaus and believes that RGRTA doesn't have an interest in maintaining the easement in the parking lot area, but they need something. The School 50 Architect, Clark Patterson Lee, said the best option is keeping the 2 curb cuts at both ends of the parking lot and creating a bus lane. Pulling out curbing and sidewalk will be much less cost effective (i.e. there's a hydrant in that space). Tom will set a meeting with RGRTA and Mike Schmidt asked to be present. Tom to forward the site plan to Mike as well.

Non-Action/Discussion Items

1. Phase 2b Site Security Recommendations

Rick Stoffel stated that out of the 6 proposals received we interviewed 3 firms: the incumbent AP Safety & Security, Rochester based Armor Security and Protection, and Buffalo based Executive Investigation and Security. Discussion took place with the RSMP and Baker Tilly that if a firm is an EBE that we wouldn't ask them to hire another EBE (i.e. AP is a WBE). Charlie Benincasa asked why there's such a swing in cost. Rick believes that some firm's workforces are less experienced individuals at lower hourly rates as opposed to those such as AP, who hires District crossing guards and custodians and qualified minority and women City residents, and Armor, who hire retired and active Rochester Police Department employees. Allen Williams stated that there may be a question of capacity with AP (staffing Phase 1 and Phase 2a projects). P pin Accilien noted that Armor gave a presentation to the RSMP on their electronic based security system, infrared night vision cameras with speakers to be able to speak to the perpetrator, as opposed to the current human based security. The RSMP will continue to evaluate the firms and proposals and bring this item to the Committee next month.

2. Sub-consultant Insurance Waiver - Building Energy Solutions

Rick Stoffel stated that Building Energy Solutions is a one person operation WBE sub-consultant to Erdman Anthony, our Phase 2 Commissioning Agent. The cost to pick up this additional limit (excess liability, on auto) is over 10% of their fee. Lawley Insurance advised that granting a waiver will not create an issue as BES will not be traveling or onsite. Charlie Benincasa noted that BES has adequate Professional Liability and was not concerned with the coverage as a whole. Charlie also noted that we should be looking at our overall requirements. Tom Richards stated that having a requirement like this could be discouraging others to propose. Norman Jones said that they see issues like this at the City but it's the cost of doing business. Allen Williams requested a resolution for consideration at the monthly Board meeting on April 10, 2017.

3. Consultant Insurance Waiver - Watts Architecture & Engineering

Rick Stoffel stated that Watts is the Architect for the Dr. Freddie Thomas Learning Center project and they are covered under their Professional Liability. Ed Watts stated that the language is primarily for Contracts and it doesn't impact us (professional exposure). Allen Williams requested a resolution for consideration at the monthly Board meeting on April 10, 2017.

4. School 15/1 Driveway Issue - Title Search

Norman Jones stated that it is a driveway, not a road, on District property that also provides access to the Tay House. The MCWA transferred their property to the District via easement so the District could get into the parking lot. Per the easement, the District is responsible for it, but that the easement doesn't run all the way up to the top, so that's the City's responsibility (from the District's property and the City owned Tay House). Wayne Hermanson noted that the rough estimate is about \$300K to bring the road up to a decent surface - catch basins, curbs to be reset, milling, and some full depth.

5. Status of TRO Relief for designing and bidding the remaining Phase 2 projects

Greg McDonald stated that the TRO is the litigation brought on by the RCCI in response to the Board not having a PLA. The TRO was modified to allow a handful of the Phase 2a projects to proceed. Based upon the schedule and bonding implications associated with having this TRO, General Counsel has apprised the court of this and made a request to get in front of Judge Ark. The next group of projects include: Children's School of Rochester, School Without Walls, Dr. Freddie Thomas Learning Center, School 16 main project, and Edison Technology Campus.

Meeting adjourned at 9:06 a.m.