

**Rochester Joint Schools Construction Board**  
**Minutes**  
**January 7, 2013**  
**4:30 PM**

**Present**

Chair Lois Giess, Members: Bob Brown, Richard Pifer, Brian Roulin, Jerome Underwood, and ICO Windell Gray. Members Castro and McCormick were away. Also present were: Executive Director Tom Renauto, General Counsel Peter Abdella, and Tom Roger from Gilbane.

**Chair Giess convened the meeting at 4:30pm**

**Project Presentations**

**Franklin Auditorium** – Ken Schmitz from Young + Wright Achitectural

- BAC meetings have been held to determine the scope of the project
- Scope includes:
  - Air conditioning
  - Specific roof areas isolated to the auditorium
  - Specific masonry restoration areas isolated to the auditorium
  - Handicapped accessibility and seating
  - New flooring
  - Life Safety
  - Plaster restoration
  - Abatement
  - Paint
  - Rigging and Lighting
  - Seating refurbishment (capacity will be reduced by about 400 seats due to handicapped seating and wider seating) total final capacity will be about 1,800.
  - Sound system
- Items not included due to budget constraints are additional storage and specific toilet rooms for the auditorium
- SHPPO concerns are being addressed (doors)
- The project budget is \$3.5M
- Schedule has documents to SED in mid February, bid and award in the Spring, construction beginning on 7/1/13 running through 12/31/13.
- Lois Giess asked if there are bathrooms available for the public after school hours. Wayne Williams stated that the bathrooms are beyond the locked corridor doors. The District would need to staff events in order to have those doors remain open so that the public would have access to the bathrooms. Jerome Underwood stated that staffing events is typical and would not be a major issue.

**Monroe H.S.** – Mike Ellison from Chaintreuil Jensen Stark Architects

- Mike stated that most of the Phase 1 work will be infrastructure related as well as building envelope
- Scope includes
  - Heat (steam conversion to Hot Water)
  - Air conditioning and HVAC upgrades
  - Electrical and Fire Alarm system upgrades
  - Some structural repairs
  - Main roof at parapets including masonry repairs
  - Elevator replacements
  - Coal bunker removal
  - New retaining walls
  - Drainage repairs
  - Minor kitchen upgrades
  - A New Gym addition
- A Phase 2 program would develop a full athletic campus at Monroe
- Land acquisitions are being reviewed and discussions with the City are underway for additional parking
- The project budget is \$27.4M
- The Schedule has early drawings to SED in January along with SHPPO submissions. Final SED approval is scheduled for May 2013, and construction is scheduled to begin in the summer of 2014.
- Lois Giess asked if the new gym would be accessible by the public. Mike Ellison stated “Yes.” There will be a vestibule and locking doors will isolate the gym from the main school building.
- Lois Giess asked if SHPPO would want to see what the new gym is going to look like. Mike Ellison stated “Yes.” Tom Roger stated that SHPPO will likely want the new gym façade to be different than the existing building. SHPPO does not typically want an addition to try to copy the existing building façade.
- Lois Giess asked about proximity of bathrooms or new bathrooms for the gym addition. Mike Ellison stated that bathrooms are being worked into the design.
- Tom Renauto asked about the spectator seating capacity for the new gym. Mike Ellison stated that the gym is expected to seat 550 spectators.
- Bob Brown asked about the use of Buckingham’s parking. Tom Roger stated that it may be possible through negotiations/discussions but that our design will not rely on that area for staff parking. It may be considered for event parking.

**Approval of Minutes: Monthly Board Meeting held on December 3, 2012**

**Motion by Member Pifer**

**Second by Member Brown**

**Approved 5-0 with Members McCormick and Castro away**

## **Action Items**

### **Resolution 2012-13: 81**

#### **Amendment #3 to Chaintreuil Jensen Stark Architects, LLP Agreement – Monroe High School**

##### **By Board Chair Giess**

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

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

WHEREAS, the RJSCB approved the selection of Chaintreuil Jensen Stark Architects, LLP (“CJS”) as the Architect for the Monroe High School project in Phase I (Resolution 2011 12: 39); and

WHEREAS, the RJSCB entered into an agreement with CJS (Resolution 2011 12: 39) dated November 15, 2011, entitled Agreement Between Board and Architect (the “Agreement”); and

WHEREAS, following the execution of the Agreement, the Program Manager identified the need for additional scopes of design work, as directed by the District, and cost proposals were then obtained for these additional scope items and provided to the Program Manager for review; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB’s MWBE and Services Procurement Committee (the “Committee”) that CJS’s Agreement should be amended to add these additional scope items in the total amount of \$40,200.00 to Exhibit I of the Agreement and that this amount shall be treated as a not-to-exceed allowance under Section 11.1.1 of the Agreement; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its January 3, 2013 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Chaintreuil Jensen Stark Architects Agreement Between Board and Architect dated November 15, 2011 as set forth above is hereby approved; and
2. The RJSCB’s Chair is hereby authorized in the name and on behalf of the RJSCB, to execute an amendment to the Agreement that is consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB’s general counsel.

##### **Second by Board Member Brown**

**Approved 5-0 with Members Castro and McCormick away**

### **Resolution 2012-13: 82**

#### **Amendment #11 to JCJ Architecture’s Agreement**

##### **By Board Chair Giess**

WHEREAS, the Rochester School Facilities Modernization Program Act (“the Act”) established the Rochester Joint Schools Construction Board (“RJSCB”), a seven voting member board consisting of

equal representation by the City of Rochester ("City") and the Rochester City School District ("District"), as well as a member jointly selected by the City and the District; and

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

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

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

WHEREAS, following the execution of the Agreement, the Program Manager identified the need for additional scopes of design work including the design of full building air conditioning, as directed by the District, and cost proposals were then obtained for these additional scope items and provided to the Program Manager for review; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that JCJ Architecture's Agreement should be amended to add these additional scope items in the total amount of \$172,905.00 to Exhibit I of the Agreement and that this amount shall be treated as a not-to-exceed allowance under Section 11.1.1 of the Agreement; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its January 3, 2013 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

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

**Second by Board Member Underwood  
Approved 5-0 with Members Castro and McCormick away**

**Resolution 2012-13: 83  
Change Order #1 to Thurston Dudek, LLC – Plumbing Contractor (School 50)**

**By Board Chair Giess**

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

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

WHEREAS, the RJSCB approved the award of the plumbing contractor contract to Thurston Dudek, LLC ("Thurston Dudek") for the School 50 project in Phase I (Resolution 2011-12: 101); and

WHEREAS, the RJSCB entered into a contract with Thurston Dudek (Resolution 2011-12: 101) dated June 4, 2012 (the "Contract"), to perform the scope of services defined in the contract documents as the plumbing contractor's scope of work; and

WHEREAS, following the execution of the Contract and upon consultation with Lawley Services, the Board's insurance review agent, the RJSCB made revisions to the insurance requirements for prime contractors and subcontractors; and

WHEREAS, the revisions to the insurance requirements include: for both prime contractors and subcontractors the reduction of the fire damage limit from \$1M down to \$300k and the medical payment limit from \$20k down to \$10k; and

WHEREAS, the revisions to the insurance requirements also include: for subcontractors ONLY the reduction to the products and completed operations aggregate from \$3M down to \$2M, the reduction of the general aggregate from \$3M down to \$2M, the reduction of the umbrella / excess occurrence aggregate from \$5M down to \$2M, and the removal of the requirement for a primary / non-contributory additional insured endorsement on the umbrella policy; and

WHEREAS, these revisions to the insurance requirements will not result in a cost increase to the project, and

WHEREAS, these revisions to the insurance requirements will be incorporated into the project documents; and

WHEREAS, Change Order #1 includes the following items:

For prime contractors and subcontractors:

1. Reduction of the fire damage limit from \$1M down to \$300k
2. Reduction of the medical payment limit from \$20k down to \$10k

For subcontractors ONLY:

1. Reduction to the products and completed operations aggregate from \$3M down to \$2M
2. Reduction of the general aggregate from \$3M down to \$2M
3. Reduction of the umbrella / excess occurrence aggregate from \$5M down to \$2M
4. Removal of the requirement for a primary / non-contributory additional insured endorsement on the umbrella policy only

The Total amount of Change Order #1 is \$0.00; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that Thurston Dudek's' Contract should be amended to add these revisions to the insurance requirements; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its January 3, 2013 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to Thurston Dudek, LLC's Contract between the Board and Contractor dated June 4, 2012 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 a 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 Pifer**  
**Approved 5-0 with Members Castro and McCormick away**

**Resolution 2012-13: 84**

**Change Order #2 to Manning Squires Hennig Co., Inc. – General Contractor (School 50)**

**By Board Chair Giess**

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

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

WHEREAS, the RJSCB approved the award of the general contractor contract to Manning Squires Hennig Co., Inc. (“Manning Squires”) for the School 50 project in Phase I (Resolution 2011-12: 101); and

WHEREAS, the RJSCB entered into a contract with Manning Squires (Resolution 2011-12: 101) dated June 4, 2012 (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 and upon consultation with Lawley Services, the Board’s insurance review agent, the RJSCB made revisions to the insurance requirements for prime contractors and subcontractors; and

WHEREAS, the revisions to the insurance requirements include: for both prime contractors and subcontractors the reduction of the fire damage limit from \$1M down to \$300k and the medical payment limit from \$20k down to \$10k; and

WHEREAS, the revisions to the insurance requirements also include: for the subcontractors ONLY the reduction to the products and completed operations aggregate from \$3M down to \$2M, the reduction of the general aggregate from \$3M down to \$2M, the reduction of the umbrella / excess occurrence aggregate from \$5M down to \$2M, and the removal of the requirement for a primary / non-contributory additional insured endorsement on the umbrella policy; and

WHEREAS, these revisions to the insurance requirements will not result in a cost increase to the project, and

WHEREAS, these revisions to the insurance requirements will be incorporated into the project documents; and

WHEREAS, Change Order #2 includes the following items:

For prime contractors and subcontractors:

1. Reduction of the fire damage limit from \$1M down to \$300k
2. Reduction of the medical payment limit from \$20k down to \$10k

For subcontractors ONLY:

1. Reduction to the products and completed operations aggregate from \$3M down to \$2M
2. Reduction of the general aggregate from \$3M down to \$2M
3. Reduction of the umbrella / excess occurrence aggregate from \$5M down to \$2M
4. Removal of the requirement for a primary / non-contributory additional insured endorsement on the umbrella policy

The total amount of Change Order #2 is \$0.00; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that Manning Squires' Contract should be amended to add these revisions to the insurance requirements; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its January 3, 2013 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to Manning Squires Hennig Co., Inc.'s Contract between the Board and Contractor dated June 4, 2012 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 a 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 Brown**  
**Approved 5-0 with Members Castro and McCormick away**

**Resolution 2012-13: 85**  
**Change Order #2 to B&B Mechanical Contractors Inc. – School 50**

**By Board Chair Giess**

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

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

WHEREAS, the RJSCB approved the award of the mechanical contractor contract to B&B Mechanical Contractors Inc. ("B&B Mechanical") for the School 50 project in Phase I (Resolution 2011-12: 101); and

WHEREAS, the RJSCB entered into a contract with B&B Mechanical (Resolution 2011-12: 101) dated June 4, 2012 (the "Contract"), to perform the scope of services defined in the contract documents as the mechanical contractor's scope of work; and

WHEREAS, following the execution of the Contract and upon consultation with Lawley Services, the Board's insurance review agent, the RJSCB made revisions to the insurance requirements for prime contractors and subcontractors; and

WHEREAS, the revisions to the insurance requirements include: for both prime contractors and subcontractors the reduction of the fire damage limit from \$1M down to \$300k and the medical payment limit from \$20k down to \$10k; and

WHEREAS, the revisions to the insurance requirements also include: for the subcontractors ONLY the reduction to the products and completed operations aggregate from \$3M down to \$2M, the reduction of the general aggregate from \$3M down to \$2M, the reduction of the umbrella / excess occurrence aggregate from \$5M down to \$2M, and the removal of the requirement for a primary / non-contributory additional insured endorsement on the umbrella policy; and

WHEREAS, these revisions to the insurance requirements will not result in a cost increase to the project, and

WHEREAS, these revisions to the insurance requirements will be incorporated into the project documents; and

WHEREAS, Change Order #2 includes the following items:

For prime contractors and subcontractors:

1. Reduction of the fire damage limit from \$1M down to \$300k
2. Reduction of the medical payment limit from \$20k down to \$10k

For subcontractors ONLY:

1. Reduction to the products and completed operations aggregate from \$3M down to \$2M
2. Reduction of the general aggregate from \$3M down to \$2M
3. Reduction of the umbrella / excess occurrence aggregate from \$5M down to \$2M
4. Removal of the requirement for a primary / non-contributory additional insured endorsement on the Umbrella policy

The Total amount of Change Order #2 is \$0.00; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that B&B Mechanical's Contract should be amended to add these revisions to the insurance requirements; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its January 3, 2013 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to B&B Mechanical Contractors Inc.'s Contract between the Board and Contractor dated June 4, 2012 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 a Change Order that is consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB's general counsel.

**Second by Member Pifer**

**Approved 5-0 with Members Castro and McCormick away**

**Resolution 2012-13: 86**

**Change Order #2 to Eastcoast Electric LLC – Electrical Contractor (School 50)**

**By Board Chair Giess**

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

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

WHEREAS, the RJSCB approved the award of the electrical contractor contract to Eastcoast Electric LLC ("Eastcoast") for the School 50 project in Phase I (Resolution 2011-12: 101); and



WHEREAS, the RJSCB entered into a contract with Eastcoast (Resolution 2011-12: 101) dated June 4, 2012, (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 and upon consultation with Lawley Services, the Board's insurance review agent, the RJSCB made revisions to the insurance requirements for prime contractors and subcontractors; and

WHEREAS, the revisions to the insurance requirements include: for both prime contractors and subcontractors the reduction of the fire damage limit from \$1M down to \$300k and the medical payment limit from \$20k down to \$10k; and

WHEREAS, the revisions to the insurance requirements also include: for the subcontractors ONLY the reduction to the products and completed operations aggregate from \$3M down to \$2M, the reduction of the general aggregate from \$3M down to \$2M, the reduction of the umbrella / excess occurrence aggregate from \$5M down to \$2M, and the removal of the requirement for a primary / non-contributory additional insured endorsement on the umbrella policy; and

WHEREAS, these revisions to the insurance requirements will not result in a cost increase to the project, and

WHEREAS, these revisions to the insurance requirements will be incorporated into the project documents; and

WHEREAS, Change Order #2 includes the following items:

For prime contractors and subcontractors:

1. Reduction of the fire damage limit from \$1M down to \$300k
2. Reduction of the medical payment limit from \$20k down to \$10k

For subcontractors ONLY:

1. Reduction to the products and completed operations aggregate from \$3M down to \$2M
2. Reduction of the general aggregate from \$3M down to \$2M
3. Reduction of the umbrella / excess occurrence aggregate from \$5M down to \$2M
4. Removal of the requirement for a primary / non-contributory additional insured endorsement on the umbrella policy

The Total amount of Change Order #2 is \$0.00; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that Eastcoast Electric LLC's Contract should be amended to add these revisions to the insurance requirements; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its January 3, 2013 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to Eastcoast Electric LLC's Contract between the Board and Contractor dated June 4, 2012 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 a 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 Underwood**  
**Approved 5-0 with Members Castro and McCormick away**

**Resolution 2012-13: 87**

**Change Order #1 to Manning Squires Hennig Co., Inc. – General Contractor (School 17)**

**By Board Chair Giess**

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

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

WHEREAS, the RJSCB approved the award of the general contractor contract to Manning Squires Hennig Co., Inc. (“Manning Squires”) for the School 17 project in Phase I (Resolution 2012-13: 14); and

WHEREAS, the RJSCB entered into a contract with Manning Squires (Resolution 2012-13: 14) dated July 2, 2012 (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 The Pike Company, the Construction Manager, and the Program Manager, identified the need for additional scopes of work, and cost proposals were then obtained for these additional scope items and provided to the Construction Manager and the Program Manager for review; and

WHEREAS, Change Order #1 includes the following item:

1. Dismantle and remove existing kitchen equipment from the School 17 building.

The Total amount for Change Order #1 is \$416.55; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB’s MWBE and Services Procurement Committee (the “Committee”) that Manning Squires’ Contract should be amended to add these scope items in the amount of \$416.55; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its January 3, 2013 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to Manning Squires Hennig Co., Inc.’s Contract between the Board and Contractor dated July 2, 2012 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 a 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 Brown**

**Approved 5-0 with Members Castro and McCormick away**

**Resolution 2012-13: 88**

**Change Order #2 to Manning Squires Hennig Co., Inc. – General Contractor (School 17)**

**By Board Chair Giess**

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

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

WHEREAS, the RJSCB approved the award of the general contractor contract to Manning Squires Hennig Co., Inc. (“Manning Squires”) for the School 17 project in Phase I (Resolution 2012-13: 14); and

WHEREAS, the RJSCB entered into a contract with Manning Squires (Resolution 2012-13: 14) dated July 2, 2012 (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 and upon consultation with Lawley Services, the Board’s insurance review agent, the RJSCB made revisions to the insurance requirements for prime contractors and subcontractors; and

WHEREAS, the revisions to the insurance requirements include: for both prime contractors and subcontractors the reduction of the fire damage limit from \$1M down to \$300k and the medical payment limit from \$20k down to \$10k; and

WHEREAS, the revisions to the insurance requirements also include: for the subcontractors ONLY the reduction to the products and completed operations aggregate from \$3M down to \$2M, the reduction of the general aggregate from \$3M down to \$2M, the reduction of the umbrella / excess occurrence aggregate from \$5M down to \$2M, and the removal of the requirement for a primary / non-contributory additional insured endorsement on the umbrella policy; and

WHEREAS, these revisions to the insurance requirements will not result in a cost increase to the project, and

WHEREAS, these revisions to the insurance requirements will be incorporated into the project documents; and

WHEREAS, Change Order #2 includes the following items:

For prime contractors and subcontractors:

1. Reduction of the fire damage limit from \$1M down to \$300k
2. Reduction of the medical payment limit from \$20k down to \$10k

For subcontractors ONLY:

1. Reduction to the products and completed operations aggregate from \$3M down to \$2M
2. Reduction of the general aggregate from \$3M down to \$2M
3. Reduction of the umbrella / excess occurrence aggregate from \$5M down to \$2M
4. Removal of the requirement for a primary / non-contributory additional insured endorsement on the umbrella policy

The Total amount of Change Order #2 is \$0.00; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB’s MWBE and Services Procurement Committee (the “Committee”) that Manning Squires’ Contract should be amended to add these revisions to the insurance requirements; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its January 3, 2013 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to Manning Squires Hennig Co., Inc.'s Contract between the Board and Contractor dated July 2, 2012 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 a 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 Underwood  
Approved 5-0 with Members Castro and McCormick away**

**Resolution 2012-13: 89  
Change Order #1 to M.A. Ferraiulo Plumbing and Heating – Plumbing Contractor (School 17)**

**By Board Chair Giess**

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

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

WHEREAS, the RJSCB approved the award of the plumbing contractor contract to M.A. Ferraiulo Plumbing and Heating ("M.A. Ferraiulo") for the School 17 project in Phase I (Resolution 2012-13: 14); and

WHEREAS, the RJSCB entered into a contract with M.A. Ferraiulo (Resolution 2012-13: 14) dated July 2, 2012 (the "Contract"), to perform the scope of services defined in the contract documents as the plumbing contractor's scope of work; and

WHEREAS, following the execution of the Contract and upon consultation with Lawley Services, the Board's insurance review agent, the RJSCB made revisions to the insurance requirements for prime contractors and subcontractors; and

WHEREAS, the revisions to the insurance requirements include: for both prime contractors and subcontractors the reduction of the fire damage limit from \$1M down to \$300k and the medical payment limit from \$20k down to \$10k; and

WHEREAS, the revisions to the insurance requirements also include: for the subcontractors ONLY the reduction to the products and completed operations aggregate from \$3M down to \$2M, the reduction of the general aggregate from \$3M down to \$2M, the reduction of the umbrella / excess occurrence aggregate from \$5M down to \$2M, and the removal of the requirement for a primary / non-contributory additional insured endorsement on the umbrella policy; and

WHEREAS, these revisions to the insurance requirements will not result in a cost increase to the project, and

WHEREAS, these revisions to the insurance requirements will be incorporated into the project documents; and

WHEREAS, Change Order #1 includes the following items:

For prime contractors and subcontractors:

1. Reduction of the fire damage limit from \$1M down to \$300k
2. Reduction of the medical payment limit from \$20k down to \$10k

For subcontractors ONLY:

1. Reduction to the products and completed operations aggregate from \$3M down to \$2M
2. Reduction of the general aggregate from \$3M down to \$2M
3. Reduction of the umbrella / excess occurrence aggregate from \$5M down to \$2M
4. Removal of the requirement for a primary / non-contributory additional insured endorsement on the umbrella policy

The Total amount of Change Order #1 is \$0.00; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that M.A. Ferraiulo's Contract should be amended to add these revisions to the insurance requirements; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its January 3, 2013 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to M.A. Ferraiulo Plumbing and Heating's Contract between the Board and Contractor dated July 2, 2012 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 a 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 Brown**

**Approved 5-0 with Members Castro and McCormick away**

**Resolution 2012-13: 90**

**Change Order #1 to M.A. Ferraiulo Plumbing and Heating – Mechanical Contractor (School 17)**

**By Board Chair Giess**

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

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

WHEREAS, the RJSCB approved the award of the mechanical contractor contract to M.A. Ferraiulo Plumbing and Heating ("M.A. Ferraiulo") for the School 17 project in Phase I (Resolution 2012-13: 14); and

WHEREAS, the RJSCB entered into a contract with M.A. Ferrauilo (Resolution 2012-13: 14) dated July 2, 2012 (the "Contract"), to perform the scope of services defined in the contract documents as the mechanical contractor's scope of work; and

WHEREAS, following the execution of the Contract and upon consultation with Lawley Services, the Board's insurance review agent, the RJSCB made revisions to the insurance requirements for prime contractors and subcontractors; and

WHEREAS, the revisions to the insurance requirements include: for both prime contractors and subcontractors the reduction of the fire damage limit from \$1M down to \$300k and the medical payment limit from \$20k down to \$10k; and

WHEREAS, the revisions to the insurance requirements also include: for the subcontractors ONLY the reduction to the products and completed operations aggregate from \$3M down to \$2M, the reduction of the general aggregate from \$3M down to \$2M, the reduction of the umbrella / excess occurrence aggregate from \$5M down to \$2M, and the removal of the requirement for a primary / non-contributory additional insured endorsement on the umbrella policy; and

WHEREAS, these revisions to the insurance requirements will not result in a cost increase to the project, and

WHEREAS, these revisions to the insurance requirements will be incorporated into the project documents; and

WHEREAS, Change Order #1 includes the following items:

For prime contractors and subcontractors:

1. Reduction of the fire damage limit from \$1M down to \$300k
2. Reduction of the medical payment limit from \$20k down to \$10k

For subcontractors ONLY:

1. Reduction to the products and completed operations aggregate from \$3M down to \$2M
2. Reduction of the general aggregate from \$3M down to \$2M
3. Reduction of the umbrella / excess occurrence aggregate from \$5M down to \$2M
4. Removal of the requirement for a primary / non-contributory additional insured endorsement on the umbrella policy

The Total amount of Change Order #1 is \$0.00; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that M.A. Ferrauilo's Contract should be amended to add these revisions to the insurance requirements; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its January 3, 2013 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to M.A. Ferrauilo Plumbing and Heating's Contract between the Board and Contractor dated July 2, 2012 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 a 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 Underwood  
Approved 5-0 with Members Castro and McCormick away**

**Resolution 2012-13: 91**

**Change Order #1 to Testa Construction Inc. General Contractor (School 17 - Clinic)**

**By Board Chair Giess**

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

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

WHEREAS, the RJSCB approved the award of the general contractor contract to Testa Construction Inc. ("Testa") for the School 17 Clinic project in Phase I (Resolution 2012-13: 51); and

WHEREAS, the RJSCB entered into a contract with Testa (Resolution 2012-13: 51) dated October 15, 2012 (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 and upon consultation with Lawley Services, the Board's insurance review agent, the RJSCB made revisions to the insurance requirements for prime contractors and subcontractors; and

WHEREAS, the revisions to the insurance requirements include: for both prime contractors and subcontractors the reduction of the fire damage limit from \$1M down to \$300k and the medical payment limit from \$20k down to \$10k; and

WHEREAS, the revisions to the insurance requirements also include: for the subcontractors ONLY the reduction to the products and completed operations aggregate from \$3M down to \$2M, the reduction of the general aggregate from \$3M down to \$2M, the reduction of the umbrella / excess occurrence aggregate from \$5M down to \$2M, and the removal of the requirement for a primary / non-contributory additional insured endorsement on the umbrella policy; and

WHEREAS, these revisions to the insurance requirements will not result in a cost increase to the project, and

WHEREAS, these revisions to the insurance requirements will be incorporated into the project documents; and

WHEREAS, Change Order #1 includes the following items:

For prime contractors and subcontractors:

1. Reduction of the fire damage limit from \$1M down to \$300k
2. Reduction of the medical payment limit from \$20k down to \$10k

For subcontractors ONLY:

1. Reduction to the products and completed operations aggregate from \$3M down to \$2M
2. Reduction of the general aggregate from \$3M down to \$2M
3. Reduction of the umbrella / excess occurrence aggregate from \$5M down to \$2M
4. Removal of the requirement for a primary / non-contributory additional insured endorsement on the umbrella policy

The Total amount of Change Order #1 is \$0.00; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that Testa's Contract should be amended to add these revisions to the insurance requirements; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its January 3, 2013 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to Testa Construction Inc.'s Contract between the Board and Contractor dated October 15, 2012 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 a 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 Pifer  
Approved 5-0 with Members Castro and McCormick away**

**Resolution 2012-13: 92  
Schematic Design Approval – Monroe High School**

**By Board Chair Giess**

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

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

WHEREAS, the RJSCB entered into an agreement with Chaintreuil Jensen Stark Architects, LLP ("CJS"), dated November 15, 2011, with respect to the renovations to occur at Monroe High School (Agreement between Board and Architect); and

WHEREAS, pursuant to the Agreement between Board and Architect, CJS has performed and completed the Program Verification Phase and has now submitted the Schematic Design Documents to the Program Manager and Building Advisory Committee members for review; and

WHEREAS, Building Advisory Committee (BAC) meetings have been held throughout the schematic design process for Monroe High School which include participants from the Program Manager, the Architect, representatives from the RCSD facilities department, the City of Rochester, the building principal, teachers, staff, parents, and community members; and

WHEREAS, the Program Manager and the Building Advisory Committee members have approved the Schematic Design Documents for the Monroe High School project; and

WHEREAS, CJS presented the Schematic Design Documents for Monroe High School to the RJSCB, at its regular monthly meeting on January 7, 2013, for review and approval;

THEREFORE, BE IT RESOLVED:

1. The Schematic Design Documents for the Monroe High School project are approved.



2. The Program Manager is hereby authorized to direct the Architect for Monroe High School (Chaintreuil Jensen Stark Architects, LLP) to proceed with the next phase in the design process, the Design Development Phase, pursuant to the Agreement between Board and Architect.

**Second by Board Member Underwood  
Approved 5-0 with Members Castro and McCormick away**

**Resolution 2012-13: 93  
Schematic Design Approval – Franklin Auditorium**

**By Board Chair Giess**

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

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

WHEREAS, the RJSCB entered into an agreement with Young + Wright Architectural (“Young + Wright”), dated March 28, 2011, with respect to the renovations to occur at Franklin High School (Agreement between Board and Architect); and

WHEREAS, following the Agreement, and after completion of the original scope of design services by Young + Wright, the District requested that the scope of work at the Franklin High School Project be further expanded to include renovations to the auditorium space; and

WHEREAS, the RJSCB thereafter amended the Agreement to add design services associated with the renovation of the auditorium space at Franklin High School (Resolution 2012-13: 57); and

WHEREAS, pursuant to the Agreement between Board and Architect, Young + Wright has performed and completed the Program Verification Phase and has now submitted the Schematic Design Documents to the Program Manager and Building Advisory Committee members for review; and

WHEREAS, Building Advisory Committee (BAC) meetings have been held throughout the schematic design process for the auditorium space at Franklin High School which include participants from the Program Manager, the Architect, representatives from the RCSD facilities department, the City of Rochester, the building principal, teachers, staff, parents, and community members; and

WHEREAS, the Program Manager and the Building Advisory Committee members have approved the Schematic Design Documents for the auditorium space at Franklin High School; and

WHEREAS, Young + Wright presented the Schematic Design Documents for the auditorium space at Franklin High School to the RJSCB, at its regular monthly meeting on January 7, 2013, for review and approval;

THEREFORE, BE IT RESOLVED:

1. The Schematic Design Documents for the auditorium space at Franklin High School are approved.
2. The Program Manager is hereby authorized to direct the Architect for Franklin High School (Young + Wright Architectural) to proceed with the next phase in the design process, the Design Development Phase, pursuant to the Agreement between Board and Architect.

**Second by Board Member Brown  
Approved 5-0 with Members Castro and McCormick away**

**Resolution 2012-13: 94  
Pay Requisition Summary Acceptance (December 2012)**

**By Board Chair Giess**

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

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

WHEREAS, the RJSCB developed a pay requisition approval procedure with input from its Counsel, the MWBE 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: 39) to include the Trustee as paying agent for construction related payments; and

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

WHEREAS, in compliance with the Pay Requisition Approval Procedure, the RJSCB's Executive Director has reviewed the individual pay applications from each of the consultants and suppliers for accuracy and completeness; and

WHEREAS, the Executive Director forwarded a Pay Requisition Summary (attached to this Resolution) totaling \$4,696,626.96 to the Board Chair with copy to the full Board on January 2, 2013; and

WHEREAS, the RJSCB Chair approved the Pay Requisition Summary on January 2, 2013;

THEREFORE, BE IT RESOLVED:

1. The Rochester Joint Schools Construction Board hereby accepts the Pay Requisition Summary for the month of December 2012 in the amount stated above and as shown in the Summary attached to this Resolution.

**Second by Board Member Pifer  
Approved 5-0 with Members Castro and McCormick away**

## **Staff Updates / Discussion**

Tom Renauto described an issue with B&B Mechanical, MH General, and the NYS Department of Labor. The DOL has been investigating MH General due to them not paying their worker's wages in a timely manner. B&B subsequently paid all of the wages and benefits on behalf of MH General. However, now that the DOL is involved they are performing a full investigation of MH General's work for B&B on the School 50 project. The DOL has directed the RJSCB to withhold \$100,000 on B&B until their investigation is complete. Tom Renauto stated that he has complied with this directive. Tom Renauto spoke to Bob Heberger at the DOL prior to the Holidays. In that conversation, Bob indicated to Tom that the investigation would be completed in a few weeks, at which time the withholding would be reduced based on the findings. Tom Renauto will be following up on this issue with the DOL.

Monthly Reports for all of the projects are included in the Board Member's packets.

Tom Renauto reviewed the monthly compliance report for November 2012. Richard Pifer asked that a notation be made indicating the number of women who were counted in the "minority" category. Our numbers are very good. Tom Renauto stated that Windell is working on collecting the City Resident data as well as "per project" workforce participation. These items are due on 1/15/13.

Tom Renauto stated that he and Windell continue to work on investigating Veteran Owned Businesses. Tom and Windell are searching for a certification process that can be verified as well as firms in the local area who are Veteran owned and what types of businesses they are.

Jerome Underwood asked for an update on the School 17 project as it relates to Manning Squires and Adonis. Jerome had received a phone call from Adonis regarding their contract with Manning Squires. Windell is currently researching this issue and collecting information from both sides. Lois Giess asked for a report at the next RJSCB meeting.

The Committee Report from January 3, 2013 is included in the Board Member's packets.

The Contract Commitment spreadsheet is included in the Board Member's packets.

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## **Adjournment**

**Approved 5-0 at 5:47 pm**