

Rochester Joint Schools Construction Board
Minutes
October 15, 2012
4:30 PM

Present

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

Chair Giess convened the meeting at 4:35pm

Edison Presentation by LaBella Associates – Mike Short, and Pepin Accilien from Gilbane

The current schedule has drawings going to SED in February 2013, with anticipated approval by March 2013.

At this time the design team is seeking approval from the RJSCB for the schematic design in order to continue moving the process forward into design development.

Construction is scheduled to begin in the summer of 2013, with project completion slated for 2015.

The anticipated enrollment of the School is: Robert Brown School (800 students), STEM (800 students), ACE/TRACE/WEP (300 students), and Robotics.

The structural issues at this site are critical. This work is a priority.

Other work includes: paving, boilers, transformers, power distribution, locker rooms, library, shops, serving lines, additional science labs, new defined entrance, plaza pavers, and auditorium seating. The building is over 600k sqft. This project will involve about 125k sqft.

Pepin and Mike described the discrepancy between the District facilities department and the teaching/learning representatives, regarding what some of the spaces look like. Richard Pifer commented that the program should be the determining factor. It should not be facilities who make the call on what it looks like and how the program works unless it impacts the facility, then the two groups should work together jointly. Bob Brown and Alex Castro agreed. Kathleen Denaro, Principal of STEM at Edison, was in the audience and stated that the design is meant to replicate some higher education learning environments such as can be found at RIT.

Lois Giess asked if the BAC had been working with the architects on this project. Mike stated that it has been difficult to get all of the players together at one time, but that he has been meeting with them individually.

Richard Pifer commented that the new entrance is far too overstated and should be reduced in an effort to save cost. Mike Short will explore other concepts.

Mike Short stated that the structural repair estimate is \$3.5M. Richard asked what is causing the problem. Mike stated that there is significant water infiltration, the grease is not functioning properly, and the drainage piping may be damaged or insufficient.

Several Value Engineering ideas were presented to help bring the cost down to within budget. The current estimates show the project is approximately \$4M over budget.

The intent is that the building will remain occupied during construction.

Bob Brown asked about environmental concerns. The building was built on an old landfill. Is any type of ongoing monitoring taking place? Mike Short stated that LaBella is not doing any monitoring. Kathleen Denaro stated that she recalled some testing that took place several years ago by the District.

Richard Pifer asked what Phase 2 at Edison might look like? Mike Short stated that there will be more lab and classroom reconfigurations. Pepin stated that the estimated value of a Phase 2 could be around \$39M.

E-Rate Discussion by Jim McGuinness of Millennium Strategies, the technology consultant/designer

Jim stated that for the Phase 1a schools (6 projects), the e-rate eligible work totaled approximately \$2.2M. This work includes wiring, wireless, network electronics, and interactive white boards among other items.

In August 2012 the e-rate fund announced that only projects that are eligible at the 90% level would get funding. Our project went in at 87%. Jim asked the Schools and Libraries Division (SLD) if they would review our request again. The denial came back stating that they do not have the funds available.

Next steps – Apply in March 2013 for 1b, and at the same time, apply again for the 1a projects.

Scope reductions were discussed. Tom Renauto has asked Jim to schedule meetings with the District (IM&T, Facilities, Teaching and Learning) to talk about what can come out without impacting the program

Some work, specifically at school 28 and school 58 could be deferred / scheduled for next year because they both have a 2 year construction schedule.

The scope for the 1b projects could be reduced through discussions with the District.

It was agreed that the infrastructure / pathways at a minimum should remain in the project for future work.

Richard asked about the classroom amplification systems. Jim McGuinness stated that there are studies both nationally and locally that show the classroom amplification system leads to improved learning. Claude Watt concurred.

Tom Renauto asked Jim to have a recommendation by the next RJSCB meeting in November.

Approval of Minutes: Monthly Board Meeting held on September 10, 2012

Motion by Member Brown

Second by Member Pifer

Approved 4-0 with Members Roulin and Underwood away

Action Items

Resolution 2012-13: 41

Amendment to OSO Inc. Contract

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 issued a Request For Proposals (“RFP”) for Environmental Monitoring and Indoor Air Monitoring Agent Services on June 5, 2012 (Resolution 2011 – 2012: 107) which included work at the first five projects in Phase 1a (School 17, School 50, School 58, Charlotte High School and Franklin High School); and

WHEREAS, the RJSCB, at its monthly meeting on July 2, 2012 (Resolution 2012-12: 13), approved the selection of OSO, Inc., for Environmental Monitoring and Indoor Air Monitoring Agent Services for School 17, School 50, School 58, Charlotte High School, and Franklin High School; and

WHEREAS, subsequent to the contract award for Environmental Monitoring and Air Monitoring Services, the Program Manager identified the need for expedited test results for certain types of testing in order to meet the schedule demands of the projects; and

WHEREAS, unit rate cost proposals were obtained by the Program Manager for expedited asbestos bulk sample and lead wipe sample testing from OSO, Inc.; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that these additional unit rates for asbestos bulk sampling and lead wipe sampling (attached hereto) be added to OSO, Inc.'s contract; and

WHEREAS, OSO, Inc.'s total contract value is not affected by this change; and

WHEREAS, the Committee (Committee member Castro and Board member Roulin) considered and discussed the Program Manager's recommendation at its October 11, 2012 meeting, and after due deliberation, it was agreed to forward the request to amend OSO, Inc.'s contract to the full Board for review and approval;

THEREFORE, BE IT RESOLVED:

1. The proposed additional unit rates for asbestos bulk sampling and lead wipe sampling are approved and should be added to OSO, Inc.'s contract fee schedule for Environmental Monitoring and Indoor Air Monitoring Agent Services.
2. The RJSCB's Chair is authorized in the name and behalf of the RJSCB, to execute an amendment to the OSO, Inc.'s 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 4-0 with Members Roulin and Underwood away

Resolution 2012-13: 42

Amendment #10 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, JCJ Architecture, at the request of the RJSCB and the Program Manager, expedited its design schedule and as a result, incurred additional costs, which were reviewed and evaluated by the Program Manager; 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 costs in the total amount of \$73,060 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 (Committee member Castro and Board member Roulin) considered and discussed the Program Manager's recommendation at its October 11, 2012 meeting and after due deliberation, it was agreed to forward the request to amend the Agreement to the full Board for review and approval;

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 Pifer
Approved 4-0 with Members Roulin and Underwood away**

**Resolution 2012-13: 43
Amendment to Cannon Design 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 Cannon Design ("Cannon") as the Architect for the East High School project in Phase I (Resolution 2011-12: 39); and

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

WHEREAS, following the execution of the Agreement, Cannon, along with the Program Manager, identified the need for additional scopes of design work, and cost proposals and/or estimates 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 Cannon's Agreement should be amended to add these additional scope items in the total amount of \$10,160 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 (Committee member Castro and Board member Roulin) considered and discussed the Program Manager's recommendation at its October 11, 2012 meeting, and after due deliberation, it was agreed to forward the request to amend the Agreement to the full Board for review and approval;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Cannon Design 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 Pifer

Approved 4-0 with Members Roulin and Underwood away

Resolution 2012-13: 44

Amendment #12 to SWBR Architect'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 SWBR Architects, ("SWBR") as the Architect for the School 17 project in Phase I (Resolution 2010-11: 35);

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

WHEREAS, following the execution of the Agreement, SWBR Architects, along with the Program Manager, identified the need for additional scopes of design work relating to the possibility of adding air conditioning at School 17, and cost proposals and/or estimates were then obtained for these additional scope items and provided to the Program Manager for review;

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that SWBR's Agreement should be amended to add these additional scope items in the total amount of \$5,955 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 (Committee member Castro and Board member Roulin) considered and discussed the Program Manager's recommendation at its October 11, 2012 meeting, and after due deliberation, it was agreed to forward the request to amend the Agreement to the full Board for review and approval;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the SWBR's Agreement Between 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 Brown

Approved 4-0 with Members Roulin and Underwood away

**Resolution 2012-13: 45
Amendment #5 to LaBella Associates 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 LaBella Associates as the Architect for the Henry Hudson School #28 project in Phase I (Resolution 2010-11: 35); and

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

WHEREAS, following the execution of the Agreement and at the request of the District, LaBella Associates, along with the Program Manager, identified the need for additional scopes of design work relating to the addition of a full building air conditioning system at School #28, and cost proposals and/or estimates 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 LaBella Associates’ Agreement should be amended to add these additional scope items in the total amount of \$58,600 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 (Committee member Castro and Board member Roulin) considered and discussed the Program Manager’s recommendation at its October 11, 2012 meeting and after due deliberation, it was agreed to forward the request to amend the Agreement to the full Board for review and approval;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the LaBella Associates Agreement Between 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 Castro
Approved 4-0 with Members Roulin and Underwood away**

**Resolution 2012-13: 46
Amendment #9 to Clark Patterson Lee 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 Clark Patterson Lee (“CPL”) as the Architect for the School 50 project in Phase I (Resolution 2010-11: 35); and

WHEREAS, the RJSCB entered into an agreement with Clark Patterson Lee (Resolution 2010-11: 35) dated March 28, 2011, entitled Agreement Between Board and Architect (the “Agreement”); and

WHEREAS, following the execution of the Agreement and at the request of the District, Clark Patterson Lee, along with the Program Manager, identified the need for additional scopes of design work relating to the addition of a full building air conditioning system at School #50, and cost proposals and/or estimates 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 Clark Patterson Lee’s Agreement should be amended to add these additional scope items in the total amount of \$57,400 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 (Committee member Castro and Board member Roulin) considered and discussed the Program Manager’s recommendation at its October 11, 2012 meeting, and after due deliberation, it was agreed to forward the request to amend the Agreement to the full Board for review and approval;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Clark Patterson Lee Agreement Between 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 Pifer
Approved 4-0 with Members Roulin and Underwood away

Resolution 2012-13: 47
Amendment #2 to LeChase Construction Services, LLC

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 selected LeChase Construction Services, LLC (“Construction Manager”) to provide Construction Management services for the School 28 and the School 58 projects in August of 2011 as a part of Phase 1 of the Rochester Schools Modernization Program (the “RSMP”) (Resolution 2011-12: 7) and the parties thereafter entered into an Agreement between the RJSCB and the Construction Manager dated August 3, 2011 (the “Agreement”); and

WHEREAS, following the execution of the Agreement, the Construction Manager, along with the Program Manager, has identified the need for additional scopes of work relating to printing of the bid documents and addendums, 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 the Construction Manager's Agreement should be amended to add these additional scope items in the total amount of \$15,000 and that this amount shall be treated as a not-to-exceed allowance; and

WHEREAS, the Committee (Committee member Castro and Board member Roulin) considered and discussed the Program Manager's recommendation at its October 11, 2012 meeting and after due deliberation, it was agreed to forward the request to amend the Agreement to the full Board for review and approval;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Agreement Between the RJSCB and The Construction Manager dated August 3, 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 4-0 with Members Roulin and Underwood away**

**Resolution 2012-13: 48
Purchase Order Revisions to Main-Ford General Supply**

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's Program Manager worked with Kaizen Foodservice Planning and Design Inc., the RJSCB's Food Service Consultant, to prepare a request for Kitchen Equipment bids in conjunction with the first five projects in Phase 1a of the Rochester Schools Modernization Program ("RSMP") (School 17, School 50, School 58, Charlotte High School, and Franklin High School); and

WHEREAS, the RJSCB issued a Request for Bids for Kitchen Equipment on July 3, 2012 (Resolution 2012-13: 11) associated with the first five projects in Phase 1a of the RSMP; and

WHEREAS, the RJSCB, at its monthly meeting on August 13, 2012 (Resolution 2012-12: 22), approved the selection of Main-Ford General Supply to provide kitchen equipment for the first five projects in Phase 1a of the RSMP; and

WHEREAS, subsequent to the issuance of the purchase order for kitchen equipment, the Food Service Consultant, along with the Program Manager, identified the need for changes to the kitchen equipment included in the original request for bids; and

WHEREAS, a cost proposal for these changes in scope was then obtained from Main-Ford General Supply by the Program Manager for review; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that Main-Ford General Supply's purchase order should be amended to include these changes in scope which result in a total deduct in the amount of -\$817; and

WHEREAS, the Committee (Committee member Castro and Board member Roulin) considered and discussed the Program Manager's recommendation at its October 11, 2012 meeting and after due deliberation, it was agreed to forward the request to amend Main-Ford General Supply's purchase order to the full Board for review and approval;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to Main-Ford General Supply's purchase order dated August 14, 2012 for Kitchen Equipment associated with the first five projects in Phase 1a of the RSMP as set forth above is hereby approved.
2. The RJSCB's Chair is hereby authorized in the name and on behalf of the RJSCB, to issue a revised purchase order for the Kitchen Equipment that is consistent with this approval and in an acceptable form to the Chair upon the advice of the RJSCB's general counsel.

Second by Member Pifer
Approved 4-0 with Members Roulin and Underwood away

Resolution 2012-13: 49
Move Manager Services Extension

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 issued a Request for Proposals dated August 9, 2011 for Move Management Services (Resolution 2011-12: 8); and

WHEREAS, at the monthly meeting held on October 3, 2011, the RJSCB selected Vargas Associates as the finalist for Move Management Services (Resolution 2011-12: 31) and subsequently entered into an agreement with Vargas Associates entitled "Agreement Between Owner and Consultant" (the "Agreement"); and

WHEREAS, the Agreement includes a Scope of Work for the first five projects in Phase 1a of the Rochester Schools Modernization Program ("RSMP") (School 17, School 28, School 50, School 58, and Charlotte High School); and

WHEREAS, the RJSCB now wishes to extend the term of the Agreement and add certain additional services, including but not limited to: Move Management Services for Phase 1b projects (School 5, School 12, East High School, and Monroe High School), FF&E Consulting Services for the Phase 1a projects and the 1b projects, inventory services, and certain reimbursable allowances including dumpsters and packing materials such as boxes and labels; and

WHEREAS, based on the cost savings achieved through negotiations by the RJSCB's Executive Director and Program Manager with the Move Manager, the RJSCB believes that no further cost savings could be achieved by conducting a competitive hiring process; and

WHEREAS, based on the advice of the RJSCB's Executive Director and Program Manager, the RJSCB believes that the Move Manager has gained in-depth knowledge of the day-to-day operations of the RSMP and is best suited to address the move management needs of the RJSCB for the Phase 1a and Phase 1b projects, and therefore, the Move Manager's Agreement should be extended through December 31, 2013, to allow for the Move Manager's services, including these additional services, to continue; and

WHEREAS, at its October 11, 2012 meeting, the Committee (Committee members Castro and Board member Roulin) considered and discussed a proposal from the Move Manager, a copy of which is attached hereto, in an amount not to exceed \$382,485 (including a Not to Exceed reimbursable allowance in the amount of \$59,830 for dumpsters and packing

materials) for 2012 and 2013 work items only (the "Proposal"), and after due deliberation, it was agreed to forward the proposal to the full Board for review and approval;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby accepts and approves the Proposal from the Move Manager for an extension through December 31, 2013 to the Agreement in an amount not to exceed \$382,485 (including a Not to Exceed reimbursable allowance in the amount of \$59,830 for dumpsters and packing materials).
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 RJSCB's General Counsel.

Second by Member Brown
Approved 4-0 with Members Roulin and Underwood away

Resolution 2012-13: 50
Commissioning Agent – Request for Proposals, Revised

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 Act authorized up to 13 projects in Phase I of the Rochester Schools Modernization Program ("RSMP") including a District Wide Technology program which involves technology upgrades and infrastructure work at each of the 12 school projects identified in Phase 1; and

WHEREAS, the RJSCB, upon the recommendation of its Program Manager, has determined a need for a Commissioning Agent Consultant to provide a single point of contact for all equipment and mechanical systems related components that are part of the Rochester Schools Modernization Program ("RSMP"), to ensure seamless integration in all schools; and

WHEREAS, the RJSCB previously issued an RFP for Commissioning Agent Consultant Services in January 2012 (Resolution 2011-12: 62); and

WHEREAS, the RJSCB's Executive Director received proposals on February 2, 2012 per the RFP, and along with the Program Manager, identified the most qualified candidates, and conducted interviews with four firms on March 8, 2012; and

WHEREAS, following the interviews on March 8, 2012, the RJSCB directed the Program Manager to further refine the scope of work included in the RFP and to re-issue it to those four candidates who were identified as the most qualified and cost effective respondents from the original RFP; and

WHEREAS, the RJSCB's Program Manager has now prepared a revised Request For Proposal (an "RFP") for a Commissioning Agent Consultant that requires the responding firms to set forth their fee proposals for a specific scope of work (a copy of the RFP is attached hereto); and

WHEREAS, the MWBE and Services Procurement Committee (Committee member Castro and Board member Roulin) has reviewed the revised RFP for a Commissioning Agent Consultant Services at its meeting on October 11, 2012, and agreed to forward the revised RFP to the full Board for review and approval;

THEREFORE, BE IT RESOLVED:

1. The revised RFP for Commissioning Agent Consultant Services is approved for issuance on October 16, 2012 to those four firms identified during the original RFP process as the most qualified candidates.

2. The MWBE and Services Procurement Committee, with the advice and recommendations of the Program Manager, is authorized on behalf of the RJSCB to review the RFP responses, reduce the list of firms to be interviewed if appropriate, participate along with other RJSCB board members in the interviews of the Commissioning Agent consulting firms, and recommend to the RJSCB the most qualified candidate(s).

Second by Board Member Brown
Approved 4-0 with Members Roulin and Underwood away

Resolution 2012-13: 51
Contract Award – Clinic Project

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 Act authorized up to 13 projects in Phase I of the Rochester Schools Modernization Program (“RSMP”) including a District Wide Technology program which involves technology upgrades and infrastructure work at each of the 12 school projects identified in Phase 1; and

WHEREAS, the RJSCB’s Program Manager, with the advice of SWBR Architects (the “Architect”), The Pike Company (the “Construction Manager”), the RJSCB’s general counsel, and the RJSCB’s Independent Compliance Officer, prepared a request for bids (“Request for Bids”) package for the School 17 clinic project (the “Clinic Project”); and

WHEREAS, the RJSCB previously had authorized the release of the Request for Bids at its monthly meeting on July 2, 2012 (Resolution 2012-13: 14); and

WHEREAS, the RJSCB’s Executive Director received bids for the single prime GC bid package on September 14, 2012 per the deadline stipulated in the Request for Bids, and those bids were subsequently publicly opened and read aloud at the location stated in the Request for Bids; and

WHEREAS, the Program Manager, Architect, Construction Manager, and Independent Compliance Officer have reviewed the bids, conducted de-scoping meetings, and concluded that the apparent low bidder for the single prime GC scope of work package is also a qualified and responsible bidder; and

WHEREAS, at the MWBE and Services Procurement Committee meeting held on October 11, 2012, following the review and consideration of recommendations provided by the RJSCB’s Program Manager and after due deliberation by the Committee (Committee member Castro and Board member Roulin), the following contract award was forwarded to the full Board for consideration and approval:

<u>Scope of Work</u>	<u>Name of Contractor</u>	<u>Address</u>	<u>Bid Amount (Incl. accepted alternates)</u>
General Contractor	Testa Construction, Inc.	12 Industrial Park Circle Rochester, NY 14624	\$123,900

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the recommendation of the Program Manager that this contract award shall be made to the above named firm and bid amount to provide all equipment, labor, materials, and plant necessary to execute the single prime GC scope of work associated with the Clinic Project in Phase 1 of the RSMP;

2. The Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute and deliver an Agreement (the "Agreement") to the firm named above in substantially the form included in the Request for Bids for the Clinic Project, 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 Member Brown

Approved 4-0 with Members Roulin and Underwood away

Resolution 2012-13: 52

Schematic Design Approval – Edison 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 LaBella Associates, PC ("LaBella"), dated November 15, 2011, with respect to the renovations to occur at Edison High School ("Agreement between Board and Architect"); and

WHEREAS, pursuant to the Agreement between Board and Architect, LaBella 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 ("Schematic Design Documents"); and

WHEREAS, Building Advisory Committee ("BAC") meetings have been held throughout the schematic design process for Edison 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 Edison High School project; and

WHEREAS, LaBella presented the Schematic Design Documents for Edison High School to the RJSCB, at its regular monthly meeting on October 15, 2012, for review and approval;

THEREFORE, BE IT RESOLVED:

1. The Schematic Design Documents for the Edison High School project are approved.
2. The Program Manager is hereby authorized to direct the Architect for Edison High School (LaBella Associates, PC) 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 Castro

Approved 4-0 with Members Roulin and Underwood away

Resolution 2012-13: 53
Pay Requisition Summary Acceptance (September 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 \$129,600 to the Board Chair with copy to the full Board on September 11, 2012; and

WHEREAS, the RJSCB Chair approved the Pay Requisition Summary on September 11, 2012; and

WHEREAS, the Executive Director forwarded an additional Pay Requisition Summary (attached to this Resolution) in the amount of \$16,000 to the Board Chair with copy to the full Board on September 13, 2012; and

WHEREAS, the RJSCB Chair approved the additional Pay Requisition Summary on September 19, 2012; and

WHEREAS, the Executive Director forwarded an additional Pay Requisition Summary (attached to this Resolution) in the amount of \$6,028,135.92 to the Board Chair with copy to the full Board on October 4, 2012; and

WHEREAS, the RJSCB Chair approved the additional Pay Requisition Summary on October 4, 2012; and

WHEREAS, the total approved amount for the month of September 2012 is \$6,173,735.92;

THEREFORE, BE IT RESOLVED:

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

Second by Board Member Pifer
Approved 4-0 with Members Roulin and Underwood away

Staff Updates

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

Bob Brown asked for a status update regarding the soils issue and the abatement issues at School 17.

Tom Renauto stated that there was a significant amount of poor soils removed from the foundation area of the new addition. Pike has been working to reconcile the costs with the contractor as it relates to the unit price for excavation/removal/replacement of unsuitable soils. The cost started at about \$85 per cubic yard, Pike is working towards a price of closer to \$60 per cubic yard. Pike is also working with SJB, the materials testing agent, to determine the exact quantity removed. It was necessary to dig approximately 4' to 5' additional depth to reach suitable bearing material for the foundations.

Tom Renauto stated that Pike is working with OSO and the contractor to help to minimize or eliminate the claim for additional abatement costs. In the project documents we own 1,500 "locations" for piping abatement. OSO is monitoring the work against this number. If we do not reach the 1,500 owned by contract we will not owe any additional money to the contractor. If we go over 1,500 locations we will owe the cost of each additional location.

Bob Brown stated his concern about having so many architect amendments for additional cost. Bob asked why weren't these items anticipated and included in the contracts. Richard Pifer commented that it would cost too much to ask the architect to include everything upfront, because there are so many unknowns the cost would likely be prohibitive. Pepin Accilien commented that until the work is known, through meetings, defining scope, and field investigation many costs cannot be determined when the architect is first hired.

Windell Gray reviewed the monthly compliance report for August 2012. The numbers continue to track well for all areas of M/WBE and EEO. Windell provided a specific detail report which shows the construction/contractor participation.

The Committee Report from October 11, 2012 is included in the Board Member's packets.

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

Adjournment

Approved 4-0 at 6:34 pm