

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

Present

Chair Lois Giess, Vice Chair Bob Brown, Jose Coronas, Treasurer Brian Roulin, Everton Sewell and ICO Windell Gray. Ann McCormick and Richard Pifer were away. Also present were: Executive Director Tom Renauto, General Counsel Peter Abdella, Program Director Tom Roger from Gilbane and Pepin Accilien from Savin.

Chair Giess convened the meeting at 4:31pm and welcomed Jose Coronas. Introductions were made.

Open Floor:

Mary Ellen Belding read a letter from Tom Renauto, discussed ROAR, and claimed that RJSCB is not supportive of diversity nor following the process.

Approval of Minutes:

Monthly Meeting held on September 9, 2013

Motion by Member Sewell

Second by Member Roulin

Approved 4-0-1 with Member McCormick and Pifer away and Member Coronas abstaining

Tom Renauto stated that all action items have been discussed at the Committee Meeting held on October 3, 2013.

Action Items

Resolution 2013-14: 78

Amendment #15 to SWBR Architect's Agreement - School 17

By Board Member Roulin

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); and

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"); and

WHEREAS, following the execution of the Agreement, SWBR Architects, 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 SWBR's Agreement should be amended to add these additional scope items in the total amount of \$10,000.00 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 October 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 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 Sewell

Approved 4-0-1 with members McCormick and Pifer away and Member Coronas abstaining

Resolution 2013-14: 79

Amendment #8 to Chaintreuil Jensen Stark Architects, LLP Agreement (Charlotte HS)

By Board Member Sewell

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 Charlotte High School project in Phase I (Resolution 2010-11: 35); and

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

WHEREAS, following the execution of the Agreement, CJS, along with the Program Manager, identified the need for additional scopes of design work requested by the District, associated with the existing ground water problem at Charlotte High School 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 \$26,180 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 October 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 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 Roulin

Approved 4-0-1 with members McCormick and Pifer away and Member Coronas abstaining

Resolution 2013-14: 80

Amendment #10 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 associated with the District's request to add full building air conditioning to the scope of the project 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 in the total amount of \$240,244.00 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 October 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 4-0-1 with members McCormick and Pifer away and Member Coronas abstaining

Resolution 2013-14: 81

Amendment #8 to LeChase Construction Services, LLC - CM at School 28 and School 58

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, subsequent to the execution of the Agreement, the Program Manager directed the Construction Manager to provide additional services as a result of the District's request to add full building air conditioning to the School 58 project, and the Program Manager has received and reviewed proposals for this additional work provided by the Construction Manager; and

WHEREAS, the RJSCB's Program Manager recommended to the MWBE and Services Procurement Committee (the "Committee") that the Construction Manager's Agreement should be amended to add the Not to Exceed amount of \$14,443; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its October 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 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 Sewell

Approved 4-0-1 with members McCormick and Pifer away and Member Coronas abstaining

**Resolution 2013-14: 82
Amendment #1 to OSO Inc. Contract (Phase 1b Projects)**

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 May 6, 2013 (Resolution 2012 – 2013: 175) which included work at four projects in Phase 1b (School 5, School 28, East High School, and Edison Educational Campus); and

WHEREAS, the RJSCB, at its monthly meeting on June 10, 2013 (Resolution 2012-13: 196), approved the selection of OSO, Inc., for Environmental Monitoring and Indoor Air Monitoring Agent Services for School 5, School 28, East High School, and Edison Educational Campus, and the parties thereafter entered into an Agreement between the RJSCB and Consultant dated June 28, 2013 (the “Agreement”); and

WHEREAS, following the execution of the Agreement, OSO, Inc., along with the Program Manager, identified the possible need for additional types of testing , and cost proposals were then obtained for these additional types of tests 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 OSO, Inc.’s Agreement should be amended to add these additional types of tests to Exhibit C of the Agreement; and

WHEREAS, the contract amount is not changed by this Resolution; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its October 3, 2013 meeting, and after due deliberation, it approved the request to amend OSO, Inc.’s contract;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Agreement Between Board and OSO, Inc. dated June 28, 2013 as set forth above is hereby approved; and
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 Roulin

Approved 4-0-1 with members McCormick and Pifer away and Member Coronas abstaining

**Resolution 2013-14: 83
Third Party Review Services RFP**

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's Executive Director and its general counsel have recommended that the RJSCB retain the services of a third party reviewer to review and report on the recordkeeping and maintenance of project records for MWBE compliance matters in Phase 1 of the RSMP; and

WHEREAS, the MWBE and Services Procurement Committee has reviewed the Executive Director's recommendation that a RFP be issued for the Third Party Review Services and approved the recommendation and proposed scope of work at its meeting on October 3, 2013, for forwarding to the full Board;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby (i) authorizes the Executive Director to finalize the RFP for Third Party Review Services with the advice of the Board's general counsel and (ii) approves the RFP for issuance by the RJSCB on or about October 11, 2013.

2. The MWBE and Services Procurement Committee, with the advice and recommendations of the Executive Director and its general counsel, is authorized on behalf of the RJSCB to review the RFP responses, conduct interview(s) if appropriate, and recommend a qualified firm to the RJSCB for award.

Second by Board Member Roulin

Approved 4-0-1 with members McCormick and Pifer away and Member Coronas abstaining

**Resolution 2012-13: 84
Change Orders #23 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 #23 includes the following items:

1. Changes to door V105 for the amount of \$4,304
 2. Ramp floor material changes for the amount of \$1,286
 3. Additional signs for the amount of \$525
 4. Changes to vapor barrier for a credit of -\$4,918.44
 5. Additional security film for the amount of \$12,838
- The Total amount for Change Order #23 is \$14,034.56; and

WHEREAS, the Construction Manager and the Program Manager believe that the change order work was necessary, the pricing is appropriate, and the contract time will not be increased by this additional work; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that Manning Squires' Contract should be amended to delete and add these scope items in the amount of \$14,034.56; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its October 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.
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 Roulin

Approved 4-0-1 with members McCormick and Pifer away and Member Coronas abstaining

Resolution 2013-14: 85

Change Order #12, #13, and #14 to East Coast Electric LLC – Electrical 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 electrical contractor contract to Eastcoast Electric LLC ("Eastcoast") for the School 17 project in Phase I (Resolution 2012-13: 14); and

WHEREAS, the RJSCB entered into a contract with Eastcoast (Resolution 2012-13: 14) dated July 2, 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, Eastcoast, 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 #12 includes the following items:

1. Add freezer piping heat tape for the amount of \$3,229
2. Delete ceiling fans for a credit of -\$729
3. Additional data and power at room 236 for the amount of \$6,348
4. Additional circuit breakers for the amount of \$4,989
5. Reroute appliance services for the amount of \$6,630
6. Changes at special education room for the amount of \$704
7. Changes to library ceiling for the amount of \$558
8. Additional data drops for the amount of \$15,743
9. Elevator shaft smoke detector for the amount of \$406
10. Clinic light fixtures for the amount of \$4,313

The Total amount of Change Order #12 is \$42,191; and

WHEREAS, Change Order #13 includes the following items:

1. Additional fire exit signage for the amount of \$3,110
2. Added ceiling work at kitchen for the amount of \$1,153.55
3. Additional door hold devices for the amount of \$1,758

The Total amount of Change Order #13 is \$6,021.55; and

WHEREAS, Change Order #14 includes the following item:

1. Provide additional smoke dampers for the amount of \$1,726

The Total amount of Change Order #14 is \$1,726; and

WHEREAS, the Construction Manager and the Program Manager believe that the change order work was necessary, the pricing is appropriate, and the contract time will not be increased by this additional work; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that Eastcoast's Contract should be amended to add these scope items for the amount of \$49,938.55; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its October 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 July 2, 2012 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 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 4-0-1 with members McCormick and Pifer away and Member Coronas abstaining

**Resolution 2013-14: 86
Change Order #2 to Bell Mechanical – (Mechanical - School 28)**

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 approved the award of the mechanical contractor contract to Bell Mechanical Contractor Inc. (“Bell Mechanical”) for the School 28 project in Phase I (Resolution 2012-13: 106); and

WHEREAS, the RJSCB subsequently entered into a contract with Bell Mechanical (Resolution 2012-13: 106) dated February 4, 2013 (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, Bell Mechanical, along with LeChase Construction, 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 #2 includes the following item:

1. Changes to fin tube and relocation of UH-3 for the amount of \$4,190.32
The Total amount of Change Order #2 is \$4,190.32; and

WHEREAS, the Construction Manager and the Program Manager believe that the pricing is appropriate and the contract time will not be increased by this additional work; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB’s MWBE and Services Procurement Committee (the “Committee”) that Bell Mechanical’s Contract should be amended to add these additional scope items in the total amount of \$4,190.32; and

WHEREAS, the MWBE and Services Procurement Committee considered and discussed the Program Manager’s recommendation at its October 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 Bell Mechanical Contractor’s Contract 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 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 Board Member Roulin

Approved 4-0-1 with members McCormick and Pifer away and Member Coronas abstaining

**Resolution 2013-14: 87
Change Order #31 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, 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 #31 includes the following items:

1. Cubicle curtains and tracks for the amount of \$1,296
2. Thresholds at wood floor doors for the amount of \$1,595

The total amount of Change Order #31 is \$2,891; and

WHEREAS, the Construction Manager and the Program Manager believe that the change order work was necessary, the pricing is appropriate, and the contract time will not be increased by this additional work; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB’s MWBE and Services Procurement Committee (the “Committee”) that Manning Squires’ Contract should be amended to add these additional scope items in the total amount of \$2,891; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its October 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.
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 Sewell

Approved 4-0-1 with members McCormick and Pifer away and Member Coronas abstaining

Resolution 2013-14: 88

Change Order #17 to The Pike Company – General Contractor (Charlotte 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 award of the general contractor contract to The Pike Company (“Pike”) for the Charlotte High School Project in Phase I (Resolution 2011-12: 105); and

WHEREAS, the RJSCB entered into a contract with The Pike Company (Resolution 2011-12: 105) 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, The Pike Company, along with Campus Construction Group, 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 #17 includes the following items:

1. Soffit at kitchen hood for the amount of \$653
2. Trench drain plates for the amount of \$481
3. Wire-way anchors for the amount of \$898
4. Floor leveling for the amount of \$1,167
5. Abatement in bathroom for the amount of \$950
6. Floor infill for the amount of \$326
7. Door frame and soffit for the amount \$763
8. Casework modifications for the amount of \$864
9. Lower modifications for the amount of \$1,770
10. Soffit removal for the amount of \$125
11. North wall soffit in room 312 for the amount of \$763
12. Floor removals for the amount of \$978
13. Additional casework modifications for the amount of \$1,078
14. Locker base blocking for the amount of \$485

The Total amount for Change Order #17 is \$11,301; and

WHEREAS, the Construction Manager and the Program Manager believe that the change order work was necessary and the pricing is appropriate and the contract time will not be increased by this additional work; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB’s MWBE and Services Procurement Committee (the “Committee”) that The Pike Company’s Contract should be amended to add these scope items in the amount of \$11,301; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its October 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 The Pike Company'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 Roulin

Approved 4-0-1 with members McCormick and Pifer away and Member Coronas abstaining

Resolution 2013-14: 89

Change Order #10 to M.A. Ferrauilo Plumbing and Heating Inc. – Mechanical Contractor (Charlotte 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 award of the mechanical contract to M.A. Ferrauilo Plumbing and Heating Inc. ("Ferrauilo") for the Charlotte High School Project in Phase I (Resolution 2011-12: 105); and

WHEREAS, the RJSCB entered into a contract with Ferrauilo (Resolution 2011-12: 105) 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, Ferrauilo, along with Campus Construction Group, 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 #10 includes the following items:

1. Reinstall ductwork for the amount of \$1,046
 2. Reposition convectors for the amount of \$3,771
 3. Repair existing BCU for the amount of \$977
 4. Reroute LPC piping for the amount of \$2,067
- The Total amount for Change Order #10 is \$7,861; and

WHEREAS, the Construction Manager and the Program Manager believe that the change order work was necessary and the pricing is appropriate and the contract time will not be increased by this additional work; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that M.A. Ferrauilo Plumbing and Heating Inc.'s Contract should be amended to add these scope items for the total amount of \$7,861; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its October 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 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 Sewell

Approved 4-0-1 with members McCormick and Pifer away and Member Coronas abstaining

Resolution 2013-14: 90

Change Order #3 to Thurston Dudek – Plumbing Contractor (Charlotte 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 award of the plumbing contract to Thurston Dudek ("Thurston Dudek") for the Charlotte High School Project in Phase I (Resolution 2011-12: 105); and

WHEREAS, the RJSCB entered into a contract with Thurston Dudek (Resolution 2011-12: 105) 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, Thurston Dudek, along with Campus Construction Group, 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 #3 includes the following items:

1. Reconnect heat system make-up water for the amount of \$824
 2. Add sink in room 25G for the amount of \$1,608
 3. Add condensate drains for AC units for the amount of \$12,554
- The Total amount for Change Order #3 is \$14,986; and

WHEREAS, the Construction Manager and the Program Manager believe that the change order work was necessary and the pricing is appropriate and the contract time will not be increased by this additional work; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that Thurston Dudek's Contract should be amended to add these scope items for the total amount of \$14,986; and

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

THEREFORE, BE IT RESOLVED:

1. The proposed Change Orders to Thurston Dudek Contract between the Board and Contractor dated June 4, 2012 as set forth above are hereby approved; and
2. The RJSCB's Chair is hereby authorized in the name and on behalf of the RJSCB, to execute 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 4-0-1 with members McCormick and Pifer away and Member Coronas abstaining

Resolution 2013-14: 91

Change Order #9 to Cucciara Construction Inc. – General Contractor (Franklin Educational Campus)

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 Cucciara Construction, Inc. (“Cucciara”) for the Franklin Educational Campus project in Phase I (Resolution 2011-12: 106); and

WHEREAS, the RJSCB entered into a contract with Cucciara (Resolution 2011-12: 106) 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, Cucciara, along with Campus Construction Group (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 #9 includes the following items:

1. Add kitchen ceiling for the amount of \$17,472
 2. Add security film for the amount of \$345
 3. Undercut lobby doors for the amount of \$1,473
 4. Asphalt walkways at tennis courts for the amount of \$3,650
- The Total amount of Change Order #9 is \$22,940; and

WHEREAS, the Construction Manager and the Program Manager believe that the change order work was necessary and the pricing is appropriate and contract time will not be increased by this additional work; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB’s MWBE and Services Procurement Committee (the “Committee”) that Cucciara’s Contract should be amended to add these scope items for a total amount of \$22,940; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its October 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 Cucciara Construction, Inc.'s Contract between the Board and General 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 4-0-1 with members McCormick and Pifer away and Member Coronas abstaining

Resolution 2013-14: 92

Change Order #5 to Leo J. Roth Corporation – Mechanical Contractor (Franklin Educational Campus)

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 Leo J. Roth Corporation ("Leo J. Roth") for the Franklin Educational Campus project in Phase I (Resolution 2011-12: 106); and

WHEREAS, the RJSCB entered into a contract with Leo J. Roth (Resolution 2011-12: 106) 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, Leo J. Roth, along with Campus Construction Group (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 #5 includes the following items:

1. Kitchen ductwork layout revisions for the amount of \$14,760

The Total amount of Change Order #5 is \$14,760; and

WHEREAS, the Construction Manager and the Program Manager believe that the change order work was necessary and the pricing is appropriate and the contract time will not be increased by this additional work; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that Leo J. Roth Corporation's Contract should be amended to add these additional scope items for a total amount of \$14,760; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its October 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 Leo J. Roth Corporation'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 Sewell

Approved 4-0-1 with members McCormick and Pifer away and Member Coronas abstaining

Resolution 2013-14: 93

Change Order #6 to Kaplan Schmidt – Electrical Contractor (Franklin Educational Campus)

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 Kaplan-Schmidt Electric ("Kaplan Schmidt") for the Franklin Educational Campus project in Phase I (Resolution 2011-12: 106); and

WHEREAS, the RJSCB entered into a contract with Kaplan Schmidt (Resolution 2011-12: 106) 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, Kaplan Schmidt, along with Campus Construction Group (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 #6 includes the following items:

1. Relocate light switch for the amount of \$176
2. Replace fire alarm pull station for the amount of \$504
3. Add heat tape for the amount of \$329
4. Power for door operator for the amount of \$1,070

The Total amount of Change Order #6 is \$2,079; and

WHEREAS, the Construction Manager and the Program Manager believe that the change order work was necessary and the pricing is appropriate and the contract time will not be increased by this additional work; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that Kaplan Schmidt's Contract should be amended to add these additional scope items in the total amount of \$2,079; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its October 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 Kaplan Schmidt'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 4-0-1 with members McCormick and Pifer away and Member Coronas abstaining

Resolution 2013-14: 94

Pay Requisition Summary Acceptance (September 2013)

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: 37) 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") Phase 1a projects were deposited in the Trustee's account on June 20, 2012; and

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

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

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

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

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

WHEREAS, in 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 RJSCB's Executive Director has reviewed this month's Excel Aid payment schedule with the District, and the District has agreed to provide the funds and to issue checks for certain Phase 1a invoices listed on the Excel Aid payment schedule; and

WHEREAS, the Executive Director forwarded a Pay Requisition Summary (attached to this Resolution) totaling \$14,705,787.70 including all invoices to be paid by the Trustee using bond proceeds and those invoices to be paid by the District using Excel Aid funding, to the Board Chair with copy to the full Board on September 25, 2013; and

WHEREAS, the RJSCB Chair approved the Pay Requisition Summary on September 25, 2013;

THEREFORE, BE IT RESOLVED:

1. The Rochester Joint Schools Construction Board hereby accepts the Pay Requisition Summary for the month of September 2013 in the amount stated above and as shown in the Summary attached to this Resolution.

Second by Board Member Roulin

Approved 4-0-1 with members McCormick and Pifer away and Member Coronas abstaining

Communication

The Monthly Report is included in the Member's packets. Discussed the walkthrough and turnover with RCSD facilities for School #50, School #17, Charlotte; and the closeout process. The cut off of Foundation Aid is January 1.

RJSCB would like copy of the "Lessons Learned" sessions.

School #28 schedule is 2 weeks behind due to abatement. 1 week vs. 6 weeks (now working 2nd shift and Saturday).

Discussed the structural issues and schedule for School #58. Lois asked for a tour.

The Compliance Report is included in the Member's packets. Windell reviewed the current numbers for Business Utilization and Workforce Participation.

The Budget report is included in the Member's packets. This was reviewed. It was decided that the contract at US Bank will be sent to the board members.

The Committee Reports for October 3, 2013 are included in the Board Members packets.

Bob suggested that complaints should go to Lois, as she is the Board Chair. Also, tell us what you would like to discuss ahead of time. People don't understand how we've gotten here and how it developed, to

be criticized later. A project of this magnitude has never been done in the history of Rochester. The Board also discussed an outlet for our good news.

Adjournment

Approved 5-0 at 6:04pm