

**Rochester Joint Schools Construction Board
Minutes
November 5, 2012
4:30 PM**

Present

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

Chair Giess convened the meeting at 4:45pm

Approval of Minutes: Monthly Board Meeting held on October 15, 2012

Motion by Member Brown

Second by Member Pifer

Approved 4-0 with Member Castro away and Member Underwood abstaining

Chair Giess stated that all of the action items had been reviewed by the Committee and approved to forward to the full Board.

Action Items

Resolution 2012-13: 54

Amendment #2 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 the parties thereafter entered into the Agreement between the RJSCB and Consultant dated July 2, 2012 (the "Agreement"); and

WHEREAS, following the execution of the Agreement, OSO, Inc., along with the Program Manager, identified the need for additional work associated with swing space and unforeseen conditions where additional asbestos abatement is necessary, 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 OSO, Inc.'s Agreement should be amended to add these additional scope items in the total amount of Not to Exceed \$293,100; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its November 1, 2012 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 July 2, 2012 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 Pifer
Approved 5-0 with Member Castro away**

**Resolution 2012-13: 55
Amendment #3 to The Pike Company**

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 The Pike Company ("Construction Manager") to provide Construction Management services for the School 17 and School 50 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 the 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 estimating services for both School 17 and School 50 associated with the District's request for full building air conditioning, and to provide coordination of the Clinic Project at School 17, work which is outside the scope of the original School 17 project and will take place on second shift - 5:30 p.m. to 2:00 a.m. after the Clinic's regular business hours; and

WHEREAS, 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 \$41,437.00 for the additional scopes of work in support of the School 17 and School 50 Projects; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its November 1, 2012 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 Brown
Approved 5-0 with Member Castro away

Resolution 2012-13: 56
Amendment to Young + Wright Architectural 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 Young + Wright Architectural ("Young + Wright") as the Architect for the School 5 project in Phase I (Resolution 2011-12: 39); and

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

WHEREAS, following the execution of the Agreement, Young + Wright, along with 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 School No. 5 project, 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 Young + Wright's Agreement should be amended to add these additional scope items in the total amount of \$73,844.00 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 November 1, 2012 meeting, and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Young + Wright Architectural 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 5-0 with Member Castro away**

**Resolution 2011-12: 57
Amendment #4 to Young & Wright Architectural Agreement (Franklin)**

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 Young & Wright Architectural as the Architect for the Franklin High School project in Phase I (Resolution 2010-11: 35); and

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

WHEREAS, following the execution of the Agreement, Young & Wright Architectural, along with the Program Manager, identified the need for additional scopes of design work as requested by the District to renovate the auditorium space at Franklin High School, 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 Young & Wright Architectural's Agreement should be amended to add these additional scope items in the total amount of \$238,125.00 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 November 1, 2012 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Young & Wright Architectural'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 5-0 with Member Castro away

Resolution 2012-13: 58
Amendment #3 to Campus Construction Management Group
Recommend to table this Resolution pending further information
Motion by Member Brown
Second by Member Pifer
Approved to table this Resolution 5-0 with Member Castro away

Resolution 2012-13: 59
Amendment #3 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 Program Manager directed the Construction Manager to implement a web based submittal/document control system for the project and thereafter the Construction Manager provided a cost proposal for this document control system 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 this additional scope item in the total amount of \$10,995.00 and that this amount shall be treated as a not-to-exceed allowance; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its November 1, 2012 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 Pifer
Approved 5-0 with Member Castro away

Resolution 2012-13: 60
Amendment #2 to Chaintreuil Jensen Stark Architects, LLP Agreement – Monroe High School

By Board Chair Giess

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

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

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

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

WHEREAS, following the execution of the Agreement, the Program Manager identified the need for additional scopes of design work, as directed by the District for several program verification studies and for additional structural investigation, 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 \$84,425.00 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 November 1, 2012 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

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

Second by Board Member Brown
Approved 5-0 with Member Castro away

Resolution 2012-13: 61

Change Order #1, #2, and #3 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 #1 relating to the Martin Street swing space includes the following items:

1. Removal and reuse of locker locks at swing space for the amount of \$1,026.00
 2. Remove, deliver, and reinstall mail slots at swing space for the amount of \$753.00
 3. Renovate Rooms #318 and #526 to become staff bathrooms at swing space for the amount of \$24,919.00
 4. Renovate Room #303 and exterior sign relocation at swing space for the amount of \$23,865.00
- The Total amount for Change Order #1 is \$50,563; and

WHEREAS, Change Order #2 includes the following items:

1. Abatement of walk-in refrigerator ceiling determined to contain asbestos for the amount of \$6,780.00
 2. Removal of additional asbestos containing floor tile and mastic for the amount of \$15,149.00
 3. Removal of additional asbestos containing pipe insulation and floor tile in various locations for the amount of \$18,162.00
- The Total amount for Change Order #2 is \$40,091.00; and

WHEREAS, Change Order #3 includes the following items:

1. Removal, relocation, and reinstallation of lockers for the amount of \$1,555.00
 2. Fire stopping at 95 floor penetrations in the auditorium for the amount of \$8,990.00
- The Total amount for Change Order #3 is \$10,545.00; 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 additional scope items in the total amount of \$101,199.00; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its November 1, 2012 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Orders to The Pike Company'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 5-0 with Member Castro away**

**Resolution 2012-13: 62
Change Order #1 to Concord Electric Corporation – Electrical 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 Electrical Contractor contract to Concord Electric Corporation ("Concord") for the Charlotte High School Project in Phase I (Resolution 2011-12: 105); and

WHEREAS, the RJSCB entered into a contract with Concord (Resolution 2011-12: 105) 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, Concord, 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 #1 includes the following items:

1. Demolition of light fixtures in the Boy's Locker Room #35 for the amount of \$3,198.00
 2. Provide power to the new stack fan and equipment in the boiler room for the amount of \$8,223.00
 3. Remove, relocate, and reinstall an existing box, conduit, and wiring above the cafeteria ceiling for the amount of \$4,916.00
 4. Remove existing light fixtures in the lobby area for the amount of \$396.00
 5. Furnish and install occupancy sensor in the boiler room for the amount of \$963.00
- The Total amount of Change Order #1 is \$17,696.00; 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 Concord Electric Corporation's Contract should be amended to add these additional scope items in the total amount of \$17,696; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its November 1, 2012 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Orders to Concord Electric Corporation's Contract between the Board and Electrical Contractor dated June 4, 2012 as set forth above is hereby approved; and
2. The RJSCB's Chair is hereby authorized in the name and on behalf of the RJSCB, to execute a Change Order to the Contract that is consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB's general counsel.

Second by Board Member Brown
Approved 5-0 with Member Castro away

Resolution 2012-13: 63
Change Order #1, #2, #3, and #4 to Cucciara Construction Inc. – General Contractor (Franklin 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 Cucciara Construction, Inc. ("Cucciara") for the Franklin High School 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 #1 relating to the swing space for School #58 includes the following items:

1. Additional asbestos abatement work at Room #33 for swing space for the amount of \$11,954.00
2. Delete scope at swing space Rooms #15, #22A, #30, #119, and #126 for the amount of (\$5,894.00)
3. Additional asbestos abatement work at Room #15 for swing space for the amount of \$674.00
4. Remove/deliver casework, wall pads, and white boards for swing space for the amount of \$4,108.00
5. Assemble library casework for School #58 swing space for the amount of \$3,159.00
6. New drywall and wall pad installation for swing space for the amount of \$10,598.00
7. Add new opening to Nurse's suite for swing space for the amount of \$1,985.00

The Total amount for Change Order #1 is \$26,584.00; and

WHEREAS, Change Order #2 includes the following items:

1. Excavation and sleeve for cable data wire at Hudson bus loop for the amount of \$2,257.00
2. Encase exposed piers in concrete due to new elevation changes for the amount of \$5,043.00

The Total amount of Change Order #2 is \$7,300.00; and

WHEREAS, Change Order #3 includes the following items:

1. Install a drop ceiling at the kitchen necessary for DOH inspection for the amount of \$1,324.00

The Total amount of Change Order #3 is \$1,324.00; and

WHEREAS, Change Order #4 includes the following items:

1. Change to 5/16" ceramic fire glass in lieu of wire glass at all locations for the amount of \$7,469.00

The Total amount of Change Order #4 is \$7,469.00; 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 additional scope items in the total amount of \$42,677.00; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its November 1, 2012 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Orders 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 Pifer
Approved 5-0 with Member Castro away**

**Resolution 2012-13: 64
Change Order #1 to Leo J. Roth Corporation – Mechanical Contractor (Franklin 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 Contractor contract to Leo J. Roth Corporation ("Leo J. Roth") for the Franklin High School 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 #1 relating to the swing space for School #58 includes the following items:

1. Alterations to Rooms #15, #22A, #30, #119, and #126 HVAC systems for swing space for the amount of \$3,251.00
2. Alterations to Room #33 HVAC for swing space for the amount of \$853.00
3. Removal and relocation of exhaust duct in Room #33 for swing space for the amount of \$997.00
4. Reinsulate piping in Room #33 which was abated by the GC for swing space for the amount of \$12,214.00

The Total amount of Change Order #1 is \$17,315.00; 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 in the total amount of \$17,315.00; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its November 1, 2012 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 Mechanical Contractor dated June 4, 2012 as set forth above is hereby approved; and
2. The RJSCB's Chair is hereby authorized in the name and on behalf of the RJSCB, to execute a Change Order to the Contract that is consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB's general counsel.

Second by Board Member Pifer
Approved 5-0 with Member Castro away

Resolution 2012-13: 65
Change Order #1 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 #1 includes the following items:

1. Remove existing canopy and pier not shown on the contract documents for the amount of \$4,754.17
The Total amount of Change Order #1 is \$4,754.17; 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 Manning Squires' Contract should be amended to add this additional scope item in the total amount of \$4,754.17; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its November 1, 2012 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 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 5-0 with Member Castro away**

**Resolution 2012-13: 66
Change Order #1 to Eastcoast Electric LLC – Electrical Contractor (School 50)**

By Board Chair Giess

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

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

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

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

WHEREAS, following the execution of the Contract, 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 #1 includes the following items:

1. Provide a temporary fire alarm system by replacing the existing smoke detectors with heat detectors in the corridors for an amount of \$452.90

The Total amount of Change Order #1 is \$452.90; 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 Eastcoast's Contract should be amended to add this additional scope item in the total amount of \$452.90; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its November 1, 2012 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 Electrical Contractor dated June 4, 2012 as set forth above is hereby approved; and
2. The RJSCB's Chair is hereby authorized in the name and on behalf of the RJSCB, to execute a Change Order to the Contract that is consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB's general counsel.

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

**Resolution 2012-13: 67
Commissioning Agent Services**

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 Program Manager has recommended to the RJSCB that it engage the services of a commissioning agent as a third party consultant during construction of the Phase 1 projects to ensure contractor adherence to systems as specified by the MEP engineers of record, evaluate system performance, confirm sequence of operation, and monitor system and equipment start-ups (the Commissioning Agent”); and

WHEREAS, the RJSCB issued a Request For Proposals (“RFP”) for Commissioning Agent services on January 9, 2012 (Resolution 2011 – 2012: 62) which included work at each of the projects in Phase 1; and

WHEREAS, the Executive Director received eight proposals in response to the RFP for Commissioning Agent services on January 24, 2012; and

WHEREAS, based on the qualifications presented in the RFP responses, the RJSCB, the Executive Director, and the Program Manager subsequently conducted interviews with four of the candidates on March 8, 2012; and

WHEREAS, following the interviews, the RJSCB directed the Program Manager to revise the scope of work contained in the RFP to more accurately represent the systems to be commissioned and the services to be provided by the Commissioning Agent; and

WHEREAS, the Program Manager revised the scope of work and the RJSCB subsequently issued a new RFP for Commissioning Agent services on October 16, 2012 (Resolution 2012-13: 50) to those four firms that were originally determined to be the best qualified candidates; and

WHEREAS, the Executive Director received four proposals in response to the revised RFP for Commissioning Agent services on October 26, 2012; and

WHEREAS, having received proposals for both of the RFPs and previously conducting interviews with the four firms being considered, the Program Manager recommended that a second round of interviews would not be necessary; and

WHEREAS, the Executive Director and the Program Manager have studied and reviewed the proposals from each of the four firms and determined that three of the firms are the most responsive and qualified to perform Commissioning Agent services for the Phase 1 projects; and

WHEREAS, the Program Manager has recommended that the following awards be made for each of the projects in Phase 1:

Firm	Projects	Contract Amount
LaBella Associates P.C.	School 17, School 58, and Monroe High School	\$245,000
Hunt Engineers, Architects & Land Surveyors, PC	School 28, School 50, and Edison High School	\$194,382
Erdman Anthony	School 5, School 12, Charlotte High School, and Franklin High School	\$130,580

WHEREAS, the M/WBE and Services Procurement Committee reviewed and discussed the recommendations from the Program Manager to award the contracts for Commissioning Agent services at its meeting on November 1, 2012, and after due deliberation, it approved the recommendations;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the recommendations of the Program Manager that contract awards shall be made to the above named firms and proposal amounts for Commissioning Agent services associated with Phase 1 of the RSMP; and
2. The RJSCB's Chair is hereby authorized in the name and on behalf of the RJSCB, to execute an Agreement with each firm 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 Board Member Brown
Approved 5-0 with Member Castro away**

**Resolution 2012-13: 68
Project Funding Reallocation**

By Board Member Pifer

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 deems it necessary to reallocate funds for the Phase 1 Projects due to significant changes requested by the District and certain unforeseen conditions affecting specific project sites; and

WHEREAS, the District has directed the RJSCB and the Program Manager to change the existing designs to (i) where possible, include full building air conditioning and (ii) expand the scope of the Franklin High School project to include a complete renovation of the auditorium ; and

WHEREAS, the Program Manager has determined that adding full building air conditioning is feasible at School 5, School 28, School 50, School 58, and Monroe High School, with a preliminary cost estimate of \$7.5 million; and

WHEREAS, the Program Manager has determined that the expanded renovation of the Franklin High School auditorium will cost approximately \$4 million; and

WHEREAS, the pre-existing conditions include (i) approximately \$1 million due to asbestos on all windows being replaced at Charlotte High School and (ii) approximately \$1 million for fireproofing existing steel beams and columns at School 12; and

WHEREAS, in order to offset the cost of the foregoing items and stay within the Phase 1 limit of \$325 million, the RJSCB asked the Program Manager to recommend a reallocation of funds that includes increases and reductions to certain line items; and

WHEREAS, the Program Manager, upon consultation with the District, has recommended that \$13.8 million in project funds be reallocated from the Jefferson High School project to the other school projects in Phase 1 in specific amounts that have not yet been finalized; and

WHEREAS, the District has agreed with the Program Manager's recommendation to transfer funds from the Jefferson High School project in order to assist with the funding of the design changes and other costs indicated above.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the reallocation of \$13.8 million from the Jefferson High School project to uses on the other Phase 1 school projects as described in item #2 below; and
2. The Program Manager will report and make further recommendations to the Board as soon as practical on the specific amounts to be reallocated and to which school projects.

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

**Resolution 2012-13: 69
Project Insurance Limits**

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, with the advice of its general counsel, the Program Manager, and the District’s general counsel and insurance agent, established certain insurance coverage limits (“Insurance Requirements”) that needed to be obtained by the prime contractors and subcontractors working on the Phase 1 of the Rochester Schools Modernization Program (the “Phase 1 projects”); and

WHEREAS, prime contractors and subcontractors have advised the RJSCB and its insurance review consultant, Lawley Services, Inc., that the Insurance Requirements related to the fire damage legal liability limit set at \$1M and the medical expense limit set at \$20k are difficult to obtain and are not industry standard; and

WHEREAS, the RJSCB’s insurance review consultant, Lawley Services Inc., has advised the RJSCB that the fire damage legal liability limit and the medical expense limit should be reduced in order to be more reasonable and consistent with industry standards; and

WHEREAS, the RJSCB now wishes to reduce the Insurance Requirements set for the prime contractors and subcontractors as follows: fire damage legal liability limit to be reduced from \$1,000,000 to \$300,000, and the medical expense limit to be reduced from \$20,000 to \$10,000;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the reduction of required limits for fire damage legal liability and for medical expense limits in the amounts stated above for all prime contractors and subcontractors.
2. The Program Manager and the Executive Director will proceed to advise the necessary parties, including but not limited to the prime contractors and the subcontractors, of the new limits and implement them on the Phase 1 projects as appropriate.

Second by Board Member Brown
Approved 5-0 with Member Castro away

Resolution 2012-13: 70
Pay Requisition Summary Acceptance (October 2012)

By Board Chair Giess

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

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

WHEREAS, the RJSCB developed a pay requisition approval procedure with input from its Counsel, the MWBE and Services Procurement Committee, members of the accounting department of Rochester City School District, and the RJSCB's independent auditing firm; and

WHEREAS, the RJSCB, at its regular monthly meeting on September 12, 2011, adopted the pay requisition approval procedure (Resolution 2011-12: 23) ("Pay Requisition Approval Procedure"); and

WHEREAS, the RJSCB, at its regular monthly meeting on September 10, 2012, revised the Pay Requisition Approval Procedure (Resolution 2012-13: 39) to include the Trustee as paying agent for construction related payments; and

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

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

WHEREAS, the Executive Director forwarded a Pay Requisition Summary (attached to this Resolution) totaling \$4,048,100.23 to the Board Chair with copy to the full Board on October 25, 2012; and

WHEREAS, the RJSCB Chair approved the Pay Requisition Summary on October 25, 2012;

THEREFORE, BE IT RESOLVED:

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

Second by Board Member Pifer
Approved 5-0 with Member Castro away

Staff Updates / Discussion

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

Windell Gray reviewed the monthly compliance report for September 2012. The numbers continue to track well for all areas of M/WBE and EEO.

The Committee Report from November 1, 2012 is included in the Board Member's packets.

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

Tom Renauto stated that the monthly update will go out to the City and the District tomorrow, which includes the Monthly Reports, the Compliance Report, and the Contract Commitment Report.

The Master Plan update was discussed. Tom Renauto stated that the Superintendent has presented it to the Board of Ed for Review (90 days). A public meeting is being held by the District this evening at School 3. There will be many more public meetings over the next few months, with the final draft due in late January and a BOE vote in February.

Tom Renauto will re-schedule the previous Master Plan work group sessions with the RJSCB.

Lois asked Tom Renauto to set up a quarterly meeting with the City, the RJSCB, and the District.

Tom Roger asked Windell to double check the numbers on the DP-1s for Commissioning Agents.

Richard Pifer stated that the project should fully and completely document all of the reallocation of the Jefferson Project monies. Jerome Underwood added that the Superintendent should sign off in writing for re-allocating the Jefferson monies. Tom Renauto stated that he has had communications with the District's counsel regarding the need for BOE approval of the reallocation. A final answer has yet to be provided.

Adjournment

Approved 5-0 at 6:07 pm