

Rochester Joint Schools Construction Board
Minutes
December 3, 2012
4:30 PM

Present

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

Project Presentations

District Wide Technology – Jim McGuinness from Millennium Strategies, Technology Consultant/Designer

Scope includes: data, voice, video cable, LAN, pervasive wireless, interactive white boards, sound fields (dependent on budget), video surveillance, phone handset upgrades, and central media distribution.

Schools for 1B include: East, Edison, Monroe, 12, and 5.

Schedule: RJSCB approval 12/3, BOE approval 12/20, send to SED by 1/14, Bid at end of January, Receive bids by end of February, award by the RJSCB at the March meeting, file for e-rate by 3/14/13.

The network electronics, phones, and interactive whiteboards will be bid off of state contract

Jim McGuinness stated that the e-rate cap is \$2.3 billion for the entire country. We may or may not get it. If we do not get approved for the grant, sound amplification and network electronics would be the items to defer.

Lois Giess asked about “in class” surveillance. Jim stated that it is not a District Standard.

Richard Pifer asked about the memory storage capacity for the video camera surveillance system. Jim McGuinness stated that the system is recording constantly and that at each school can hold about 2 weeks of recordings. The RCSD does not monitor cameras except at the main entry of buildings.

School 12 – Ted Mountain from SEI Design Group

16.6 million in renovations and additions (construction).

The project addresses program needs, codes, safety, and infrastructure.

The current building is a 5 strand K-6. The project converts it to a 4 strand K-8.

The existing “pod” concept will be eliminated throughout.

Safety items include: stairs, corridors, exiting.

The elevator will be upgraded.

Site work will include improvements to the storm sewer system which regularly floods the campus and the basement of the building. This will involve coordination with the City as some of the issues may be related to the City system.

The HVAC system and equipment will be replaced/improved.

Windows, doors, and roofing will also be addressed.

BAC meetings have been held since May 2012.

Ted Mountain reviewed the existing floor plans, circulation issues, and pod layout as well as the site and surrounding areas.

The nurse's office will be moved out of the main office.

A security vestibule will be added to the south entrance at the main office.

The kitchen will be renovated to be new, smaller, and will increase the size of the cafeteria.

The design recently added a "dual use" room at the back side of the public library. This will be accessible by the school during the day and by the public library after hours (a system of secure doors in a vestibule will control access).

The stairwells will be reworked and new ones built.

"light courts" will be introduced in the east side of the building to allow for inboard classrooms to have the windows/light required by code.

Windows will also be added to the building exterior.

Code analysis is also being done to see if a sprinkler system will be necessary.

SEI is working on a future concept where the existing Rec Center could be expanded as well as additional parking added.

Schedule: construction documents are scheduled for April delivery to SED. The project could be bid at any time after SED approval. The project is not scheduled to begin construction until 2014.

The MCAs for the project are \$15.5 million. The current estimates show \$15.7 million in cost. Pike is working on an updated estimate. The goal of the design team is to reduce cost while maximizing and increasing the MCAs.

Lois Giess asked about entrances. Ted Mountain stated that the busses unload on South Ave. Students enter on South Ave. That entrance is then shut down until dismissal. The South entrance is the teacher/staff entrance and is the main entrance during the day.

Chair Giess convened the meeting at 5:06pm and asked if anyone present wished to address the Board. No one requested to speak.

Approval of Minutes: Monthly Board Meeting held on November 5, 2012

Motion by Member Pifer

Second by Member Underwood

Approved 4-0-1 with Members Brown and Castro away and Member McCormick 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: 58
Amendment #3 to Campus Construction Management Group**

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 Campus Construction Management Group (“Construction Manager”) to provide Construction Management services for the Charlotte High School and Franklin High School 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 and as a result of the District’s request to renovate the auditorium space at Franklin High School, the Program Manager directed the Construction Manager to provide coordination of the auditorium renovation project; and

WHEREAS, the Program Manager has received and reviewed a proposal for this additional work provided by the Construction Manager and believes that the estimated costs are appropriate, especially given that the auditorium project work will be scheduled to occur during the school year which was not a planned time for construction at Franklin High School; 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 \$265,200.00 for this additional scope of work; 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 Members Brown and Castro away**

Resolution 2012-13: 71
Amendment #4 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 document all pre-construction existing conditions prior to the start of work at the School 58 project and thereafter the Construction Manager provided a cost proposal for this documentation to the Program Manager for review; and

WHEREAS, following the execution of the Agreement, and at the direction of the District, the Program Manager directed the Construction Manager to provide a feasibility study for full building air conditioning at the School 58 project and thereafter the Construction Manager provided a cost proposal for this work 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 existing condition documentation at School 58 to their scope of work in the total amount of \$2,613.00 and that this amount shall be treated as a not-to-exceed allowance; and

WHEREAS, the Program Manager also recommended to the Committee that the Construction Manager’s Agreement should be amended to add the feasibility study for full building air conditioning to their scope of work in the total amount of \$6,692.00 and that this amount shall be treated as a not-to-exceed allowance; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendations at its November 29, 2012 meeting and after due deliberation, it approved the requests 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 Underwood
Approved 5-0 with Members Brown and Castro away

**Resolution 2012-13: 72
Amendment #5 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 provide job site security guard services for all non-business hours, weekends, and holidays at the School 58 project site and thereafter the Construction Manager provided a cost proposal for this documentation 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 job site security guard services for the School 58 project to their scope of work for a period up to 90 days in the amount of \$41,237 and that this amount shall be treated as a not-to-exceed allowance; and

WHEREAS, the Program Manager also recommended to the Committee that the RJSCB should take the necessary steps to retain the security guard services directly for School 58, as well as other school project sites (ie. School 17) over the next 90 days, so that these expenses could be treated as program expenses chargeable against the program funds for District-Wide projects; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its November 29, 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 Member Pifer
Approved 5-0 with Members Brown and Castro away**

**Resolution 2012-13: 73
Amendment #2 to LaBella Associates Agreement – Edison High School**

By Board Chair Giess

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

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

WHEREAS, the RJSCB approved the selection of LaBella Associates, P.C. (“LaBella”) as the Architect for the Edison High School project in Phase I (Resolution 2011 12: 39); and

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

WHEREAS, following the execution of the Agreement, LaBella, along with the Program Manager, identified the need for additional scopes of design work, 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 LaBella’s Agreement should be amended to add these additional scope items in the total amount of \$45,540 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 29, 2012 meeting, and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the LaBella Associates P.C. 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 Members Brown and Castro away

Resolution 2012-13: 74

Amendment #4 to Campus Construction Management Group

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 Campus Construction Management Group (“Construction Manager”) to provide Construction Management services for the Charlotte High School and Franklin High School 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 coordination services for the Charlotte High School swing space work occurring at 175 Martin Street which services would facilitate the Charlotte High School move; and

WHEREAS, the Program Manager has received and reviewed a proposal 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 \$23,940 for this additional scope of work; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its November 29, 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 Underwood
Approved 5-0 with Members Brown and Castro away**

**Resolution 2012-13: 75
Change Order #4, #5, and #6 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 #4 includes the following item:

1. Install break metal at 175 Martin Street swing space
- The Total amount for Change Order #4 is \$553.00; and

WHEREAS, Change Order #5 includes the following items:

1. Delete the Chimney Liner for a credit of (\$30,000)
 2. Remove and replace unsuitable soil materials for a cost of \$6,648.00
 3. Additional asbestos abatement in the lobby area for a cost of \$615.00
- The Total amount for Change Order #5 is a credit of (\$22,737.00); and

WHEREAS, Change Order #6 includes the following item:

1. Additional lineal footage for excavation and piping associated with the grease trap tie-in for a cost of \$17,003.00.
- The Total amount for Change Order #6 is \$17,003.00; 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 scope items for a credit in the amount of \$5,181.00; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its November 29, 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 Pifer
Approved 5-0 with Members Brown and Castro away

Resolution 2012-13: 76
Change Order #1 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 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 #1 includes the following items:

1. Add boiler exhaust system and equipment for the cost of \$60,963.00
2. Reinsulate pipes which had been abated for the cost of \$44,620.00

The Total amount for Change Order #1 is \$105,583.00; 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 M.A. Ferrauilo Plumbing and Heating Inc.'s Contract should be amended to add these scope items for the total amount of \$105,583.00; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its November 29, 2012 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Orders to M.A. Ferrauilo Plumbing and Heating Inc.'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 Members Brown and Castro away

Resolution 2012-13: 77
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 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 Products/Completed Operations Aggregate limit set at \$3,000,000, the General Aggregate limit set at \$3,000,000, the Umbrella/Excess Occurrence Aggregate limit set at \$5,000,000 and the requirement for a Primary/ Non-Contributory additional insured endorsement on the Umbrella policy are difficult to obtain for subcontractors and are not industry standard; and

WHEREAS, the RJSCB's insurance review consultant, Lawley Services Inc., has advised the RJSCB that the Products/Completed Operations Aggregate limit, the General Aggregate limit, the Umbrella/Excess Occurrence Aggregate limit, and the requirement for a Primary/ Non-Contributory additional insured endorsement on the Umbrella policy should be reduced and/or revised in order to be more reasonable and consistent with industry standards; and

WHEREAS, the RJSCB now wishes to reduce the Insurance Requirements set for subcontractors as follows: the Products/Completed Operations Aggregate limit from \$3,000,000 down to \$2,000,000, the General Aggregate limit from \$3,000,000 down to \$2,000,000, the Umbrella/Excess Occurrence Aggregate limit from \$5,000,000 down to \$2,000,000, and to remove the requirement for a Primary/ Non-Contributory additional insured endorsement on the Umbrella policy only; and

WHEREAS, all existing insurance requirement limits for prime contractors are not affected by this change;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the reduction of required limits in the amounts stated above for all subcontractors for the Products/Completed Operations Aggregate limit, the General Aggregate limit, and the Umbrella/Excess Occurrence Aggregate limit, and the removal of the requirement for a Primary/ Non-Contributory additional insured endorsement on the Umbrella policy for all 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 Underwood
Approved 5-0 with Members Brown and Castro away**

**Resolution 2012-13: 78
Schematic Design Approval – School #12**

By Board Chair Giess

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

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

WHEREAS, the RJSCB entered into an agreement with SEI Design Group (“SEI”), dated November 15, 2011, with respect to the renovations to occur at School #12 (Agreement between Board and Architect); and

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

WHEREAS, Building Advisory Committee (BAC) meetings have been held throughout the schematic design process for School #12 which include participants from the Program Manager, the Architect, representatives from the RCSD facilities department, the City of Rochester, the building principal, teachers, staff, parents, and community members; and

WHEREAS, the Program Manager and the Building Advisory Committee members have approved the Schematic Design Documents for the School #12 project; and

WHEREAS, SEI presented the Schematic Design Documents for School #12 to the RJSCB, at its regular monthly meeting on December 3, 2012, for review and approval;

THEREFORE, BE IT RESOLVED:

1. The Schematic Design Documents for the School #12 project are approved.
2. The Program Manager is hereby authorized to direct the Architect for School #12 (SEI Design Group) to proceed with the next phase in the design process, the Design Development Phase, pursuant to the Agreement between Board and Architect.

Second by Board Member Pifer

Approved 5-0 with Members Brown and Castro away

Resolution 2012-13: 79

Schematic Design Approval – District Wide Technology

By Board Chair Giess

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

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

WHEREAS, the RJSCB entered into an agreement with Millennium Strategies (“Millennium”), dated March 28, 2011, with respect to the technology renovations to occur at each of the schools in Phase 1 (District-Wide Technology Project) of the Rochester Schools Modernization Program (“RSMP”) (Agreement between Board and Technology Consultant); and

WHEREAS, pursuant to the Agreement between Board and Technology Consultant, Millennium has performed and completed the Program Verification Phase with the District and has now submitted the Schematic Design Documents for Phase 1 to the Program Manager for review; and

WHEREAS, meetings have been held throughout the schematic design process for Phase 1 of the District Wide Technology Project which include participants from the Program Manager, the Architects, representatives from the RCSD facilities department, and the RCSD Information Management & Technology (“IM&T”) department; and

WHEREAS, the Program Manager and the RCSD IM&T department have approved the Schematic Design Documents for Phase 1 of the District Wide Technology Project; and

WHEREAS, Millennium presented the Schematic Design Documents for Phase 1 of the District Wide Technology Project to the RJSCB, at its regular monthly meeting on December 3, 2012, for review and approval;

THEREFORE, BE IT RESOLVED:

1. The Schematic Design Documents for Phase 1 of the District Wide Technology Project are approved.
2. The Program Manager is hereby authorized to direct the Technology Consultant for the District Wide Technology project (Millennium Strategies) to proceed with the next phase in the design process, the Design Development Phase, pursuant to the Agreement between Board and Technology Consultant and to obtain Board of Education approval followed by a formal submission to the State Education Department for review and approval.

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

**Resolution 2012-13: 80
Pay Requisition Summary Acceptance (November 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 \$6,429,006.98 to the Board Chair with copy to the full Board on November 27, 2012; and

WHEREAS, the RJSCB Chair approved the Pay Requisition Summary on November 27, 2012;

THEREFORE, BE IT RESOLVED:

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

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

Staff Updates / Discussion

Monthly Reports for all of the projects are included in the Board Member's packets. Jerome Underwood asked about recourse if any of the projects are delayed. Tom Roger stated that the contractors are required to meet the schedule. Architects are required to respond to RFIs and Submittals in a certain number of days.

Ann McCormick asked about impacts that architect errors and omissions have on the project costs. Tom Renauto stated that we are tracking the numbers on each project. Currently we are not seeing anything that would be considered out of the ordinary in terms of number of issues or cost impact. Tom went on to state that if the RJSCB decides to go after the architects for the costs of errors and omissions we are likely to be talking about anywhere from 5%-20% of the total costs for the issues based on what could be considered "bid day savings" vs. change order pricing. Richard Pifer stated that he typically tracks architect errors and omissions based on 2% of construction costs being the anticipated or expected value. Tom Roger stated that in his experience an owner typically only goes after an architect if there is a delay to the project schedule as a result of an error or omission.

Windell Gray reviewed the monthly compliance report for October 2012. The numbers continue to track well for all areas of M/WBE and EEO. Tom Renauto stated that the BOE has asked for a Diversity and Rochester Resident Report for School 50. Tom and Windell are working on this report.

The Committee Report from November 29, 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.

Swing Space planning was discussed.

The project at Monroe was discussed.

Jerome Underwood asked about the project contingency for School 17. Tom Roger stated that it is an issue due to the unforeseen soil conditions and the unforeseen asbestos abatement issues. Some money would have to be moved from another project to help 17's contingency budget.

Tom Roger handed out a program wide budget summary report. The report was reviewed at the meeting. Tom Renauto asked for a monthly update to this report from Gilbane.

Adjournment

Approved 5-0 at 6:15 pm