

**Rochester Joint Schools Construction Board  
Minutes  
December 8, 2014  
4:30 PM**

**Present**

Chair Tom Richards, Charles Benincasa, Vice Chair Bob Brown, Joe Brown, José Coronas, and Chris Thomas. Member Aaron Hilger and ICO Brian Sanvidge were away. Also present were: Executive Director Tom Renauto, General Counsel Peter Abdella, Program Director Tom Rog er from Gilbane and Pepin Accilien from Savin.

**Chair Richards convened the meeting at 4:34 pm**

**Approval of Minutes**

Monthly Meeting held on November 3, 2014

Motion by Member Brown  
Second by Vice Chair Brown  
Approved 6-0 with Member Hilger away

Special Meeting held on November 18, 2014

Motion by Member Brown  
Second by Vice Chair Brown  
Approved 6-0 with Member Hilger away

**Consent Agenda Items**

**Resolution 2014-15: 122  
Amendment #3 to LP Ciminelli, Inc. (CM – East and Edison)**

**By Vice Chair Brown**

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 LPCiminelli, Inc. (“Construction Manager”) to provide Construction Management services for the East High School and Edison Technology Campus projects in September of 2012 as a part of Phase 1b of the Rochester Schools Modernization Program (the “RSMP”) (Resolution 2012-13: 36) and the parties thereafter entered into the Agreement between the RJSCB and the Construction Manager dated September 10, 2012 (the “Agreement”); and

WHEREAS, subsequent to the execution of the Agreement, the Program Manager directed the Construction Manager to provide additional services and the Program Manager has received and reviewed proposals for this additional work provided by the Construction Manager; and

WHEREAS, there are unused allowance funds under the Agreement related to Field Office expenses and unused Printing costs under the Agreement which if reallocated will provide funding for additional staffing resulting in a no-cost change to the Agreement; and

WHEREAS, the amount of \$37,597 is remaining to be reallocated from the Field Office allowance funds, and the amount of \$17,220.55 is remaining to be reallocated from the Printing cost allowance funds; and

WHEREAS, based on the reallocation of these funds, LPCiminelli will provide extended staffing and services through December 31, 2014 or sooner if the projects are completed earlier, or until the reallocated funds have been exhausted if so directed by the Program Manager; and

WHEREAS, if the project work related to East High School and Edison Technology Campus is completed prior to exhausting the reallocated funds, those funds remaining will be credited back to the RJSCB; 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 reallocate unused allowance funds in order to provide funding for extended staffing and service at East High School and Edison Technology Campus in Phase 1 of the RSMP; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its December 4, 2014 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 September 10, 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 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 Benincasa  
Approved 6-0 with Member Hilger away**

**Resolution 2014-15: 123  
Amendment #2 to JT Securities Inc. Agreement**

**By Vice Chair Brown**

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, in September 2012, as a result of repeated vandalism at the School 17 project site, the Program Manager recommended and the RJSCB approved that the Construction Manager ("CM") for School 17, The Pike Company ("Pike"), hire security guard services for after hours and weekend/holiday coverage (Resolution 2012-2013: 31); and

WHEREAS, thereafter, the District requested that all RSMP projects include security guard services for after hours, weekends, and holiday coverage for those projects where the school buildings have been

vacated for construction or are located in areas that either have a history or are considered more vulnerable to vandalism; and

WHEREAS, the costs for security guard services for the overall project were later identified by the Program Manager as a “program wide expense” and the method of paying for these services through the Construction Manager’s contract did not lend itself easily to separation and tracking of these program costs; and

WHEREAS, based upon the Program Manager’s recommendation, the RJSCB MWBE and Services Procurement Committee (“Committee”) at its meeting on November 29, 2012, decided to contract directly with the security guard services firm; and

WHEREAS, in December of 2012, the RJSCB approved that the CM for School 58, LeChase Construction (“Lechase”), hire security guard services for the School 58 project site for a period of 90 days (Resolution 2012-2013: 72) in order to provide the RJSCB time to prepare a contract directly with the security services firms; and

WHEREAS, Pike and Lechase each solicited proposals for these services for School 17 and School 58 respectively; and

WHEREAS, in March 2013, the RJSCB approved Resolution 2012-2013: 122 to directly hire the security services firms for projects that were under construction at the time including School 17, School 50, and School 58 and it then entered into an agreement with JT Securities, Inc. d/b/a Blackhawk Security and Investigation dated March 5, 2013, to perform such security work (the “Agreement”); and

WHEREAS, due to the schedule extension of the School 58 project it is necessary to further extend the services of the security service provider associated with the project through December 31, 2014; and

WHEREAS, the Program Manager has requested and received a proposal from the firm JT Securities Inc., at the original hourly rates, to provide non-working shift security coverage at the School 58 project site; and

WHEREAS, the Program Manager has calculated the total cost for the extension of these services THROUGH December 31, 2014, based on the current prevailing wage rate for 2014-2015 resulting in a total increased cost of not-to-exceed \$31,020; and

WHEREAS, based on the advice and recommendation of the Program Manager, the MWBE and Services Procurement Committee considered and discussed the proposal for additional services at its December 4, 2014 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 JT Securities Inc. dated March 5, 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 JT Securities Inc. 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 Benincasa  
Approved 6-0 with Member Hilger away**

**Resolution 2014-15: 124**

**Amendment #9 to LeChase Construction Services, LLC - CM at School 28 and School 58**

**By Vice Chair Brown**

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 associated with cleaning the School 28 building and the Program Manager has received and reviewed proposals for this additional work performed on a time and materials basis provided by the Construction Manager; and

WHEREAS, the Construction Manager is in the process of assigning the contractors' responsibility for the additional cleaning services provided, upon which individual back charge change orders will be issued to each of the four Prime contractors for their obligation; and

WHEREAS, the back charges for the additional cleaning services will result in a net zero cost to the project; 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 \$18,410.49; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its December 4, 2014 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 Benincasa**  
**Approved 6-0 with Member Hilger away**

**Approved 6-0 with Member Hilger away**

**Resolution 2014-15: 128  
Supplemental FF&E Purchase Orders – Phase 1 projects**

**By Vice Chair Brown**

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

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

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

WHEREAS, the RJSCB’s Program Manager, with the advice of Vargas Associates (the “Move Manager”), the RJSCB’s general counsel, and the RJSCB’s Independent Compliance Officer, prepared a request for bids (“Request for Bids”) package for Furniture, Fixtures, and Equipment (“FF&E”) (Resolution 2012-13: 124); and

WHEREAS, the Request for Bids included FF&E items categorized into eleven primary groups and several non-grouped items; and

WHEREAS, the RJSCB awarded the following groups to FM Resources: Group 4 – Conference Furniture, Group 5 – Desks, Group 6 – Lounge Furniture, Group 9 – Storage, and Group 11 Task Seating (Resolution 2012-13: 162); and

WHEREAS, the RJSCB awarded the following groups to School Specialty, Inc.: Group 1 – Activity Tables, Group 2 – Art Room, and non-grouped items: Carpet (solid), Cubby Units, Sand and Water Table, Computer Tables, First Aid Couch, Metal Shelving, and Podium (Resolution 2012-13: 166); and

WHEREAS, the RJSCB awarded the following groups to Facilities Equipment and Service, Inc.: Group 3 – Cafeteria Tables and Group 7 – Library Furniture (Resolution 2012-13: 166); and

WHEREAS, the RJSCB awarded the following groups to Hertz Furniture: Group 8 – Music Furniture, Group 10 – Student Furniture, and non-grouped items: Carpet (elementary)(Resolution 2012-13: 166); and

WHEREAS, the original bid documents stipulated that the awarded firms would hold their pricing for the remainder of 2013; and

WHEREAS, the RJSCB authorized a bulk FF&E purchase at the end of 2013 (Resolution 2013-14: 138) at the discounted rates achieved in the prior bid, for the next group of projects in Phase 1b of the RSMP (School 5, School 28, School 58, and Edison Technology Campus); and

WHEREAS, subsequent to the bulk purchase in December 2013, the Move Manager determined that additional furniture could still be purchased within the existing budget as a result of significant bid day savings; and

WHEREAS, the pricing received from each firm on bid day will be used again when placing orders for these additional FF&E items except with a markup per the bid form price sheet in the Request for Bids; and

WHEREAS, following the initial purchase orders for the bulk of the furniture, the Move Manager, along with the Program Manager and the architect for each project, performed a detailed review of each school's needs and were able to determine that all new furniture could be purchased for each project within the existing budget; and

WHEREAS, in addition to the additional FF&E items, the Move Manager obtained specific pricing from State Contract for unique and/or special furniture items for specific schools which will be included in these supplemental purchase orders; and

WHEREAS, at its December 4, 2014 meeting, the MWBE Procurement and Services Committee considered the recommendation of the Move Manager and the Program Manager to make the additional FF&E purchases and approved the additional FF&E purchase order to the firm as set forth in the table below:

**SUMMARY of SUPPLEMENTAL FURNITURE PURCHASE**

<b>Firm</b>	<b>Total Award</b>
FM Resources	\$834.26

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the recommendation of the Move Manager that a supplemental Purchase Order shall be issued to the above named firm, in the amount specified to provide the necessary Furniture, Fixtures, and Equipment (delivered and installed at point of use) for the projects in Phase 1 of the RSMP; and
2. The RJSCB Chair is hereby authorized, to execute and deliver a Purchase Order to the firm named above, in substantially the form included in the Request for Bids for the Furniture, Fixtures, and Equipment with such changes as the Chair may approve (the Chair's signature thereon being conclusive evidence of such approval) on the advice of the Program Manager and the RJSCB's general counsel.

**Second by Board Member Benincasa  
Approved 6-0 with Member Hilger away**

**Resolution 2014-15: 129  
Change Order #16 to Testa Construction Inc. General Contractor (School 17 - Clinic)**

**By Vice Chair Brown**

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

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

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

WHEREAS, the RJSCB entered into a contract with Testa (Resolution 2012-13: 51) dated October 15, 2012 (the "Contract"), to perform the scope of services defined in the contract documents as the general contractor's scope of work; and

WHEREAS, following the execution of the Contract, Testa, 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 #16 includes the following item:

1. Additional fencing for the amount of \$1,333.50  
The Total amount of Change Order #16 is \$1,333.50; 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 Testa's Contract should be amended to add these scope items in the amount of \$1,333.50; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its December 4, 2014 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to Testa Construction Inc.'s Contract between the Board and Contractor dated October 15, 2012 as set forth above is hereby approved; and
2. The RJSCB's Chair is hereby authorized in the name and on behalf of the RJSCB, to execute a Change Order to the Contract that is consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB's general counsel.

**Second by Board Member Benincasa  
Approved 6-0 with Member Hilger away**

**Resolution 2014-15: 130  
Change Order #2 to Steve General Contractor – (Jefferson)**

**By Vice Chair Brown**

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, in July 2014, the RJSCB approved the award of the general contractor contract to Steve General Contractor Inc, for the Jefferson High School project in Phase I (Resolution 2014-15: 7); and



WHEREAS, the RJSCB entered into a contract with Steve General Contractor Inc., (Resolution 2014-15: 7) dated July 7, 2014 (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, Steve General Contractor Inc., along with 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 Program Manager for review; and

WHEREAS, Change Order #2 includes the following item:  
1. Additional patching and painting for the amount of \$5,247.90  
The total amount for Change Order #2 is \$5,247.90; 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 Steve General Contractor's Contract should be amended to add these scope items in the amount of \$5,247.90; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its December 4, 2014 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to Steve General Contractor Inc.'s Contract between the Board and Contractor dated July 7, 2014 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 Benincasa  
Approved 6-0 with Member Hilger away**

### **Action Items**

**Resolution 2014-15: 131  
Amendment #2 to AP Safety and Security**

**By Board Member Coronas**

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, in September 2012, as a result of repeated vandalism at the School 17 project site, the Program Manager recommended and the RJSCB approved that the Construction Manager ("CM") for School 17, The Pike Company ("Pike"), hire security guard services for after hours and weekend/holiday coverage (Resolution 2012-2013: 31); and



WHEREAS, thereafter, the District requested that all RSMP projects include security guard services for after hours, weekends, and holiday coverage for those projects where the school buildings have been vacated for construction or are located in areas that either have a history or are considered more vulnerable to vandalism; and

WHEREAS, the costs for security guard services for the overall project were later identified by the Program Manager as a “program wide expense” and the method of paying for these services through the Construction Manager’s contract did not lend itself easily to separation and tracking of these program costs; and

WHEREAS, based upon the Program Manager’s recommendation, the RJSCB MWBE and Services Procurement Committee (“Committee”) at its meeting on November 29, 2012, decided to contract directly with the security guard services firm; and

WHEREAS, in December of 2012, the RJSCB approved that the CM for School 58, LeChase Construction (“Lechase”), hire security guard services for the School 58 project site for a period of 90 days (Resolution 2012-2013: 72) in order to provide the RJSCB time to prepare a contract directly with the security services firms; and

WHEREAS, Pike and Lechase each solicited proposals for these services for School 17 and School 58 respectively; and

WHEREAS, in March 2013, the RJSCB approved Resolution 2012-2013: 122 to directly hire the security services firms for projects that were under construction at the time including School 17, School 50, and School 58; and

WHEREAS, in May 2013, the RJSCB issued a Request For Proposals (“RFP”) for Security Services (Resolution 2012 – 2013: 176) for work at three projects in Phase 1b (School 5, School 28, and Edison High School); and

WHEREAS, the RJSCB identified AP Safety and Security as the best candidate based on its qualifications, experience, ability to meet the demands and staffing for the project, and cost of services and the RJSCB subsequently awarded the contract at its monthly meeting on June 10, 2013 (Resolution 2012-13: 197) and then entered into an agreement with AP Safety and Security dated June 10, 2013 (the “Agreement”); and

WHEREAS, the RJSCB, based on the recommendation of the Construction Managers associated with each project, found it necessary to extend the hours of service at the School 5, School 28 and Edison project sites in order to provide continuous uninterrupted coverage during non-working hours, which resulted in the need to increase the contract value in an amount not-to-exceed \$68,622.51; and

WHEREAS, due to recent acts of vandalism at the East High School project, the Program Manager requested a proposal from AP Safety and Security to provide coverage during non-working hours which resulted in the need to increase the contract value in an amount not-to-exceed \$36,260; and

WHEREAS, the total contract increase for the additional coverage under Amendment No. 1 was \$104,882.51 (Resolution 2014-15: 2); and

WHEREAS, it has come to the attention of the RJSCB that the hourly rate that was being charged by AP Safety and Security and paid to its employees for the work under the Agreement and Amendment No. 1 was not correct and that a higher rate should have been charged and paid; and

WHEREAS, at the request of the Program Manager, AP Safety and Security provided certified payroll information to the RJSCB indicating the correct amounts that are due for the applicable pay periods under the Agreement and Amendment No. 1 showing the amount due of \$114,537.27; and

WHEREAS, based on the advice and recommendation of the Program Manager, the MWBE and Services Procurement Committee considered and discussed the proposal for additional compensation at its December 4, 2014 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 AP Safety and Security dated June 10, 2013 as set forth above is hereby approved, subject to AP Safety and Security providing the executed certification forms and proof of payment to the employees, all in an acceptable form per the Program Manager and Executive Director; and
2. The RJSCB's Chair is authorized in the name and behalf of the RJSCB, to execute an amendment to the AP Safety and Security 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 Vice Chair Brown**  
**Approved 6-0 with Member Hilger away**

**Resolution 2014-15: 132**  
**Amendment #3 to JT Securities Inc. Agreement**

**By Board Member Brown**

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, in September 2012, as a result of repeated vandalism at the School 17 project site, the Program Manager recommended and the RJSCB approved that the Construction Manager ("CM") for School 17, The Pike Company ("Pike"), hire security guard services for after hours and weekend/holiday coverage (Resolution 2012-2013: 31); and

WHEREAS, thereafter, the District requested that all RSMP projects include security guard services for after hours, weekends, and holiday coverage for those projects where the school buildings have been vacated for construction or are located in areas that either have a history or are considered more vulnerable to vandalism; and

WHEREAS, the costs for security guard services for the overall project were later identified by the Program Manager as a "program wide expense" and the method of paying for these services through the Construction Manager's contract did not lend itself easily to separation and tracking of these program costs; and

WHEREAS, based upon the Program Manager's recommendation, the RJSCB MWBE and Services Procurement Committee ("Committee") at its meeting on November 29, 2012, decided to contract directly with the security guard services firm; and

WHEREAS, in December of 2012, the RJSCB approved that the CM for School 58, LeChase Construction ("Lechase"), hire security guard services for the School 58 project site for a period of 90

days (Resolution 2012-2013: 72) in order to provide the RJSCB time to prepare a contract directly with the security services firms; and

WHEREAS, Pike and Lechase each solicited proposals for these services for School 17 and School 58 respectively; and

WHEREAS, in March 2013, the RJSCB approved Resolution 2012-2013: 122 to directly hire the security services firms for projects that were under construction at the time including School 17, School 50, and School 58 and it then entered into an agreement with JT Securities, Inc. d/b/a Blackhawk Security and Investigation dated March 5, 2013, to perform such security work (the "Agreement"); and

WHEREAS, due to the schedule extension of the School 58 project, it became necessary to extend the services of JT Securities, Inc. to provide additional security coverage at the School 58 project site; and

WHEREAS, the change in the schedule for the School 58 project resulted in a total increased cost of not-to-exceed \$100,000 under Amendment No. 1 (Resolution 2014-15: 3) and this was later extended in Amendment No. 2 (Resolution 2014-15: 123); and

WHEREAS, it has come to the attention of the RJSCB that the hourly rate that was being charged by JT Securities, Inc. and paid to its employees for the work under the Agreement and Amendment No. 1 was not correct and that a higher rate should have been charged and paid; and

WHEREAS, at the request of the Program Manager, JT Securities, Inc. is compiling its certified payroll information for the RJSCB to show the correct amounts that are due for the applicable pay periods under the Agreement and Amendment No. 1, which is estimated to be the not-to-exceed amount of \$100,000; and

WHEREAS, based on the advice and recommendation of the Program Manager, the MWBE and Services Procurement Committee considered and discussed the proposal for additional compensation at its December 4, 2014 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 JT Securities Inc. dated March 5, 2013 as set forth above is hereby approved, subject to JT Securities, Inc. providing a) the certified payroll information and b) the executed certification forms and proof of payment to the employees, all in an acceptable form per the Program Manager and the Executive Director; and
2. The RJSCB's Chair is authorized in the name and behalf of the RJSCB, to execute an amendment to the JT Securities Inc. 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 Vice Chair Brown**  
**Approved 6-0 with Member Hilger away**

**Resolution 2014-15: 133**

**Change Order #74, #75, and #76 to LeChase Construction – General Contractor (School 5)**

**By Board Vice Chair Brown**

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 LeChase Construction Services LLC (“LeChase”) for the School 5 project in Phase I (Resolution 2012-13: 177); and

WHEREAS, the RJSCB entered into a contract with LeChase (Resolution 2012-13: 177) dated June 4, 2013 (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, LeChase, 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 #74 includes the following item:

1. Reclaim unused allowance funds in the amount of -\$28,216

The Total amount of Change Order #74 is a credit of -\$28,216; and

WHEREAS, Change Order #75 includes the following items:

1. Millwork changes for a credit of -\$1,841.17
2. Additional roofing repairs for the amount of \$1,308.64
3. Changes at parapet wall for the amount of \$2,633.32
4. Locker room tile for the amount of \$503
5. Additional dumpsters for the amount of \$1,287.95
6. Credit for changes to wall type in the amount of -\$426.26

The Total amount of Change Order #75 is \$3,465.48; and

WHEREAS, Change Order #76 includes the following item:

1. Removal of unforeseen concrete under pavement for the amount of \$12,918

The Total amount of Change Order #76 is \$12,918; 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 LeChase’s Contract should be amended to delete and add these additional scope items in the total credit amount of -\$11,832.52; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its December 4, 2014 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Orders to LeChase Construction Services LLC's Contract between the Board and Contractor dated June 4, 2013 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 Change Orders to the Contract that are 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 Benincasa**

**Approved 5-0-1 with Member Hilger away and Member Thomas abstaining**

**Resolution 2014-15: 134**

**Change Order #11 to Kaplan Schmidt – Electrical Contractor (School 5)**

**By Board Member Brown**

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 for the School 5 project in Phase I (Resolution 2012-13: 177); and

WHEREAS, the RJSCB entered into a contract with Kaplan Schmidt (Resolution 2012-13: 177) dated June 4, 2013 (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 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 #11 includes the following item:

1. Power to elevator hatch for the amount of \$1,114.55
2. Power at library desk for the amount of \$800.19
3. Door 11 power for the amount of \$1,181.03

The total amount of Change Order #11 is \$3,095.77; 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 Kaplan Schmidt's Contract should be amended to add these scope items in the total amount of \$3,095.77; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its December 4, 2014 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, 2013 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 Vice Chair Brown**  
**Approved 6-0 with Member Hilger away**

**Resolution 2014-15: 135**  
**Change Order #27 through #33 to Manning Squires Hennig – (GC - School 28)**

**By Vice Chair Brown**

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 general contractor contract to Manning Squires Hennig Co., Inc. ("Manning Squires") for the School 28 project in Phase I (Resolution 2012-13: 106); and

WHEREAS, the RJSCB subsequently entered into a contract with Manning Squires (Resolution 2012-13: 106) dated February 4, 2013 (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 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 #27 includes the following item:

1. Changes to structure at the gym and at the front entry canopy for the amount of \$56,592.11
- The total amount of Change Order #27 is \$56,592.11; and

WHEREAS, Change Order #28 includes the following items:

1. Additional asbestos abatement in room 103d for the amount of \$16,888.32
  2. Additional asbestos abatement along column line 11 for the amount of \$20,668.13
  3. Additional asbestos abatement in the boiler/mechanical room for the amount of \$3,701.73
- The total amount of Change Order #28 is \$41,258.18; and

WHEREAS, Change Order #29 includes the following items:

1. Kitchen revisions for the amount of \$209.81
2. Changes to locker room and shower room walls for the amount of \$7,801
3. Window frame clips for the amount of \$1,608
4. Tile replacement for the amount of \$997.14



The total amount of Change Order #29 is \$10,615.95; and

WHEREAS, Change Order #30 includes the following items:

1. Door hardware changes for the amount of \$10,215.66
2. Seal grilles to countertops for the amount of \$2,226
3. Credit for room 200D window in the amount of -\$816.24

The total amount of Change Order #30 is \$11,625.42; and

WHEREAS, Change Order #31 includes the following items:

1. Owner directed 2<sup>nd</sup> final cleaning for the amount of \$15,650
2. Backcharge for final cleaning in the amount of -\$1,174
3. Backcharge for CM cleaning in the amount of -\$2,638.96
4. Replace ceiling tiles for the amount of \$12,338.66
5. Backcharge for incorrect labor rate -\$1,138.86
6. Added chases and soffits for the amount of \$5,349.61
7. Added chases, soffits, and drywall repairs for the amount of \$57,014
8. Backcharge for RPZ in the amount of -\$1,112.36
9. Backcharge for sump pans in the amount of -\$305.48
10. Repairs to damaged wall tile in the amount of \$3,035
11. Replace water stained cabinet panels for the amount of \$3,835.93
12. Replace damaged gym wall pads for the amount of \$2,991.60
13. Backcharge for damaged wall pads in the amount of -\$299.16
14. Recover unused allowance in the amount of -\$12,816

The total amount of Change Order #31 is \$80,729.98; and

WHEREAS, Change Order #32 includes the following items:

1. Changes to glass for the amount of \$2,987.33
2. Changes to glass color for the amount of \$4,019.68
3. Revisions to window types for the amount of \$2,446.53
4. Sill flashing, trim kits, caulking and end caps for the amount of \$25,629.70
5. Skylight size change for the amount of \$1,785.90

The total amount of Change Order #32 is \$36,869.14; and

WHEREAS, Change Order #33 includes the following items:

1. Additional sidewalks for the amount of \$17,509
2. Additional asphalt work for the amount of \$4,961.03
3. Changes to roof / canopy for the amount of \$3,647.61
4. Additional door hardware revisions for the amount of \$13,695.90
5. Credit for change to stage curtains in the amount of -\$1,366
6. Relocate, new pad and replace panels for greenhouse for the amount of \$6,768
7. Additional paper towel dispensers for the amount of \$2,492

The total amount of Change Order #33 is \$47,707.54; 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 additional scope items in the total amount of \$285,398.32; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its December 4, 2014 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:



1. The proposed Change Orders to Manning Squires' Contract between the Board and Contractor dated February 4, 2013 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 Change Orders that are 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 Benincasa  
Approved 6-0 with Member Hilger away**

**Resolution 2014-15: 136  
Change Order #11 and #12 to Bell Mechanical – (Mechanical - School 28)**

**By Board Member Thomas**

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 #11 includes the following items:

1. Add dampers and actuators to Boilers for the amount of \$5,179.39
  2. Modify fin tube for the amount of \$342.19
  3. Deduct for overcharges in the amount of -\$4,267.66
  4. Add Boiler shut off valves for the amount of \$5,846.68
- The Total amount of Change Order #11 is \$7,100.60; and

WHEREAS, Change Order #12 includes the following items:

1. Changes to pipe routing for the amount of \$3,317
2. Additional dryer vent for the amount of \$451.72
3. Credit for drywall repairs in the amount of -\$3,854.87
4. Cut and cap flue pipe in boiler room for the amount of \$810.67
5. Change duct return for the amount of \$81.44
6. Credit for construction of walls/soffits in the amount of -\$4,979.02
7. Crane storage for the amount of \$2,945.09
8. Remove unit heaters for the amount of \$126.50

9. Add boiler shutoff for the amount of \$1,236.18
  10. Credit for cleaning in the amount of -\$1,174
  11. Credit for additional cleaning in the amount of -\$2,638.96
  12. Credit for damaged ceiling tiled in the amount of -\$3,669.66
  13. Credit for wall tile damage in the amount of -\$3,035
  14. Relocated duct for the amount of \$690.88
  15. Replace damaged grilles for the amount of \$405.62
  16. Provide hood for kiln for the amount of \$3,389.84
  17. Provide pipe covering for the amount of \$2,471.75
  18. Louver replacement for the amount of \$2,347
- The Total amount of Change Order #12 is a credit of -\$1,077.82; and

WHEREAS, the Construction Manager and the Program Manager believe that the change order work is 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 Bell Mechanical's Contract should be amended to add and delete these additional scope items in the total amount of \$6,022.78; and

WHEREAS, the MWBE and Services Procurement Committee considered and discussed the Program Manager's recommendation at its December 4, 2014 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Orders to Bell Mechanical Contractor's Contract 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 Change Orders that are 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 Vice Chair Brown**  
**Approved 6-0 with Member Hilger away**

**Resolution 2014-15: 137**  
**Change Order #8, #9, and #10 to Kaplan Schmidt – (Electrical - School 28)**

**By Board Member Thomas**

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 electrical contractor contract to Kaplan Schmidt Electric Inc. ("Kaplan Schmidt") for the School 28 project in Phase I (Resolution 2012-13: 106); and

WHEREAS, the RJSCB subsequently entered into a contract with Kaplan Schmidt (Resolution 2012-13: 106) dated February 4, 2013 (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 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 #8 includes the following items:

1. Relocate existing fiber line for the amount of \$697.03
  2. Move exhaust fan for the amount of \$1,342.52
  3. Remove and reinstall piping for the amount of \$441.58
  4. Add card reader for the amount of \$3,677.47
  5. Add pathway for data drop for the amount of \$1,060.88
  6. Add wiring to AHU for the amount of \$2,522.48
  7. Relocation of EF8 for the amount of \$748.33
  8. Revisions to Unit heaters for the amount of \$379.15
  9. Credit for unused allowance in the amount of -\$20,911
- The Total amount of Change Order #8 is a credit of -\$10,041.66; and

WHEREAS, Change Order #9 includes the following items:

1. Hot water pumps and sensors for the amount of \$860.52
  2. Rehang screen for the amount of \$973.23
  3. Heat trace at kitchen for the amount of \$811.88
  4. Add exit sign for the amount of \$460.72
  5. Connections to kiln for the amount of \$1,078.97
  6. Connection to energy wheel on AHU for the amount of \$449.63
- The Total amount of Change Order #9 is \$4,634.95; and

WHEREAS, Change Order #10 includes the following items:

1. Backcharge for cleaning in the amount of -\$1,174
  2. Backcharge for additional cleaning in the amount of -\$2,638.96
  3. Backcharge for replacing ceiling tiles in the amount of -\$7,128.42
  4. Backcharge for replacement of gym wall pads in the amount of -\$299.16
  5. Backcharge for replacement of damaged grills in the amount of -\$202
- The Total amount of Change Order #10 is a credit of -\$11,442.54; 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 change in scope; 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 delete and add these scope items for a total credit of -\$16,849.25; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its December 4, 2014 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Orders to Kaplan Schmidt's Contract between the Board and Contractor dated February 4, 2013 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 Change Orders that are 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 Vice Chair Brown**  
**Approved 6-0 with Member Hilger away**

**Resolution 2014-15: 138**  
**Change Order #12 to Nairy Mechanical – (Plumbing - School 28)**

**By Vice Chair Brown**

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 plumbing contractor contract to Nairy Mechanical LLC ("Nairy Mechanical") for the School 28 project in Phase I (Resolution 2012-13: 106); and

WHEREAS, the RJSCB subsequently entered into a contract with Nairy Mechanical (Resolution 2012-13: 106) dated February 4, 2013 (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, Nairy 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 #12 includes the following items:

1. Relocate piping for the amount of \$687.65
2. Credit for removal of drywall in the amount of -\$1,139.80
3. Credit for ceiling grid rework in the amount of -\$660.38
4. Connection of drains and vents for the amount of \$3,271.18
5. Reroute canopy roof drain for the amount of \$1,443.09
6. Provide temp RPZ for the amount of \$1,112.36
7. Provide additional gas line for the amount of \$1,651.43
8. Provide sump pans for roof drains for the amount of \$305.48
9. Credit for cleaning in the amount of -\$626
10. Credit for additional cleaning in the amount of -\$923
11. Credit for unused allowance in the amount of -\$20,000
12. Credit for water stained cabinets in the amount of -\$3,835.93
13. Rework eyewash drains for the amount of \$1,413.49

The Total amount of Change Order #12 is a credit of -\$17,300.43; 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 Nairy Mechanical's Contract should be amended to delete and add these scope items in the total credit amount of -\$17,300.43; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its December 4, 2014 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to Nairy Mechanical's Contract between the Board and Contractor dated February 4, 2013 as set forth above is hereby approved; and
2. The RJSCB's Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute a Change Order that is consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB's general counsel.

**Second by Board Member Brown  
Approved 6-0 with Member Hilger away**

**Resolution 2014-15: 139  
Change Order #51 to Manning Squires Hennig – School 58**

**By Board Member Thomas**

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 general contractor contract to Manning Squires Hennig Co., Inc. ("Manning Squires") for the School 58 project in Phase I (Resolution 2012-13: 35); and

WHEREAS, the RJSCB subsequently entered into a contract with Manning Squires (Resolution 2012-13: 35) dated September 10, 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 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 #51 includes the following items:

1. Drywall/ceilings at duct transition for the amount of \$3,355
2. Soffit at room G131 for the amount of \$1,271

3. Changes to ceiling height for the amount of \$2,305
  4. Access panels in metal ceiling for the amount of \$1,539
  5. Changes to floor finish in lower level for the amount of \$48,555
  6. Additional floor finish changes for the amount of \$874
  7. Added exterior sign for the amount of \$9,384
- The total amount of Change Order #51 is \$67,283; and

WHEREAS, the Construction Manager and the Program Manager believe that the change order work is 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's Contract should be amended to add these additional scope items in the total amount of \$67,283; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its December 4, 2014 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's Contract between the Board and Contractor dated September 10, 2012 as set forth above is hereby approved; and
2. The RJSCB's Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute a Change Order that is consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB's general counsel.

**Second by Vice Chair Brown**  
**Approved 6-0 with Member Hilger away**

**Resolution 2014-15: 140**  
**Change Order #13 to EastCoast Electric – Electrical Contractor (School 58)**

**By Vice Chair Brown**

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 electrical contractor contract to EastCoast Electric LLC ("EastCoast") for the School 58 project in Phase I (Resolution 2012-13: 120); and

WHEREAS, the RJSCB subsequently entered into a contract with EastCoast (Resolution 2012-13: 120) dated March 4, 2013 (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, LeChase Construction, the Construction Manager, and the Program Manager, identified the need for changes to the scope of work; and

WHEREAS, Change Order #13 includes the following item:

1. Provide power for the Sub-slab depressurization system for the amount of \$19,283.06
- The total amount of Change Order #13 is \$19,283.06; 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 scope change; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that East Coast's Contract should be amended to add these scope items for a total of \$19,283.06; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its December 4, 2014 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's Contract between the Board and Contractor dated March 4, 2013 as set forth above is hereby approved; and
2. The RJSCB's Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute a Change Order that is consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB's general counsel.

**Second by Board Member Benincasa  
Approved 6-0 with Member Hilger away**

**Resolution 2014-15: 141  
Change Order #18 to M.A. Ferrauilo – School 58**

**By Vice Chair Brown**

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 plumbing contractor contract to M.A. Ferrauilo Heating and Plumbing, Inc. ("M.A. Ferrauilo") for the School 58 project in Phase I (Resolution 2012-13: 120); and

WHEREAS, the RJSCB subsequently entered into a contract with M.A. Ferrauilo (Resolution 2012-13: 120) dated March 4, 2013 (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, M.A. Ferraiulo, 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 #18 includes the following items:

1. Shaft wall in G211 for the amount of \$791
2. Reroute piping for the amount of \$3,246
3. Damage repairs for the amount of \$1,942
4. Mechanical / Structural conflict rerouting for the amount of \$4,441
5. Rework at skylights for the amount of \$2,045
6. Modifications above bathroom ceiling for the amount of \$1,409
6. Mechanical revisions for the amount of \$3,013
7. Modifications at soffits for the amount of \$4,713
8. Changes to bathrooms for the amount of \$1,800
9. Additional changes to bathrooms for the amount of \$3,923
10. Plumbing offsets for casework for the amount of \$2,724
11. Storm sewer piping inspection for the amount of \$569
12. Changes to piping at columns for the amount of \$485
13. Add piping in coolers for the amount of \$2,915
14. Repairs to existing water fountains for the amount of \$6,488
15. Additional sprinklers at G101 for the amount of \$3,978
16. Relocation of hose bib for the amount of \$3,991

The total amount of Change Order #18 is \$48,473; 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 M.A. Ferraiulo's Contract should be amended to add these additional scope items in the total amount of \$48,473; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its December 4, 2014 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to M.A. Ferraiulo's Contract between the Board and Contractor dated March 4, 2013 as set forth above is hereby approved; and
2. The RJSCB's Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute a Change Order that is consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB's general counsel.

**Second by Board Member Brown**  
**Approved 6-0 with Member Hilger away**

**Resolution 2014-15: 142**

**Change Order #16 to The Pike Company – General Contractor (East High School)**

**By Board Member Brown**

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 East High School project in Phase I (Resolution 2012-13: 147); and

WHEREAS, the RJSCB entered into a contract with Pike (Resolution 2012-13: 147) dated April 1, 2013 (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, Pike, along with LPCiminelli, 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 #16 includes the following items:

1. Replace louver for the amount of \$1,090
2. Changes to existing interior walls for the amount of \$3,519
3. Infill at window openings for the amount of \$21,621
4. Provide clips at windows for the amount of \$10,468
5. Provide electric strikes for the amount of \$1,143
6. Additional window replacement for the amount of \$2,208
7. Provide 8 panels and install 5 AC units for the amount of \$3,609
8. Credit for louvers not replaced in the amount of -\$1,339
9. Replace existing curb for the amount of \$6,790
10. Provide obscure glass for the amount of \$288
11. Provide egress modifications for the amount of \$1,809
12. Provide EFIS system for the amount of \$7,746
13. Provide granite curb at Culver parking lot for the amount of \$19,415
14. Provide temporary partitions for the amount of \$6,394
15. Provide new window sills for the amount of \$1,385

The total amount for Change Order #16 is \$86,146; 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 Pike’s Contract should be amended to add and delete these scope items in the total amount of \$86,146; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its December 4, 2014 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 April 1, 2013 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 Vice Chair Brown**  
**Approved 6-0 with Member Hilger away**

**Resolution 2014-15: 143**  
**Change Order #5 to DiFiore Construction Inc. – General Contractor (East High School – Athletic Field)**

**By Board Member Benincasa**

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 DiFiore Construction Inc. ("DiFiore") for the East High School Athletic Field project in Phase I (Resolution 2013-14: 163); and

WHEREAS, the RJSCB entered into a contract with DiFiore (Resolution 2013-14: 163) dated January 13, 2014 (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, DiFiore, along with LPCiminelli, 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. Re-set curbing at Ohio St. parking lot for the amount of \$6,721
- The total amount for Change Order #5 is \$6,721; 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 DiFiore's Contract should be amended to add these scope items in the amount of \$6,721; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its December 4, 2014 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to DiFiore Construction Inc.'s Contract between the Board and Contractor dated January 13, 2014 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 Vice Chair Brown**  
**Approved 6-0 with Member Hilger away**

**Resolution 2014-15: 144**  
**Amendment #6 to Gilbane Building Company – Staffing Plan Revisions**

**By Board Member Brown**

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 Gilbane Building Company (“Program Manager”) to provide Program Management services to the Board in June of 2010 (Resolution 2009-10: 13) and thereafter the RJSCB and the Program Manager entered into the Program Management Agreement dated July 1, 2010 (the “Agreement”); and

WHEREAS, the Program Manager has recently updated its staffing plan on Exhibit B (a copy of which is attached) with changes related to the extension of the School 58 project schedule and subsequent close-out period, the addition of a second project at East High School in Phase 1 associated with the University of Rochester’s program, extended 1b project commissioning, project close-out and SED close-out, and continued administrative support for the RSMP; and

WHEREAS, another authorization by the RJSCB may be necessary in the future to extend certain Gilbane staff through 2016 as a result of the School 12 project schedule having been extended by one year and the delayed start of the Monroe High School project by one year; and

WHEREAS, following extensive discussions with the Program Manager and due diligence, the Executive Director recommended to the MWBE and Services Procurement Committee (the “Committee”) that the Program Manager’s Agreement should be amended to add the extension of the School 58 project schedule and subsequent close-out period, the addition of a second project at East High School in Phase 1 associated with the University of Rochester’s program, extended 1b project commissioning, project close-out and SED close-out, and continued administrative support for the program for a total amount of not-to-exceed \$391,034.16 for the time period of January 1, 2015 through December 31, 2015; and

WHEREAS, the Committee considered and discussed the Executive Director’s recommendation at its December 4, 2014 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 Program Manager dated July 1, 2010 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 RJSCB's general counsel.

**Second by Vice Chair Brown**  
**Approved 6-0 with Member Hilger away**

**Resolution 2014-15: 145**

**Approval of Closing Documents for Issuance of County of Monroe Industrial Development Agency School Facility Revenue Bonds (Rochester Schools Modernization Project), Series 2015**

**By Vice Chair Brown**

WHEREAS, the New York State Industrial Development Agency Act, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act") authorizes and provides for the creation of industrial development agencies in the several counties, cities, villages and towns in the State of New York (the "State"); and

WHEREAS, pursuant to and in accordance with the provisions of the Enabling Act, the County of Monroe Industrial Development Agency (the "Agency") was established by Chapter 55 of the 1972 Laws of New York, as amended (together with the Enabling Act, the "IDA Act"), for the benefit of the County of Monroe, New York (the "County") and the inhabitants thereof; and

WHEREAS, many of the public schools of the Rochester City School District (the "District") are in need of substantial improvement, renovation and reconstruction in order to improve the quality of education in the City of Rochester (the "City"); and

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

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

WHEREAS, pursuant to the Rochester Schools Act and a Cooperative Agreement among the District, the RJSCB and the City, last executed on February 22, 2010 (the "Cooperative Agreement"), the RJSCB has developed a comprehensive school facilities modernization plan (the "Master Plan") and the State Comptroller has approved the Master Plan, all as contemplated by Section 5 of the Rochester Schools Act; and

WHEREAS, the RJSCB has selected 12 existing school building sites for modernization as a first phase of implementation of the Master Plan (the "Phase I Existing Sites Facilities"); and

WHEREAS, the RJSCB, exercising its properly authorized powers conferred upon it for such purposes by the Rochester Schools Act, has selected Gilbane Building Company, a Rhode Island corporation, as its independent program manager under Section 10 of the Rochester Schools Act (the "Program Manager") to implement the Master Plan, and the Program Manager and the RJSCB (acting for itself and as agent for the District and the City) have entered into a Program Management Agreement dated as of July 1, 2010 (the "Program Management Agreement"); and

WHEREAS, the RJSCB declared its intent to serve as State Environmental Quality Review Act ("SEQRA") Lead Agency for the Master Plan on November 29, 2010 (Resolution 2010-11:24), and subsequently confirmed its Lead Agency status on January 10, 2011 (Resolution 2010-11:27); and

WHEREAS, after having reviewed the completed long-form Environmental Assessment Forms for each of the twelve projects, the RJSCB formally issued a Negative Declaration to all interested and involved parties on March 28, 2011 (Resolution 2010-11:38); and

WHEREAS, based on its review of an Amended SEQRA Report, the RJSCB determined that program changes for the first six projects in Phase I would not result in any significant environmental impact and it reaffirmed on January 9, 2012 (Resolution 2011-12:59) its prior Negative Declaration; and

WHEREAS, the RJSCB completed a second SEQRA update and again re-affirmed the original SEQRA Negative Declaration (Resolution 2012-13: 173) related to the second group of projects in Phase I, which resulted in several de minimis program changes from the original Master Plan; and

WHEREAS, on April 7, 2014, the RJSCB declared its intent to serve as the SEQRA Lead Agency (Resolution 2013:14: 256) as it relates to a particular scope of work which was added to Phase I, and subsequently confirmed its Lead Agency status on May 5, 2014 (Resolution 2013-14: 268); and

WHEREAS, the RJSCB performed a third SEQRA update regarding a particular parcel of land owned by the DOT (located near the Phase I project at Monroe High School), with the intent that the land be acquired by the program and developed into a shared use parking lot on behalf of the District, and again re-affirmed the original SEQRA Negative Declaration (2014-15: 10), which resulted in in de minimis program changes from the original Master Plan; and

WHEREAS, in addition to the Phase I Existing Sites Facilities, the City and the District have acquired or will acquire additional ancillary real property for purposes of facilitating the modernization of the Phase I Existing Sites Facilities pursuant to the Master Plan and to facilitate their subsequent use as school buildings (such real property, together with the Phase I Existing Sites Facilities, the "Phase I Facilities"); and

WHEREAS, the RJSCB has presented the plans and specifications for the modernization and improvement of the Phase I Facilities in accordance with the Master Plan (the "Phase I Projects") to the Commissioner of Education of the State (the "Commissioner") for approval as contemplated by Section 6 of the Rochester Schools Act; and

WHEREAS, the Phase I Projects collectively constitute a "project" within the meaning of the IDA Act by reason of Section 16 of the Rochester Schools Act; and

WHEREAS, to accomplish the purposes of the IDA Act, the Agency, in response to an application from the RJSCB requesting Agency financing for the Phase I Projects, adopted a resolution on December 20, 2011 authorizing the issuance of up to \$325,000,000 of bonds; and

WHEREAS, on June 20, 2012, the Agency issued its School Facility Revenue Bonds (Rochester Schools Modernization Project), consisting of Series 2012A (Tax-Exempt Bonds) and Series 2012B (Federally Taxable Qualified School Construction Bonds) (collectively, the "Series 2012 Bonds"), to effect the financing of a portion of the Phase I Projects and the cost of issuance of the Series 2012 Bonds, pursuant to a resolution of the Agency and an Indenture of Trust, between the Agency and Deutsche Bank Trust Company Americas, as trustee ("Deutsche Bank"); and

WHEREAS, on June 6, 2013, the Agency issued its School Facility Revenue Bonds (Rochester Schools Modernization Project), Series 2013 (the "Series 2013 Bonds"), to effect the financing of a portion of the Phase I Projects and the cost of issuance of the Series 2013 Bonds, pursuant to an Amended and Restated Indenture of Trust dated as of June 1, 2013 and a First Supplemental Indenture of Trust dated as of June 1, 2013, each between the Agency and Deutsche Bank, and a resolution of the Agency; and

WHEREAS, the Series 2012 Bonds financed a portion of the Phase I Projects at the following five sites: Franklin High School, Enrico Fermi School #17, HB Montgomery School #50, Charlotte High School and World of Inquiry School #58 (collectively, the "Phase IA Facilities"), which have been or are in the process



of being modernized and improved, including implementation of the District-wide technology project at those sites (such modernization of the Phase IA Facilities, the "Phase IA Project"); and

WHEREAS, the Series 2013 Bonds financed a portion of the Phase I Projects at the following five sites: East High School, Edison High School, Henry Hudson School #28, John Williams School #5, and Thomas Jefferson High School (collectively, the "Phase IB Facilities"), which have been or are in the process of being modernized and improved, including implementation of the District-wide technology project at those sites (such modernization of the Phase IB Facilities, the "Phase IB Project"), (ii) the planning, program and design work for the Phase IC project (as defined below), (iii) portions of the Phase IA Project not financed from the proceeds of the Series 2012 Project, and (iv) additional Phase I Projects or portions thereof which are eligible under the IDA Act and the Rochester Schools Act and to which the Series 2015 Bonds proceeds have been determined by the Agency, the City and the School District to be applied; and

WHEREAS, a remaining portion of the Phase I Facilities at the following two sites: James P.B. Duffy High School (School #12) and James Monroe High School (collectively, the "Phase IC Facilities") are to be modernized and improved, including implementation of the District-wide technology project at those sites (such modernization of the Phase IC Facilities, the "Phase IC Project"); and

WHEREAS, the RJSCB has presented the plans and specifications for the modernization and improvement of the Phase IC Project to the Commissioner of Education of the State (the "Commissioner") for approval as contemplated by Section 6 of the Rochester Schools Act, and the Commissioner has approved or is expected to approve said plans and specifications; and

WHEREAS, the Agency will authorize the issuance of the Agency's School Facility Revenue Bonds (Rochester Schools Modernization Project), Series 2015 (the "Series 2015 Bonds"), to effect the financing of (i) the Phase IC Project, (ii) additional Phase I Projects or portions thereof which are eligible under the IDA Act and the Rochester Schools Act and to which the Series 2015 Bonds proceeds have been determined by the Agency, the City and the School District to be applied, and (iii) costs of issuance of the Series 2015 Bonds (collectively, the "Series 2015 Project"), pursuant to a resolution of the Agency, an Amended and Restated Indenture of Trust (the "Amended and Restated Indenture") and a Second Supplemental Indenture of Trust (the "Second Supplemental Indenture"), each between the Agency and U.S. Bank National Association, as successor (the "Trustee"); and

WHEREAS, the District and the City have leased, pursuant to a ground lease dated as of May 1, 2012 (the "Ground Lease"), the Phase I Facilities and certain additional property described in the Ground Lease (collectively, the "Ground Lease Facilities") to the Agency; and

WHEREAS, the District and the City have subleased the Ground Lease Facilities from the Agency, pursuant to a Sublease Agreement dated June 1, 2012, as amended and restated on June 1, 2013, and which is to be further amended and restated as of January 1, 2015 (the "Amended and Restated Sublease Agreement"); and

WHEREAS, payments to be made by the District under the Amended and Restated Sublease Agreement are expected to be sufficient to pay the principal and interest on the Series 2015 Bonds, the Series 2013 Bonds and the Series 2012 Bonds (collectively, the "Bonds"); and

WHEREAS, the District and the City have entered into a State Aid Trust Agreement dated as of June 1, 2012 (the "State Aid Trust Agreement") with Deutsche Bank as the trustee and the depository agent, which is to be amended and restated as of January 1, 2015 to name U.S. Bank National Association as successor depository bank (the "Depository Bank"), to provide for, among other things, the payment of all State Aid Revenues (as defined therein) into the State Aid Depository Fund (as defined therein) maintained with the Depository Bank for periodic transfer to the Bond Fund (as defined in the Amended and Restated Indenture) toward payment of the Bonds, and the balance to the General Fund (as defined therein); and



WHEREAS, such State Aid Revenues deposited to the Bond Fund shall be credited against Sublease Payments otherwise payable by the District under the Amended and Restated Sublease Agreement; and

WHEREAS, the Series 2015 Bonds will be marketed pursuant to a Preliminary Official Statement and an Official Statement, each containing certain information relating to the Agency, the District, the City and the RJSCB, and will be sold pursuant to a Contract of Purchase; and

WHEREAS, the respective counsels to the Agency, the City, the District, the RJSCB, Citigroup Global Markets Inc., as representative of the Underwriters (the "Underwriter"), the Depository Bank, and the Trustee, have prepared or reviewed the following documents relating to the issuance of the Series 2015 Bonds (collectively, the "Transaction Documents"):

1. An Amended and Restated Indenture of Trust between the Agency and the Trustee;
2. A Second Supplemental Indenture of Trust (the "Second Supplemental Indenture") between the Agency and U.S. Bank National Association, as trustee (the "Series Trustee");
3. An Amended and Restated Sublease Agreement between the Agency, as sublessor, and the City and the District, as sublessees;
4. A Tax Certificate with respect to the Series 2015 Bonds between the Agency, the City and the District.
5. A Preliminary Official Statement and an Official Statement of the Agency and the District prepared in connection with the offering of the Series 2015 Bonds;
6. A Purchase Contract between the Underwriter, the Agency and the District; and
7. A Continuing Disclosure Agreement between the District and the Series Trustee; and

WHEREAS, the Agency is expected to adopt a resolution authorizing the issuance by the Agency of the Series 2015 Bonds, the execution and delivery of the Transaction Documents to which the Agency is a party, and the approval of all other Transaction Documents; and

WHEREAS, the District is expected to adopt a resolution authorizing the issuance by the Agency of the Series 2015 Bonds, the execution and delivery of the Transaction Documents to which the District is a party, and the approval of all other Transaction Documents; and

WHEREAS, the City is expected to adopt a resolution authorizing the issuance by the Agency of the Series 2015 Bonds, the execution and delivery of the Transaction Documents to which the City is a party, and the approval of all other Transaction Documents; and

WHEREAS, the Rochester Schools Act requires the RJSCB and the District to compare the financing available for the Rochester Schools Modernization Project through the Agency with the financing available through the Dormitory Authority of the State of New York ("DASNY") and employ the financing mechanism that will result in the lowest cost to taxpayers of the City and State.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby ratifies and confirms that the RJSCB, acting on behalf of the District and the City, has filed an application with the Agency, requesting the Agency to provide financing for the Phase I Projects.

2. In order to finance the Series 2015 Project Costs, the RJSCB hereby approves the issuance by the Agency of the Series 2015 Bonds in an amount not to exceed \$55,000,000.

3. The RJSCB hereby ratifies and confirms that the RJSCB, acting on behalf of the District and the City, has compared or will compare prior to closing the financing available for the Rochester Schools Modernization Project through the Agency with financing through DASNY and has determined, or will determine prior to closing, that financing through the Agency will result in the lowest cost to the taxpayers of the City and State.

4. The RJSCB acknowledges that the President of the Board of Education of the District, and in his absence his appointed designees (individually and collectively, the "District's Authorized Officer"), is expected to be authorized on behalf of the District to approve, execute and deliver documents necessary to facilitate the financing of the Series 2015 Project Costs, including without limitation the Transaction Documents to which the District is a party, draft forms of which have been provided to the RJSCB and the final forms of which shall be approved by the Executive Director, all of which are expected to be approved by the Board of Education of the District.

5. The RJSCB acknowledges that (i) pursuant to the Rochester Schools Act and the Cooperative Agreement, the RJSCB will serve as the City's and the District's agent with respect to the Phase IC Project, and (ii) pursuant to the Transaction Documents, the RJSCB will serve as an authorized representative of the District with respect to certain obligations and responsibilities of the District in connection with the Phase IC Project and the Series 2015 Bonds, as further described in the Transaction Documents.

6. Each of the Chair, Vice Chair, and Executive Director of the RJSCB is hereby authorized on behalf of the RJSCB to enter into such agreements and execute such certificates and documents as may be appropriate to facilitate the completion of the Phase IC Project, and the issuance of the Series 2015 Bonds.

7. The RJSCB affirms that it will continue to act as SEQRA Lead Agency.

8. Citigroup Global Markets Inc., as representative of the Underwriters, is authorized to utilize information about the RJSCB and the Program Manager in connection with the distribution of the Preliminary Official Statement and final Official Statement with respect to the offering and sale of the Series 2015 Bonds, the forms of which shall be approved by the Executive Director.

9. Each of the Chair, Vice Chair, and Executive Director of the RJSCB is hereby authorized on behalf of the RJSCB to enter into such agreements and execute such certificates and documents as may be appropriate to appoint U.S. Bank National Association as the Trustee under the Amended and Restated Indenture, as the Series Trustee under the Second Supplemental Indenture, and as the Depository Bank under the State Aid Trust Agreement on or about January 1, 2015.

10. This Resolution shall take effect immediately.

**Second by Board Member Benincasa  
Approved 6-0 with Member Hilger away**

**Resolution 2014-15: 147  
Pay Requisition Summary Acceptance (November 2014)**

**By Board Member Brown**

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 RJSCB, at its regular monthly meeting on April 7, 2014, revised the Pay Requisition Approval Procedure (Resolution 2013-14: 257) to include discussion of the Pay Requisition Summary by the Finance Committee and certain verification activities by the Program Manager following each monthly Board meeting; 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 Executive Director forwarded the regular monthly Pay Requisition Summary (attached to this Resolution) totaling \$3,718,392.79 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 RJSCB Board Chair with copy to the full Board on November 24, 2014; and

WHEREAS, the RJSCB Board Chair approved the Pay Requisition Summary on November 24, 2014; and

WHEREAS, the RJSCB's Executive Director reviewed the regular monthly Pay Requisition Summary with the RJSCB's Finance Committee at its meeting on December 4, 2014;

THEREFORE, BE IT RESOLVED:

1. The Rochester Joint Schools Construction Board hereby accepts the regular monthly Pay Requisition Summary for the month of November 2014 in the amounts stated above and as shown in the Summary sheets attached to this Resolution.

**Second by Vice Chair Brown**  
**Approved 6-0 with Member Hilger away**

### **Communication**

The Monthly Report is included in the Member's packets.

- 1a projects: only minor work is ongoing.
- 1b projects: in punchlist phase and extra work and/or corrective work is ongoing.
- School 58 is in good shape – work is wrapping up, furniture is moving in, and District training is taking place on the new systems.
- Edison Technology Campus has some “Day 2” items: lobby work and fire alarm work to start next week (during Winter Recess).
- School 12 has started abatement.
- Monroe High School to bid in January 2015.

The Compliance Report from Baker Tilly was included in the Member's packets and reviewed at the Committee Meeting on December 4, 2014.

The Budget reports are included in the Member's packets. RSMP Budget provided by Tom Rog er was reviewed.

- Monroe High School dollars were shifted to East High School (\$2 Million) for the summer 2015 “Make Ready” project.
- Other contingency dollars were shifted to School 58 to cover its contingency.

The M/WBE and Services Procurement Committee Report for December 4, 2014 is included in the Members packets

The Finance Committee Report for December 4, 2014 is included in the Members packets.

### **Executive Session**

Chair Tom Richards called for an Executive Session per Section 105 1. (f) of the Open Meetings Law.

Motion by Board Member Benincasa  
Second by Vice Chair Brown  
Approved 6-0 with Member Hilger away

### **Adjournment**

**Approved at 5:21 pm**