

**Rochester Joint Schools Construction Board  
Minutes  
February 4, 2013  
4:30 PM**

**Present**

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

**Chair Giess convened the meeting at 4:39pm**

**Approval of Minutes: Monthly Board Meeting held on January 7, 2013**

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

**Chair Giess convened an Executive Session pursuant to Public Officers Law Section 105(1)(f), to discuss the performance history of two particular companies who have performed services for the Phase 1 projects**

**Motion by Chair Giess  
Second by Member Brown  
Approved 5-0 with Members McCormick and Castro away**

**Monthly meeting reconvened at 5:15pm**

**Action Items**

**Resolution 2012-13: 95  
Purchase Order Revisions to Main-Ford General Supply**

**By Board Chair Giess**

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

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

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

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

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

WHEREAS, subsequent to the issuance of the purchase order for kitchen equipment, the District identified the need for changes to the kitchen equipment included in the original request for bids; and

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

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that Main-Ford General Supply's purchase order should be amended to include these changes in scope in the amount of \$26,411.00; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its January 31, 2013 meeting and after due deliberation, it approved the request to amend Main-Ford General Supply's purchase order;

THEREFORE, BE IT RESOLVED:

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

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

**Resolution 2012-13: 96**  
**Independent Compliance Officer – Additional Services**

**By Board Chair Giess**

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

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

WHEREAS, the Act requires the Board to engage an Independent Compliance Officer ("ICO") to report directly to the Board; and

WHEREAS, the RJSCB issued an RFP for an Independent Compliance Officer in April of 2010 (Resolution 2009-10: 11); and

WHEREAS, in June of 2010, the RJSCB selected Landon & Rian Enterprises, Inc. as the finalist for Independent Compliance Officer (Resolution 2009-10: 14) and subsequently entered into an agreement with Landon & Rian Enterprises, Inc. entitled "Independent Compliance Officer Agreement" (the "Agreement") in August of 2010 (Resolution 2010-11: 7); and

WHEREAS, the Agreement includes a Scope of Work divided into two Stages; Stage 1 for work during the Master Plan Development and Stage 2 for Pre-Construction activities; and

WHEREAS, the original Agreement had a term of two years; and

WHEREAS, the original Agreement was extended by the RJSCB in June of 2012 to include construction related activities (Resolution 2011-2012: 111); and

WHEREAS, the RJSCB now wishes to add certain additional services, including but not limited to: City of Rochester resident participation reporting, compliance reporting by school project, compliance reporting by contractor, compliance reporting by union trade, and administrative support for the RJSCB; and

WHEREAS, at the request of the Executive Director, the ICO submitted the resume and qualifications of the proposed candidate to perform these additional services; and

WHEREAS, the Executive Director and the Board Chair have interviewed the proposed candidate, and have agreed that the candidate Rochelle Newman is qualified to perform these additional services; and

WHEREAS, based on negotiations between the Executive Director and the Independent Compliance Officer, the Independent Compliance Officer has agreed to provide these additional services at the blended hourly rate of \$41.25 per hour; and

WHEREAS, the ICO will provide these additional services for the time period beginning on February 5, 2013 through June 30, 2013 for the not to exceed amount of \$34,650 at which time the RJSCB may elect to extend the agreement for an additional one year; and

WHEREAS, the Executive Director recommended to the M/WBE Services Procurement Committee ("the Committee") at its January 31, 2013 meeting that the ICO's Agreement be amended to include these additional services, and the Committee considered and discussed the additional services proposal, and after due deliberation, it agreed to forward the proposal to the full board for further consideration;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby accepts and approves the proposal from the Independent Compliance Officer at the blended rate of \$41.25 per hour to provide the above mentioned additional services for the not to exceed amount of \$34,650.
2. The RJSCB approves Rochelle Newman of Landon & Rian Enterprises to perform the above mentioned Additional Services.
3. 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 Board Member Brown  
**Approved 5-0 with Members Castro and McCormick away**

**Resolution 2012-13: 97**  
**Change Order #3 and #4 to Manning Squires Hennig Co., Inc. – General Contractor (School 50)**

**By Board Chair Giess**

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

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

WHEREAS, the RJSCB approved the award of the general contractor contract to Manning Squires Hennig Co., Inc. (“Manning Squires”) for the School 50 project in Phase I (Resolution 2011-12: 101); and

WHEREAS, the RJSCB entered into a contract with Manning Squires (Resolution 2011-12: 101) dated June 4, 2012 (the “Contract”), to perform the scope of services defined in the contract documents as the general contractor’s scope of work; and

WHEREAS, following the execution of the Contract, Manning Squires, along with The Pike Company, the Construction Manager, and the Program Manager, identified the need for additional scopes of work, and cost proposals were then obtained for these additional scope items and provided to the Construction Manager and the Program Manager for review; and

WHEREAS, Change Order #3 includes the following item:  
1. Foundation undercut and fills in the amount of \$28,751.76  
The total amount of Change Order #3 is \$28,751.76; and

WHEREAS, Change Order #4 includes the following item:  
1. Laminate classroom walls following abatement in the amount of \$16,975.03  
The total amount of Change Order #4 is \$16,975.03; and

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

WHEREAS, the Program Manager thereafter recommended to the RJSCB’s MWBE and Services Procurement Committee (the “Committee”) that Manning Squires’ Contract should be amended to add these additional scope items in the total amount of \$45,726.79; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its January 31, 2013 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 Hennig Co., Inc.’s Contract between the Board and Contractor dated June 4, 2012 as set forth above are hereby approved; and

2. The RJSCB's Chair is hereby authorized in the name and on behalf of the RJSCB, to execute a Change Order to the Contract that is consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB's general counsel.

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

**Resolution 2012-13: 98**  
**Change Order #3, #4, and #5 to Eastcoast Electric LLC – Electrical Contractor (School 50)**

**By Board Chair Giess**

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

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

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

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

WHEREAS, following the execution of the Contract, Eastcoast, along with The Pike Company, the Construction Manager, and the Program Manager, identified the need for additional scopes of work, and cost proposals were then obtained for these additional scope items and provided to the Construction Manager and the Program Manager for review; and

WHEREAS, Change Order #3 includes the following items:

1. Remove and Reinstall devices required for abatement in the amount of \$4,074.17
- The Total amount of Change Order #3 is \$4,074.17; and

WHEREAS, Change Order #4 includes the following items:

1. Lighting changes due to locker relocations in the amount of \$1,371.13
  2. Relocation of electrical panels in the amount of \$6,152.91
  3. Power to kitchen receiving door in the amount of \$1,197.40
  4. Existing conduit relocations in the amount of \$4,097.87
  5. Provide additional outlets for District added refrigerators in the amount of \$2,197.00
  6. Deleted smoke damper and fire alarm connection to deleted damper in the amount of -\$431.
- The Total amount of Change Order #4 is \$14,585.31; and

WHEREAS, Change Order #5 includes the following items:

1. Change existing outlets to GFIs in the amount of \$3,056.00
  2. Electrical wiring for chiller circulation pumps added for AC system in the amount of \$7,316.00
- The Total amount of Change Order #5 is \$10,372.00; and

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

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that Eastcoast's Contract should be amended to add these additional scope items in the total amount of \$29,031.48; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its January 31, 2013 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

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

**Second by Member Brown**

**Approved 5-0 with Members Castro and McCormick away**

#### **Resolution 2012-13: 99**

#### **Change Order #3 to B&B Mechanical Contractors Inc. – School 50**

**By Board Chair Giess**

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

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

WHEREAS, the RJSCB approved the award of the mechanical contractor contract to B&B Mechanical Contractors Inc. ("B&B Mechanical") for the School 50 project in Phase I (Resolution 2011-12: 101); and

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

WHEREAS, in late summer of 2012 the Rochester City School District ("the District") requested that full building air conditioning be added to the scope of the Rochester School Modernization Project ("RSMP"); and

WHEREAS, after evaluation of each project by the Program Manager and the various design teams, it was determined that the scope of work at the following schools would be increased in order to meet this new requirement: School 5, School 28, School 50, School 58, and Monroe High School; and

WHEREAS, the timing of the District's request has had an impact on each of the above mentioned projects; however, the only project that had already been bid and started construction was the School 50 project; and

WHEREAS, the School 50 project is a one year project which began construction in July 2012 and is scheduled for completion in August 2013; and

WHEREAS, the air conditioning work is an extension of the original scope of work at School 50 which already includes extensive electrical and mechanical system upgrades; and

WHEREAS, in order to meet the tight schedule for completion of the School 50 project, the State Education Department ("SED") was consulted on this matter, and the SED was agreeable to adding this additional work to the School 50 project by change orders to the contracts of the existing contractors; and

WHEREAS, following SED's advice, it took several months for the Architect and Engineer to complete the air conditioning system design; and

WHEREAS, if the air conditioning work were to be bid at this late timeframe, there would be several negative impacts to the project including:

1 – The schedule for completion in August 2013 could not be achieved due to the timeframe necessary to develop a full drawing and specification package, advertise the work, allow an appropriate time for bidding, de-scope contractors, and award contracts.

2 – The timeframe for shop drawings, mechanical and electrical rough-in, and equipment orders would be delayed, some of which have extensive lead times for production.

3 – The bids could potentially result in a completely new set of contractors for this work. It would be difficult and costly to coordinate an additional set of contractors with the existing contractors' work.

4 – Any delay in completion of the School 50 project would negatively impact the start of the subsequent School 28 project due to the need for swing space in the summer of 2013 (School 28 is scheduled to move in to the swing space at School 6 in the summer of 2013, currently occupied by School 50); and

WHEREAS, cost proposals have been obtained for the additional air conditioning and provided to the Construction Manager and the Program Manager for review; and

WHEREAS, Change Order #3 includes the following item:

1. Full Building Air Conditioning in the amount of \$1,264,102.00

The Total amount of Change Order #3 is \$1,264,102.00; 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 B&B Mechanical's Contract should be amended to add these additional scope items in the total amount of \$1,264,102.00; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its January 31, 2013 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

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

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

**Resolution 2012-13: 100**  
**Change Order #3 to Manning Squires Hennig Co., Inc. – General Contractor (School 17)**

**By Board Chair Giess**

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

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

WHEREAS, the RJSCB approved the award of the general contractor contract to Manning Squires Hennig Co., Inc. (“Manning Squires”) for the School 17 project in Phase I (Resolution 2012-13: 14); and

WHEREAS, the RJSCB entered into a contract with Manning Squires (Resolution 2012-13: 14) dated July 2, 2012 (the “Contract”), to perform the scope of services defined in the contract documents as the general contractor’s scope of work; and

WHEREAS, following the execution of the Contract, Manning Squires, along with The Pike Company, the Construction Manager, and the Program Manager, identified the need for additional scopes of work, and cost proposals were then obtained for these additional scope items and provided to the Construction Manager and the Program Manager for review; and

WHEREAS, Change Order #3 includes the following items:

1. Steel lintel for brick support in the amount of \$3,065.15
2. Provide window treatments in the amount of \$3,799.00
3. Relocate and add fire extinguisher cabinets in the amount of \$1,184.00
4. Foundation undercuts and fills in the amount of \$415,000.00

The Total amount for Change Order #3 is \$423,048.15; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB’s MWBE and Services Procurement Committee (the “Committee”) that Manning Squires’ Contract should be amended to add these scope items in the amount of \$423,048.15; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its January 31, 2013 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to Manning Squires Hennig Co., Inc.’s Contract between the Board and Contractor dated July 2, 2012 as set forth above is hereby approved; 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 Underwood**  
**Approved 5-0 with Members Castro and McCormick away**



**Resolution 2012-13: 101**

**Change Order #2 to Eastcoast Electric LLC – Electrical Contractor (School 17)**

**By Board Chair Giess**

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

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

WHEREAS, the RJSCB approved the award of the electrical contractor contract to Eastcoast Electric LLC (“Eastcoast”) for the School 17 project in Phase I (Resolution 2012-13: 14); and

WHEREAS, the RJSCB entered into a contract with Eastcoast (Resolution 2012-13: 14) dated July 2, 2012, (the “Contract”) to perform the scope of services defined in the contract documents as the electrical contractor’s scope of work; and

WHEREAS, following the execution of the Contract, Eastcoast, along with The Pike Company, the Construction Manager, and the Program Manager, identified the need for additional scopes of work, and cost proposals were then obtained for these additional scope items and provided to the Construction Manager and the Program Manager for review; and

WHEREAS, Change Order #2 includes the following item:

1. Swap smoke heads for heat heads during construction in the amount of \$625.07

The Total amount for Change Order #2 is \$625.07; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB’s MWBE and Services Procurement Committee (the “Committee”) that Eastcoast’s Contract should be amended to add these scope items in the amount of \$625.07; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its January 31, 2013 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to Eastcoast Electric LLC’s Contract between the Board and Contractor dated July 2, 2012 as set forth above is hereby approved; 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.
- 3.

**Second by Board Member Pifer**

**Approved 5-0 with Members Castro and McCormick away**

**Resolution 2012-13: 102**

**Change Order #7, #8, and #9 to The Pike Company – General Contractor (Charlotte High School)**

**By Board Chair Giess**

WHEREAS, the Rochester School Facilities Modernization Program Act (“the Act”) established the Rochester Joint Schools Construction Board (“RJSCB”), a seven voting member board consisting of

equal representation by the City of Rochester ("City") and the Rochester City School District ("District"), as well as a member jointly selected by the City and the District; and

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

WHEREAS, the RJSCB approved the award of the general contractor contract to The Pike Company ("Pike") for the Charlotte High School Project in Phase I (Resolution 2011-12: 105); and

WHEREAS, the RJSCB entered into a contract with The Pike Company (Resolution 2011-12: 105) dated June 4, 2012 (the "Contract"), to perform the scope of services defined in the contract documents as the general contractor's scope of work; and

WHEREAS, following the execution of the Contract, The Pike Company, along with Campus Construction Group, the Construction Manager, and the Program Manager, identified the need for additional scopes of work, and cost proposals were then obtained for these additional scope items and provided to the Construction Manager and the Program Manager for review; and

WHEREAS, Change Order #7 includes the following item:

1. Kynar window finish in the amount of \$25,774.00
- The Total amount for Change Order #7 is \$25,774.00; and

WHEREAS, Change Order #8 includes the following item:

1. Nurse's room flooring in the amount of \$2,031.00
- The Total amount for Change Order #8 is \$2,031.00; and

WHEREAS, Change Order #9 includes the following items:

1. Floor leveling at Cafeteria in the amount of \$50,519.00
  2. Metal Air Plenum at Cafeteria in the amount of \$24,090.00
  3. Trench infill at Kitchen in the amount of \$5,580.00
  4. Ceiling demo in the amount of \$1,263.00
  5. Chase wall demo at bathrooms in the amount of \$5,368.00
  6. Security console at library in the amount of \$21,538.00
  7. Soffit demo at classrooms in the amount of \$1,906.00
  8. Additional floor tile removal at locker rooms in the amount of \$2,553.00
  9. Masonry ramp removal in the amount of \$1,920.00
  10. Unforeseen asbestos abatement in the amount of \$15,811.00
  11. Unforeseen asbestos abatement in the amount of \$10,551.00
  12. Steam line insulation abatement in basement in the amount of \$24,286.00
  13. Additional wall demo in the amount of \$4,051.00
- The Total amount for Change Order #9 is \$169,436.00; and

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

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that The Pike Company's Contract should be amended to add these scope items in the amount of \$197,241.00; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its January 31, 2013 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

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

**Second by Board Member Underwood  
Approved 5-0 with Members Castro and McCormick away**

**Resolution 2012-13: 103  
Change Order #2 and #3 to M.A. Ferrauilo Plumbing and Heating Inc. – Mechanical Contractor  
(Charlotte High School)**

**By Board Chair Giess**

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

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

WHEREAS, the RJSCB approved the award of the mechanical contract to M.A. Ferrauilo Plumbing and Heating Inc. ("Ferrauilo") for the Charlotte High School Project in Phase I (Resolution 2011-12: 105); and

WHEREAS, the RJSCB entered into a contract with Ferrauilo dated June 4, 2012 (the "Contract"), to perform the scope of services defined in the contract documents as the mechanical contractor's scope of work; and

WHEREAS, following the execution of the Contract, Ferrauilo, along with Campus Construction Group, the Construction Manager, and the Program Manager, identified the need for additional scopes of work, and cost proposals were then obtained for these additional scope items and provided to the Construction Manager and the Program Manager for review; and

WHEREAS, Change Order #2 includes the following item:

1. Kitchen condensate piping in the amount of \$5,210.00
- The Total amount for Change Order #2 is \$5,210.00; and

WHEREAS, Change Order #3 includes the following items:

1. Rework blow down piping at boiler room in the amount of \$2,007.00
  2. Cap LPS line at fan room in the amount of \$1,045.00
  3. BCU mixing boxes in the amount of \$3,627.00
  4. Reroute ductwork at nurse's suite in the amount of \$6,233.00
  5. Bathroom exhaust at nurse's office in the amount of \$5,291.00
  6. Louver changes in the amount of \$2,070.00
  7. New louver at music room in the amount of \$3,052.00
  8. Rework LPC piping at girls locker room in the amount of \$2,716.00
  9. UV utility compartments in the amount of \$2,401.00
- The Total amount for Change Order #3 is \$28,442.00; and

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

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that M.A. Ferraulo Plumbing and Heating Inc.'s Contract should be amended to add these scope items for the total amount of \$33,652.00; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its January 31, 2013 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

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

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

**Resolution 2012-13: 104  
Change Order #2 to Concord Electric Corporation – Electrical Contractor (Charlotte High School)**

**By Board Chair Giess**

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

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

WHEREAS, the RJSCB approved the award of the electrical contractor contract to Concord Electric Corporation ("Concord") for the Charlotte High School Project in Phase I (Resolution 2011-12: 105); and

WHEREAS, the RJSCB entered into a contract with Concord (Resolution 2011-12: 105) dated June 4, 2012 (the "Contract"), to perform the scope of services defined in the contract documents as the electrical contractor's scope of work; and

WHEREAS, following the execution of the Contract, Concord, along with Campus Construction Group, the Construction Manager, and the Program Manager, identified the need for additional scopes of work, and cost proposals were then obtained for these additional scope items and provided to the Construction Manager and the Program Manager for review; and

WHEREAS, Change Order #2 includes the following items:

1. Re-feed boiler pumps in the amount of \$386.00
2. Bathroom hand dryers in the amount of \$20,000.00
3. Freight elevator power in the amount of \$2,148.00
4. Security system relocation at main office in the amount of \$2,139.00

5. Miscellaneous device demolition in the amount of \$3,599.00
  6. Electrical panel changes in the amount of \$4,415.00
  7. Additional sleeves for Smartboards in the amount of \$2,941.00
  8. New LC fixtures in the amount of \$3,686.00
- The Total amount of Change Order #2 is \$39,314.00; and

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

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that Concord Electric Corporation's Contract should be amended to add these additional scope items in the total amount of \$39,314.00; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its January 31, 2013 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

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

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

**Resolution 2012-13: 105**  
**2011-2012 Financial Audit**

**By Board Chair Giess**

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

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

WHEREAS, the RJSCB's General Counsel recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that a Financial Audit of the RJSCB's financial commitments, obligations, and internal controls be performed for the time period ending June 30, 2012 and that Freed Maxick & Battaglia, the District's auditor be asked again to submit a proposal to perform these services; and

WHEREAS, the Committee considered and discussed a proposal for audit services from Freed Maxick & Battaglia at its May 17, 2012 meeting and, after due deliberation, it approved the proposal and subsequently entered into an Agreement between the RJSCB and Freed Maxick & Battaglia to perform such audit services (Resolution 2011-12: 99); and

WHEREAS, Freed Maxick & Battaglia has now completed the financial audit report (the "Report") for the time period ending June 30, 2012 (attached to this resolution), and the RJSCB's Executive Director and its General Counsel have reviewed and considered the Report; and

WHEREAS, the RJSCB's Executive Director has recommended to the RJSCB that it accept the Report, and the RJSCB discussed the recommendation and considered the Report at its regular Board meeting on February 4, 2013;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby accepts the 2011-2012 Financial Audit Report in the form attached to this Resolution.

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

**Resolution 2012-13: 106  
Contract Awards – School 28**

**By Board Chair Giess**

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

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

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

WHEREAS, the RJSCB's Program Manager, with the advice of LaBella Associates P.C. (the "Architect"), LeChase Construction Services LLC (the "Construction Manager"), the RJSCB's general counsel, and the RJSCB's Independent Compliance Officer, prepared a request for bids ("Request for Bids") package for the School 28 project; and

WHEREAS, the RJSCB received approval of the School 28 project by the BOE at their monthly meeting on June 28, 2012 (BOE Resolution 2011-12: 867) and by SED on December 12, 2012; and

WHEREAS, the RJSCB's Executive Director received bids on January 23, 2013 per the deadline stipulated in the Request for Bids, and those bids were subsequently publicly opened and read aloud at the location stated in the Request for Bids; and

WHEREAS, the Program Manager, Architect, Construction Manager, and Independent Compliance Officer have reviewed the bids, conducted de-scoping meetings, and concluded that the apparent low bidders for each scope of work package are also qualified and responsible bidders; and

WHEREAS, at the MWBE and Services Procurement Committee meeting held on January 31, 2013, following the review and consideration of recommendations provided by the RJSCB's Program Manager and after due deliberation by the Committee, the following contract awards were approved:

<u>Scope of Work</u>	<u>Name of Contractor</u>	<u>Address</u>	<u>Bid Amount (Incl. accepted alternates)</u>
General Contractor	Manning Squires & Hennig	8426 Seven Springs Road, Batavia, NY 14021	\$11,222,000
Mechanical Contractor	Bell Mechanical Contractor, Inc.	105 Lincoln Parkway, East Rochester, NY 14445	\$3,233,500
Electrical Contractor	Kaplan Schmidt Electric Inc.	50 Saginaw Drive Rochester, NY 14623	\$1,638,200
Plumbing Contractor	Nairy Mechanical LLC	356 Pineville Lane Webster, NY 14580	\$1,212,400

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the recommendation of the Program Manager that contract awards shall be made to the above named firms and bid amounts to provide all equipment, labor, materials, and plant necessary to execute the scope of work associated with the School 28 project in Phase 1 of the RSMP;

2. The Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute and deliver an Agreement (the "Agreement") to each firm named above in substantially the form included in the Request for Bids (dated October 5, 2012) for the School 28 project, with such changes as the Chair may approve (his/her signature thereon being conclusive evidence of such approval) on the advice of the Program Manager and the RJSCB's general counsel.

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

**Resolution 2013-2014: 107  
Bar of MDI on Phase 1 moving contracts**

**By Board Chair Giess**

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

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

WHEREAS, Vargas Associates (the "Move Management Consultant"), with the advice of the RJSCB's Executive Director and its general counsel, prepared a request for qualifications/bids ("Request for Bids") package for furniture and equipment moves in preparation for the start of construction at four of the Phase 1 schools (School 17, School 50, School 58, and Charlotte High School); and

WHEREAS, the RJSCB authorized the release of the Request for Bids at its monthly meeting on April 9, 2012 (Resolution 2011-12: 91); and

WHEREAS, the Executive Director received bids on May 15, 2012, and those bids were subsequently publicly opened and read aloud at the location stated in the Request for Bids; and

WHEREAS, the Program Manager, Move Management Consultant and Independent Compliance Officer ("ICO") reviewed the bids submitted, conducted de-scoping meetings, and concluded that the apparent low bidder for each scope of work package was also a qualified and responsible bidder; and

WHEREAS, the RJSCB developed, approved and adopted a preliminary diversity plan (“Diversity Plan”) designed to increase the number of minority and women owned businesses entities as well as small business and disadvantaged entities contracting with the RJSCB to perform work on the various projects for the RSMP; and

WHEREAS, the Request for Bids included the diversity goals from the Diversity Plan and stated that each company providing services on the projects for the RSMP needed to comply with the goals and submit the utilization plan and other forms which were attached to the Request for Bids; and

WHEREAS, MDI represented throughout the bid process and during de-scoping meetings that it was aware of, understood and would comply with the diversity goals as outlined in the Diversity Plan and included in the Request for Bids; and

WHEREAS, MDI indicated in its sworn statement of bidder qualifications (“Sworn Statement”), dated May 14, 2012, and its contract documents, on form DDP-1, dated July 2, 2012, that it would comply with the diversity goals by utilizing the services of certain minority-owned, women-owned and small business entities; and

WHEREAS, based in part upon the representations made in its bid and contract documents concerning its agreement to comply with the diversity goals set forth in the Diversity Plan, the RJSCB issued a purchase order to MDI (Resolution 2011-12: 102) (the “Contract”) to perform the scope of services defined in the contract documents for moving services; and

WHEREAS, the RJSCB has concluded that MDI willfully failed to utilize the services of any minority-owned, women-owned or small business entities in violation of its contractual obligations and in direct contradiction with MDI’s utilization plan in the form DDP-1 dated July 2, 2012, and signed by MDI’s CEO, Frank Zemer; and

WHEREAS, under the penalty provisions set forth in the Diversity Plan, the RJSCB, through its ICO, has certain enumerated powers to address the willful failure of a prime contractor, supplier, professional service firm or other business providing goods or services to the Program, to comply with the goals and provisions of the Preliminary Diversity Plan; and

WHEREAS, the RJSCB considered and discussed the above at its monthly Board meeting on February 4, 2013;

THEREFORE, BE IT RESOLVED:

1. Move, Design & Installation Services (MDI), or any of its Officers and Directors, is hereby designated a non-responsive bidder for all future contract bids in Phase 1 of the RSMP.

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

**Resolution 2012-13: 108  
Pay Requisition Summary Acceptance (January 2013)**

**By Board Chair Giess**

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



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

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

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

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

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

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

WHEREAS, the Executive Director forwarded a Pay Requisition Summary (attached to this Resolution) totaling \$6,438,528.69 to the Board Chair with copy to the full Board on January 28, 2013; and

WHEREAS, the RJSCB Chair approved the Pay Requisition Summary on January 28, 2013;

THEREFORE, BE IT RESOLVED:

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

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

#### **Staff Updates / Discussion**

Windell Gray reviewed the monthly Compliance Report for December 2012. Our Business and Workforce participation are meeting the project goals.

Tom Roger stated that School 50 and Charlotte are tracking well and are on schedule. School 17 is currently behind schedule however, the project team is working hard to make up the time. Tom Roger stated that the School 17 will finish on time and will open for school on time.

Tom Renauto stated that the budget report includes new information requested by Brian Roulin. The report now shows the amount of Bond money spent to date and the balance remaining.

The Committee Report is included in the Board members packets.

#### **Adjournment**

**Approved 5-0 at 6:07pm**