

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

Present

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

Chair Giess convened the meeting at 4:34pm

Approval of Minutes: Monthly Board Meeting held on February 4, 2013

**Motion by Member Pifer
Second by Member Brown
Approved 6-0 with Member Castro away**

Action Items

**Resolution 2012-13: 109
Amendment #13 to SWBR Architect's Agreement**

By Board Chair Giess

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

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

WHEREAS, the RJSCB approved the selection of SWBR Architects, ("SWBR") as the Architect for the School 17 project in Phase I (Resolution 2010-11: 35); and

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

WHEREAS, following the execution of the Agreement, SWBR Architects, along with the Program Manager, identified the need for additional scopes of design work and cost proposals and/or estimates were then obtained for these additional scope items and provided to the Program Manager for review; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that SWBR's Agreement should be amended to add these additional scope items in the total amount of \$41,406.75 to Exhibit I of the Agreement and that this amount shall be treated as a not-to-exceed allowance under Section 11.1.1 of the Agreement; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its February 28, 2013 meeting, and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the SWBR's Agreement Between Board and Architect dated March 28, 2011 as set forth above is hereby approved; and
2. The RJSCB's Chair is hereby authorized in the name and on behalf of the RJSCB, to execute an amendment to the Agreement that is consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB's general counsel.

Second by Member Brown
Approved 6-0 with Member Castro away

Resolution 2012-13: 110
Amendment #7 to Chaintreuil Jensen Stark Architects, LLP Agreement

By Board Chair Giess

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

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

WHEREAS, the RJSCB approved the selection of Chaintreuil Jensen Stark Architects, LLP ("CJS") as the Architect for the Charlotte High School project in Phase I (Resolution 2010-11: 35); and

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

WHEREAS, following the execution of the Agreement, CJS, along with the Program Manager, identified the need for additional scopes of design work, and cost proposals were then obtained for these additional scope items and provided to the Program Manager for review; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that CJS's Agreement should be amended to add these additional scope items in the total amount of \$43,574 to Exhibit I of the Agreement and that this amount shall be treated as a not-to-exceed allowance under Section 11.1.1 of the Agreement; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its February 28, 2013 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Chaintreuil Jensen Stark Architects Agreement Between Board and Architect dated March 28, 2011 as set forth above is hereby approved; and
2. The RJSCB's Chair is hereby authorized in the name and on behalf of the RJSCB, to execute an amendment to the Agreement that is consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB's general counsel.

Second by Member Pifer
Approved 6-0 with Member Castro away

Resolution 2012-13: 111
SEQRA Update and Amendment to Clark Patterson Lee's Agreement on SEQRA

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 declared its intent to serve as the SEQRA Lead Agency for the project components of the Rochester Schools Modernization Program ("RSMP") in the fall of 2010 (Resolution 2010-11: 24), and subsequently confirmed that it would act as the SEQRA Lead Agency in January of 2011 (Resolution 2010-11: 27); and

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

WHEREAS, following the program verification phase and the schematic design phase for the first six projects in Phase 1 of the RSMP (Schools 17, 28, 50, 58, Charlotte High School, and Franklin High School), the RJSCB reaffirmed its prior determination of a SEQRA Negative Declaration for the proposed Phase I projects (Resolution 2011-2012: 59); and

WHEREAS, the initial program verification phase and the schematic design phase have now been completed for the second set of six projects in Phase 1 of the RSMP (Schools 5, 12, Monroe, East, Edison, and Jefferson) resulting in several program changes from the original Master Plan; and

WHEREAS, as the SEQRA Lead Agency, it is the intent of the RJSCB to keep all of the involved and interested parties informed as to the status of the RSMP projects, and any potential impacts based upon program changes to the second set of six school projects as set forth in the original SEQRA report; and

WHEREAS, Clark Patterson Lee, the SEQRA consultant who was hired by the RJSCB (Resolution 2010-11: 18) to prepare the original SEQRA report and for the first SEQRA update (Resolution 2011-2012: 49), has provided a proposal for services to perform a second update to the original SEQRA report for the RSMP based on program changes to the second set of six schools in the amount of \$14,500 and that such services would be additional services under Clark Patterson Lee's contract with the RJSCB dated November 23, 2010 ("Agreement"); and

WHEREAS, the Program Manager has recommended to the RJSCB's MWBE and Services Procurement Committee ("the Committee") that the RJSCB proceed with the updating of the original SEQRA report and that Clark Patterson Lee be retained by amendment to the Agreement to perform these services for the not-to-exceed amount of \$14,500; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its February 28, 2013 meeting to update the original SEQRA report and to accept Clark Patterson Lee's

proposal for SEQRA update services, and after due deliberation, it approved the updating of the SEQRA Report and the request to amend the Agreement between the RJSCB and Clark Patterson Lee;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby authorizes the update to the original SEQRA Report; and
2. The proposed amendment to the Clark Patterson Lee Agreement Between Board and Architect dated November 23, 2010 as set forth above is hereby approved for an amount Not to Exceed \$14,500; and
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 Program Manager and the RJSCB's general counsel.

Second by Member Brown
Approved 6-0 with Member Castro away

Resolution 2012-13: 112
Amendment #3 to LaBella Associates Agreement – Edison High School

By Board Chair Giess

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

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

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

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

WHEREAS, following the execution of the Agreement, LaBella, along with the Program Manager, identified the need for additional scopes of design work, and cost proposals were then obtained for these additional scope items and provided to the Program Manager for review; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that LaBella's Agreement should be amended to add these additional scope items in the total amount of \$22,500 to Exhibit I of the Agreement and that this amount shall be treated as a not-to-exceed allowance under Section 11.1.1 of the Agreement; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its February 28, 2013 meeting, and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the LaBella Associates P.C. Agreement Between Board and Architect dated November 15, 2011 as set forth above is hereby approved; and

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

Second by Member Pifer

Approved 6-0 with Member Castro away

Resolution 2012-13: 113

Amendment #4 to LaBella Associates Agreement – Edison High School

By Board Chair Giess

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

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

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

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

WHEREAS, following the execution of the Agreement, LaBella, along with the Program Manager, identified the need for additional scopes of design work, and cost proposals were then obtained for these additional scope items and provided to the Program Manager for review; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that LaBella's Agreement should be amended to add these additional scope items in the total amount of \$9,800 to Exhibit I of the Agreement and that this amount shall be treated as a not-to-exceed allowance under Section 11.1.1 of the Agreement; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its February 28, 2013 meeting, and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

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

Second by Member Brown

Approved 6-0 with Member Castro away

**Resolution 2012-13: 114
Amendment #6 to LaBella Associates Agreement**

By Board Chair Giess

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

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

WHEREAS, the RJSCB approved the selection of LaBella Associates as the Architect for the Henry Hudson School #28 project in Phase I (Resolution 2010-11: 35); and

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

WHEREAS, following the execution of the Agreement, LaBella Associates, along with the Program Manager, identified the need for additional scopes of design work as well as work items which will not be necessary under the current contract, and cost proposals were then obtained for the additional scopes of work and for those items which are no longer necessary and provided to the Program Manager for review; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that LaBella Associates' Agreement should be amended to add swing space design and planning for School 28, and to delete work associated with land acquisition and appraisals that will not be required for the School 28 project for a total net deduct in the amount of - \$2,690; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its February 28, 2013 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the LaBella Associates Agreement Between Board and Architect dated March 28, 2011 as set forth above is hereby approved; and
2. The RJSCB's Chair is hereby authorized in the name and on behalf of the RJSCB, to execute an amendment to the Agreement that is consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB's general counsel.

**Second by Member Pifer
Approved 6-0 with Member Castro away**

**Resolution 2012-13: 115
Amendment #4 to The Pike Company (CM - Schools 17 and 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 selected The Pike Company ("Construction Manager") to provide Construction Management services for the School 17 and School 50 projects in August of 2011 as a part of Phase 1 of the Rochester Schools Modernization Program (the "RSMP") (Resolution 2011-12: 7) and the parties thereafter entered into the Agreement between the RJSCB and the Construction Manager dated August 3, 2011 (the "Agreement"); and

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

WHEREAS, the RJSCB's Program Manager recommended to the MWBE and Services Procurement Committee (the "Committee") that the Construction Manager's Agreement should be amended to add the Not to Exceed amount of \$20,000.00 for the additional scopes of work in support of the School 17 and School 50 projects; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its February 28, 2013 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Agreement Between the RJSCB and The Construction Manager dated August 3, 2011 as set forth above is hereby approved; and
2. The RJSCB's Chair is hereby authorized in the name and on behalf of the RJSCB, to execute an amendment to the Agreement that is consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB's general counsel.

**Second by Member Brown
Approved 6-0 with Member Castro away**

**Resolution 2012-13: 116
Amendment #1 to The Pike Company (CM – Schools 5 and 12)**

By Board Chair Giess

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

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

WHEREAS, the RJSCB selected The Pike Company ("Construction Manager") to provide Construction Management services for the School 5 and School 12 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, 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 \$40,000 for the additional scopes of work in support of the School 5 and School 12 projects; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its February 28, 2013 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Agreement Between the RJSCB and The Construction Manager dated 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 Member Pifer
Approved 6-0 with Member Castro away**

**Resolution 2012-13: 117
Amendment #1 to LP Ciminelli, Inc. (CM – East and Edison)**

By Board Chair Giess

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

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

WHEREAS, the RJSCB selected LPCiminelli, Inc. ("Construction Manager") to provide Construction Management services for the East High School and Edison High School 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, 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 \$40,000 for the additional scopes of work in support of the East High School and Edison High School projects; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its February 28, 2013 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Agreement Between the RJSCB and The Construction Manager dated 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 Member Pifer
Approved 6-0 with Member Castro away**

**Resolution 2012-13: 118
Move Manager Additional Services**

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 issued a Request for Proposals dated August 9, 2011 for Move Management Services (Resolution 2011-12: 8); and

WHEREAS, at the monthly meeting held on October 3, 2011, the RJSCB selected Vargas Associates as the finalist for Move Management Services (Resolution 2011-12: 31) and subsequently entered into an agreement with Vargas Associates dated February 2, 2012, entitled "Agreement Between Owner and Consultant" (the "Agreement"); and

WHEREAS, the Agreement includes scope of work for the first five projects in Phase 1a of the Rochester Schools Modernization Program ("RSMP") (School 17, School 28, School 50, School 58, and Charlotte High School); and

WHEREAS, the RJSCB now needs to add certain additional services, including but not limited to: development of RCSD FF&E standards, development of bid specifications and oversight of the FF&E bid for Schools 17, 50, and Charlotte, inventory and dispersing of furniture from the basement of Edison, and move management for the relocation of Edison into swing space in 2013 and back in 2015; and

WHEREAS, based on the advice and recommendation of the Program Manager, the Committee considered and discussed the proposals from the Move Manager at its February 28, 2013 meeting, copies of which are attached hereto, in a total amount not to exceed \$154,022.24, and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby accepts and approves the Proposals from the Move Manager for additional services to the Agreement in an amount not to exceed \$154,022.24; 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 Member Brown
Approved 6-0 with Member Castro away**

Resolution 2012-2013: 119 DWT-1B Award was tabled at the meeting

**Resolution 2012-13: 120
Contract Awards – Mechanical, Electrical, and Plumbing School 58**

By Board Chair Giess

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

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

WHEREAS, the 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 received approval of the School 58 project by the BOE at their monthly meeting on December 15, 2011 (BOE Resolution 2011-12: 413) and by SED on May 31, 2012; and

WHEREAS, the RJSCB's Program Manager, with the advice of JCJ Architecture (the "Architect"), LeChase Construction (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 58 project; and

WHEREAS, the RJSCB authorized the Request for Bids at its monthly meeting on June 4, 2012 (Resolution 2011-12: 109); and

WHEREAS, the RJSCB released the original bid documents for the School 58 project in July 2012; and

WHEREAS, in August 2012 upon the District's directive to add full building air conditioning to the School 58 project, the Mechanical, Electrical, and Plumbing bids were postponed pending authorization of the re-programming of funding by the District and redesign of the corresponding systems; and

WHEREAS, the RJSCB awarded the School 58 general contract (GC) bid package on September 10, 2012; and

WHEREAS, on October 23, 2012, the District directed the RJSCB to re-program funds from the Jefferson High School project to cover the design and construction costs associated with air conditioning at Schools 5, 28, 50, 58 and Monroe; and

WHEREAS, the RJSCB subsequently approved Resolution 2012-2013: 68 which reallocated monies from the Jefferson project to support the costs of full building air conditioning at School 5, 28, 50, 58 and Monroe; and

WHEREAS, a new bid package for School 58 Mechanical, Electrical, and Plumbing scopes of work was issued for bid on February 4, 2013; 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 bidder for the Mechanical, Electrical, and Plumbing scope of work packages are also a qualified and responsible bidders; and

WHEREAS, at the MWBE and Services Procurement Committee meeting held on February 28, 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 forwarded to the full Board for consideration:

| <u>Scope of Work</u> | <u>Name of Contractor</u> | <u>Address</u> | <u>Bid Amount (Incl. accepted alternates)</u> |
|----------------------|-------------------------------------|---|---|
| Mechanical | Leo J. Roth Corporation | 841 Holt Road Webster, NY 14580 | \$5,906,800 |
| Electrical | Eastcoast Electric, LLC | 546 Lyell Avenue Rochester, NY 14606 | \$3,183,680 |
| Plumbing | M.A. Ferrauilo Heating and Plumbing | 166 Jay Street Rochester, NY 14611 | \$2,033,000 |

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the recommendation of the Program Manager that these contract awards shall be made to the above named firms and bid amount to provide all equipment, labor, materials, and plant necessary to execute the Mechanical, Electrical, and Plumbing scopes of work associated with the School 58 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 the firms named above in substantially the form included in the Request for Bids for the School 58 project Mechanical, Electrical, and Plumbing scopes of work 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 Member Brown
Approved 6-0 with Member Castro away

Resolution 2012-13: 121
RJSCB Umbrella Coverage

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

WHEREAS, in order to rectify this, a decision was made by the RJSCB MWBE and Services Procurement Committee (the "Committee") at its meeting on November 29, 2012 to contract directly with the security guard services firm; and

WHEREAS, in December of 2012, the RJSCB approved the School 58 CM, LeChase Construction ("Lechase"), to 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 and contracted with the firm J&T Securities Inc. D/B/A Blackhawk Security and Investigations for School 17 and School 58 respectively; and

WHEREAS, prior to the commencement of security services at School 58, a break-in there led to the District requesting that all of the other project sites have security services coverage for after hours; and

WHEREAS, in order to react quickly to this request, the Program Manager directed Pike to have J&T Securities Inc. immediately begin patrols of the School 50 site under their existing contract; and

WHEREAS, following review and approval of the proposed contract for security guard services, the RJSCB will enter into a direct contract with the security services firm J&T Securities Inc. for the remainder of the duration for those projects for which the firm is currently providing security services (School 17, School 50, and School 58); and

WHEREAS, the CMs will remain responsible for the day-to-day coordination and reporting associated with these security services; and

WHEREAS, as a result of the Board directly entering into the additional contract for the security services, and as a result of the Board entering into additional construction contracts, the Board's insurance agent has recommended that the RJSCB increase its insurance coverage by adding an additional umbrella policy in the amount of \$5 million; and

WHEREAS, the Board's insurance agent has provided a quote (attached) for this additional coverage in the amount of \$4,200 for a one year term (February 2013 through February 2014); and

WHEREAS, based on the advice and recommendation of the Executive Director, the Committee considered and discussed the quote for additional umbrella coverage at its February 28, 2013 meeting, and after due deliberation, it was agreed to forward the quote to the full Board for review and approval;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby accepts and approves the quote for additional umbrella insurance coverage in the amount of \$4,200.

Second by Member Brown
Approved 6-0 with Member Castro away

Resolution 2012-13: 122
Security Services Contract

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, In September 2012, as a result of repeated vandalism at the School 17 project site, the Program Manager recommended and the RJSCB approved the School 17 Construction Manager ("CM"), The Pike Company ("Pike"), to hire security guard services for after hours and weekend/holiday coverage (Resolution 2012-2013: 31); 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, in order to rectify this, a decision was made by the RJSCB MWBE and Services Procurement Committee ("Committee") at its meeting on November 29, 2012 to contract directly with the security guard services firm; and

WHEREAS, in December of 2012, the RJSCB approved the School 58 CM, LeChase Construction ("Lechase"), to 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 and contracted with the firm J&T Securities Inc. D/B/A Blackhawk Security and Investigations for School 17 and School 58 respectively; and

WHEREAS, prior to the commencement of security services at School 58, a break-in there led to the District requesting that all of the other project sites have security services coverage for after hours; and

WHEREAS, in order to react quickly to this request, the Program Manager directed Pike to have J&T Securities Inc. immediately begin patrols of the School 50 site under their existing contract; and

WHEREAS, the RSJCB now wishes to directly contract for security guard services with the security services firm J&T Securities Inc. for the remainder of the duration for those projects for which the firm is currently providing security services (School 17, School 50, and School 58); and

WHEREAS, the CMs will remain responsible for the day-to-day coordination and reporting associated with these security services; and

WHEREAS, based on the advice of the Program Manager and recommendation of the Executive Director, the Committee considered and discussed its decision to contract directly with JT Securities Inc. for the remainder of the duration of the School 17, 50 and 58 projects, and based on the hourly rates for each project as negotiated by the CMs, the total contract amount shall not to exceed \$360,736; and

WHEREAS, after due deliberation by the Committee at its February 28, 2013 meeting, the Committee approved the proposed contract with JT Securities Inc.;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the contract for security services with JT Securities Inc. D/B/A Blackhawk Security and Investigations in the amount not to exceed \$360,736, for the remainder of the duration of the School 17, 50 , and 58 projects; and
2. The RJSCB will solicit bid proposals for future security services work associated with subsequent Phase 1 projects.

**Second by Member Pifer
Approved 6-0 with Member Castro away**

**Resolution 2012-13: 123
RJSCB Participation in the City of Rochester RFP for Financial Auditing Services**

By Board Chair Giess

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

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

WHEREAS, the RJSCB's Treasurer has recommended that the RJSCB participate with the City and the District in a Request for Proposals ("RFP") by the City for financial auditing services, beginning 2012-2013; and

WHEREAS, the RJSCB is considered a blended component of the District's budget which is a part of the overall City's budget, and there are efficiencies in having the same firm perform both the RJSCB's, the District's, and the City's annual financial audits; and

WHEREAS, the City's contract with the current audit firm comes to an end this year and it has finalized the language for a new RFP to be issued for the financial auditing services; and

WHEREAS, the RJSCB's Executive Director has worked with the RJSCB's general counsel, the City, and the District to coordinate the appropriate language to be included in the RFP document; and

WHEREAS, the RJSCB's portion of the RFP will be bid as a separate line item so that the RJSCB can review the cost and determine if its audit should be included in the final award of the financial auditing services; and

WHEREAS, the RFP language will specifically include an "opt out" clause allowing the RJSCB if it so elects to retain a different audit firm after the initial 3 year term; and

WHEREAS, at the February 28, 2013 meeting of the MWBE and Services Procurement Committee (“Committee”), the Committee considered and discussed the recommendation of the RJSCB’s Treasurer and the Executive Director that the RJSCB participate in the City’s RFP for financial auditing services, and after due deliberation, it was agreed to forward this action to the full Board for review and approval;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby agrees to participate in the City’s RFP for financial auditing services; and
2. The RJSCB reserves the right to withdraw from the City’s RFP prior to award if the costs are determined to be prohibitive or for any other reason as determined by the RJSCB.

Second by Member Brown
Approved 6-0 with Member Castro away

Resolution 2012-13: 124
FF&E Request for Bids

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”); and

WHEREAS, the RJSCB, upon the recommendation of its Program Manager and the Move Management Consultant has determined the need to bid the Furniture Fixtures and Equipment (“FF&E”) for the first three school projects to be completed in the summer of 2013 (School 17, School 50, and Charlotte High School); and

WHEREAS, the District typically obtains its furniture and equipment for the District’s schools through existing publicly bid state contracts; and

WHEREAS, the NYS Office of the General Services (OGS) contract for FF&E has expired and the timeline for renewal by the State is currently unknown, resulting in a negative impact on the project schedule; and

WHEREAS, the RJSCB, upon the recommendation of its Move Management Consultant (Vargas Associates), will bid the FF&E using an open public bid and will likely separate the proposed summer 2013 FF&E bid into three or more groups, and

WHEREAS, construction for the first three projects (School 17, School 50, and Charlotte High School) is scheduled to be completed by August 2013, and the RJSCB needs to secure the FF&E for these first projects as soon as possible; and

WHEREAS, the RJSCB's Program Manager and Move Management Consultant have prepared a set of Bid Documents which will be used by the RJSCB to obtain bids from furniture distributor firms using an open public bidding process; and

WHEREAS, the MWBE and Services Procurement Committee has reviewed the Bid Documents for the FF&E Bid and approved it at its meeting on February 28, 2013, for forwarding to the full Board;

THEREFORE, BE IT RESOLVED:

1. The Bid Documents for FF&E are approved for use by the RJSCB to obtain bids from furniture distributor firms using an open public bidding process.

2. The MWBE and Services Procurement Committee, with the advice and recommendations of the Move Management Consultant and the Program Manager, is authorized on behalf of the RJSCB to review the bids from the furniture distributor firms and recommend one or more firms to the RJSCB for award.

**Second by Member Brown
Approved 6-0 with Member Castro away**

**Resolution 2012-13: 125
Moving Services Request for Bids – Summer 2013**

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") which involves the relocations of several schools into temporary "swing" space in order for the schools to continue to operate and to be fully functional during construction; and

WHEREAS, the RJSCB, upon the recommendation of its Program Manager and move management consultant (Vargas Associates), has determined a need for one or more moving services firms to provide the labor and equipment to perform the physical moves in the summer of 2013 for all furniture and equipment that are included in and part of the RSMP; and

WHEREAS, construction is scheduled to begin on or about July 1, 2013, and the RJSCB needs to secure its moving services as soon as possible; and

WHEREAS, the RJSCB's Program Manager, its Executive Director and move management consultant have prepared a scope of work for moving services ("Request for Bids") which will be used by the RJSCB to obtain bids from moving services firms using an open public bid process; and

WHEREAS, the MWBE and Services Procurement Committee ("the Committee") reviewed the Request for Bids for moving services and approved it at its meeting on February 28, 2013, for forwarding to the full Board;

THEREFORE, BE IT RESOLVED:

1. The Request for Bids for moving services is approved for use by the RJSCB to obtain bids from moving service firms using an open public bid process; and
2. The Committee, with the advice and recommendations of the move management consultant and the Program Manager, is authorized on behalf of the RJSCB to review the bids from the move services firms and recommend one or more firms to the RJSCB for award.

**Second by Member Pifer
Approved 6-0 with Member Castro away**

**Resolution 2012-2013: 126
Revision to Resolution 2012-2013: 107 Bar of MDI from future Phase 1 Contracts**

By Board 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, and subsequently approved Resolution 2012-2013: 107 designating MDI as a non-responsive bidder for all future contract bid in Phase 1 of the RSMP; and

WHEREAS, following the approval of Resolution 2012-2013: 107, the Move Management Consultant brought certain concerns to the attention of the Program Manager relating to the possibility of MDI participating as a subcontractor, vendor, or supplier to another prime contractor or the possibility of another named firm owned or managed by the same Officers and Directors of MDI participating in future contracts; and

WHEREAS, the RJSCB MWBE and Services Procurement Committee further discussed the concerns raised by the Move Management Consultant related to MDI's participation in future contract bids at its meeting on February 28, 2013;

THEREFORE, BE IT RESOLVED:

1. Move, Design & Installation Services (MDI), or any of its Officers and/or Directors, is hereby designated a non-responsive bidder for all future contract bids in Phase 1 of the RSMP.
2. Any other firm owned in full by Move, Design & Installation Services (MDI) or any of its Officers and/or Directors, or managed in whole or in part by any Officer and/or Director of MDI, or in which MDI or any Officer and/or Director of MDI has a controlling interest, is hereby designated a non-responsive bidder for all future contract bids in Phase 1 of the RSMP.
3. Any prime bidder for any future contract bid issued by the RJSCB for Phase 1 of the RSMP who includes Move, Design & Installation Services (MDI), or any firm owned in full by Move, Design & Installation Services (MDI) or any of its Officers and/or Directors, or managed in whole or in part by any Officer and/or Director of MDI, or in which MDI or any Officer and/or Director of MDI has a controlling interest, as a subcontractor, vendor, supplier, or joint venturer will be designated a non-responsive bidder.

Second by Member Pifer
Approved 6-0 with Member Castro away

Resolution 2012-13: 127

Change Order #6 and #7 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 #6 includes the following item:

1. Power and wiring associated with full building air conditioning in the amount of \$193,930

The Total amount of Change Order #6 is \$193,930; and

WHEREAS, Change Order #7 includes the following items:

1. Add door contacts in the amount of \$4,784
2. Additional coordination study associated with full building air conditioning in the amount of \$7,188

The Total amount of Change Order #7 is \$11,972; 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 \$205,902; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its February 28, 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 6-0 with Member Castro away

Resolution 2012-13: 128

Change Order #4 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, following the execution of the Contract, B&B Mechanical, 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 #4 includes the following item:

1. Additional fire dampers in the amount of \$4,025.88

The Total amount of Change Order #4 is \$4,025.88; 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 \$4,025.88; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its February 28, 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 Pifer

Approved 6-0 with Member Castro away

Resolution 2012-13: 129

Change Order #5 and #6 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 #5 includes the following items:

1. Add framing on the 2nd floor in the amount of \$7,372.99
 2. Changes to kitchen in the amount of \$321
 3. Changes to ceiling height in the amount of \$8,941
 4. Kitchen equipment changes in the amount of \$833
- The total amount of Change Order #5 is \$17,467.99; and

WHEREAS, Change Order #6 includes the following items:

1. Add wall in the amount of \$2,073.45
 2. Chase wall in the amount of \$1,923.07
 3. Switch box block-out in the amount of \$1,809.25
- The total amount of Change Order #6 is \$5,805.77; 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 Manning Squires’ Contract should be amended to add these additional scope items in the total amount of \$23,273.76; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its February 28, 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 Member Brown
Approved 6-0 with Member Castro away

Resolution 2012-13: 130
Change Order #1 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 and upon consultation with Lawley Services, the Board's insurance review agent, the RJSCB made revisions to the insurance requirements for prime contractors and subcontractors; and

WHEREAS, the revisions to the insurance requirements include: for both prime contractors and subcontractors the reduction of the fire damage limit from \$1M down to \$300k and the medical payment limit from \$20k down to \$10k; and

WHEREAS, the revisions to the insurance requirements also include: for subcontractors ONLY the reduction to the products and completed operations aggregate from \$3M down to \$2M, the reduction of the general aggregate from \$3M down to \$2M, the reduction of the umbrella / excess occurrence aggregate from \$5M down to \$2M, and the removal of the requirement for a primary / non-contributory additional insured endorsement on the umbrella policy; and

WHEREAS, these revisions to the insurance requirements will not result in a cost increase to the project, and

WHEREAS, these revisions to the insurance requirements will be incorporated into the project documents; and

WHEREAS, Change Order #1 includes the following items:

For prime contractors and subcontractors:

1. Reduction of the fire damage limit from \$1M down to \$300k
2. Reduction of the medical payment limit from \$20k down to \$10k

For subcontractors ONLY:

1. Reduction to the products and completed operations aggregate from \$3M down to \$2M

2. Reduction of the general aggregate from \$3M down to \$2M
 3. Reduction of the umbrella / excess occurrence aggregate from \$5M down to \$2M
 4. Removal of the requirement for a primary / non-contributory additional insured endorsement on the umbrella policy only
- The Total amount of Change Order #1 is \$0.00; 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 revisions to the insurance requirements; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its February 28, 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.

Second by Member Pifer
Approved 6-0 with Member Castro away

Resolution 2012-13: 131
Change Order #2 to M.A. Ferraiulo Plumbing and Heating – Mechanical 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 mechanical contractor contract to M.A. Ferraiulo Plumbing and Heating ("M.A. Ferraiulo") for the School 17 project in Phase I (Resolution 2012-13: 14); and

WHEREAS, the RJSCB entered into a contract with M.A. Ferraiulo (Resolution 2012-13: 14) dated July 2, 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, M.A. Ferraiulo, 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. Additional HVAC work associated with the electrical room relocation in the amount of \$6,260
- The Total amount of Change Order #2 is \$6,260; 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 \$6,260; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its February 28, 2013 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to M.A. Ferraiulo Plumbing and Heating'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 Member Pifer
Approved 6-0 with Member Castro away**

**Resolution 2012-13: 132
Change Order #2 to M.A. Ferraiulo Plumbing and Heating – Plumbing 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 plumbing contractor contract to M.A. Ferraiulo Plumbing and Heating ("M.A. Ferraiulo") for the School 17 project in Phase I (Resolution 2012-13: 14); and

WHEREAS, the RJSCB entered into a contract with M.A. Ferraiulo (Resolution 2012-13: 14) dated July 2, 2012 (the "Contract"), to perform the scope of services defined in the contract documents as the plumbing contractor's scope of work; and

WHEREAS, following the execution of the Contract, M.A. Ferraiulo, 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 items:

1. Relocation of plumbing rack and piping re-routing due to field conditions in the amount of \$4,544.84
 2. Additional plumbing work as a result of the relocated electrical room in the amount of \$18,215
- The Total amount of Change Order #2 is \$22,759.84; 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. Ferraulo's Contract should be amended to add these additional scope items in the total amount of \$22,759.84; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its February 28, 2013 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to M.A. Ferraulo Plumbing and Heating'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 Member Pifer
Approved 6-0 with Member Castro away**

**Resolution 2012-13: 133
Change Order #10 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 #10 includes the following items:

1. Additional framing and drywall at cafeteria in the amount of \$2,551
2. Changes to sinks in the kitchen area in the amount of \$2,574
3. Furnish and install a floor hatch and additional opening in the amount of \$3,900
4. Additional reinforcing to the recessed slab for food service equipment in the amount of \$1,543
5. Additional asbestos abatement and additional wall demo in six bathrooms in the amount of \$11,806

6. Additional floor tile demo in seven bathrooms in the amount of \$8,250
 7. Framing to replace removed subflooring in the amount of \$4,510
 8. Install reinforcing and grout at glazed tile block in the amount of \$1,852
 9. Additional soffit construction in the amount of \$33,168
 10. Additional floor demo in the amount of \$543
 11. Add/change casework in the amount of \$8,260
 12. Provide aluminum frames in lieu of hollow metal frames in the amount of \$26,715
 13. Removal of granite thresholds in the amount of \$2,013
 14. Provide new framing/walls at several locations in the amount of \$45,360
- The Total amount for Change Order #10 is \$153,045; 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 \$153,045; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its February 28, 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 Member Brown
Approved 6-0 with Member Castro away

Resolution 2012-13: 134
Change Order #5 and #6 to Cucciara Construction Inc. – General Contractor (Franklin High School)

By Board Chair Giess

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

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

WHEREAS, the RJSCB approved the award of the General Contractor contract to Cucciara Construction, Inc. ("Cucciara") for the Franklin High School Project in Phase I (Resolution 2011-12: 106); and

WHEREAS, the RJSCB entered into a contract with Cucciara (Resolution 2011-12: 106) dated June 4, 2012 (the "Contract"), to perform the scope of services defined in the contract documents as the General Contractor's scope of work; and

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

WHEREAS, Change Order #5 includes the following items:

1. Additional asbestos abatement in the amount of \$40,428
2. Remove and reinstall 30 white boards in the amount of \$246
3. Install wall pads in the amount of \$7,682

The Total amount of Change Order #5 is \$48,356; and

WHEREAS, Change Order #6 includes the following items:

1. Relocate existing tress in the amount of \$878

The Total amount of Change Order #6 is \$878; and

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

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that Cucciara's Contract should be amended to add these additional scope items in the total amount of \$49,234; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its February 28, 2013 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

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

Second by Member Pifer

Approved 6-0 with Member Castro away

Resolution 2012-13: 135

Pay Requisition Summary Acceptance (February 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 \$6,175,856.50 to the Board Chair with copy to the full Board on February 21, 2013; and

WHEREAS, the RJSCB Chair approved the Pay Requisition Summary on February 21, 2013;

THEREFORE, BE IT RESOLVED:

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

**Second by Member Brown
Approved 6-0 with Member Castro away**

Staff Updates / Discussion

Lois Giess asked if there were any project issues to discuss. Tom Renauto stated that the swing space planning for STEM moving out of Edison needs to begin immediately. The District has not allowed the design team to go to the proposed location. Tom Renauto also stated that a change order to Manning Squires Hennig for School 17 will be coming to the Board shortly regarding the schedule delays and recovery plan. Pike and Gilbane are working on a letter between Manning Squires and the RJSCB. Tom asked that Peter review the letter prior to it going out.

Windell Gray reviewed the monthly Compliance Report for January 2013. Our Business and Workforce participation are meeting the project goals.

Tom Renauto stated that the Governmental Sequester may have an impact on our QSCB Bonds for the project. Brian Roulin stated that there is more detail to come.

The Committee Report is included in the Board members packets.

Adjournment

Approved 6-0 at 6:05pm