

**Rochester Joint Schools Construction Board**  
**Minutes**  
**May 6, 2013**  
**4:30 PM**

**Present**

Chair Lois Giess, Members: Bob Brown, Alex Castro (arrived at 4:55pm), Richard Pifer, Ann McCormick, Brian Roulin, Jerome Underwood and ICO Windell Gray. Also present were: Executive Director Tom Renauto, General Counsel Peter Abdella and Ray Miller, and Tom Roger from Gilbane.

Attending the Executive Session were Patty Malgieri and Ed Lopez from the Rochester City School District.

**Chair Giess convened the meeting at 4:35pm**

**Chair Giess made a motion to go into Executive Session pursuant to Public Officers Law Section 105(1)(f) to discuss the contract of a particular corporation which is under contract with the Board and also to discuss the employment contract of the Board's executive director.**

**Second by Member Brown**

**Approved 6-0 with Member Castro not yet present**

**Chair Giess reconvened the main meeting following the Executive Session at 5:45pm**

**Approval of Minutes: Monthly Board Meeting held on April 1, 2013 and Special Board Meetings held on April 15, 2013 and April 22, 2013**

**Motion by Member Pifer**

**Second by Member Brown**

**Approved 7-0**

**Presentation**

Gail Perogine from Savin Engineers and Terry Loconte from Gilbane Building Co., along with Michael Ellison from Chaintreuil Jensen Stark Architects presented the revised scope of work for the Monroe High School project.

Michael Ellison stated that the new gymnasium is no longer part of the project due to budget issues.

The project is mainly focused on infrastructure needs and air conditioning.

Michael Ellison handed out a side-by-side comparison of items in the original scope vs. the new scope. The document was reviewed.

Richard Pifer asked if the District had approved of the recent changes. Michael Ellison stated that the building principal had approved the program; however the team has yet to go before the Superintendent and the Cabinet. Tom Renauto will set up this meeting within the next 2-3 weeks.

Following the presentation Tom Renauto reminded everyone present that the RJSCB Committee met on Thursday May 2, 2013 to review each of the items on the agenda today. All items were discussed in detail and approved for forwarding to the full Board for review/approval.

### **Action Items**

#### **Resolution 2012-13: 167**

#### **Amendment #3 to Gilbane Building Company – Maynards Operational Costs 2/1/13 to 1/30/14**

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

WHEREAS, Article 2, Section 2.9 of the Agreement stipulates that the RJSCB shall cause the District to provide the Program Manager (at no cost to the Program Manager) with office space at the District’s offices located at 690 St. Paul Street, Rochester, NY, (now known as 175 Martin Street) for the Program Manager’s use in performing its services, provided that such space shall be available only for as long as the District has vacant space available for such purposes; and

WHEREAS, the District is providing the Rochester Schools Modernization Program (“RSMP”) with the necessary “swing space” for the temporary relocation of school operations during the construction of the various projects; and

WHEREAS, the District determined that the “swing space” for the Charlotte High School project and future Phase 1 projects would be located at 690 St. Paul Street (now known as 175 Martin Street), and as a result, the RSMP program office had to be relocated and moved out of the building; and

WHEREAS, the Program Manager requested an alternate space location from the District and having none available, it was determined by the RJSCB and the District that the program office would be relocated at the former Maynards building for the remainder of Phase 1 of the RSMP, which was purchased by the City and reimbursed by the RSMP; and

WHEREAS, the RJSCB requested that the Program Manager provide additional services related to the operating expenses of the RSMP program office, and the parties subsequently entered into an agreement titled the Memorandum of Understanding Concerning the Use and Operation of Real Property effective June 11, 2012 (Resolution 2011-2012: 93)(“Maynards - MOU”); and

WHEREAS, the Maynards – MOU stipulates that the RJSCB shall reimburse the Program Manager for the costs of maintenance, all utilities, furnishings, and any alterations, changes, modifications, or other improvements to the Maynards former building reasonably necessary or convenient for the Parties’ use of the building; and

WHEREAS, the Program Manager has provided a detailed cost breakdown of the anticipated costs for the time period of February 1, 2013 to January 31, 2014 (attached hereto) to operate the former Maynards building as the RSMP program office; and

WHEREAS, following extensive discussions with the Program Manager and due diligence, the Executive Director recommended to the MWBE and Services Procurement Committee (the "Committee") that the Program Manager's Agreement should be amended to add the total amount of Not to Exceed \$192,892.21 for the time period of February 1, 2013 to January 31, 2014 for operational costs of the RSMP program office under the Agreement; and

WHEREAS, the Committee considered and discussed the Executive Director's recommendation at its May 2, 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 Program Manager dated July 1, 2010 as set forth above is hereby approved; and
2. The RJSCB's Chair is hereby authorized in the name and on behalf of the RJSCB, to execute an amendment to the Agreement that is consistent with this approval and in an acceptable form to the Chair upon the advice of the RJSCB's general counsel.

**Second by Board Member Brown  
Approved 7-0**

**Resolution 2012-13: 168  
Amendment #5 to Chaintreuil Jensen Stark Architects, LLP Agreement – Monroe High School**

**By Board Chair Giess**

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

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

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

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

WHEREAS, following the execution of the Agreement, the Program Manager identified the need for additional scopes of design work, as directed by the District, 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 \$5,790.00 to Exhibit I of the Agreement and that this amount shall be treated as a not-to-exceed allowance under Section 11.1.1 of the Agreement; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its May 2, 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 November 15, 2011 as set forth above is hereby approved; and
2. The RJSCB's Chair is hereby authorized in the name and on behalf of the RJSCB, to execute an amendment to the Agreement that is consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB's general counsel.

**Second by Board Member Pifer  
Approved 7-0**

**Resolution 2012-13: 169  
Amendment #12 to JCJ Architecture'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 JCJ Architecture, P.C. ("JCJ Architecture") as the Architect for the School 58 World of Inquiry project in Phase I (Resolution 2010-11: 35); and

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

WHEREAS, following the execution of the Agreement, the Program Manager identified the need for additional scopes of design work 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 JCJ Architecture's Agreement should be amended to add these additional scope items in the total amount of \$22,410.00 to Exhibit I of the Agreement and that this amount shall be treated as a not-to-exceed allowance under Section 11.1.1 of the Agreement; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its May 2, 2013 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

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

**Second by Board Member Brown**  
**Approved 7-0**

**Resolution 2012-13: 170**  
**Amendment #7 to LeChase Construction Services, LLC - CM at School 28 and 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 RJSCB selected LeChase Construction Services, LLC (“Construction Manager”) to provide Construction Management services for the School 28 and the School 58 projects in August of 2011 as a part of Phase 1 of the Rochester Schools Modernization Program (the “RSMP”) (Resolution 2011-12: 7) and the parties thereafter entered into an Agreement between the RJSCB and the Construction Manager dated August 3, 2011 (the “Agreement”); and

WHEREAS, subsequent to the execution of the Agreement, the Program Manager directed the Construction Manager to provide additional services 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 \$8,697.42; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its May 2, 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 Board Member Roulin**  
**Approved 7-0**

**Resolution 2012-13: 171**  
**Amendment #3 to Wendel Energy Services 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 Wendel Energy Services (“Wendel Energy”) as the NYSERDA FlexTech Energy Services consultant for Phase 1 of the project (Resolution 2010-11: 15); and

WHEREAS, the RJSCB entered into an agreement with Wendel Energy Services (Resolution 2010-11: 15) dated November 18, 2010, entitled Agreement to Provide NYSERDA FlexTech Assistance Services (the “Agreement”); and

WHEREAS, following the execution of the Agreement, Wendel Energy Services, along with the Program Manager, identified the need to adjust the scopes of design work to add energy modeling for the School 5 and Monroe High School projects, which now include full building air conditioning, and to submit these projects to the NYSERDA under the “New Construction Program”; and

WHEREAS, the Program Manager has recommended that the East High School and Jefferson High School projects be removed from the original scope of services to be provided by Wendel Energy Services due to changes in project scope which no longer necessitate building energy modeling at those two schools; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB’s MWBE and Services Procurement Committee (the “Committee”) that Wendel Energy Services Agreement should be amended to change the scope of services, with the costs of the work at School 5 and Monroe High School being off-set by the deleted work at East High School and Jefferson High School, resulting in a zero cost change to the contract; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its May 2, 2013 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. That the proposed amendment to the Wendel Energy Services Agreement Between Board and Architect dated November 18, 2010 as set forth above is hereby approved; and
2. The RJSCB’s Chair is hereby authorized in the name and on behalf of the RJSCB, to execute an amendment to the Agreement that is consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB’s general counsel.

**Second by Board Member Pifer  
Approved 7-0**

**Resolution 2012-13: 172  
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 ("Move Manager") (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 Manager (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 thereafter added certain additional services to the Move Manager's scope of work (Resolution 2012-2013: 9, Resolution 2012-2013: 49, Resolution 2012-2013:118, and Resolution 2012-2013: 145); and

WHEREAS, the RJSCB now needs to add certain other additional services, including the planning, coordination, and execution of internal moves within East High School to support the ongoing construction project, which moves will be planned with the building principal and staff as well as the Construction Manager, to internally relocate teachers, staff, and classrooms several times during the course of construction in order to provide access to the work; and

WHEREAS, based on the advice and recommendation of the Program Manager, the MWBE and Services Committee considered and discussed the proposal for the East High School work from the Move Manager at its May 2, 2013 meeting, copies of which are attached hereto, in a total amount not to exceed \$55,400, 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 \$55,400; 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 Board Member Roulin  
Approved 7-0**

**Resolution 2012-13: 173  
SEQRA Amendment #2**

**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 State Environmental Quality Review Act (“SEQRA”) Lead Agency for the Rochester Schools Modernization Program (“RSMP”) in the fall of 2010 (Resolution 2010-11: 23), and hearing no opposition 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 proposed school renovation projects (“Phase I”) or “the Action”), based on the Master Plan, the RJSCB formally issued a Negative Declaration for the proposed Phase I projects in accordance with SEQRA to all interested and involved parties in March 2011 (Resolution 2010-11: 38); and

WHEREAS, the RJSCB previously re-affirmed the original SEQRA Negative Declaration (Resolution 2011-2012: 59) based on several *de minimis* program changes from the original Master Plan identified for the first six projects in Phase 1 of the RSMP (Schools 17, 28, 50, 58, Charlotte High School, and Franklin High School); and

WHEREAS, the RJSCB has now completed its second SEQRA update related to the next group of projects in Phase 1 of the RSMP (School 5, East High School, Edison High School, and revisions to School 28 and Franklin High School due to changes in scope) resulting in several *de minimis* 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 environmental impacts based upon program changes to these school projects as set forth in the original SEQRA Report that was prepared by the RJSCB’s consultant Clark Patterson Lee; and

WHEREAS, the RJSCB’s MWBE and Services Procurement Committee (“the Committee”) considered and discussed at its March 28, 2013 meeting the Executive Director’s recommendation that the original SEQRA Report should be updated and to accept Clark Patterson Lee’s proposal for SEQRA update services, and after due deliberation, the full Board approved the updating of the SEQRA Report at its meeting on April 1, 2013 (Resolution 2012-13: 140); and

WHEREAS, the RJSCB acting through its SEQRA consultant, Clark Patterson Lee, has prepared an Amended SEQRA Report that reviews and comments on the minor program changes to the next group of school projects in Phase 1 of the RSMP (School 5, East High School, Edison High School, and revisions to School 28 and Franklin High School due to changes in scope); and

WHEREAS, the RJSCB has reviewed the Amended SEQRA Report and, through its consultants, has conferred with the New York State Office of Parks, Recreation, and Historic Preservation (“SHPO”) and with other Involved and Interested agencies; and

WHEREAS, the RJSCB has reviewed the “Amended Reasons Supporting SEQRA Negative Declaration” attached hereto; and

WHEREAS, the RJSCB has, through the Amended SEQRA Report, identified potential areas of environmental concern related to the Action and the new program changes, thoroughly analyzed such areas for possible significant adverse environmental impacts, concluded that any environmental impacts are *de minimis* and has provided a written elaboration in support of its determination.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby determines that the program changes for the next group of projects in Phase I of the RSMP (School 5, East High School, Edison High School, and revisions to School 28 and Franklin High School due to changes in scope) are *de minimis*, that any minor impacts from said program changes have been mitigated to the maximum extent



practicable for the reasons identified in the Amended SEQRA Report and that the Action, as proposed, will not result in any significant adverse environmental impacts.

2. The RJSCB hereby reaffirms its prior determination of a SEQRA Negative Declaration for the proposed Phase I projects.
3. Copies of this Resolution shall be promptly forwarded by the SEQRA Consultant to the Involved Agencies listed on the Agency List, to all interested agencies, and to the NYSDEC Environmental Notice Bulletin for Publication in such Bulletin.

**Second by Board Member Brown  
Approved 7-0**

**Resolution 2012-13: 174  
Request for Proposals, Special Inspections and Testing Services - 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 RJSCB, upon the recommendation of its Program Manager, has determined a need for Special Inspections and Testing Services for field inspections and laboratory testing in compliance with the specifications set forth by the Architect of Record for the Phase 1b projects that are part of the Rochester Schools Modernization Program; and

WHEREAS, the RJSCB's Program Manager has prepared a Request For Proposal (an "RFP") for Special Inspection and Testing Services that requires the responding firms to set forth their fee proposals for a specific scope of work (a copy of the RFP is attached hereto); and

WHEREAS, the MWBE and Services Procurement Committee has reviewed the RFP for Special Inspection and Testing Services and approved it at its meeting on May 2, 2013, for forwarding to the full Board;

THEREFORE, BE IT RESOLVED:

1. The RFP for Special Inspection and Testing Services is approved for issuance on May 7, 2013.
2. The MWBE and Services Procurement Committee, with the advice and recommendations of the Program Manager, is authorized on behalf of the RJSCB to review the RFP responses, reduce the list of firms to be interviewed if appropriate, participate along with other RJSCB board members in the interviews of the Special Inspection and Testing firms, and recommend to the RJSCB the most qualified candidate(s).

**Second by Board Member Underwood  
Approved 7-0**

**Resolution 2012-13: 175**

**Request for Proposals, Environmental Monitoring and Indoor Air Monitoring Services - 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 RJSCB, upon the recommendation of its Program Manager, has determined a need for Environmental Project Monitoring and Indoor Air Quality Monitoring/Sampling Services for field inspections and laboratory testing in compliance with the specifications set forth by the Architect of Record for the Phase 1b projects that are part of the Rochester Schools Modernization Program; and

WHEREAS, the RJSCB’s Program Manager has prepared a Request For Proposal (an “RFP”) for Environmental Project Monitoring and Indoor Air Quality Monitoring/Sampling Services that requires the responding firms to set forth their fee proposals for a specific scope of work (a copy of the RFP is attached hereto); and

WHEREAS, the MWBE and Services Procurement Committee reviewed the RFP for Environmental Project Monitoring and Indoor Air Quality Monitoring/Sampling Services and approved it at its meeting on May 2, 2013, for forwarding to the full Board;

THEREFORE, BE IT RESOLVED:

1. The RFP for Environmental Project Monitoring and Indoor Air Quality Monitoring/Sampling Services is approved for issuance on May 7, 2013.
2. The MWBE and Services Procurement Committee, with the advice and recommendations of the Program Manager, is authorized on behalf of the RJSCB to review the RFP responses, reduce the list of firms to be interviewed if appropriate, participate along with other RJSCB board members in the interviews of the Environmental Project Monitoring and Indoor Air Quality Monitoring/Sampling firms, and recommend to the RJSCB the most qualified candidate(s).

**Second by Board Member Brown**  
**Approved 7-0**

**Resolution 2012-13: 176**

**Request for Proposals, Security 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 RJSCB, upon the recommendation of its Program Manager, has determined a need for a Security Services Firm to provide off-hours security services for the Phase 1 projects that are part of the Rochester Schools Modernization Program; and

WHEREAS, the RJSCB's Program Manager has prepared a Request For Proposal (an "RFP") for a Security Services Firm that requires the responding firms to set forth their fee proposals for a specific scope of work (a copy of the RFP is attached hereto); and

WHEREAS, the MWBE and Services Procurement Committee has reviewed the RFP for Security Services and approved it at its meeting on May 2, 2013, for forwarding to the full Board;

THEREFORE, BE IT RESOLVED:

1. The RFP for Security Services is approved for issuance on May 7, 2013.
2. The MWBE and Services Procurement Committee, with the advice and recommendations of the Program Manager, is authorized on behalf of the RJSCB to review the RFP responses, reduce the list of firms to be interviewed if appropriate, participate along with other RJSCB board members in the interviews of the Security Services firms, and recommend to the RJSCB the most qualified candidate(s).

**Second by Board Member Brown  
Approved 7-0**

**Resolution 2012-13: 177  
Contract Awards – School 5**

**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 Young+Wright Architects (the "Architect"), The Pike Company (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 5 project; and

WHEREAS, the RJSCB received approval of the School 5 project by the BOE at their monthly meeting on September 27, 2012 (BOE Resolution 2012-13: 227) and by SED on March 28, 2013; and

WHEREAS, the RJSCB's Executive Director received bids on April 25, 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 May 2, 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:

<b><u>Scope of Work</u></b>	<b><u>Name of Contractor</u></b>	<b><u>Address</u></b>	<b><u>Bid Amount (Incl. accepted alternates)</u></b>
General Contractor	LeChase Construction Services, LLC	300 Trolley Boulevard Rochester, NY 14606	\$7,187,000
Mechanical Contractor	Bell Mechanical Contractors, Inc	105 Lincoln Parkway East Rochester, NY 14445	\$5,044,000
Electrical Contractor	Kaplan-Schmidt	50 Saginaw Drive Rochester, NY 14623	\$2,149,000
Plumbing Contractor	Thurston Dudek	291 David Parkway Ontario, NY 14519	\$1,148,300

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 5 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 for the School 5 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 7-0**

**Resolution 2012-2013: 178  
Approval of Closing Documents for Issuance of County of Monroe Industrial Development Agency  
School Facility Revenue Bonds (Rochester Schools Modernization Project), Series 2013**

***By Chair of the Board Giess***

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, on or about the date of these resolutions, the RJSCB will use a Further Amended SEQRA Report to determine whether program changes made since the Amended SEQRA Report result in any significant environmental impact, and should a finding of no significant environmental impact be made, it will reaffirm again its prior Negative Declaration; and

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

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

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

WHEREAS, an additional portion of the Phase I Facilities consisting of buildings at the following five sites: Franklin High School (a portion of which represents work to be done under the Phase IA SED control number, but paid for with proceeds of the Series 2013 Bonds), East High School, Edison High School, Henry Hudson School #28, and John Williams School #5 (collectively, the "Phase IB Facilities") are to be modernized and improved, or in the case of Franklin High School, further modernized and improved, including implementation of the District-wide technology project at those sites (such modernization of the Phase IB Facilities, the "Phase IB Project"); and

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

WHEREAS, the RJSCB has begun planning and design work for a subsequent phase involving the Phase I Facilities (the "Phase IC Project"); and

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

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

WHEREAS, the Agency will authorize the issuance of the Agency's School Facility Revenue Bonds (Rochester Schools Modernization Project), Series 2013 (the "Series 2013 Bonds"), to effect the financing of the Phase IB Project, certain planning and design costs of the Phase IC Project, and costs of issuance of the Series 2013 Bonds (collectively, the "Series 2013 Project Costs"), pursuant to a resolution of the Agency and an Amended and Restated Indenture of Trust (the "Amended and Restated Indenture") between the Agency and Deutsche Bank Trust Company Americas, as trustee of the Series 2013 Bonds (the "Trustee"); and

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

WHEREAS, the District and the City have subleased, pursuant to an amended and restated sublease agreement dated as of June 1, 2013 (the "Sublease Agreement"), the Ground Lease Facilities from the Agency; and

WHEREAS, payments to be made by the District under the Sublease Agreement are expected to be sufficient to pay the principal and interest on the Series 2013 Bonds; and

WHEREAS, the District and the City have entered into a State Aid Trust Agreement dated as of May 1, 2012, with Deutsche Bank Trust Company Americas (the "Depository Bank"), and the Trustee, to provide for, among other things, the payment of all State Aid Revenues (as defined therein) into the State Aid Depository Fund (as defined therein) maintained with the Depository Bank for periodic transfer to the Bond Fund (as defined in the Amended and Restated Indenture) toward payment of the Series 2013 Bonds, and the balance to the General Fund (as defined therein); and

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

WHEREAS, the Series 2013 Bonds will be marketed pursuant to a Preliminary Official Statement and an Official Statement, each containing certain information relating to the Agency, the District, the City and the RJSCB, and will be sold pursuant to a Contract of Purchase; and

WHEREAS, the respective counsels to the Agency, the City, the District, the RJSCB, Citigroup Global Markets Inc., as representative of the Underwriters (the "Underwriter"), the Depository Bank, and the Trustee, have prepared or reviewed the following documents relating to the issuance of the Series 2013 Bonds (collectively, the "Transaction Documents"):

1. An Amended and Restated Indenture of Trust between the Agency and the Trustee;
2. A First Supplemental Indenture of Trust (the "First Supplemental Indenture") between the Agency and Deutsche Bank Trust Company Americas, as trustee (the "Series Trustee");
3. An Amended and Restated Sublease Agreement between the Agency, as sublessor, and the City and the District, as sublessees;
4. A Tax Certificate with respect to the Series 2013 Bonds between the Agency, the City and the District.
5. A Preliminary Official Statement and an Official Statement of the Agency and the District prepared in connection with the offering of the Series 2013 Bonds;
6. A Purchase Contract between the Underwriter, the Agency and the District; and
7. A Continuing Disclosure Agreement between the District and the Series Trustee; and

WHEREAS, U.S. Bank National Association is scheduled to purchase the trust business of Deutsche Bank Trust Company Americas on or about August 23, 2013, which purchase will include taking over the duties of Trustee, Series Trustee and Depository Bank; and

WHEREAS, the Agency is expected to adopt a resolution authorizing the issuance by the Agency of the Series 2013 Bonds, the execution and delivery of the Transaction Documents to which the Agency is a party, and the approval of all other Transaction Documents; and

WHEREAS, the District is expected to adopt a resolution authorizing the issuance by the Agency of the Series 2013 Bonds, the execution and delivery of the Transaction Documents to which the District is a party, and the approval of all other Transaction Documents; and

WHEREAS, the City is expected to adopt a resolution authorizing the issuance by the Agency of the Series 2013 Bonds, the execution and delivery of the Transaction Documents to which the City is a party, and the approval of all other Transaction Documents; and

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

THEREFORE, BE IT RESOLVED:

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

2. In order to finance the Series 2013 Project Costs, the RJSCB hereby approves the issuance by the Agency of the Series 2013 Bonds in an amount not to exceed \$125,000,000.

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

4. The RJSCB acknowledges that the President of the Board of Education of the District, and in his absence his appointed designees (individually and collectively, the "District's Authorized Officer"), is expected to be authorized on behalf of the District to approve, execute and deliver documents necessary to facilitate the financing of the Series 2013 Project Costs, including without limitation the Transaction Documents to which the District is a party, draft forms of which have been provided to the RJSCB and the final forms of which shall be approved by the Executive Director, all of which are expected to be approved by the Board of Education of the District.

5. The RJSCB acknowledges that (i) pursuant to the Rochester Schools Act and the Cooperative Agreement, the RJSCB will serve as the City's and the District's agent with respect to the Phase IB Project and the Phase IC Project, and (ii) pursuant to the Transaction Documents, the RJSCB will serve as an authorized representative of the District with respect to certain obligations and responsibilities of the District in connection with the Phase IB Project, the Phase IC Project and the Series 2013 Bonds, as further described in the Transaction Documents.

6. Each of the Chair, Vice Chair, and Executive Director of the RJSCB is hereby authorized on behalf of the RJSCB to enter into such agreements and execute such certificates and documents as may be appropriate to facilitate the completion of the Phase IB Project, the planning and design of the Phase IC Project and the issuance of the Series 2013 Bonds.

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

8. Citigroup Global Markets Inc., as representative of the Underwriters, is authorized to utilize information about the RJSCB and the Program Manager in connection with the distribution of the Preliminary Official Statement and final Official Statement with respect to the offering and sale of the Series 2013 Bonds, the forms of which shall be approved by the Executive Director.

9. Each of the Chair, Vice Chair, and Executive Director of the RJSCB is hereby authorized on behalf of the RJSCB to enter into such agreements and execute such certificates and documents as may be appropriate to appoint U.S. Bank National Association as the Trustee under the Amended and Restated Indenture, as the Series Trustee under the First Supplemental Indenture, and as the Depository Bank under the State Aid Trust Agreement on or about August 23, 2013.

10. This Resolution shall take effect immediately.

***Second by Member of the Board Brown  
Approved 7-0***

**Resolution 2012-13: 179  
Change Orders #5, #6, #7 and #10 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 #5 includes the following items:

1. Kitchen additional work in the amount of \$3,225
2. Warming kitchen work in the amount of \$1,496
3. Pre-K chase walls in the amount of \$594
4. Electric room relocation in the amount of \$1,356
5. Ceiling in room 213 in the amount of \$2,322
6. Display cases in the amount of \$129
7. Door hardware in the amount of \$384

The Total amount for Change Order #5 is \$9,506; and

WHEREAS, Change Order #6 includes the following items:

1. Back charge for masonry issues in the amount of -\$17,032

The Total amount for Change Order #6 is -\$17,032; and

WHEREAS, Change Order #7 includes the following items:

1. Lath and plaster credit in the amount of -\$56,100
2. Floor openings in the amount of \$4,660

The Total amount for Change Order #7 is -\$51,440; and

WHEREAS, Change Order #10 includes the following items:

1. Schedule recovery costs in the amount of \$465,000

The Total amount for Change Order #10 is \$465,000; 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 scope items in the amount of \$406,034; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its May 2, 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 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 Change Orders to the Contract that are consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB's general counsel.

**Second by Board Member Brown  
Approved 7-0**

**Resolution 2012-13: 180  
Change Order #5 to M.A. Ferrauilo 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. Ferrauilo Plumbing and Heating ("M.A. Ferrauilo") for the School 17 project in Phase I (Resolution 2012-13: 14); and

WHEREAS, the RJSCB entered into a contract with M.A. Ferrauilo (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. Ferrauilo, 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. Sump pump plumbing in the amount of \$1,260
  2. Floor openings in the amount of \$18,771
- The Total amount of Change Order #5 is \$20,031; 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. Ferrauilo's Contract should be amended to add these additional scope items in the total amount of \$20,031.00; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its May 2, 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. Ferrauilo 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 Board Member Pifer  
Approved 7-0**

**Resolution 2012-13: 181  
Change Order #12, #13, #14, #15, and #16 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 #12 includes the following items:

1. Corridor #11 skylights in the amount of \$3,545
  2. AC architectural changes – demo in the amount of \$22,912
  3. Raise corridor grill openings in the amount of \$9,986
  4. Area A bathroom beam in the amount of \$2,300
  5. Eliminate roof rail flashing in the amount of -\$1,173
  6. ACM puck abatement in the amount of \$2,182
  7. Wheel chair lift changes in the amount of \$1,772
  - 8 Area B toilet room tile in the amount of \$5,182
- The total amount of Change Order #12 is \$46,706; and

WHEREAS, Change Order #13 includes the following items:

1. Plaster ceiling removal in the amount of \$5,528.50
2. Pipe insulation abatement in the amount of \$9,185
3. Added steel lintel in the amount of \$1,545
4. Ceiling height issue in the amount of \$1,159.72
5. Add tube column enclosure in the amount of \$1,746

6. Add corridor steel in the amount of \$1,691.78  
The total amount of Change Order #13 is \$20,856.00; and

WHEREAS, Change Order #14 includes the following items:

1. Terrazzo flooring in the amount of \$9,115  
The total amount of Change Order #14 is \$9,115; and

WHEREAS, Change Order #15 includes the following items:

1. Classroom puck abatement in the amount of \$13,758  
2. Added structural steel in the amount of \$7,552.57  
3. West wall fire rating in the amount of \$1,572  
4. Window mullion closure in the amount of \$4,337  
The total amount of Change Order #15 is \$27,219.57; and

WHEREAS, Change Order #16 includes the following items:

1. Floor tile and mastic removal in the amount of \$16,425  
The total amount of Change Order #16 is \$16,425; 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 \$120,321.57; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its May 2, 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 Change Orders to the Contract that are consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB's general counsel.

**Second by Board Member Pifer**  
**Approved 7-0**

**Resolution 2012-13: 182**  
**Change Order #8, #9, and #10 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 #8 includes the following items:

1. Recessed panel wall outlet in the amount of \$886
- The Total amount of Change Order #8 is \$886; and

WHEREAS, Change Order #9 includes the following items:

1. Library outlets and library floor in the amount of \$13,315
- The Total amount of Change Order #9 is \$13,315; and

WHEREAS, Change Order #10 includes the following items:

1. Panel relocation in the amount of \$9,883
- The Total amount of Change Order #10 is \$9,883; 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 \$24,084; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its May 2, 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 Change Orders to the Contract that are consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB’s general counsel.

**Second by Board Member Brown**  
**Approved 7-0**

**Resolution 2012-13: 183**  
**Change Order #5 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 #5 includes the following item:

1. Return duct and grille in the amount of \$1,734
- The Total amount of Change Order #5 is \$1,734; 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 \$1,734; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its May 2, 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 Board Member Pifer**  
**Approved 7-0**

**Resolution 2012-13: 184**  
**Change Order #2 to Thurston Dudek, LLC – Plumbing 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 plumbing contractor contract to Thurston Dudek, LLC ("Thurston Dudek") for the School 50 project in Phase I (Resolution 2011-12: 101); and

WHEREAS, the RJSCB entered into a contract with Thurston Dudek (Resolution 2011-12: 101) dated June 4, 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, Thurston Dudek, 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. Rerouted storm piping in the amount of \$6,662.16
2. Relocate office plumbing in the amount of \$2,346.78
3. Relocate storm pipe roof drain in the amount of \$1,495.01
4. Relocate sanitary line in the amount of \$1,590.44

The Total amount of Change Order #2 is \$12,094.39; 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 Thurston Dudek's Contract should be amended to add these additional scope items in the total amount of \$12,094.39; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its May 2, 2013 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to Thurston Dudek, LLC'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 Castro**  
**Approved 7-0**

**Resolution 2012-13: 185**  
**Change Order #1, #2, #3, #4, and #6 to Manning Squires Hennig – 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 approved the award of the general contractor contract to Manning Squires Hennig Co., Inc. ("Manning Squires") for the School 58 project in Phase I (Resolution 2012-13: 35); and

WHEREAS, the RJSCB subsequently entered into a contract with Manning Squires (Resolution 2012-13: 35) dated September 10, 2012 (the "Contract"), to perform the scope of services defined in the contract documents as the general contractor's scope of work; and

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

WHEREAS, Change Order #1 includes the following items:

1. Back charge Manning Squires for CM superintendent in the amount of -\$7,920
- The Total amount of Change Order #1 is -\$7,920; and

WHEREAS, Change Order #2 includes the following items:

1. Asbestos abatement in the amount of \$9,812
- The Total amount of Change Order #2 is \$9,812; and

WHEREAS, Change Order #3 includes the following items:

1. Changes to the site drawings in the amount of \$3,063
- The Total amount of Change Order #3 is \$3,063; and

WHEREAS, Change Order #4 includes the following items:

1. Changes to the column schedule in the amount of \$4,023
- The Total amount of Change Order #4 is \$4,023; and

WHEREAS, Change Order #6 includes the following items:

1. Additional asbestos abatement in the amount of \$39,850
- The Total amount of Change Order #6 is \$39,850; 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 Manning Squire's Contract should be amended to add these additional scope items in the total amount of \$48,828; and

WHEREAS, the MWBE and Services Procurement Committee considered and discussed the Program Manager's recommendation at its May 2, 2013 meeting and after due deliberation, it approved the Change Order request for these additional services;



THEREFORE, BE IT RESOLVED:

1. The proposed Change Orders to Manning Squires Hennig 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 Change Orders that are consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB's general counsel.

**Second by Board Member Pifer**

**Approved 6-0 with Member Brown having left the meeting**

**Resolution 2012-13: 186**

**Change Order #12 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 #12 includes the following items:

1. Floor leveling in locker rooms in the amount of \$12,303
2. Mechanical Room B3-3 Generator in the amount of \$663
3. Delete wind break fence for a credit of -\$3,468
4. Replace wall above exit 7 frame in the amount of \$2,734
5. Raise door frame at nurse's office in the amount of \$5,062
6. Toilet room 22A and 22B changes in the amount of \$4,714
7. Drywall termination detail in the amount of \$21,083
8. Floor demo at rooms 130A and 130B in the amount of \$4,182
9. Room finish revision for epoxy cove base in the amount of \$26,689
10. Window sill reconstruction in the amount of \$82,700
11. Mold remediation in mechanical room in the amount of \$1,630
12. Floor leveling at room 42 in the amount of \$5,307
13. Auditorium stage abatement in the amount of \$5,327
14. Door opening changes at S6-1 in the amount of \$890
15. Door opening changes at 246 in the amount of \$829
16. New door frame at SC1-2 in the amount of \$3,007
17. Wall infills at room 10D and 10E in the amount of \$3,316

The Total amount for Change Order #12 is \$176,968; 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 \$176,968.00; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its May 2, 2013 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to The Pike Company's Contract between the Board and Contractor dated 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 McCormick  
Approved 6-0 with Member Brown having left the meeting**

**Resolution 2012-13: 187  
Change Order #1 to Hewitt Young Electric – District Wide Technology**

**By Board Chair Giess**

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

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

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

WHEREAS, the RJSCB approved the award of the District Wide Technology Phase 1a contract to Hewitt Young Electric, LLC ("HYE") for the District Wide Technology Phase 1a projects in Phase I (Resolution 2011-12: 79); and

WHEREAS, the RJSCB subsequently entered into a contract with HYE (Resolution 2011-12: 79) dated March 12, 2012 (the "Contract"), to perform the scope of services defined in the contract documents as the District Wide Technology Phase 1a contractor's scope of work; and

WHEREAS, following the execution of the Contract, HYE, along with Millennium Strategies, the Technology Consultant, 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 Technology Consultant and the Program Manager for review; and

WHEREAS, Change Order #1 includes the following items:

1. add rails and brackets for Smartboard installation in the amount of \$25,325.30
  2. add cable and raceway for installation of Smartboards in the amount of \$12,391.75
  3. additional Smartboard removals, relocations, and installations in the amount of \$4,660.70
  4. additional data and voice drops in the amount of \$756.04
  5. add cameras and surveillance at Martin Street in the amount of \$10,386.46
  6. cabling and equipment for surveillance system at Martin Street in the amount of \$23,077.03
  7. add cages to cameras at Martin Street gym in the amount of \$789.88
  8. add capability for video distribution compatible with RCSD system in the amount of \$4,004.20
  9. add power and network drops in the amount of \$18,191.65
  10. change from Multimode fiber cable to OM4 fiber cable for a credit of -\$40,000
- The Total amount of Change Order #1 is \$59,583.01; and

WHEREAS, the Technology Consultant 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 Hewitt Young Electric, LLC's Contract should be amended to add these additional scope items in the total amount of \$59,583.01; and

WHEREAS, the MWBE and Services Procurement Committee considered and discussed the Program Manager's recommendation at its May 2, 2013 meeting and after due deliberation, it approved the Change Order request for these additional services;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to Hewitt Young Electric, LLC as set forth above is hereby approved; and
2. The RJSCB's Chair is hereby authorized in the name and on behalf of the RJSCB, to execute a Change Order that is consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB's general counsel.

**Second by Board Member Roulin  
Approved 6-0 with Member Brown having left the meeting**

**Resolution 2012-13: 188  
Revised Schematic Design Approval – Monroe High School**

**By Board Chair Giess**

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

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

WHEREAS, the RJSCB entered into an agreement with Chaintreuil Jensen Stark Architects, LLP ("CJS"), dated November 15, 2011, with respect to the renovations to occur at Monroe High School (Agreement between Board and Architect); and

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

WHEREAS, the RJSCB approved the Schematic Design documents for the Monroe High School project at its regular monthly meeting on January 7, 2013 (Resolution 2012-2013: 92); and

WHEREAS, following RJSCB approval, the District has requested several significant program changes at Monroe High School; and

WHEREAS, because of the level and significance of the changes, the Program Manager and the Architect have recommended that the new designs be presented to the RJSCB for review and approval; and

WHEREAS, CJS presented the Revised Schematic Design Documents for Monroe High School to the RJSCB at its regular monthly meeting on May 6, 2013, for review and approval; and

THEREFORE, BE IT RESOLVED:

1. The Revised Schematic Design Documents for the Monroe High School project are approved.
2. The Program Manager is hereby authorized to direct the Architect for Monroe High School (Chaintreuil Jensen Stark Architects, LLP) to proceed with the next phases in the design process, the Design Development Phase and the Construction Document Phase, pursuant to the Agreement between Board and Architect.

**Second by Board Member Pifer  
Approved 6-0 with Member Brown having left the meeting**

**Resolution 2012-13: 189  
Pay Requisition Summary Acceptance (April 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: 37) 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 \$7,300,445.14 to the Board Chair with copy to the full Board on April 29, 2013; and

WHEREAS, the RJSCB Chair approved the Pay Requisition Summary on April 29, 2013;

THEREFORE, BE IT RESOLVED:

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

**Second by Board Member McCormick  
Approved 6-0 with Member Brown having left the meeting**

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

Brian Roulin asked that the Finance Committee begin to have regular meetings.

Lois Giess asked if there are any issues or concerns to discuss regarding the Monthly Project Report. Tom Roger stated that construction is going well.

The Monthly Compliance Report was not available to discuss. Windell stated that the report would be ready by Tuesday 5/7/13.

The Budget Report is included in the Board member's packets. Tom Renauto stated that more detail has been added to the report regarding use of Bond proceeds.

The Committee Report is included in the Board member's packets.

Peter Abdella reminded everyone that Change Orders should be signed by all parties prior to coming to the Board for review/approval.

#### **Adjournment**

**Approved 4-0 at 6:41pm with Members Brown, Castro, and Roulin having left the meeting**