

Rochester Joint Schools Construction Board
Minutes
July 2, 2012
4:30 PM

Present

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

Chair Lois Giess convened the Board meeting at 4:45pm

Chair Lois Giess asked if anyone in attendance wished to address the Board. No one addressed the Board.

Approval of Minutes: Monthly Board Meeting held on June 4, 2012

Motion by Member Underwood
Second by Member Brown
Approved 4-0 with Members Castro and Pifer away

Action Items

Chair Lois Giess stated that the M/WBE and Services Procurement Committee recommended these resolutions go to the full Board for review and approval. Lois Giess and Brian Roulin attended the M/WBE and Services Procurement meeting on 6/28/12.

Resolution 2012-13: 3
Amendment #6 to Clark Patterson Lee 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 Clark Patterson Lee ("CPL") as the Architect for the School 50 project in Phase I (Resolution 2010-11: 35);

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

WHEREAS, following the execution of the Agreement, Clark Patterson Lee, 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;

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that Clark Patterson Lee's Agreement should be amended to add these additional scope items in the total amount of \$17,500 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 (Committee member Castro and Board members Giess and Roulin) considered and discussed the Program Manager's recommendation at its June 28, 2012 meeting, and after due deliberation, it was agreed to forward the request to amend the Agreement to the full Board for review and approval;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Clark Patterson Lee 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 Board Member Brown
Approved 4-0 with Members Castro and Pifer away

Resolution 2012-13: 4
Amendment #7 to Clark Patterson Lee 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 Clark Patterson Lee ("CPL") as the Architect for the School 50 project in Phase I (Resolution 2010-11: 35);

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

WHEREAS, following the execution of the Agreement, Clark Patterson Lee, 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;

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that Clark Patterson Lee's Agreement should be amended to add these additional scope items in the total amount of \$5,896 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 (Committee member Castro and Board members Giess and Roulin) considered and discussed the Program Manager's recommendation at its June 28, 2012 meeting, and after due deliberation, it was agreed to forward the request to amend the Agreement to the full Board for review and approval;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Clark Patterson Lee 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 Board Member Underwood
Approved 4-0 with Members Castro and Pifer away**

**Resolution 2012-13: 5
Amendment #9 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);

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");

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;

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 \$4,686 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 (Committee member Castro and Board members Giess and Roulin) considered and discussed the Program Manager's recommendation at its June 28, 2012 meeting, and after due deliberation, it was agreed to forward the request to amend the Agreement to the full Board for review and approval;

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 Board Member Brown
Approved 4-0 with Members Castro and Pifer away**

**Resolution 2012-13: 6
Amendment #10 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);

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");

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;

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 \$105,449 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 (Committee member Castro and Board members Giess and Roulin) considered and discussed the Program Manager's recommendation at its June 28, 2012 meeting, and after due deliberation, it was agreed to forward the request to amend the Agreement to the full Board for review and approval;

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 Board Member Brown
Approved 4-0 with Members Castro and Pifer away

Resolution 2012-13: 7
Amendment #11 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);

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");

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;

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 \$143,547 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 (Committee member Castro and Board members Giess and Roulin) considered and discussed the Program Manager's recommendation at its June 28, 2012 meeting, and after due deliberation, it was agreed to forward the request to amend the Agreement to the full Board for review and approval;

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 Board Member Brown

Approved 3-1 with Member Underwood opposed and Members Castro and Pifer away

Resolution 2012-13: 8

Amendment 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);

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");

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;

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 \$50,400 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 (Committee member Castro and Board members Giess and Roulin) considered and discussed the Program Manager's recommendation at its June 28, 2012 meeting, and after due deliberation, it was agreed to forward the request to amend the Agreement to the full Board for review and approval;

THEREFORE, BE IT RESOLVED:

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

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

**Second by Board Member Underwood
Approved 4-0 with Members Castro and Pifer away**

**Resolution 2012-13: 9
Amendment to Vargas 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 Vargas Associates as the Move Manager for the first six schools in Phase 1a (Resolution 2011 12: 31); and

WHEREAS, the RJSCB subsequently entered into an agreement with Vargas Associates (Resolution 2011 12: 31) dated February 2, 2012, entitled Agreement Between Owner and Consultant (the "Agreement"); and

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

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that Vargas Associates' Agreement should be amended to add these additional scope items in the total amount of \$119,660.56 to the Agreement and that this amount shall be treated as a not-to-exceed allowance; and

WHEREAS, the Committee (Committee member Castro and Board members Giess and Roulin) considered and discussed the Program Manager's recommendation at its June 28, 2012 meeting, and after due deliberation, it was agreed to forward the request to amend the Agreement to the full Board for review and approval;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Vargas Associates Agreement Between Owner and Consultant dated February 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 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 4-0 with Members Castro and Pifer away**

**Resolution 2012-13: 10
Amendment to Career Compliance Placement 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 Career Compliance Placement (“CCP”) as the Pre-Apprentice Program Provider in Phase 1 (Resolution 2011 12: 40); and

WHEREAS, the RJSCB subsequently entered into an agreement with CCP (Resolution 2011 12: 40) dated December 19, 2011, entitled Consulting Services Agreement (the “Agreement”); and

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

WHEREAS, the Program Manager thereafter recommended to the RJSCB’s MWBE and Services Procurement Committee (the “Committee”) that CCP’s Agreement should be amended to add these additional scope items in the total amount of \$262,069.62 to the Agreement and that this amount shall be treated as a not-to-exceed allowance; and

WHEREAS, the Committee (Committee member Castro and Board members Giess and Roulin) considered and discussed the Program Manager’s recommendation at its June 28, 2012 meeting, and after due deliberation, it was agreed to forward the request to amend the Agreement to the full Board for review and approval;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Career Compliance Placement Consulting Services Agreement dated December 5, 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 4-0 with Members Castro and Pifer away**

**Resolution 2012-13: 11
Request for Bids, Kitchen Equipment**

By Board Chair Giess

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

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

WHEREAS, the RJSCB’s Program Manager has been working with Kaizen Foodservice, the RJSCB’s Food Service consultant, to prepare a request for bids (“Request for Bids”) package, attached hereto; and

WHEREAS, the RJSCB is seeking bids for Kitchen Equipment included in the first five (5) school projects in Phase 1a of the RSMP(School 17, School 50, School 58, Charlotte, and Franklin); and

WHEREAS, the RJSCB's MWBE and Services Procurement Committee (Committee member Castro and Board members Giess and Roulin) reviewed and discussed the Kitchen Equipment Bid at its June 28, 2012 meeting, and it was agreed to forward the Bid package to the full Board for review and approval; and

THEREFORE, BE IT RESOLVED:

1. The Program Manager shall proceed with the issuance of a Request for Bids for Kitchen Equipment associated with the first 5 projects in Phase 1a (School 17, School 50, School 58, Charlotte, and Franklin).
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 bid responses and recommend to the RJSCB the lowest responsible bidder.

Second by Member Brown

Approved 4-0 with Members Castro and Pifer away

Resolution 2012-13: 12

Insurance and Bond Review Consultant 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 the services of an Insurance and Bond Review Consultant as a third party reviewer of the insurance and bonds provided by professional service firms, contractors, and consultants hired by the RJSCB for Phase 1 of the RSMP; and

WHEREAS, on behalf of the RJSCB, the Insurance and Bond Review Consultant will verify compliance with the specifications set forth 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 an Insurance and Bond Review Consultant 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 (Committee member Castro and Board members Giess and Roulin) reviewed and discussed the RFP for an Insurance and Bond Review Consultant at its meeting on June 28, 2012, and after due deliberation, it was agreed to forward the RFP to the full Board for review and approval;

THEREFORE, BE IT RESOLVED:

1. The RFP for an Insurance and Bond Review Consultant is approved for issuance on July 3, 2012.
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 insurance consultants, and recommend to the RJSCB the most qualified candidate(s).

Second by Board Member Brown
Approved 4-0 with Members Castro and Pifer away

Resolution 2012-13: 13
Environmental Monitoring and Indoor Air Monitoring Agent 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 Program Manager has recommended to the RJSCB that it engage the services of an Environmental Monitoring and Indoor Air Monitoring Agent as a third party inspector during construction of the Phase 1a projects; and

WHEREAS, the RJSCB issued a Request For Proposals (“RFP”) for Environmental Monitoring and Indoor Air Monitoring Agent Services on June 5, 2012 (Resolution 2011 – 2012: 107) which included work at the first five projects in Phase 1a (School 17, School 50, School 58, Charlotte High School and Franklin High School); and

WHEREAS, the Executive Director received three proposals in response to the RFP for Environmental Monitoring and Indoor Air Monitoring Agent Services on June 20, 2012; and

WHEREAS, based on the qualifications presented in the RFP responses, the Executive Director and the Program Manager subsequently conducted interviews with all three of the candidates on June 25, 2012; and

WHEREAS, following the interviews, the Executive Director and Program Manager identified OSO Inc., as the best candidate based on its qualifications, experience, ability to meet the demands and staffing for the project, and cost of services; and

WHEREAS, the M/WBE and Services Procurement Committee (Committee member Castro and Board members Giess and Roulin) reviewed and discussed the recommendation from the Program Manager to award the contract for Environmental Monitoring and Indoor Air Monitoring Agent Services to OSO Inc. for the amount of Not to Exceed \$185,000 based on values assigned to each project by the Program Manager (School 17, School 50, School 58, Charlotte High School, and Franklin High School), at its meeting on June 28, 2012, and after due deliberation, it was agreed to forward the recommendation to the full Board for review and approval;

THEREFORE, BE IT RESOLVED:

1. The contract for Environmental Monitoring and Indoor Air Monitoring Agent Services for the first five schools in Phase 1a (School 17, School 50, School 58, Charlotte High School, and Franklin High School) of the Rochester Schools Modernization Program is hereby awarded to OSO, Inc. for the amount of Not to Exceed \$185,000; and
2. The RJSCB’s Chair is hereby authorized in the name and on behalf of the RJSCB, to execute an 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 4-0 with Members Castro and Pifer away

Resolution 2012-13: 14
School 17 – Revised Contract Awards

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 SWBR 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 17 project; and

WHEREAS the Request for Bids included in each of the four prime contracts (General, Electrical, Mechanical and Plumbing) an alternate for improvement of a community health clinic located on the same premises as School 17, listed therein as “Alternate 17-7 - The Clinic;” and

WHEREAS, after receiving the requisite approvals for the School 17 project from the Board of Education (“BOE”) and New York State Education Department (“SED”), the RJSCB’s Executive Director received bids on May 8, 2012, which bids were subsequently publicly opened and read aloud at the location stated in the Request for Bids; and

WHEREAS, each of the apparent low bidders for the four contracts (General, Electrical, Mechanical and Plumbing) submitted a price for “Alternate 17-7 - The Clinic” with its bid; and

WHEREAS, the Program Manager, Architect, Construction Manager, and Independent Compliance Officer reviewed the bids, conducted de-scoping meetings, and concluded that the apparent low bidders for each scope of work package (General, Electrical, Mechanical, and Plumbing) were qualified and responsible bidders; and

WHEREAS, the RJSCB, upon consultation with its Program Manager, determined that the price submitted by Eastcoast Electric, LLC (“Eastcoast”) for the electrical scope of the Clinic work reflected in Alternate 17-7 was too high, and believed that such work could be completed more economically and at a cost savings to the public; and

WHEREAS, at its June 4, 2012 Board meeting, the RJSCB approved the recommended award of the General, Mechanical, Electrical and Plumbing Contracts by RJSCB Resolution 2011-12: 104, School 17 Contract Awards; and

WHEREAS, the Electrical Contract approved by RJSCB Resolution 2011-12: 104 for award to contractor Eastcoast excluded Alternate 17-7, which was the electrical scope of the Clinic improvements, but Alternate 17-7 scope was included in the price of the other three contracts (General, Mechanical and Plumbing) approved for award by RJSCB Resolution 2011-12: 104; and

WHEREAS, upon further recommendation of the RJSCB’s Program Manager and due consideration by the RJSCB, the RJSCB determined that the Clinic improvements at the premises of School 17 could be most feasibly and economically completed under a single, separately-awarded contract; and

WHEREAS, on June 5, 2012, the RJSCB’s Executive Director sent letters of intent to award the contracts and notice to proceed with the work of the School 17 Project (“Letters of Intent”) to the above-named contractors as to the base contract amounts and accepted alternates for the General, Mechanical, Electrical, and Plumbing contracts, and the Letters of Intent clarified that Alternate 17-7 for the Clinic scope of work was being declined as to all four contracts and the Clinic work would be bid separately; and

WHEREAS, aforesaid Letters of Intent were issued prior to executing a formal written contract and instructed the recipient contractors to secure insurance and bond coverage as required by the School 17 Project bid documents included with the Request for Bid reflecting the exclusion of Alternate 17-7 Clinic scope of work; and

WHEREAS, the RJSCB wishes to modify the previously-approved RJSCB Resolution 2011-12: 104, School 17 Contract Awards to properly reflect the exclusion of the Clinic portion of the work bid under Alternate 17-7 to the Request for Bids for the School 17 Project as set forth in the table below:

<u>Scope of Work</u>	<u>Name of Contractor</u>	<u>Address</u>	<u>Bid Amount (Incl. accepted alternates)</u>
General Contractor	Manning-Squires-Hennig Co., Inc.	8426 Seven Springs Road Batavia, NY 14021	\$14,375,000
Mechanical Contractor	Michael A. Ferraulo Plumbing & Heating, Inc.	1600 Jay Street Rochester, NY 14611	\$2,853,400
Electrical Contractor	Eastcoast Electric, LLC	546 Lyell Avenue Rochester, NY 14606	\$2,674,295
Plumbing Contractor	Michael A. Ferraulo Plumbing & Heating, Inc.	1600 Jay Street Rochester, NY 14611	\$1,260,000

THEREFORE, BE IT RESOLVED:

1. RJSCB Resolution 2011-12: 104, School 17 Contract Awards, is hereby modified in that the scope of work included in the School 17 Project documents defined as Alternate 17-7 “the Clinic” is declined by the RJSCB, and the General, Mechanical, Electrical and Plumbing Contracts to provide all equipment, labor, materials and plants necessary to execute the scope of work associated with the School 17 Project with all accepted alternates are approved for award to the Contractors named in the table above and in the amounts stated therein.
2. The RJSCB, through its Program Manager, shall proceed with the issuance of a Single Prime Request for Bids for the scope of work consisting of improvements to the Clinic, which was previously included in the School 17 Project bid documents for the General, Electrical, Mechanical and Plumbing Contracts under “Alternate 17-7, the Clinic,” and is henceforth referred to herein as the “Clinic Project.”
4. Prior to issuance of the bid documents for the Clinic Project, the Program Manager will work with the RJSCB’s general counsel to further develop and finalize the Request for Bid package, including the General Conditions of the Contract and the form of Contract.
5. 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 bid responses for the scope of work included in the Clinic Project and upon due investigation, recommend to the RJSCB the lowest responsible bidder.
6. The Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute and deliver an Agreement (the “Agreement”) to each firm named above in substantially the form included in the Request for Bids (dated March 30, 2012) for the School 17 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 Brown
Approved 4-0 with Members Castro and Pifer away**

**Resolution 2012-13: 15
Pay Requisition Summary Acceptance (June 2012)**

By Board Chair Giess

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

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

WHEREAS, the RJSCB developed a Pay Requisition Approval Procedure with input from its Counsel, the MWBE and Services Procurement Committee, members of the accounting department of Rochester City School District, and the RJSCB's independent auditing firm; and

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

WHEREAS, in compliance with the Pay Requisition Approval Procedure, the RJSCB 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 \$790,869.70 to the Board Chair with copy to the full Board on June 26, 2012; and

WHEREAS, the RJSCB Chair approved the Pay Requisition Summary on June 26, 2012; and

WHEREAS, the COMIDA issued Bond proceeds for the RSMP were deposited in the Trustee's account on June 20, 2012;

THEREFORE, BE IT RESOLVED:

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

**Second by Board Member Underwood
Approved 4-0 with Members Castro and Pifer away**

Staff Updates

Monthly Reports for all of the projects are included in the Board Member's packets. Tom Roger reported that we are essentially under construction on the first 4 projects.

The Compliance Report included in the Members' packets represents April 2012 figures. The report for May 2012 was received by Tom Renauto earlier today. Upon Tom's review it will be distributed to the full Board. Tom Renauto and Jerome Underwood asked for more timely reports from Windell.

Windell stated that he will discuss the EEO requirements and forms with MDI (the Moving Company). Jerome stated that the moves have gone extremely well and gave high marks to Vargas Associates (the Move Manager).

Budget Reports are pending due to month end and the timing of this meeting. Tom Renauto provided the Board with a spreadsheet detailing all of the committed contract totals to date and the amount paid to date.

The Committee Report from June 28, 2012 is included in the Board Member's packets.

Jerome will check on the status of the costs for the "pack teams".

Adjournment

**Motion by Member Brown
Second by Member Underwood
Approved 4-0 at 6:04 pm**