

**Rochester Joint Schools Construction Board
Minutes
July 8, 2013
4:30 PM**

Present

Chair Lois Giess, Vice Chair Bob Brown, Treasurer Brian Roulin, Alex Castro (arrived at 5pm) Ann McCormick, Everton Sewell and ICO Windell Gray. Member Richard Pifer was away. Also present were: Executive Director Tom Renauto, General Counsel Peter Abdella, Tom Roger from Gilbane and Pepin Accillien from Savin Engineers.

Chair Giess convened the meeting at 4:42pm

Chair Giess opened the floor to the public for comments. No one wished to speak.

Approval of Minutes: Monthly Board Meeting held on June 10, 2013

Motion by Member Brown

Second by Member Roulin

Approved 5-0 with Member Castro not yet present and Member Pifer away

Action Items

Tom Renauto reminded all present that each of these items had been reviewed in detail by the M/WBE and Services Procurement Committee on 6/27/13 and was approved for forwarding to the full Board. Chair Giess stated that although she was not at the Committee meeting on 6/27/13, she and Tom Renauto have gone over each item in detail.

Resolution 2013-14: 3

Amendment #6 to Chaintreuil Jensen Stark Architects, LLP Agreement – Monroe High School

By Board Member Roulin

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 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 \$2,200 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 June 27, 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 Brown

Approved 5-0 with Member Castro not yet present and Member Pifer away

Resolution 2013-14: 4

Amendment #2 to Young + Wright Architectural Agreement (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 RJSCB approved the selection of Young + Wright Architectural ("Young + Wright") as the Architect for the School 5 project in Phase I (Resolution 2011-12: 39); and

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

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

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that Young + Wright's Agreement should be amended to add these additional scope items in the total amount of \$78,879.00 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 June 27, 2013 meeting, and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Young + Wright Architectural 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 Brown

Approved 5-0 with Member Castro not yet present and Member Pifer away

Resolution 2013-14: 5

Amendment #14 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 related to the District's request to add full building air conditioning to the scope of the project 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 \$45,970.00 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 June 27, 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 McCormick

Approved 5-0 with Member Castro not yet present and Member Pifer away

Resolution 2013-14: 6

Amendment to SEI Design Group Agreement – School 12

By Board Chair Giess

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

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

WHEREAS, the RJSCB approved the selection of SEI Design Group (“SEI”) as the Architect for the School 12 project in Phase I (Resolution 2011 12: 39); and

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

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

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the “Committee”) that SEI's Agreement should be amended to add these additional scope items in the total amount of \$4,992.00 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 June 27, 2013 meeting, and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

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

Second by Member Brown

Approved 5-0 with Member Castro not yet present and Member Pifer away

Resolution 2013-14: 7
Amendment #5 to LaBella Associates Agreement – Edison High School

By Board Chair Giess

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

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

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

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

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

WHEREAS, the Program Manager thereafter recommended to the RJSCB’s MWBE and Services Procurement Committee (the “Committee”) that LaBella’s Agreement should be amended to add these additional scope items in the total amount of \$7,900 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 June 27, 2013 meeting, and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

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

Second by Member Roulin
Approved 5-0 with Member Castro not yet present and Member Pifer away

Resolution 2013-14: 8
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, Resolution 2012-2013: 145, Resolution 2012-2013: 172, and Resolution 2012-2013: 192); and

WHEREAS, the Move Manager has identified the need for additional moving boxes for the Summer 2013 moves and has provided the Program Manager with a proposal for an additional 4,000 boxes which will be added to the Agreement as a not to exceed allowance in the amount of \$11,025.00; and

WHEREAS, based on the advice and recommendation of the Program Manager, the MWBE and Services Committee considered and discussed the proposal from the Move Manager at its June 27, 2013 meeting for an allowance not to exceed \$11,025.00, and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby accepts and approves the proposal from the Move Manager for additional services to the Agreement in an amount not to exceed \$11,025.00; 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 5-0 with Member Castro not yet present and Member Pifer away

Resolution 2013-14: 9

Supplemental FF&E Purchase Orders

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 Vargas Associates (the "Move Manager"), the RJSCB's general counsel, and the RJSCB's Independent Compliance Officer, prepared a request for bids ("Request for Bids") package for Furniture, Fixtures, and Equipment ("FF&E") for the first three projects in Phase 1b of the RSMP (School 17, School 50, and Charlotte High School); and

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

WHEREAS, the RJSCB awarded the following groups to FM Resources: Group 4 – Conference Furniture, Group 5 – Desks, Group 6 – Lounge Furniture, Group 9 – Storage, and Group 11 Task Seating (Resolution 2012-2013: 162); and

WHEREAS, the RJSCB awarded the following groups to School Specialty, Inc.: Group 1 – Activity Tables, Group 2 – Art Room, and non-grouped items: Carpet (solid), Cubby Units, Sand and Water Table, Computer Tables, First Aid Couch, Metal Shelving, and Podium(Resolution 2012-2013: 166); and

WHEREAS, the RJSCB awarded the following groups to Facilities Equipment and Service, Inc.: Group 3 – Cafeteria Tables and Group 7 – Library Furniture (Resolution 2012-2013: 166); and

WHEREAS, the RJSCB awarded the following groups to Hertz Furniture: Group 8 – Music Furniture, Group 10 – Student Furniture, and non-grouped items: Carpet (elementary)(Resolution 2012-2013: 166); and

WHEREAS, the Move Manager has determined that additional furniture can be purchased within the existing budget as a result of significant bid day savings; and

WHEREAS, the pricing received from each firm on bid day will be used when placing orders for additional FF&E items; and

WHEREAS, items that were not identified through the bid will be purchased using State Contract Pricing which will be honored by the firms that were previously awarded purchase orders for this project; and

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

WHEREAS, the additional items being purchased are: desks and chairs, computer tables, student chairs, pre-school furniture, science tables, science room stools, folding tables and study carrels; and

WHEREAS, at its June 27, 2013 meeting, the MWBE Procurement and Services Committee considered the recommendation of the Move Manager and the Program Manager to make the additional FF&E purchases and approved the additional FF&E purchase orders to the firms as set forth in the table below:

SUMMARY of SUPPLEMENTAL FURNITURE PURCHASE

| Firm | Total Award |
|------------------------|-------------|
| School Specialty, Inc. | \$62,531.58 |

| | |
|--------------------------------------|-------------|
| Hertz Furniture | \$26,580.33 |
| Facilities Equipment & Services Inc. | \$10,124.00 |

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the recommendation of the Move Manager that a supplemental Purchase Order shall be issued to the above named firms, in the amount specified to provide the necessary Furniture, Fixtures, and Equipment (delivered and installed at point of use) for the first three projects in Phase 1a of the RSMP (School 17, School 50, and Charlotte High School); and

2. The RJSCB Chair is hereby authorized, to execute and deliver a Purchase Order to the firms named above, in substantially the form included in the Request for Bids for the Furniture, Fixtures, and Equipment with such changes as the Chair may approve (the Chair's signature thereon being conclusive evidence of such approval) on the advice of the Program Manager and the RJSCB's general counsel.

Second by Member Roulin

Approved 5-0 with Member Castro not yet present and Member Pifer away

Resolution 2013-14: 10

Lafayette Storage and Moving Corp. – Additional Services

By Board Chair Giess

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

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

WHEREAS, the Act 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 selection of Lafayette Storage and Moving Corp. ("Lafayette") as the moving company for the Group 4 and Group 5 scope of work packages associated with the Phase 1 - Summer 2013 moves (Resolution 2012-13: 165); and

WHEREAS, the RJSCB issued a Purchase Order to Lafayette (Resolution 2012-13: 165) dated April 24, 2013 (the "Agreement"); and

WHEREAS, at the time of the award, the alternate bid "Alternative to relocate internally at Edison High School 60 (pieces of) Industrial Arts Equipment" was not accepted, pending decisions by the District related to the future location and use of the equipment; and

WHEREAS, following the execution of the Agreement, the District requested that the Industrial Arts equipment located at Edison High School be relocated; and

WHEREAS, Lafayette has agreed to honor its bid day pricing in the amount of \$10,000 for the alternate "Alternative to relocate internally at Edison High School 60 (pieces of) Industrial Arts Equipment"; and

WHEREAS, the Program Manager and Move Manager have determined that by adding the alternate amount to Lafayette's bid, Lafayette remains the low bidder for these services; and

WHEREAS, at its June 27, 2013 meeting, the MWBE Procurement and Services Committee considered the Program Manager's and Move Manager's recommendation to accept the alternate for "Alternative to relocate internally at Edison High School 60 (pieces of) Industrial Arts Equipment" and approved the acceptance of the alternate work in the amount of \$10,000; and

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the recommendation of the Program Manager and Move Management Consultant that the alternate "Alternative to relocate internally at Edison High School 60 (pieces of) Industrial Arts Equipment" shall be accepted; and
2. The Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute and deliver a Purchase Order in the amount of \$10,000 to the firm Lafayette Storage and Moving Corp. in substantially the form included in the Request for Bids (dated March 5, 2013) with such changes as the Chair may approve (the Chair's signature thereon being conclusive evidence of such approval) on the advice of the Program Manager and the RJSCB's general counsel.

Second by Member Roulin

Approved 5-0 with Member Castro not yet present and Member Pifer away

Resolution 2013-14: 11

Request for Bids, Kitchen Equipment – Phase 1b Schools

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 three (3) school projects in Phase 1b of the RSMP (School 5, School 28, and Edison High School); and

WHEREAS, the RJSCB's MWBE and Services Procurement Committee reviewed and discussed the kitchen equipment bid package at its June 27, 2013 meeting, and 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 for the three (3) projects in Phase 1b (School 5, School 28, and Edison High School); and

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 Roulin

Approved 5-0 with Member Castro not yet present and Member Pifer away

Resolution 2013-14: 12

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

WHEREAS, the RJSCB’s Program Manager, with the advice of Vargas Associates (the “Move Manager”), the RJSCB’s general counsel, and the RJSCB’s Independent Compliance Officer, prepared a request for bids (“Request for Bids”) package for Furniture, Fixtures, and Equipment (“FF&E”) for the first three projects in Phase 1b of the RSMP (School 17, School 50, and Charlotte High School); and

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

WHEREAS, the RJSCB awarded the following groups to FM Resources: Group 4 – Conference Furniture, Group 5 – Desks, Group 6 – Lounge Furniture, Group 9 – Storage, and Group 11 Task Seating (Resolution 2012-2013: 162); and

WHEREAS, the RJSCB awarded the following groups to School Specialty, Inc.: Group 1 – Activity Tables, Group 2 – Art Room, and non-grouped items: Carpet (solid), Cubby Units, Sand and Water Table, Computer Tables, First Aid Couch, Metal Shelving, and Podium (Resolution 2012-2013: 166); and

WHEREAS, the RJSCB awarded the following groups to Facilities Equipment and Service, Inc.: Group 3 – Cafeteria Tables and Group 7 – Library Furniture (Resolution 2012-2013: 166); and

WHEREAS, the RJSCB awarded the following groups to Hertz Furniture: Group 8 – Music Furniture, Group 10 – Student Furniture, and non-grouped items: Carpet (elementary)(Resolution 2012-2013: 166); and

WHEREAS, the Move Manager has determined that additional furniture can be purchased within the existing budget as a result of significant bid day savings; and

WHEREAS, the pricing received from each firm on bid day will be used when placing orders for additional FF&E items; and

WHEREAS, items that were not identified through the bid will be purchased using State Contract Pricing which will be honored by the firms that were previously awarded purchase orders for this project; and

WHEREAS, following the initial purchase orders for the bulk of the furniture, the District has requested that additional computer tables be purchased for the School 17 project; and

WHEREAS, at its June 27, 2013 meeting, the MWBE Procurement and Services Committee considered the recommendation of the Move Manager to make the additional FF&E purchases and approved the purchase of the additional computer tables from School Specialty, Inc., the firm previously awarded non-grouped item "Computer Tables" (Resolution 2013-2014: 166) in the amount of \$5,122.74;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the recommendation of the Move Manager that a supplemental Purchase Order shall be issued to School Specialty Inc., in the amount of \$5,122.74 to provide additional computer tables for the School 17 project; and
2. The RJSCB Chair is hereby authorized, to execute and deliver a Purchase Order to the firm named above, in substantially the form included in the Request for Bids for the Furniture, Fixtures, and Equipment with such changes as the Chair may approve (the Chair's signature thereon being conclusive evidence of such approval) on the advice of the Program Manager and the RJSCB's general counsel.

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

**Resolution 2013-14: 13
Exam Table Order – 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 Act authorized up to 13 projects in Phase I of the Rochester Schools Modernization Program ("RSMP") including a District Wide Technology program which involves technology upgrades and infrastructure work at each of the 12 school projects identified in Phase 1; and

WHEREAS, the RJSCB's Program Manager, with the advice of Vargas Associates (the "Move Manager"), the RJSCB's general counsel, and the RJSCB's Independent Compliance Officer, prepared a request for bids ("Request for Bids") package for Furniture, Fixtures, and Equipment ("FF&E") for the first three projects in Phase 1b of the RSMP (School 17, School 50, and Charlotte High School); and

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

WHEREAS, the RJSCB awarded the following groups to FM Resources: Group 4 – Conference Furniture, Group 5 – Desks, Group 6 – Lounge Furniture, Group 9 – Storage, and Group 11 – Task Seating (Resolution 2012-2013: 162); and

WHEREAS, the RJSCB awarded the following groups to School Specialty, Inc.: Group 1 – Activity Tables, Group 2 – Art Room, and non-grouped items: Carpet (solid), Cubby Units, Sand and Water Table, Computer Tables, First Aid Couch, Metal Shelving, and Podium (Resolution 2012-2013: 166); and

WHEREAS, the RJSCB awarded the following groups to Facilities Equipment and Service, Inc.: Group 3 – Cafeteria Tables and Group 7 – Library Furniture (Resolution 2012-2013: 166); and

WHEREAS, the RJSCB awarded the following groups to Hertz Furniture: Group 8 – Music Furniture, Group 10 – Student Furniture, and non-grouped items: Carpet (elementary) (Resolution 2012-2013: 166); and

WHEREAS, the Move Manager has determined that additional furniture can be purchased within the existing budget as a result of significant bid day savings; and

WHEREAS, the pricing received from each firm on bid day will be used when placing orders for additional FF&E items; and

WHEREAS, items that were not identified through the bid will be purchased using State Contract Pricing which will be honored by the firms that were previously awarded purchase orders for this project; and

WHEREAS, following the initial purchase orders for the bulk of the furniture, the District requested that an exam table be purchased for the nurse's office at the Charlotte High School project; and

WHEREAS, at its meeting on June 27, 2013, the MWBE Procurement and Services Committee considered the Move Manager's recommendation to purchase the exam table from School Specialty, Inc., the firm previously awarded non-grouped items (Resolution 2013-2014: 166), for the nurse's office in the amount of \$2,189.00 and approved this request;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the recommendation of the Move Manager that a supplemental Purchase Order shall be issued to School Specialty, Inc., in the amount of \$2,189.00 to purchase an exam table for the Charlotte High School nurse's office; and
2. The RJSCB Chair is hereby authorized, to execute and deliver a Purchase Order to the firm named above, in substantially the form included in the Request for Bids for the Furniture, Fixtures, and Equipment with such changes as the Chair may approve (the Chair's signature thereon being conclusive evidence of such approval) on the advice of the Program Manager and the RJSCB's general counsel.

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

**Resolution 2013-14: 14
Fitness Equipment Contract Award**

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, at the request of the District, the RJSCB's Program Manager, with the advice of Vargas Associates (the "Move Manager"), the RJSCB's general counsel, and the RJSCB's Independent Compliance Officer, prepared a request for bids ("Request for Bids") package for fitness equipment associated with the Charlotte High School project in Phase 1 of the RSMP; and

WHEREAS, the RJSCB's Executive Director received three bids on June 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, Move Manager, and the District have reviewed the bids in detail and have determined that the low bidder is also qualified and responsible; and

WHEREAS, at its meeting on June 27, 2013, the MWBE Procurement and Services Committee considered the recommendation of the RJSCB's Program Manager that the award should be made to the firm Pro Maxima and agreed to forward the award to the full Board for approval; and

THEREFORE, BE IT RESOLVED:

1. The award for fitness equipment at the Charlotte High School project is awarded to Pro Maxima in the amount of \$174,752.25; and
2. The Board Chair is authorized, in the name and on behalf of the RJSCB, to execute and deliver a Purchase Order to the firm named above in substantially the form included in the Request for Bids for the fitness equipment associated with the Charlotte High School project in Phase 1 of the RSMP with such changes as the Chair may approve (the Chair's signature thereon being conclusive evidence of such approval) on the advice of the Program Manager and the RJSCB's general counsel.

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

Resolution 2013-14: 15
Edison High School - Electrical Contract Award

By Board Chair Giess

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

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

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

WHEREAS, the RJSCB's Program Manager, with the advice of LaBella Associates P.C. (the "Architect"), LPCiminelli Inc. (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 Edison High School project; and

WHEREAS, the RJSCB received approval of the Edison High School project by the BOE at their monthly meeting on December 13, 2012 (BOE Resolution 2012-13: 365) and by SED on March 25, 2013; and

WHEREAS, the RJSCB's Executive Director received bids on May 21, 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 RJSCB awarded the General Contractor, Plumbing Contractor, and Mechanical Contractor scopes of work for the Edison High School Project (Resolution 2012-2013: 194); and

WHEREAS, the RJSCB approved the recommendation of the Program Manager that all bids received for the Electrical Contractor scope of work package associated with the Edison High School Project shall be rejected under the RJSCB's contractual right to do so and directed the Program Manager to re-bid the Electrical Contractor scope of work at the earliest possible date (Resolution 2012-2013: 194); and

WHEREAS, the RJSCB's Program Manager, with the advice of LaBella Associates P.C. (the "Architect"), LPCiminelli Inc. (the "Construction Manager"), the RJSCB's general counsel, and the RJSCB's Independent Compliance Officer, prepared a revised request for bids ("Request for Bids") package for the Electrical Contractor scope of work package at the Edison High School project; and

WHEREAS, the RJSCB's Executive Director received bids on June 25, 2013 per the deadline stipulated in the revised Request for Bids, and those bids were subsequently publicly opened and read aloud at the location stated in the Request for Bids; and

WHEREAS, at the MWBE and Services Procurement Committee meeting held on June 27, 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 award recommendation was forwarded to the full Board for approval:

| <u>Scope of Work</u> | <u>Name of Contractor</u> | <u>Address</u> | <u>Bid Amount (Incl. accepted alternates)</u> |
|-----------------------|---------------------------|---|---|
| Electrical Contractor | Hewitt Young Electric | 645 Maple Street Rochester, NY 14611 | \$1,588,000 |
| | | | |

THEREFORE, BE IT RESOLVED:

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

2. The Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute and deliver an Agreement (the "Agreement") to the firm named above in substantially the form included in the Request for Bids for the Edison High School 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 6-0 with Member Pifer away

Resolution 2013-14: 16

Change Order #14 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 #14 includes the following items:

1. Locker padlocks in the amount of \$18,517
 2. Front entrance landing in the amount of \$6,803
 3. Delete the auditorium wood stage floor for a credit of -\$4,109
 4. Change to GOJO soap dispensers in the amount of \$1,100
 5. Add a bulkhead at Room 2 in the amount of \$422
 6. Lintel repair in Room 303 in the amount of \$7,152
 7. Plaster patching in the amount of \$20,924
 8. Foundation at wheelchair lift in the amount of \$42,405
 9. Rotunda Buttress repair work in the amount of \$74,474
- The Total amount for Change Order #14 is \$167,688.00; and

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

WHEREAS, the Program Manager thereafter recommended to the RJSCB’s MWBE and Services Procurement Committee (the “Committee”) that The Pike Company’s Contract should be amended to add these scope items in the amount of \$167,688; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its June 27, 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 Brown
Approved 6-0 with Member Pifer away**

**Resolution 2013-14: 17
Change Order #7 to M.A. Ferrauilo Plumbing and Heating Inc. – Mechanical Contractor (Charlotte High School)**

By Board Chair Giess

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

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

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

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

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

WHEREAS, Change Order #7 includes the following items:

1. Boiler steam header in the amount of \$1,286
2. Reroute LPC line at cafeteria in the amount of \$9,400
3. DDC controls at Rooms 13a and 15a in the amount of \$6,611
4. Pneumatic thermostat in Room 407 in the amount of \$3,486

The Total amount for Change Order #7 is \$20,783; and

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

WHEREAS, the Program Manager thereafter recommended to the RJSCB’s MWBE and Services Procurement Committee (the “Committee”) that M.A. Ferrauilo Plumbing and Heating Inc.’s Contract should be amended to add these scope items for the total amount of \$20,783; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its June 27, 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 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 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 Pifer away**

**Resolution 2013-14: 18
Change Order #4 and #5 to Concord Electric Corporation – Electrical Contractor (Charlotte High School)**

By Board Chair Giess

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

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

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

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

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

WHEREAS, Change Order #4 includes the following items:

1. Light bollard luminaires in the amount of \$18,760
2. Service conduit credit in the amount of -\$24,029
3. Lights in Rooms 127C and 137A in the amount of \$1,818
4. Principal’s office power in the amount of \$6,529

The Total amount of Change Order #4 is \$3,078; and

WHEREAS, Change Order #5 includes the following item:

1. Snow melt system in the amount of \$35,636

The Total amount of Change Order #5 is \$35,636; and

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

WHEREAS, the Program Manager thereafter recommended to the RJSCB’s MWBE and Services Procurement Committee (the “Committee”) that Concord Electric Corporation’s Contract should be amended to add these additional scope items in the total amount of \$38,714; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its June 27, 2013 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Orders to Concord Electric Corporation's Contract between the Board and Contractor dated June 4, 2012 as set forth above 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 6-0 with Member Pifer away**

**Resolution 2013-14: 19
Change Order #8 to Cucciara Construction Inc. – General Contractor (Franklin High School)**

By Board Chair Giess

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

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

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

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

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

WHEREAS, Change Order #8 includes the following items:

1. Oven for temporary kitchen line in the amount of \$3,938
 2. Portable hand sinks in the amount of \$3,063
 3. Additional guard rail at north retaining wall in the amount of \$8,994
- The Total amount of Change Order #8 is \$15,995; and

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

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that Cucciara's Contract should be amended to add these scope items for a total amount of \$15,995; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its June 27, 2013 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

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

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

Resolution 2013-14: 20
Change Order #3 to Thurston Dudek – Plumbing Contractor (Franklin High School)

By Board Chair Giess

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

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

WHEREAS, the RJSCB approved the award of the Plumbing Contractor contract to Thurston Dudek ("Thurston Dudek") for the Franklin High School Project in Phase I (Resolution 2011-12: 106); and

WHEREAS, the RJSCB entered into a contract with Thurston Dudek (Resolution 2011-12: 106) 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 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 #3 includes the following item:

1. Additional kitchen floor sinks in the amount of \$6,139
- The Total amount of Change Order #3 is \$6,139; 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 Thurston Dudek's Contract should be amended to add these additional scope items in the total amount of \$6,139; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its June 27, 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's Contract between the Board and Contractor dated June 4, 2012 as set forth above is hereby approved; and
2. The RJSCB's Chair is hereby authorized in the name and on behalf of the RJSCB, to execute a Change Order to the Contract that is consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB's general counsel.

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

**Resolution 2013-14: 21
Change Order #5 to Eastcoast Electric LLC – Electrical Contractor (School 17)**

By Board Chair Giess

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

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

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

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

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

WHEREAS, Change Order #5 includes the following items:

1. Toilet room exhaust in the amount of \$1,142
 2. Room 202 Exhaust duct fire damper in the amount of \$1,283
 3. Door hardware hold opens in the amount of \$1,844
 4. Emergency lighting in the amount of \$1,823
 5. Power on E208 and E204 in the amount of \$2,282
 6. Refrigerator electric in the amount of \$1,610
- The Total amount of Change Order #5 is \$9,984; 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 scope items in the amount of \$9,984; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its June 27, 2013 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

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

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

Resolution 2013-14: 22
Change Order #2 to Testa Construction Inc. General Contractor (School 17 - Clinic)

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 Testa Construction Inc. ("Testa") for the School 17 Clinic project in Phase I (Resolution 2012-13: 51); and

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

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

WHEREAS, Change Order #2 includes the following item:

1. Electrical Panel relocation in the amount of \$1,677
The Total amount of Change Order #2 is \$1,677; and

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

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that Testa's Contract should be amended to add these scope items in the amount of \$1,677; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its June 27, 2013 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

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

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

**Resolution 2013-14: 23
Change Order #12 and #13 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 #12 includes the following items:

1. Power and data at computer stations in the amount of \$5,079
2. Ceiling adjustments in the amount of \$2,697
3. Delete feeders for a credit of -\$5,094
4. Add cafeteria smoke detectors in the amount of \$959

The Total amount of Change Order #12 is \$3,641; and

WHEREAS, Change Order #13 includes the following item:

1. Bathroom fixtures in the amount of \$1,019
The Total amount of Change Order #13 is \$1,019; 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 \$4,660; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its June 27, 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 Roulin
Approved 6-0 with Member Pifer away**

**Resolution 2013-14: 24
Change Order #7 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 #7 includes the following items:

1. Revised layout in Rooms 107 and L1 for a credit of -\$2,511

2. Supply duct at stage in the amount of \$2,871
 3. Sheet metal chase in the amount of \$2,562
 4. Food service equipment shop drawing modification in the amount of \$619
- The Total amount of Change Order #7 is \$3,541; 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 \$3,541; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its June 27, 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 Brown
Approved 6-0 with Member Pifer away

Resolution 2013-2014: 25

Motion by Chair Giess to table the Resolution pending additional information
Second by Member Roulin
Approved 6-0 with Member Pifer away

Resolution 2013-14: 26
Pay Requisition Summary Acceptance (June 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") Phase 1a projects were deposited in the Trustee's account on June 20, 2012; and

WHEREAS, the COMIDA issued bond proceeds for the Rochester Schools Modernization Program Phase 1b projects were deposited in the Trustee's account on June 6, 2013; and

WHEREAS, Excel Aid funding associated with the Rochester Schools Modernization Program is currently in the final stages of review and certification by the Dormitory Authority of the State of New York ("DASNY"); and

WHEREAS, the intended purpose of the Excel Aid funding is to partially pay for costs associated with the design and/or construction of certain Phase 1a projects; and

WHEREAS, the Phase 1a projects will be completed by August 2013; and

WHEREAS, due to the late timing of the DASNY certification process for the Excel Aid, if necessary, the District has decided to establish and fund a special account for the RSMP ahead of the completion of the DASNY certification process to pay for certain invoices associated with the Phase 1a projects; and

WHEREAS, the District will be reimbursed for any payments made after the DASNY certification process has been completed and the Excel Aid funds are released; and

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

WHEREAS, the RJSCB's Executive Director has reviewed this month's Excel Aid payment schedule with the District, and the District has agreed to provide the funds and to issue checks for certain Phase 1a invoices listed on the Excel Aid payment schedule; and

WHEREAS, the Executive Director forwarded a Pay Requisition Summary (attached to this Resolution) totaling \$8,416,512.06 including all invoices to be paid by the Trustee using bond proceeds and those invoices to be paid by the District using Excel Aid funding, to the Board Chair with copy to the full Board on June 24, 2013; and

WHEREAS, the RJSCB Chair approved the Pay Requisition Summary on June 24, 2013;

THEREFORE, BE IT RESOLVED:

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

Second by Board Member Brown
Approved 6-0 with Member Pifer away

Staff Updates / Discussion

The Monthly Report is included in the Member's packets. The School 17 schedule was discussed.

The Compliance Report is included in the Member's packets. Windell reviewed the current numbers for Business Utilization and Workforce Participation.

Everton Sewell asked for an update regarding the Architect's errors/omissions. Tom Renauto will provide an update to the Board.

Everton Sewell noted that Edison is now known as "Edison Educational Campus" and Franklin is now known as "Franklin Educational Campus"

Chair Lois Giess asked about the contingency monies at Charlotte regarding the additional Fitness Equipment request by the District. Tom Roger stated that he moved money from the contingency of another project to fund this item.

Peter Abdella asked Tom Renauto about the "TBD" hand written comment from The Pike Company on recent Charlotte Change Orders. Tom Renauto stated that Pike was put on notice several months ago that this would not be acceptable. Tom Renauto noted that no extension of time had been granted to The Pike Company and that the Resolutions that have been approved specifically stated that no extension of time is being added to the contract. Tom Renauto also stated that Campus Construction has recently issued a follow up letter to The Pike Company stating that no future Change Orders will be processed with any hand written comments.

A person from the public audience raised concerns about the Preliminary Diversity Plan and the Legislation for the Project. Tom Renauto will review both documents regarding the person's concerns. Tom Renauto has requested that the person schedule a meeting with him to discuss all of their issues/concerns however a date has not been set at this time.

Adjournment

Approved 6-0 at 6:01pm with Member Pifer away