

**Rochester Joint Schools Construction Board**  
**Minutes**  
**August 13, 2012**  
**4:30 PM**

**Present**

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

Chair Lois Giess convened the Board meeting at 4:36pm

**Approval of Minutes: Organizational Meeting and Monthly Board Meeting held on July 2, 2012**

**Motion by Member Underwood**  
**Second by Member Pifer**  
**Approved 5-0 with Member Brown away**

**Action Items**

**Resolution 2012-13: 16**  
**Amendment #2 to Gilbane Building Company**

**By Board Chair Giess**

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

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

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

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

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

WHEREAS, the District determined that the "swing space" for the Charlotte High School project would be located at 690 St. Paul Street, and as a result, the RSMP program office had to be relocated and moved out of the building; and

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

WHEREAS, the RJSCB requested that the Program Manager provide additional services related to the operating expenses of the RSMP program office, and the parties subsequently entered into an agreement titled the Memorandum of Understanding Concerning the Use and Operation of Real Property (the "Maynards – MOU", attached hereto); and

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

WHEREAS, the Program Manager has provided a detailed cost breakdown of the anticipated costs for One Year (attached hereto) to operate the former Maynards building as the RSMP program office; and

WHEREAS, following extensive discussions with the Program Manager and due diligence, the Executive Director recommended to the MWBE and Services Procurement Committee (the "Committee") that the Program Manager's Agreement should be amended to add the total amount of Not to Exceed \$295,745 for the One Year operational costs of the RSMP program office under the Agreement; and

WHEREAS, the Committee considered and discussed the Executive Director's recommendation at its August 2, 2012 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

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

**Second by Board Member Roulin  
Approved 5-0 with Member Brown away.**

**Resolution 2012-13: 17  
Amendment #1 to LeChase Construction Services, LLC**

**By Board Chair Giess**

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

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

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

WHEREAS, following the execution of the Agreement, the Construction Manager, along with the Program Manager, has 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 the Construction Manager's Agreement should be amended to add these additional scope items in the total amount of \$47,850 and that this amount shall be treated as a not-to-exceed allowance; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its August 2, 2012 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

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

**Second by Board Member Pifer**  
**Approved 5-0 with Member Brown away.**

**Resolution 2012-13: 18**  
**Amendment #8 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, JCJ Architecture, 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 JCJ Architecture's Agreement should be amended to add these additional scope items in the total amount of \$43,710 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 August 2, 2012 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 Underwood**

**Approved 5-0 with Member Brown away.**

**Resolution 2012-13: 19  
Amendment #1 to Millennium Strategies**

**By Board Chair Giess**

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

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

WHEREAS, the RJSCB selected Millennium Strategies ("Technology Consultant") to provide technology consulting and design services for the Phase 1 projects in March of 2011 as a part of the Rochester Schools Modernization Program (the "RSMP") (Resolution 2010-11: 40) and the parties thereafter entered into an Agreement between the Board and the Technology Consultant dated March 28, 2011 (the "Agreement"); and

WHEREAS, following the execution of the Agreement, the Technology Consultant, along with the Program Manager, has 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 the Technology Consultant's Agreement should be amended to add these additional scope items in the total amount of \$11,983.43; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its August 2, 2012 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Agreement Between the RJSCB and The Technology Consultant 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 Pifer  
Approved 5-0 with Member Brown away.**

**Resolution 2012-13: 20  
Moving Company 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, Vargas Associates (the "Move Management Consultant"), with the advice of the RJSCB's Executive Director and its general counsel, prepared a request for bids ("Request for Bids") package for furniture and equipment moves in preparation for the start of construction at four of the Phase 1 schools (School 17, School 50, School 58, and Charlotte High School); and

WHEREAS, the RJSCB, at its monthly meeting on May 21, 2012 (Resolution 2011-12: 102) approved the selection of Move, Design and Installation Inc. ("MDI") as the moving company for each of the projects further defined as "Group One, Group Two, and Group Three" for the first sets of school moves in preparation for the start of construction in the Summer of 2012; and

WHEREAS, the RJSCB entered into a Purchase Order agreement with MDI dated June 11, 2012, (the "Purchase Order"); and

WHEREAS, following the issuance of the Purchase Order, MDI, along with the Move Management Consultant and the Program Manager, identified the need for additional scopes of work, and cost proposals were then obtained for these additional scope items and provided to the Move Management Consultant and the Program Manager for review; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that a Purchase Order should be issued to MDI for these additional scope items in the total amount of \$11,357.45; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its August 2, 2012 meeting and after due deliberation, it approved the request to issue a Purchase Order;

THEREFORE, BE IT RESOLVED:

1. The proposed Purchase Order to the Move, Design, and Installation Inc. 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 Purchase Order that is consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB's general counsel.

**Second by Member Pifer  
Approved 5-0 with Member Brown away.**

**Resolution 2012-13: 21  
Gilbane Revised Exhibit B (Staffing Plan)**

**By Board Chair Giess**

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

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

WHEREAS, the RJSCB selected Gilbane Building Company ("Program Manager") to provide Program Management services to the Board in June of 2010 (Resolution 2009-10: 13); and

WHEREAS, Article 5.1 (a) of the Agreement between the RJSCB and the Program Manager (the "Agreement") states that revisions to Exhibit B, the Program Manager's staffing plan, are permitted in order to identify staff members not originally identified in the exhibit as of the date of the Agreement or as a result of permitted changes in personnel during the term of the Agreement; and

WHEREAS, also under Article 5.1 (a) of the Agreement, the Program Manager may establish new rates specific to the newly assigned individual, upon written approval by the RJSCB, provided that the Service Fee Limit set forth in the Agreement shall remain the same; and

WHEREAS, the Program Manager has recently updated its staffing plan on Exhibit B (a copy of which is attached) with the project accountant having been changed, and the addition of two paid Intern positions; and

WHEREAS, the Service Fee Limits of the Agreement shall not be effected by these staffing changes; and

WHEREAS, the RJSCB's Executive Director recommended to the RJSCB's MWBE and Services Procurement Committee ("Committee") that it approve the Program Manager's revised staffing plan as shown in Exhibit B and that the Agreement then will be amended to incorporate the revised Exhibit B; and

WHEREAS, the Committee considered and discussed the Executive Director's recommendation at its August 2, 2012 meeting and after due deliberation, it approved the revised staffing plan and request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The proposed changes to Exhibit B of the Agreement between the RJSCB and the Program Manager are approved; and
2. The Agreement between the RJSCB and the Program Manager dated July 1, 2010 is hereby amended to incorporate the revised Exhibit B.

**Second by Board Member Pifer  
Approved 5-0 with Member Brown away.**

**Resolution 2012-13: 22  
Contract Award – 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 worked with Kaizen Foodservice Planning and Design Inc., the RJSCB's Food Service Consultant, to prepare a request for Kitchen Equipment bids in conjunction with the first five projects in Phase 1a of the Rochester Schools Modernization Program ("RSMP") (School 17, School 50, School 58, Charlotte High School, and Franklin High School); and

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

WHEREAS, the RJSCB's Executive Director received bids for Kitchen Equipment on July 23, 2012 per the deadline stipulated in the Bid Documents, and those bids were subsequently publicly opened and read aloud at the location stated in the Bid Documents; and



WHEREAS, the Food Service Consultant and the Program Manager have reviewed the bids, performed their due diligence, and concluded that the apparent low bidder for this kitchen equipment is also a qualified and responsible supplier of these commodities; and

WHEREAS, at the MWBE and Services Procurement Committee meeting held on August 2, 2012, following the review and consideration of recommendations provided by the RJSCB's Food Service Consultant and the Program Manager and after due deliberation by the Committee, the firm of Main-Ford General Supply Co., Inc., was identified as being the low responsible supplier for this kitchen equipment; and

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the recommendation of the Food Service Consultant and the Program Manager to award the Kitchen Equipment bid to Main-Ford General Supply Co., Inc., for the first five schools in Phase 1 of the RSMP (School 17, School 50, School 58, Charlotte High School and Franklin High School) in the total amount of \$960,444.
2. The RJSCB's Chair is hereby authorized in the name and on behalf of the RJSCB, to issue a Purchase Order for the Kitchen Equipment that is consistent with this approval and in an acceptable form to the Chair upon the advice of the RJSCB's general counsel.

**Second by Member Pifer**  
**Approved 5-0 with Member Brown away.**

**Resolution 2012-13: 23**  
**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 Program Manager has recommended to the RJSCB that it engage the services of an Insurance and Bond Review Agent as a third party insurance and bond reviewer for Phase 1 of the Rochester Schools Modernization Program ("RSMP"); and

WHEREAS, the RJSCB issued a Request For Proposals ("RFP") for Insurance and Bond Review Consultant Services on July 3, 2012 (Resolution 2012 – 2013: 12) which included work for Phase 1 of the RSMP; and

WHEREAS, the Executive Director received four proposals in response to the RFP for Insurance and Bond Review Consultant Services on July 20, 2012; and

WHEREAS, based on the qualifications presented in the RFP responses, the Executive Director, the RJSCB Chair, and the Program Manager subsequently conducted interviews with three of the candidates on July 24, 2012; and

WHEREAS, following the interviews, the Executive Director and Program Manager identified Lawley Services 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 reviewed and discussed the recommendation from the Program Manager to award the contract for Insurance and Bond Review Consultant Services to Lawley Services Inc. for

the amount of Not to Exceed \$30,000 at its meeting on August 2, 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 Insurance and Bond Review Consultant Services for Phase 1 of the Rochester Schools Modernization Program is hereby awarded to Lawley Services, Inc. for the amount of Not to Exceed \$30,000; 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 Underwood  
Approved 5-0 with Member Brown away.**

**Resolution 2012-13: 24  
Request for Proposals, Construction Management Services (Phase 1b)**

***By Board Chair Giess***

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

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

WHEREAS, the RJSCB, upon the recommendation of its Program Manager, has determined a need for a construction management firm to provide a single point of contact for all construction management tasks on each of the upcoming projects defined as the Phase 1b Projects (School 5, School 12, Edison Educational Campus, East High School, Monroe High School, and Jefferson High School) to be commenced in Phase 1 of the Rochester Schools Modernization Program ("RSMP"); and

WHEREAS, the RJSCB, after having reviewed the responses to the Request for Qualifications for Construction Management Services issued in April 2011 (Resolution 2010-11: 41) and identifying those firms who were qualified, the RJSCB issued a Request for Proposals (Part 1 of 2) for Construction Management Services in June 2011 (Resolution 2010-11: 45); and

WHEREAS, pursuant to Resolution 2010-11:45, the RJSCB's MWBE and Services Procurement Committee, with the advice and recommendation of the Program Manager, reviewed the Part 1 Request for Proposals responses and further reduced the short-list of firms of the most qualified candidates to receive future Request for Proposals ("RFP") (Resolution 2011-12: 1); and

WHEREAS, the RJSCB's Program Manager has prepared the RFP for Construction Management Services that requires the responding firms to set forth their Fee Proposals for one or more of the projects identified as the Phase 1b projects; and

WHEREAS, the MWBE and Services Procurement Committee has reviewed the RFP for Construction Management Services for the Phase 1b Projects and approved it at its meeting on August 2, 2012, for forwarding to the full Board; and

THEREFORE, BE IT RESOLVED:

1. The RFP for Construction Management Services associated with the Phase 1b projects, (School 5, School 12, Edison Educational Campus, East High School, Monroe High School, and Jefferson High School) is approved for issuance on August 14, 2012, to the following short-list of firms as previously identified by the MWBE and Services Procurement Committee:



1. Campus Construction Management Group Inc.
2. LeChase /Cummings JV
3. LP Ciminelli, Inc.
4. The Pike Co.
5. Turner Construction Co.
6. Welliver McGuire Inc.

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, further reduce the short-list of firms if appropriate, participate along with other RJSCB board members in the interviews of the Construction Management firms, and recommend to the RJSCB the most qualified candidates.

**Second by Member Pifer  
Approved 5-0 with Member Brown away.**

**Resolution 2012-13: 25  
Approval of Amendment to By-Laws**

**By Board Chair Giess**

WHEREAS, the Rochester School Facilities Modernization Program Act ("the Act") established the Rochester Joint Schools Construction Board (the "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, in furtherance of the Act, the RJSCB adopted by-laws (the "By-Laws") to establish rules for its conduct of business; and

WHEREAS, the By-Laws state that the initial board members (the "Members") shall be referred to as "Charter Members," and any replacement members shall be referred to as "New Members;" and

WHEREAS, in order to stagger the terms of the Members, Article II, Section 1(f) of the By-Laws states that starting in 2009, Charter Members will serve for either two or three year terms, as assigned by lot; and

WHEREAS, due to staff transition and administrative oversight, lots were not drawn and the term limits described above were not implemented; and

WHEREAS, to impose term limits for Charter Members effective immediately, the RJSCB desires to modify the By-Laws; and

WHEREAS, the RJSCB may amend its By-Laws by a two-thirds vote of its Members, provided that written notice of the proposed action has been given by regular or electronic mail to each Member and the Chair at least five (5) days prior to the date of the meeting; and

WHEREAS, each Member and the Chair received notice on August 1, 2012.

THEREFORE, BE IT RESOLVED:

1. Effective immediately, Article II, Section 1(f) of the By-Laws is amended in its entirety and will read as follows:

*Terms: Charter Members holding office as of August 6, 2012 shall serve a three-year term effective immediately, unless and until such Charter Member resigns or is removed in accordance with these By-Laws. New Members holding office as of August 6, 2012 or thereafter appointed by the Mayor or the*

*Superintendent, shall serve a three-year term commencing on the date of his or her appointment, unless and until such New Member resigns or is removed in accordance with these By-Laws. Both Charter Members and New Members may serve one additional three-year term upon reappointment by the Mayor or the Superintendent, as applicable.*

2. The Members and staff of the RJSCB are hereby authorized to take any additional actions necessary to implement the foregoing resolutions.

***Second by Member of the Board Roulin  
Approved 5-0 with Member Brown away.***

**Resolution 2012-13: 26  
School 17 – Swing Space Bid**

**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 District is providing “Swing Space” to the RSMP for the temporary relocations of school operations for those schools which are to be renovated as a part of the RSMP; and

WHEREAS, for the School 17 Project, the District has identified a location at Jefferson High School to temporarily house the School 17 operations for the 2012-2013 school year while construction is taking place at School 17; and

WHEREAS, the Jefferson High School facility is currently equipped to house high school students, but not the School 17 elementary grade levels K-6 who will partially occupy the building during the School 17 construction; and

WHEREAS, the New York State Building Code requires that when spaces are converted for new occupancy that they comply with the current Building Code requirements; and

WHEREAS, the State Education Department (“SED”) has determined that due to the value of the work associated with the preparation of the Swing Space at Jefferson High School, this work should be publicly bid separately; 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, have prepared a request for bids (“Request for Bids”) package for the School 17 Swing Space Project to take place at Jefferson High School; and

WHEREAS, the RJSCB’s Program Manager has recommended that the Swing Space improvements to be done at Jefferson High School will be most feasibly and economically completed under a single prime contract and that the RJSCB approve the issuance of a single prime Request for Bid for the project; and

WHEREAS, the M/WBE Services and Procurement Committee (the “Committee”) considered and discussed the Program Manager’s recommendation at its August 2, 2012 meeting, and after due deliberation, approved the recommendations and forwarded them to the full Board for consideration: and

THEREFORE, BE IT RESOLVED:

1. 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 Swing Space for School 17 and is henceforth referred to herein as the "School 17 Swing Space Project."
2. Prior to issuance of the bid documents for the School 17 Swing Space 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.
3. 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 School 17 Swing Space Project and upon due investigation, recommend to the RJSCB the lowest responsible bidder.

**Second by Member Pifer  
Approved 5-0 with Member Brown away.**

**Resolution 2012-13: 27  
Pay Requisition Summary Acceptance (July 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 \$1,259,869.03 to the Board Chair with copy to the full Board on August 6, 2012; and

WHEREAS, the RJSCB Chair approved the Pay Requisition Summary on August 6, 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 July 2012 in the amount stated above and as shown in the Summary attached to this Resolution.

**Second by Board Member Pifer  
Approved 5-0 with Member Brown away.**

### **Staff Updates**

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

Windell stated that he will have the June Compliance Report, including the first construction EEO numbers, in the coming days.

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 August 2, 2012 is included in the Board Member's packets.

A discussion was held regarding the District's recent request to add air conditioning to the Phase 1 projects. The Superintendent intends to extend the school day and the school year, and he believes that air conditioning in the buildings is necessary to achieve success and also to draw students/teachers into the District. Air conditioning had been discussed early on in project planning under the previous Superintendent, but was not pursued due to initial cost estimates and future ongoing maintenance and utility cost projections. Tom Roger described the potential cost and schedule impacts based on early estimates from the project teams. Tom Roger is awaiting direction from the RCSD on how to proceed.

The Franklin Auditorium work was also discussed. The City is requesting full renovation and air conditioning of the Franklin Auditorium. This work was originally discussed as a possible target for Phase 1 work, but was later tabled in favor of other work items that the District preferred to have included with the limited funds available. The District has indicated that they would like to add this work back into the project.

The Jefferson project funding was discussed as the source for the additional monies that will be necessary to add air conditioning to the Phase 1 projects and the Auditorium work at Franklin. The District will need to provide direction. The BOE will need to approve these changes along with SED. Tom Roger stated that it is likely that SED will require the additional work to be bid, which could lead to major coordination issues for those projects which already have contractors in place. The School 58 bid will likely be delayed in order to get all of the additional AC work into this bid. The schedule for School 17, 50 and Charlotte will have the biggest impact. Those 13 month projects may become 16 or 18 month projects requiring a mid-year move. The District has indicated that any major impacts such as this would discourage them from giving direction to proceed in those cases. Also, due to the MCAs for many of the projects, the costs would directly impact local share which is currently about \$32M.

### **Adjournment**

**Approved 5-0 at 5:55 pm**