

**Rochester Joint Schools Construction Board
Minutes
August 5, 2013
4:30 PM**

Present

Chair Lois Giess, Vice Chair Bob Brown, Treasurer Brian Roulin, Alex Castro, Ann McCormick, Richard Pifer, Everton Sewell (arrived at 4:37pm) and ICO Windell Gray. Also present were: Executive Director Tom Renauto, General Counsel Peter Abdella, and Tom Roger from Gilbane.

Chair Giess convened the meeting at 4:35pm

Approval of Minutes:

Organizational Meeting held on July 8, 2013

Motion by Member Brown

Second by Member Pifer

Approved 6-0 with Member Sewell not yet present

Monthly Meeting held on July 8, 2013

Motion by Member Brown

Second by Member Roulin

Approved 6-0 with Member Sewell not yet present

Special Meeting held on July 16, 2013

Motion by Member Castro

Second by Member Brown

Approved 6-0 with Member Sewell not yet present

Action Items

Resolution 2013-14: 27

Independent Compliance Officer, Contract Extension

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 requires the Board is to engage an Independent Compliance Officer ("ICO") to report directly to the Board; and

WHEREAS, the RJSCB issued an RFP for an Independent Compliance Officer in April of 2010 (Resolution 2009-10: 11); and

WHEREAS, in June of 2010, the RJSCB selected Landon & Rian Enterprises, Inc. as the finalist for Independent Compliance Officer (Resolution 2009-10: 14) and subsequently entered into an agreement with Landon & Rian Enterprises, Inc. entitled "Independent Compliance Officer Agreement" (the "Agreement") in August of 2010 (Resolution 2010-11: 7); and

WHEREAS, the Agreement includes a Scope of Work divided into two Stages; Stage 1 for work during the Master Plan Development and Stage 2 for Pre-Construction activities; and

WHEREAS, the Agreement has a term of two years; and

WHEREAS, the RJSCB extended the term of the Agreement by one year and added certain additional services in June of 2012 (Resolution 2011-12: 111) and;

WHEREAS, the RJSCB now wishes to extend the term of the Agreement and add certain additional services, including but not limited to: EEO project monitoring for the Phase 1b construction projects of the RSMP scheduled to begin construction in the summer of 2013 (School 5, School 28, East High School, and Edison Educational Campus), and additional support for project close-out for the Phase 1a projects which are scheduled to be completed in the summer of 2013 (School 17, School 50, Charlotte High School, and Franklin Educational Campus); and

WHEREAS, based on negotiations between the Executive Director and the Independent Compliance Officer, the Independent Compliance Officer has agreed to maintain the current hourly rates for the remainder of the 2013 calendar year (the "Cost Savings"); and

WHEREAS, based on the negotiated Cost Savings, the RJSCB believes that no further cost savings could be achieved by conducting a competitive hiring process; and

WHEREAS, the RJSCB believes that the Independent Compliance Officer has gained in-depth knowledge of the day-to-day operations of the project and is best suited to address any future needs of the RJSCB; and

WHEREAS, an extension of the ICO services at this time will allow the project to remain on schedule; and

WHEREAS, at its August 1, 2013 meeting, the MWBE and Services Procurement Committee considered and discussed a proposal from the Independent Compliance Officer, a copy of which is attached hereto (the "Proposal"), along with a recommendation from the Executive Director, and after due deliberation, it approved forwarding the proposal to the full Board for review and consideration at its monthly meeting on August 5, 2013;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves an extension to the Agreement between the Board and Landon & Rian Enterprises through December 31, 2013 to provide compliance monitoring for the Phase 1b Schools (School 5, School 28, East High School, and Edison Educational Campus) and all other project related compliance services for the Phase 1a projects and the Phase 1b projects; and
2. The RJSCB's Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute an Amendment that is consistent with this approval and in an acceptable form to the Chair upon the advice of the RJSCB's General Counsel.

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

Resolution 2013-14: 28
Supplemental FF&E Purchase Order – 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 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 2012-13: 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 2012-13: 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 2012-13: 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 2012-13: 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, 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 at this time are: Book Box tables for the kindergarten and first grade classrooms at School 50 (under the original bid Category #10 – Student Furniture); and

WHEREAS, at its August 1, 2013 meeting, the MWBE and Services Procurement Committee considered the recommendation of the Move Manager and the Program Manager to make the additional FF&E purchase and approved the additional FF&E purchase order to the firm as set forth in the table below:

SUMMARY of SUPPLEMENTAL FURNITURE PURCHASE

Firm	Total Award
Hertz Furniture	\$4,071.60

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 firm, in the amount specified to provide the necessary Furniture, Fixtures, and Equipment (delivered and installed at point of use) for the School 50 Project in Phase 1a; and
2. The RJSCB Chair is hereby 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 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 Pifer
Approved 7-0**

**Resolution 2013-14: 29
Supplemental FF&E Purchase 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 2012-13: 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 2012-13: 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 2012-13: 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 2012-13: 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, 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 at this time are: Chairs (under the original bid Category #10 – Student Furniture) for the additional computer tables at School 17 previously approved by Resolution 2013-14: 12: and

WHEREAS, at its August 1, 2013 meeting, the MWBE and Services Procurement Committee considered the recommendation of the Move Manager and the Program Manager to make the additional FF&E purchase and approved the additional FF&E purchase order to the firm as set forth in the table below:

SUMMARY of SUPPLEMENTAL FURNITURE PURCHASE

Firm	Total Award
Hertz Furniture	\$2,306.76

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 firm, in the amount specified to provide the necessary Furniture, Fixtures, and Equipment (delivered and installed at point of use) for the School 17 Project in Phase 1a; and

2. The RJSCB Chair is hereby 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 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 7-0**

**Resolution 2013-14: 30
FF&E Additional Services – Facilities Equipment & Service, Inc.**

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 2012-13: 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 2012-13: 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 2012-13: 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 2012-13: 166); and

WHEREAS, due to a conflict between the construction schedule at School 17 and the delivery of new FF&E, the delivery of the cafeteria tables must be postponed by 3 weeks, resulting in storage costs for the cafeteria tables of \$420.00; and

WHEREAS, at its August 1, 2013 meeting, the MWBE and Services Procurement Committee considered the recommendation of the Move Manager and the Program Manager to delay the cafeteria table delivery until August 19, 2013 for a cost of \$420.00;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the recommendation of the Move Manager that a supplemental Purchase Order shall be issued to Facilities Equipment & Service, Inc. in the amount specified, to delay the delivery and to temporarily store the new School 17 cafeteria tables until August 19, 2013; and
2. The RJSCB Chair is hereby 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 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 7-0**

**Resolution 2013-14: 31
Corrigan Moving Systems – 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 Corrigan Moving Systems ("Corrigan") as the moving company for the Group 2 and Group 3 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 Corrigan (Resolution 2012-13: 165) dated April 24, 2013 (the "Agreement"); and

WHEREAS, following the execution of the Agreement, the schedule and sequence of certain moves was changed to align with the updated construction schedules for the Phase 1a and Phase 1b projects; and

WHEREAS, Corrigan submitted a proposal to the Move Manager for the additional work based on the hourly rates included with the original bid; and

WHEREAS, the Program Manager and Move Manager reviewed the additional costs associated with the changes in the schedule and determined that they are fair and reasonable for the work being performed; and

WHEREAS, at its August 1, 2013 meeting, the MWBE and Services Procurement Committee considered and approved the Program Manager's and Move Manager's recommendation to accept the proposal from Corrigan to perform the additional work in the amount of \$25,175.00; and

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the recommendation of the Program Manager and Move Management Consultant to accept the proposal of Corrigan Moving Systems for additional moving services as set forth above; 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 \$25,175 to the firm Corrigan Moving Systems 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 Pifer
Approved 7-0**

**Resolution 2013-14: 32
Amendment #5 to The Pike Company (CM - Schools 17 and 50)**

By Board Chair Giess

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

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

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

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

WHEREAS, the RJSCB's Program Manager recommended to the MWBE and Services Procurement Committee (the "Committee") that the Construction Manager's Agreement should be amended to add the not-to-exceed amount of \$209,417.00 for the additional scopes of work in support of the School 17 and School 50 projects; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its August 1, 2013 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Agreement Between the RJSCB and The Construction Manager dated August 3, 2011 as set forth above is hereby approved; and

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

Second by Member Brown
Approved 7-0

Resolution 2013-14: 33
Amendment #7 to Chaintreuil Jensen Stark Architects, LLP Agreement – Monroe High School

By Board Chair Giess

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

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

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

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

WHEREAS, following the execution of the Agreement, the Program Manager identified the need for additional scopes of design work 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 \$16,332.76 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 1, 2013 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

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

Second by Board Member Pifer
Approved 7-0

Resolution 2013-14: 34
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 2012-13: 9, Resolution 2012-13: 49, Resolution 2012-13:118, Resolution 2012-13: 145, Resolution 2012-13: 172, Resolution 2012-13: 192, Resolution 2013-14: 8); and

WHEREAS, the Program Manager has identified the need for additional moves in the summer of 2013 due to the construction schedules of the Phase 1a and Phase 1b projects, and the Move Manager has provided the Program Manager with a proposal for the additional coordination, planning, and management in the amount of \$7,435.00; and

WHEREAS, based on the advice and recommendation of the Program Manager, the MWBE and Services Procurement Committee considered and discussed the proposal from the Move Manager at its August 1, 2013 meeting 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 \$7,435.00; 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 7-0

Resolution 2013-14: 35
Phase 1 - Program Manager Evaluation 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, in preparation for Legislative approval of Phase 2 of the RSMP, the RJSCB's Executive Director and its general counsel prepared a Request for Proposals (an "RFP") regarding the performance evaluation of the program manager related to Phase 1 of the RSMP entitled the "Phase 1 Program Management Performance Review"; and

WHEREAS, the RJSCB approved the RFP at its monthly meeting on June 10, 2013 and authorized the Executive Director to obtain proposals from qualified firms using a request for proposals process (Resolution 2012-13: 200); and

WHEREAS, the Executive Director received 3 proposal responses on July 12, 2013 as stipulated in the RFP, and thereafter these proposals were delivered to each of the RJSCB Members, the RJSCB's general counsel, and to District representatives; and

WHEREAS, on July 16, 2013, a special RJSCB meeting was held where the RJSCB and the District reviewed and discussed each of the 3 proposals; and

WHEREAS, following a unanimous decision by the RJSCB to select Bergmann Associates P.C., and with support from the District representatives, the Board Chair directed the Executive Director to prepare a resolution for approval at the regular monthly meeting scheduled for August 5, 2013; and

WHEREAS, at the MWBE and Services Procurement Committee ("Committee") meeting on August 1, 2013, the Committee re-affirmed and approved the firm Bergmann Associates P.C. of Rochester, New York, as the most qualified and responsive firm to perform the services requested, for an amount not to exceed \$25,000;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby awards the Phase 1 Program Manager Evaluation Services contract to the firm Bergmann Associates, in the amount not to exceed \$25,000; and
2. The Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute and deliver an Agreement (the "Agreement") with the firm named above for the Phase 1 Program Manager Evaluation Services on the advice of the RJSCB's general counsel.

Second by Member Pifer
Approved 7-0

Resolution 2013-14: 36
Contract Award – Kitchen Equipment Phase 1b Projects

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 Phase 1b projects of the Rochester Schools Modernization Program (“RSMP”) (School 5, School 28, and Edison Educational Campus); and

WHEREAS, the RJSCB issued a Request for Bids for Kitchen Equipment on July 9, 2013 (Resolution 2013-14: 11) associated with the Phase 1b projects of the RSMP; and

WHEREAS, the RJSCB’s Executive Director received bids for Kitchen Equipment on July 26, 2013 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 (“Committee”) meeting held on August 1, 2013, 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;

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 schools in Phase 1b of the RSMP (School 5, School 28, and Edison Educational Campus) in the total amount of \$618,342.00; and
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 Brown
Approved 7-0

Resolution 2013-14: 37
Small Appliance Order for Phase 1a 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 Act authorized up to 13 projects in Phase I of the Rochester Schools Modernization Program ("RSMP"); and

WHEREAS, the Program Manager directed Vargas Associates, the RJSCB's Move Manager, to coordinate the purchase of small appliances for the Phase 1a projects (School 17, School 50, and Charlotte High School); and

WHEREAS, Vargas Associates worked with the Architects and the Construction Managers for each school and subsequently prepared a list of specifications and requirements for those small appliances that had not been purchased through the GC scope of work for each project; and

WHEREAS, Vargas Associates then contacted the New York State Office of General Services ("OGS") to verify if a State contract for small appliances was available, and the OGS responded that no State contract for small appliances is currently in place; and

WHEREAS, Vargas Associates then solicited bids from three local appliance suppliers, Charlotte Appliance, Netzman's Appliance, and North Coast Hometown Stores (dba Sears Hometown Store); and

WHEREAS, at its August 1, 2013 meeting, the MWBE and Services Procurement Committee ("Committee") considered and approved the recommendation by Vargas Associates to purchase the small appliances from North Coast Hometown Stores given that its pricing was lower, except the under counter freezer and under counter refrigerator for School 50 would be purchased from Charlotte Appliance;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the recommendation of the Move Manager that a Purchase Order shall be issued to North Coast Hometown Stores in the amount of \$5,465.22 to provide the necessary small appliances associated with the Phase 1a projects (School 17, School 50, and Charlotte High School); and
2. The RJSCB hereby approves the recommendation of Vargas Associates that a Purchase Order shall be issued to Charlotte Appliance in the amount of \$428.00 to provide the under counter freezer and under counter refrigerator associated with the School 50 Phase 1a project; and
3. The RJSCB Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute and deliver a Purchase Order to the firms named above on the advice of the Program Manager and the RJSCB's general counsel.

Second by Member Brown
Approved 7-0

Resolution 2013-14: 38
Purchase of Property (University Avenue)

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 renovation project at School #58 on University Avenue, which is one of the 12 school projects identified in Phase 1; and

WHEREAS, in March of 2012 the RJSCB approved a maximum offer of \$180,000 to purchase the property at 236 University Avenue, adjacent to School 58, (Resolution 2011-12: 85) with the intent to demolish the existing structure on the property and develop the land into green space for School 58; and

WHEREAS, the City was unable to obtain the property from the owner for the amount authorized by the RJSCB; and

WHEREAS, the City has recently informed the RJSCB that the property may be available again for purchase; and

WHEREAS, the City has obtained a new appraisal which values the property at \$200,000; and

WHEREAS, the RJSCB remains interested in obtaining the property for future use as green space for the School 58 site, and therefore now wishes to increase the previously approved maximum offer from \$180,000 to \$200,000;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby authorizes the City of Rochester to negotiate for the purchase of the property located on 236 University Avenue adjacent to School #58 for an amount not to exceed the sum of Two Hundred Thousand Dollars (\$200,000) and that this amount is based upon the appraisal obtained for this property; and
2. It is contemplated that this purchase will be for RSMP project purposes; and
3. This purchase will be subject to appropriate environmental testing and analysis which will be coordinated by the RJSCB’s Program Manager and reviewed by the City of Rochester and the RJSCB’s general counsel.

Second by Member Pifer
Approved 7-0

Resolution 2013-14: 39

Change Order #8, #9, and #10 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 #8 includes the following item:

1. Delete projector, mount, and screen for a credit of -\$3,952

The Total amount of Change Order #8 is a credit of -\$3,952; and

WHEREAS, Change Order #9 includes the following item:

1. Add exhaust fan in the amount of \$1,860

The Total amount of Change Order #9 is \$1,860; and

WHEREAS, Change Order #10 includes the following item:

1. Add vestibule exit sign in the amount of \$1,502

The Total amount of Change Order #10 is \$1,502; 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 delete and add these scope items for a credit in the amount of -\$590.00; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its August 1, 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 July 2, 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 Member Brown
Approved 7-0

Resolution 2013-14: 40
Change Order #9 to M.A. Ferraiulo Plumbing and Heating – Plumbing Contractor (School 17)

By Board Chair Giess

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

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

WHEREAS, the RJSCB approved the award of the plumbing contractor contract to M.A. Ferraiulo Plumbing and Heating (“M.A. Ferraiulo”) for the School 17 project in Phase I (Resolution 2012-13: 14); and

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

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

WHEREAS, Change Order #9 includes the following item:

1. Re-route water lines for a credit of -\$9,610

The Total amount of Change Order #9 is a credit of -\$9,610; and

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

WHEREAS, the Program Manager thereafter recommended to the RJSCB’s MWBE and Services Procurement Committee (the “Committee”) that M.A. Ferraiulo’s Contract should be amended to include these additional scope items for a credit in the total amount of -\$9,610; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its August 1, 2013 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

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

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

**Resolution 2013-14: 41
Change Order #9 to M.A. Ferraiulo Plumbing and Heating – Mechanical Contractor (School 17)**

By Board Chair Giess

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

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

WHEREAS, the RJSCB approved the award of the mechanical contractor contract to M.A. Ferraiulo Plumbing and Heating (“M.A. Ferraiulo”) for the School 17 project in Phase I (Resolution 2012-13: 14); and

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

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

WHEREAS, Change Order #9 includes the following items:

1. Add exhaust fan in the amount of \$754
 2. Add relief hood in the amount of \$875
 3. Area B hot water risers in the amount of \$1,558
- The Total amount of Change Order #9 is \$3,187; and

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

WHEREAS, the Program Manager thereafter recommended to the RJSCB’s MWBE and Services Procurement Committee (the “Committee”) that M.A. Ferraiulo’s Contract should be amended to add these additional scope items in the total amount of \$3,187; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its August 1, 2013 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to M.A. Ferraiulo Plumbing and Heating’s Contract between the Board and Contractor dated July 2, 2012 as set forth above is hereby approved; and

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

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

**Resolution 2012-13: 42
Change Orders #12, #13, #14, #15, #16, #17, #18, #19, and #20 to Manning Squires Hennig Co., Inc.
– General Contractor (School 17)**

By Board Chair Giess

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

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

WHEREAS, the RJSCB approved the award of the general contractor contract to Manning Squires Hennig Co., Inc. ("Manning Squires") for the School 17 project in Phase I (Resolution 2012-13: 14); and

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

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

WHEREAS, Change Order #12 includes the following items:
1. Stairwell hollow metal door frames in the amount of \$2,295
The Total amount for Change Order #12 is \$2,295; and

WHEREAS, Change Order #13 includes the following items:
1. Custodial rooms architectural changes in the amount of \$723
The Total amount for Change Order #13 is \$723; and

WHEREAS, Change Order #14 includes the following items:
1. Corridor wall puck abatement in the amount of \$4,305
2. VCT removals in the amount of \$743
3. Panels in Area A in the amount of \$2,592
4. Plumbing chase in the amount of \$708
The Total amount for Change Order #14 is \$8,348; and

WHEREAS, Change Order #15 includes the following items:
1. Floor prep in corridors in the amount of \$24,000
The Total amount for Change Order #15 is \$24,000; and

WHEREAS, Change Order #16 includes the following items:

1. Enlarge column enclosure in the amount of \$5,886

The Total amount for Change Order #16 is \$5,886; and

WHEREAS, Change Order #17 includes the following items:

1. Safety & Security film in the amount of \$13,843.75

The Total amount for Change Order #17 is \$13,843.75; and

WHEREAS, Change Order #18 includes the following items:

1. Floor finishes in the amount of \$4,326

The Total amount for Change Order #18 is \$4,326; and

WHEREAS, Change Order #19 includes the following items:

1. Additional furring in the amount of \$2,692

The Total amount for Change Order #19 is \$2,692; and

WHEREAS, Change Order #20 includes the following items:

1. Existing masonry remedial work in the amount of \$17,139

The Total amount for Change Order #20 is \$17,139; and

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

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that Manning Squires' Contract should be amended to add these scope items in the amount of \$79,252.75; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its August 1, 2013 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

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

Second by Board Member Brown

Approved 7-0

Resolution 2013-14: 43

Change Order #3, #4, and #5 to Thurston Dudek, LLC – Plumbing Contractor (School 50)

By Board Chair Giess

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

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

WHEREAS, the RJSCB approved the award of the plumbing contractor contract to Thurston Dudek, LLC ("Thurston Dudek") for the School 50 project in Phase I (Resolution 2011-12: 101); and

WHEREAS, the RJSCB entered into a contract with Thurston Dudek (Resolution 2011-12: 101) dated June 4, 2012 (the "Contract"), to perform the scope of services defined in the contract documents as the plumbing contractor's scope of work; and

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

WHEREAS, Change Order #3 includes the following items:

1. Work at Area C toilet rooms for the amount of \$15,821
- The Total amount of Change Order #3 is \$15,821; and

WHEREAS, Change Order #4 includes the following items:

1. Repair and replace flushometers for the amount of \$4,736
- The Total amount of Change Order #4 is \$4,736; and

WHEREAS, Change Order #5 includes the following items:

1. New sink piping for the amount of 928
 2. Delete piping for a credit of -\$3,199
 3. Add eyewash station for the amount of \$4,966
- The Total amount of Change Order #5 is \$2,965; and

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

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that Thurston Dudek's Contract should be amended to add these additional scope items in the total amount of \$23,252.00; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its August 1, 2013 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

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

Second by Board Member Brown
Approved 7-0

Resolution 2013-14: 44

Change Order #14, #15, #16, and #17 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 #14 includes the following item:

1. Power to gym windows for the amount of \$23,769
- The Total amount of Change Order #14 is \$23,769; and

WHEREAS, Change Order #15 includes the following item:

1. Additional lighting for the amount of \$18,572
- The Total amount of Change Order #15 is \$18,572; and

WHEREAS, Change Order #16 includes the following item:

1. Proximity sensors for the amount of \$3,208
- The Total amount of Change Order #16 is \$3,208; and

WHEREAS, Change Order #17 includes the following item:

1. Relocate conduit at library for the amount of \$1,075
- The Total amount of Change Order #17 is \$1,075; 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 \$46,624; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its August 1, 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 Pifer
Approved 7-0**

**Resolution 2013-14: 45
Change Order #19 through #27 to Manning Squires Hennig Co., Inc. – General Contractor (School 50)**

By Board Chair Giess

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

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

WHEREAS, the RJSCB approved the award of the general contractor contract to Manning Squires Hennig Co., Inc. ("Manning Squires") for the School 50 project in Phase I (Resolution 2011-12: 101); and

WHEREAS, the RJSCB entered into a contract with Manning Squires (Resolution 2011-12: 101) dated June 4, 2012 (the "Contract"), to perform the scope of services defined in the contract documents as the general contractor's scope of work; and

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

WHEREAS, Change Order #19 includes the following items:

1. Transformer vault relocation for the amount of \$6,754
- The total amount of Change Order #19 is \$6,754; and

WHEREAS, Change Order #20 includes the following items:

1. Cafeteria lockers for the amount of \$8,692
 2. Ceiling trim for the amount of \$951
 3. Architectural changes for the amount of \$2,123
 4. Piping enclosure soffit for the amount of \$4,941
 5. Eliminate clerestory for a credit of -\$14,419
 6. Work at Area C toilet rooms for the amount of \$9,237
- The total amount of Change Order #20 is \$11,525; and

WHEREAS, Change Order #21 includes the following items:

1. Cafeteria wool floor abatement for the amount of \$19,547
- The total amount of Change Order #21 is \$19,547; and

WHEREAS, Change Order #22 includes the following items:

1. Additional spray fireproofing for the amount of \$8,044
- The total amount of Change Order #22 is \$8,044; and

WHEREAS, Change Order #23 includes the following items:

1. Additional piers for the amount of \$27,904
- The total amount of Change Order #23 is \$27,904; and

WHEREAS, Change Order #24 includes the following items:

1. Changes at stage for the amount of \$25,031
- The total amount of Change Order #24 is \$25,031; and

WHEREAS, Change Order #25 includes the following items:

1. Architectural changes for the amount of \$37,486
- The total amount of Change Order #25 is \$37,486; and

WHEREAS, Change Order #26 includes the following items:

1. Generator for elevator work for the amount of \$7,779
 2. Piers at west gym wall for the amount of \$4,230
 3. Revised VCT at classrooms for a credit in the amount of -\$526
- The total amount of Change Order #26 is \$11,483; and

WHEREAS, Change Order #27 includes the following items:

1. Lintels at duct openings for the amount of \$5,880
 2. Strikes for doors for the amount of \$2,402
 3. Work at canopy for the amount of \$2,631
 4. Ceiling conflict at Area A for the amount of \$1,155
 5. Coiling security door for the amount of \$1,522
- The total amount of Change Order #27 is \$13,590; and

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

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that Manning Squires' Contract should be amended to add these additional scope items in the total amount of \$161,364; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its August 1, 2013 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

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

Second by Board Member Brown
Approved 7-0

**Resolution 2013-14: 46
Change Order #8, #9, and #10 to Manning Squires Hennig – School 58**

By Board Chair Giess

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

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

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

WHEREAS, the RJSCB approved the award of the general contractor contract to Manning Squires Hennig Co., Inc. (“Manning Squires”) for the School 58 project in Phase I (Resolution 2012-13: 35); and

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

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

WHEREAS, Change Order #8 includes the following items:

1. Metal pan ceiling removals for the amount of \$49,050
- The Total amount of Change Order #8 is \$49,050; and

WHEREAS, Change Order #9 includes the following items:

1. Utilities at CM trailer for the amount of \$11,688
- The Total amount of Change Order #9 is \$11,688; and

WHEREAS, Change Order #10 includes the following items:

1. Add door operator for the amount of \$5,655
- The Total amount of Change Order #10 is \$5,655; and

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

WHEREAS, the Program Manager thereafter recommended to the RJSCB’s MWBE and Services Procurement Committee (the “Committee”) that Manning Squire’s Contract should be amended to add these additional scope items in the total amount of \$66,393; and

WHEREAS, the MWBE and Services Procurement Committee considered and discussed the Program Manager’s recommendation at its August 1, 2013 meeting and after due deliberation, it approved the Change Order request for these additional services;

THEREFORE, BE IT RESOLVED:

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

Second by Board Member Brown
Approved 7-0

Resolution 2013-14: 47
Change Order #15 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 #15 includes the following items:

1. Front areaway angle for the amount of \$1,315
2. Additional sink at room 25G for the amount of \$1,801
3. Fume hood at room 115 for the amount of \$1,237
4. Fifth floor access door for the amount of \$604
5. Yoga room soffit for the amount of \$1,899
6. Ceiling revisions at corridors for the amount of \$6,500
7. Tube steel at locker rooms for the amount of \$857
8. Vision panels at locker rooms for the amount of \$2,574
9. Door frame revisions for the amount of \$966
10. Security film at front doors for the amount of \$1,142
11. Paint elevator door frames for the amount of \$5,259

The Total amount for Change Order #15 is \$24,154; 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 \$24,154; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its August 1, 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 Pifer
Approved 7-0**

**Resolution 2013-14: 48
Change Order #8 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 #8 includes the following items:

1. Glycol replacement for the amount of \$6,003
 2. Cove removal for unit heaters for the amount of \$2,835
- The Total amount for Change Order #8 is \$8,838; 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 \$8,838; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its August 1, 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 Roulin
Approved 7-0**

**Resolution 2013-14: 49
Change Order #6 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 #6 includes the following items:

1. Power to boiler feed equipment for the amount of \$2,353
2. Feeder to snowmelt system for the amount of \$5,449
3. Power to security for the amount of \$269

The Total amount of Change Order #6 is \$8,071; 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 \$8,071; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its August 1, 2013 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to Concord Electric Corporation'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 Pifer
Approved 7-0

Resolution 2013-14: 50
Change Order #1 to Manning Squires Hennig – (GC - School 28)

By Board Chair Giess

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

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

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

WHEREAS, the RJSCB approved the award of the general contractor contract to Manning Squires Hennig Co., Inc. ("Manning Squires") for the School 28 project in Phase I (Resolution 2012-13: 106); and

WHEREAS, the RJSCB subsequently entered into a contract with Manning Squires (Resolution 2012-13: 106) dated February 4, 2013 (the "Contract"), to perform the scope of services defined in the contract documents as the general contractor's scope of work; and

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

WHEREAS, Change Order #1 includes the following items:

1. Work to accommodate school 28 program needs at temporary swing space for the amount of \$12,971
The Total amount of Change Order #1 is \$12,971; and

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

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that Manning Squire's Contract should be amended to add these additional scope items in the total amount of \$12,971; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its August 1, 2013 meeting and after due deliberation, it approved the Change Order request for these additional services;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to Manning Squires Hennig as set forth above is hereby approved; and
2. The RJSCB's Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute 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 7-0

Resolution 2013-14: 51
Pay Requisition Summary Acceptance (July 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, 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 \$11,776,599.77 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 July 29, 2013; and

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

THEREFORE, BE IT RESOLVED:

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

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

Staff Updates / Discussion

The Monthly Report is included in the Member's packets. The move-in schedule was discussed for main office staff and for teachers.

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

The Budget report is included in the Member's packets.

Tom Renauto stated that the RJSCB press release is in process. Bob Brown stated that the report should include money generated in the local economy/community. Tom Roger and Windell Gray stated that the numbers could be reported in terms of contract dollars to contractors in the Greater Rochester area. Lois Giess stated that photos should be included in the report. Tom Renauto will issue a draft report to the Board for review and comment.

Lois Giess announced that Alex Castro will be leaving the RJSCB and thanked him for his service.

**Adjournment
Approved 7-0 at 5:55pm**