

**Rochester Joint Schools Construction Board**  
**Minutes**  
**September 10, 2012**  
**4:30 PM**

**Present**

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

Chair Giess asked that the project teams begin their presentation of the schematic designs at 4:37pm.

**School #5 Presentation by Young + Wright Architects – Rishawn Sonubi**

Rishawn described that the project includes full interior renovations, life safety and accessibility work, as well as exterior masonry repairs, and parking lot expansion.

The nurse's office renovation will relocate it closer to the main office and the front door, for ease of parent pick-up.

The Cafeteria will move from the 3<sup>rd</sup> floor down to the 1<sup>st</sup> floor.

The Library is not currently accessible; this deficiency will be corrected as well as creating a more identifiable façade.

There will be enhancements to the 7<sup>th</sup> and 8<sup>th</sup> grade classrooms, including a technology lab, family and consumer science, and a computer lab.

The gym will be expanded by taking out an existing ramp and pushing the stage back, to allow for "modified" sports activities.

There will be a small "receiving" addition outside of the newly relocated kitchen.

There is a plan to abandon Verona St. and turn it into a bus cueing lane, northward bound, so that students will enter and exit the buses from the school side of the street.

There may be a playground added to the site.

Parking will be expanded, which will generate the need to move an adjacent baseball field.

There will be two existing parking lot renovations.

The project has a \$15.2M budget which includes \$1.2M in estimated costs for full building air conditioning as requested by the District.

The schedule has documents completed by the end of January '13, SED approval by February '13, and a July construction start.

**East High School Presentation by Cannon Design – Debbie Pease**

Debbie stated that the design process has been inclusive and collaborative.

There has been a major scope/direction change from the original plan which was to work on both the interior and exterior within a limited building footprint. The new direction is to focus nearly completely on the exterior shell of the building.

Several areas of focus include: The curtain wall system, brick repointing, caulk abatement, door and storefront replacement, all window replacement, football field repairs, sidewalk repairs, and courtyard repairs. On the interior, some spaces will include floor tile abatement.

The project is currently on budget.

The main entrance and the main identification sign may be replaced if the budget allows.

Schedule Discussion – The original schedule calls for a 26 month duration. This is because of the curtain wall replacement and its impact to the spaces inside the building. The original plan did not call to move any students out of the building during construction (no swing space). The new plan would include moving the 7<sup>th</sup> and 8<sup>th</sup> grades to swing space. By moving the students out, it creates more work areas that can be completed simultaneously, thus shortening the schedule. The team believes that a 15 month construction schedule can be achieved by moving those 600+/- students to swing space. We have already seen a sizable savings from the CM fees on the East project as a result of a reduced schedule. Due to the lack of swing space in the district, the Monroe project will move to 2014. The team will seek SED approval by the end of this year, and bid in February '13. Start of construction July '13.

Bob Brown stated that close coordination will need to take place between the trades for the curtain wall and window replacements. It may involve multiple trades working together. Tom Renauto stated that a “composite crew” may be the solution.

Richard Pifer asked that a life cycle cost for 2 pane, insulated, and a 3 pane systems be analyzed. Cannon will review and provide information/feedback to the District. There is a difference of opinion between the Design team and District facilities on which system is best for the District, is most cost effective, and provides the best long term solution.

**Chair Lois Giess convened the Board meeting at 5:10pm**

**Approval of Minutes: Monthly Board Meeting held on August 13, 2012**

**Motion by Member Brown**

**Second by Member Roulin**

**Approved 5-0 with Member Castro away**

Chair Lois Giess stated that all items had been reviewed by the M/WBE and Services and Procurement Committee last week.

**Action Items**

**Resolution 2012-13: 28**

**Amendment #4 to LaBella Associates Agreement**

**By Board Member Brown**

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

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

WHEREAS, the RJSCB approved the selection of LaBella Associates as the Architect for the Henry Hudson School #28 project in Phase I (Resolution 2010-11: 35); and

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

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

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that LaBella Associates Agreement should be amended to add these additional scope items in the total amount of \$4,417 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 September 6, 2012 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

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

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

**Resolution 2012-13: 29**  
**Amendment #8 to Clark Patterson Lee Agreement**

**By Board Member Brown**

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

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

WHEREAS, the RJSCB approved the selection of Clark Patterson Lee ("CPL") as the Architect for the School 50 project in Phase I (Resolution 2010-11: 35); and

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

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

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that Clark Patterson Lee's Agreement should be amended to add these

additional scope items in the total amount of \$15,000 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 September 6, 2012 meeting, and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

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

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

**Resolution 2012-13: 30  
Amendment #9 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 \$18,260 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 September 6, 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 Brown**  
**Approved 5-0 with Member Castro away**

**Resolution 2012-13: 31**  
**Amendment #2 to The Pike Company**

**By Board Member Underwood**

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, and as a result of vandalism and security concerns, the Program Manager directed the Construction Manager to provide security guard services at the School 17 site during off-hours (5pm – 6am), and 24 hours on weekends and holidays beginning on September 10, 2012 for the duration of the School 17 Project; and

WHEREAS, the Program Manager has received and reviewed a proposal for this additional scope of services provided by the Construction Manager and has determined that the proposed security guard services appear to be appropriate and competitively priced; 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 \$148,732.32 for this additional scope of work in support of the School 17 Project; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its September 6, 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 Castro away**

**Resolution 2012-13: 32**  
**Amendment #2 to Campus Construction Management Group**

**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 Campus Construction Management Group ("Construction Manager") to provide Construction Management services for the Charlotte High School and Franklin High School 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 coordination of the School 58 swing space work to occur at Franklin High School in order to facilitate the School 58 move; and

WHEREAS, the Program Manager has received and reviewed a proposal 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 \$10,000 for this additional scope of work; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its September 6, 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 Castro away**

**Resolution 2012-13: 33**  
**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, subsequent to the issuance of the Purchase Order, MDI, along with the District, 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 \$15,750; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its September 6, 2012 meeting and after due deliberation, it approved the request to issue a Purchase Order for these additional services;

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

**Resolution 2012-13: 34**  
**Change Order #1 to B&B Mechanical Contractors Inc. – School 50**

**By Board Chair Giess**

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

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

WHEREAS, the 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 Clark Patterson Lee (the “Architect”), The Pike Company (the “Construction Manager”), the RJSCB’s general counsel, and the RJSCB’s Independent Compliance Officer, prepared a request for bids (“Request for Bids”) package for the School 50 project; and

WHEREAS, the RJSCB previously had authorized the release of the Request for Bids at its monthly meeting on March 12, 2012 (Resolution 2011-12: 83) pending approval of the Board of Education (“BOE”) and the State Education Department of New York (“SED”); and

WHEREAS, the RJSCB received approval of the School 50 project by the BOE at their monthly meeting on December 15, 2011 (BOE Resolution 2011-12: 413) and by SED on March 23, 2012; and

WHEREAS, the RJSCB’s Executive Director received bids on May 1, 2012 per the deadline stipulated in the Request for Bids, and those bids were subsequently publicly opened and read aloud at the location stated in the Request for Bids; and

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

WHEREAS, the RJSCB subsequently entered into a contract (“the Contract”) with B&B Mechanical Contractors Inc. (“B&B Mechanical”) for the mechanical scope of work associated with the School 50 Project (Resolution 2011-12: 101); and

WHEREAS, the District has now requested that full building air conditioning be incorporated in the scope of work for the School 50 project; and

WHEREAS, the Chiller equipment upgrade necessary to accomplish the District’s request to add full building air conditioning to the School 50 project had been bid as an alternate to the mechanical contractor’s scope of work in the original bid documents (Alternate 50-7), but at the time of award, this alternate was declined; and WHEREAS, the contractor, B&B Mechanical, has agreed to hold their original bid price for Alternate 50-7 in the amount of \$236,000; and

WHEREAS, the Program Manager has evaluated the original bids and determined that the award of this alternate would not have changed B&B Mechanical’s award as the low bidder for the mechanical scope of work associated with the School 50 project and has therefore recommended to the RJSCB that a Change Order to B&B Mechanical be approved in the amount of \$236,000; and



WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its September 6, 2012 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 B&B Mechanical Contractors 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 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 Member Underwood  
Approved 5-0 with Member Castro away**

**Resolution 2012-13: 35  
Contract Award – GC, 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's Program Manager, with the advice of JCJ Architecture (the "Architect"), LeChase Construction (the "Construction Manager"), the RJSCB's general counsel, and the RJSCB's Independent Compliance Officer, prepared a request for bids ("Request for Bids") package for the School 58 project; and

WHEREAS, the RJSCB previously had authorized the release of the Request for Bids at its monthly meeting on June 4, 2012 (Resolution 2011-12: 109) pending approval of the Board of Education ("BOE") and the State Education Department of New York ("SED"); and

WHEREAS, the RJSCB received approval of the School 58 project by the BOE at their monthly meeting on December 15, 2011 (BOE Resolution 2011-12: 413) and by SED on May 31, 2012; and

WHEREAS, the RJSCB's Executive Director received bids for the general contract (GC) bid package only on August 30, 2012 per the deadline stipulated in the Request for Bids, and those bids were subsequently publicly opened and read aloud at the location stated in the Request for Bids; and

WHEREAS, the Program Manager, Architect, Construction Manager, and Independent Compliance Officer have reviewed the bids, conducted de-scoping meetings, and concluded that the apparent low bidder for the GC scope of work package is also a qualified and responsible bidder; and

WHEREAS, at the MWBE and Services Procurement Committee meeting held on September 6, 2012, following the review and consideration of recommendations provided by the RJSCB's Program Manager and after due deliberation by the Committee, the following contract award was forwarded to the full Board for consideration:

<u>Scope of Work</u>	<u>Name of Contractor</u>	<u>Address</u>	<u>Bid Amount (Incl. accepted alternates)</u>
General Contractor	Manning Squires & Hennig	8426 Seven Springs Road Batavia, NY 14021	\$17,807,000

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the recommendation of the Program Manager that this contract award shall be made to the above named firm and bid amount to provide all equipment, labor, materials, and plant necessary to execute the GC scope of work associated with the School 58 project in Phase 1 of the RSMP;
2. The remaining scopes of work associated with the School 58 project (Mechanical, Electrical, and Plumbing) will be bid at a later date pending direction from the District regarding its request for additional HVAC work.
3. The Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute and deliver an Agreement (the "Agreement") to the firm named above in substantially the form included in the Request for Bids (dated July 18, 2012) for the School 58 project, 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 5-0 with Member Castro away**

**Resolution 2012-13: 36  
Construction Manager Selection – Phase 1b Projects**

***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, 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, on August 14, 2012, the RJSCB issued an RFP for Construction Management Services (Resolution 2012-13: 24), to those six firms on the short-list of firms who were prequalified to receive such an RFP for projects related to Phase 1 of the RSMP; and

WHEREAS, the RJSCB's Executive Director subsequently received five responses to the RFP on August 29, 2012 at the time and place defined in the RFP; and

WHEREAS, the RJSCB's Executive Director and the Program Manager reviewed the responses to the RFP and recommended to the MWBE and Services Procurement Committee (the "Committee") that the list of finalists be further reduced to three candidates; and

WHEREAS, the RJSCB's Procurement Policy stipulates that the Committee shall select finalists and conduct interviews for professional service contracts (Article 2 Section 1(e)); and

WHEREAS, the three finalists were then interviewed on September 6, 2011 by Committee members and one other RJSCB Board member, Program Manager representatives, and District representatives; and

WHEREAS, at the Committee meeting held on September 6, 2012, after due deliberation by the Committee, the following firms were identified as being highly qualified and fiscally responsive to the RJSCB's Rochester Schools Modernization Program for the specific projects set forth below;

School 5	The Pike Company One Circle Street Rochester, NY 14607	\$772,622
School 12	The Pike Company One Circle Street Rochester, NY 14607	\$790,368
Monroe High School	Campus Construction Management Group, Inc 1241 Pittsford-Victor Road Pittsford, NY 14534	\$1,131,500
East High School	LPCiminelli, Inc. 2421 Main Street Buffalo, NY 14214	\$842,275
Edison High School	LPCiminelli, Inc. 2421 Main Street Buffalo, NY 14214	\$1,204,780

THEREFORE, BE IT RESOLVED:

1. The Rochester Joint Schools Construction Board hereby approves the named firms to provide Construction Management Services as indicated above for these five projects in Phase 1 of the RSMP, further defined as Phase 1b projects; and

2. The Jefferson High School Project (“Jefferson Project”) award will be held at this time pending further determination and direction from the District regarding its request for additional HVAC work at the Phase 1 Projects, since the Jefferson Project, being the proposed funding source for these potential HVAC changes, may be impacted by the District’s determination; and

3. The Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute and deliver individual Agreements (the “Agreement”) with each firm named above in substantially the form previously approved by the RJSCB as an attachment to the RFP (dated August 14, 2012), for Construction Management Services, Renovation and Addition Projects, 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 5-0 with Member Castro away***

**Resolution 2012-13: 37  
Pay Requisition Approval Procedure - revision**

***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, in September of 2011, the RJSCB established a Pay Requisition Approval Procedure (“Payment Procedure”) (Resolution 2011-12: 23) in order to detail the operative policy and instructions regarding the process by which invoices, pay applications and other pay requisitions (each, a “Pay Requisition”) submitted by all of the Board’s contractors, vendors, suppliers, and consultants (each, a “Vendor”) will be paid; and

WHEREAS, the Payment Procedure was originally established during a time when the project was financed through Bond Anticipation Notes issued by City of Rochester and checks were being processed through the District’s accounting department; and

WHEREAS, the RJSCB now desires to revise the Payment Procedure to align with the current project financing, through Bonds issued by the County of Monroe Industrial Development Agency (“COMIDA”), and payments being made through the Trustee, Deutsche Bank Trust Company Americas, the paying agent engaged by the RJSCB in March of 2012 (Resolution 2011-12: 81); and

WHEREAS, the RJSCB’s Executive Director and its General Counsel have drafted a revised Pay Requisition Approval Procedure, a copy of which is attached to this resolution; and

WHEREAS, the newly revised Pay Requisition Approval Procedure shall assist the RJSCB by clarifying duties and providing internal controls;

**THEREFORE, BE IT RESOLVED:**

1. The RJSCB hereby approves and adopts the revised Pay Requisition Approval Procedure in the form presented at this meeting and attached hereto; and

2. All actions taken by the RJSCB, the Chair, the Treasurer, and the Executive Director pursuant to, in accordance with and to implement the Pay Requisition Approval Procedure are hereby authorized and approved in all respects; and
3. The Executive Director shall provide a copy of the revised Pay Requisition Approval Procedure to the District CFO.

**Second by Board Member Underwood  
Approved 5-0 with Member Castro away**

**Resolution 2012-13: 38  
Schematic Design Approval – School #5**

***By Board Chair Giess***

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

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

WHEREAS, the RJSCB entered into an agreement with Young + Wright Architectural (“Young + Wright”), dated November 15, 2011, with respect to the renovations to occur at School #5 (Agreement between Board and Architect); and

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

WHEREAS, Building Advisory Committee (BAC) meetings have been held throughout the schematic design process for School #5 which include participants from the Program Manager, the Architect, representatives from the RCSD facilities department, the City of Rochester, the building principal, teachers, staff, parents, and community members; and

WHEREAS, the Program Manager and the Building Advisory Committee members have approved the Schematic Design Documents for the School #5 project; and

WHEREAS, Young + Wright presented the Schematic Design Documents for School #5 to the RJSCB, at its regular monthly meeting on September 10, 2012, for review and approval;

**THEREFORE, BE IT RESOLVED:**

1. The Schematic Design Documents for the School #5 project are approved.
2. The Program Manager is hereby authorized to direct the Architect for School #5 (Young + Wright Architectural) to proceed with the next phase in the design process, the Design Development Phase, pursuant to the Agreement between Board and Architect.

***Second by Board Member Brown***

***Approved 4-0 with Member Underwood abstaining (he was not present during the presentation) and Member Castro away***

**Resolution 2012-13: 39**

**Schematic Design Approval – East High School**

***By Board Chair Giess***

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

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

WHEREAS, the RJSCB entered into an agreement with Cannon Design (“Cannon”), dated November 15, 2011, with respect to the renovations to occur at East High School (Agreement between Board and Architect); and

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

WHEREAS, Building Advisory Committee (BAC) meetings have been held throughout the schematic design process for East High School which include participants from the Program Manager, the Architect, representatives from the RCSD facilities department, the City of Rochester, the building principal, teachers, staff, parents, and community members; and

WHEREAS, the Program Manager and the Building Advisory Committee members have approved the Schematic Design Documents for the East High School project; and

WHEREAS, Cannon presented the Schematic Design Documents for East High School to the RJSCB, at its regular monthly meeting on September 10, 2012, for review and approval;

THEREFORE, BE IT RESOLVED:

1. The Schematic Design Documents for the East High School project are approved.
2. The Program Manager is hereby authorized to direct the Architect for East High School (Cannon Design) to proceed with the next phase in the design process, the Design Development Phase, pursuant to the Agreement between Board and Architect.

***Second by Board Member Brown***

***Approved 5-0 with Member Castro away***

**Resolution 2012-13: 40  
Pay Requisition Summary Acceptance (August 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, the RJSCB, at its regular monthly meeting on September 10, 2012, revised its Pay Requisition Approval Procedure (Resolution 2012-13: 39) to include the Trustee as paying agent for construction related payments; 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 \$1,788,968.70 to the Board Chair with copy to the full Board on August 23, 2012; and

WHEREAS, the RJSCB Chair approved the Pay Requisition Summary on August 23, 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. The Rochester Joint Schools Construction Board hereby accepts the Pay Requisition Summary for the month of August 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 Castro away**

**Staff Updates**

Monthly Reports for all of the projects are included in the Board Member's packets.

Jerome Underwood asked the Board about providing updates to the City and the District on a more frequent basis. Lois Giess asked Tom Renauto to provide monthly updates to the Mayor, City Council President, the BOE president, and the Superintendent. The updates will include the monthly project report, the compliance report, and the project commitment spreadsheet.

Jerome Underwood asked Tom Renauto about the status of the monthly budget update. Tom Renauto stated that he is awaiting the report from the RCSD accounting department and will provide it to the Board as soon as it is available.

Windell Gray reviewed the monthly compliance report from July. We are meeting or exceeding the goals in all areas for M/WBE and EEO. Windell provided a specific detail report which shows the construction/contractor participation. Jerome asked that the project goals be listed in the report for ease of comparison.

The Committee Report from September 6, 2012 is included in the Board Member's packets.

Lois Giess announced at 5:55pm that the Board will now begin discussions with its General Counsel of an attorney/client privileged matter in conjunction with one of its consultants.

**Adjournment**

**Approved 5-0 at 6:07 pm**