

Rochester Joint Schools Construction Board
Minutes
January 8, 2018
4:30 PM

Present

Chairman Allen Williams, Charles Benincasa, Bob Brown, I. Geena Cruz, Norman Jones, Thomas Richards and ICO Brian Sanvidge. Vice Chair Michael Schmidt was away. Also present: General Counsel Edward Hourihan; Savin Program Directors Pépin Accilien and Roland Coleman.

Chairman Williams convened the meeting at 4:33 pm.

Approval of Minutes

Monthly Meeting held on December 11, 2017

Motion by Member Jones

Second by Member Brown

Approved 6-0 with Vice Chair Schmidt away

Consent Agenda Items

Resolution 2017-18: 122

Summer 2018 FF&E Contract Bids – Rejection of Bids and Authorization to Re-Bid

By Board Member Benincasa

WHEREAS, the Rochester School Facilities Modernization Program Act (“the Act”) established the Rochester Joint Schools Construction Board (“RJSCB” or “Board”), 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 authorizing legislation for Phase 2 of the Rochester Schools Modernization Program (“RSMP”) was signed into law by the Governor of the State of New York on December 17, 2014; and

WHEREAS, the amended Act authorized up to 26 projects in Phase 2 of the RSMP including a District Wide Technology (“DWT”) program, which involves technology upgrades and infrastructure work at several of the possible projects; and

WHEREAS, for Phase 2 of the RSMP, the RJSCB intends to undertake 14 projects for the design, reconstruction, or rehabilitation of existing school buildings for their continued use by the District (collectively, the “Phase 2 Projects”), which have been further defined as Phase 2a, Phase 2b, Phase 2c and Phase 2d, plus a DWT project at each of the Phase 2 school buildings; and

WHEREAS, the RJSCB’s Move Management Consultant (Vargas Associates) prepared bid documents for the Furniture Fixtures and Equipment (“FF&E”) bid associated with the following Phase 2a and Phase 2b projects: Monroe, School 7, School 16, Edison Campus, School Without Walls, Freddie Thomas and School 1/15 (the “2a/2b FF&E Project”); and

WHEREAS, the RJSCB authorized the release of the FF&E bid documents for the 2a/2b FF&E Project at its regular meeting on November 13, 2017 (Resolution 2017-18: 92); and

WHEREAS, the Move Management Consultant received bids on December 7, 2017 per the deadline stipulated in the FF&E bid documents, and those bids were subsequently publicly opened and read aloud at the location stated in the bid documents; and

WHEREAS, the Move Management Consultant and Program Manager reviewed the bids that were submitted and determined that the bids were not responsive and that it was in the best interest of the RJSCB to reject all of the bids and re-bid the 2a/2b FF&E Project as soon as possible in the interest of keeping the project on schedule; and

WHEREAS, on December 18, 2017, the Move Management Consultant recommended that the RJSCB reject all bids and re-bid the 2a/2b FF&E Project on or about January 2, 2018; and

WHEREAS, the RJSCB Chair determined that it was in the best interest of the RJSCB to reject all bids submitted for the 2a/2b FF&E Project and re-bid the Project pursuant to the scheduled proposed by the Move Management Consultant; and

WHEREAS, the RJSCB Chair by notice dated December 18, 2017 notified all FF&E bidders that the RJSCB was rejecting all bids and that it would be re-bidding the 2a/2b FF&E Project; and

WHEREAS, at its meeting on January 4, 2018, the M/WBE and Services Procurement Committee approved the RJSCB Chair's determination to reject the FF&E bids documents and re-bid the 2a/2b FF&E Project as being in the best interest of the RJSCB.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves and ratifies the actions of the RJSCB Chair to reject the FF&E bids and to re-bid the 2a/2b FF&E Project on or about January 2, 2018; and
2. The M/WBE and Services Procurement Committee, with the advice and recommendations of the Move Management Consultant and the Program Manager, is authorized on behalf of the RJSCB to review the bids from the furniture distributor firms and recommend one or more firms to the RJSCB for award.

**Second by Board Member Brown
Approved 6-0 with Vice Chair Schmidt away**

**Resolution 2017-18: 123
Authorization to Release DWT Mini-Bids (Phase 2a/2b)**

By Board Member Benincasa

WHEREAS, the Rochester School Facilities Modernization Program Act ("the Act") established the Rochester Joint Schools Construction Board ("RJSCB" or "Board"), 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 authorizing legislation for Phase 2 of the Rochester Schools Modernization Program ("RSMP") was signed into law by the Governor of the State of New York on December 17, 2014; and

WHEREAS, the amended Act authorized up to 26 projects in Phase 2 of the RSMP including a District Wide Technology ("DWT-2") program which involves technology upgrades and infrastructure work at several of the possible projects; and

WHEREAS, the RJSCB's Program Manager has been working with the Technology Consultant, Millennium Strategies ("Millennium"), to prepare a request for bid package for the DWT-2 project associated with the Phase 2a/2b schools scheduled to complete construction in July 2018 to be known as the "DWT-2 Mini-Bid Package #3"; and

WHEREAS, the commodities procured as a part of the Phase 2 DWT Mini-Bid Package #3 will be bid off of a New York State Office of General Services contract ("State Contract"); and

WHEREAS, the DWT-2 Mini-Bid Package #3 is proposed to be released for bid beginning January 15, 2018; and

WHEREAS, the categories of items included in the DWT-2 Mini-Bid Package #3 are interactive white boards, classroom amplification systems and network electronics for the Phase 2a/2b schools scheduled to complete construction in July 2018; and

WHEREAS, the Program Manager received State Education Department approval of the designs for the DWT-2 projects on July 12, 2016; and

WHEREAS, on December 21, 2017, Millennium requested authorization from the RJSCB to release the DWT-2 Mini-Bid Package #3; and

WHEREAS, the RJSCB M/WBE and Services Procurement Committee considered and discussed Millennium's request at its January 4, 2018 meeting, and after due deliberation, it approved the request to release the DWT-2 Mini-Bid Package #3.

THEREFORE, BE IT RESOLVED:

1. The RJSCB, through its Program Manager, shall proceed with the issuance of a DWT-2 Mini-Bid Package #3 in order to maintain the overall project schedule; and
2. Also, prior to issuance, the Program Manager and Millennium will work with the RJSCB's general counsel to further develop and finalize the DWT-2 Mini-Bid Package #3, including the General Conditions of the Contract and the Purchase Order forms; and
3. The M/WBE and Services Procurement Committee, with the advice and recommendations of the Program Manager, is authorized on behalf of the RJSCB to review the bid responses and recommend to the RJSCB the lowest responsible bidders.

**Second by Board Member Brown
Approved 6-0 with Vice Chair Schmidt away**

**Resolution 2017-18: 124
Purchase Order – Dr. Freddie Thomas Learning Center Moving Services (Clark Moving & Storage, Inc.)**

By Board Member Benincasa

WHEREAS, the Rochester School Facilities Modernization Program Act ("School Modernization Act") established the Rochester Joint Schools Construction Board ("RJSCB" or "Board"), 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 authorizing legislation for Phase 2 of the Rochester Schools Modernization Program ("RSMP") was signed into law by the Governor of the State of New York on December 17, 2014; and

WHEREAS, the amended School Modernization Act authorized up to 26 projects in Phase 2 of the RSMP including a District Wide Technology program, which involves technology upgrades and infrastructure work at several of the possible projects; and

WHEREAS, the RJSCB approved the selection of Clark Moving & Storage, Inc. ("Clark") as the moving company associated with the Phase 2 – Summer 2017 moves (Resolution 2016-17: 206); and

WHEREAS, Clark submitted a proposal to the Move Manager for additional work associated with the Dr. Freddie Thomas Learning Center ("DFTLC") project utilizing the hourly rates included with Clark's original bid; and

WHEREAS, the Program Manager and Move Manager reviewed the additional costs and determined that said costs are fair and reasonable for the work being performed; and

WHEREAS, at its January 4, 2018 meeting, the M/WBE and Services Procurement Committee (the "Committee") considered the Program Manager's and Move Manager's recommendation to accept the proposal from Clark to perform the additional work for the DFTLC project in the amount of \$1,828.00 and, after due deliberation, the Committee approved the proposal for the additional services.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the recommendation of the Program Manager and Move Management Consultant to accept the proposal 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 for move services for the DFTLC project in the amount of \$1,828.00 to Clark Moving & Storage, Inc.

Second by Board Member Brown
Approved 6-0 with Vice Chair Schmidt away

Resolution 2017-18: 125
Contract Awards: Phase 2 – Environmental Monitoring and Testing Services – 2c/d Projects

By Board Member Benincasa

WHEREAS, the Rochester School Facilities Modernization Program Act ("the Act") established the Rochester Joint Schools Construction Board ("RJSCB" or "Board"), 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 authorizing legislation for Phase 2 of the Rochester Schools Modernization Program ("RSMP") was signed into law by the Governor of the State of New York on December 17, 2014 (the "Amended Act"); and

WHEREAS, the Amended Act authorized up to 26 projects in Phase 2 of the RSMP including a District Wide Technology program which involves technology upgrades and infrastructure work at several of the possible projects; and

WHEREAS, the RJSCB, upon the recommendation of its Program Manager, has determined a need for an Environmental Monitoring and Testing Services firm to provide services for the following Phase 2c/d projects: Clara Barton School No. 2; George Mather Forbes School No. 4; Dag Hammarskjold School No. 6; Dr. Walter Cooper Academy School No. 10; and Flower City School 54/30 (together the "2c/d Projects"); and

WHEREAS, the RJSCB's Program Manager issued a request for proposals (the "RFP") for an Environmental Monitoring and Testing Services firm for the 2c/d Projects; and

WHEREAS, the Program Manager received a total of five proposals as of the date and time specified in the RFP, and promptly distributed those proposals to the RJSCB members; and

WHEREAS, a selection committee made up of the RJSCB Chair, the Program Director, the Independent Compliance Officer and representatives of the Program Manager interviewed the five responding firms; and

WHEREAS, following the selection committee interviews, the Program Manager identified Lu Engineers as the best candidate for the School 2, School 4 and School 30/54 projects based on its qualifications, experience, ability to meet the demands and staffing for said projects, and cost of services; and

WHEREAS, following the selection committee interviews, the Program Manager identified Ravi Engineering as the best candidate for the School 6 and School 10 projects based on its qualifications, experience, ability to meet the demands and staffing for said projects, and cost of services; and

WHEREAS, the M/WBE and Services Procurement Committee considered the recommendation from the Program Manager to award contracts for Environmental Monitoring and Testing Services to Lu Engineering and Ravi Engineering at its meeting on January 4, 2018, and after due deliberation, it approved the recommendation.

THEREFORE, BE IT RESOLVED:

1. The contract for Environmental Monitoring and Testing Services for the School 2, School 4 and School 30/54 projects is hereby awarded to Lu Engineering; and
2. The contract for Environmental Monitoring and Testing Services for the School 6 and School 10 projects is hereby awarded to Ravi Engineering; and
3. The RJSCB Program Manager is hereby authorized, in the name and on behalf of the RJSCB, to negotiate and an agreement with each firm named above, in consultation with the RJSCB Chair and its general counsel, for approval and execution by the Chair on behalf of the RJSCB.

**Second by Board Member Brown
Approved 6-0 with Vice Chair Schmidt away**

**Resolution 2017-18: 126
Change Order #16 to MA Ferrauilo Contract (Monroe Phase 2a)**

By Board Member Benincasa

WHEREAS, the Rochester School Facilities Modernization Program Act (“the Act”) established the Rochester Joint Schools Construction Board (“RJSCB” or “Board”), 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 authorizing legislation for Phase 2 of the Rochester Schools Modernization Program (“RSMP”) was signed into law by the Governor of the State of New York on December 17, 2014; and

WHEREAS, the RJSCB approved the award of the contract for the mechanical scope of work to Michael A. Ferrauilo Plumbing and Heating Inc. (“MA Ferrauilo”) for the Monroe High School project in Phase 2a (Resolution 2016-17: 61); and

WHEREAS, the RJSCB entered into a contract with MA Ferrauilo (Resolution 2016-17: 61) dated September 29, 2016 (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, MA Ferrauilo, along with The Pike Company, Inc. (the “Construction Manager”), and the Program Manager, identified changes in the scope of work, and cost proposals were then obtained for these changes in scope items and provided to the Construction Manager and the Program Manager for review; and

WHEREAS, Change Order #16 includes the following items:

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|---------------------------------|----------------|
| 1. HVAC Contract Rebid Revision | (\$107,345.00) |
| 2. MEP Contract Extension | \$192,720.00 |

The total amount of Change Order #16 is \$85,375.00; and

WHEREAS, the Construction Manager and the Program Manager believe that the change order work is 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 M/WBE and Services Procurement Committee (the “Committee”) that MA Ferrauilo’s Contract should be amended to add and delete these scope items for a total increase in the Contract Sum of \$83,375.00; and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its January 4, 2018 meeting and after due deliberation, it approved the request to amend the Contract as set forth herein.

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to MA Ferrauilo's Contract between the Board and Contractor dated September 29, 2016 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 the Change Order to the Contract that is consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB's general counsel.

Second by Board Member Brown
Approved 6-0 with Vice Chair Schmidt away

Resolution 2017-18: 127
Change Order #10 to Eastcoast Electric, LLC Contract (Monroe Phase 2a)

By Board Member Benincasa

WHEREAS, the Rochester School Facilities Modernization Program Act ("the Act") established the Rochester Joint Schools Construction Board ("RJSCB" or "Board"), 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 authorizing legislation for Phase 2 of the Rochester Schools Modernization Program ("RSMP") was signed into law by the Governor of the State of New York on December 17, 2014; and

WHEREAS, the amended Act authorized up to 26 projects in Phase 2 of the RSMP including a District Wide Technology program which involves technology upgrades and infrastructure work at several of the possible projects; and

WHEREAS, the RJSCB approved the award of the electrical contractor contract to Eastcoast Electric LLC ("Eastcoast") for the Monroe High School project in Phase 2a (Resolution 2016-17: 103); and

WHEREAS, the RJSCB entered into a contract with Eastcoast (Resolution 2016-17: 103) dated December 19, 2016 (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, Eastcoast, along with The Pike Company, Inc. (the "Construction Manager"), and the Program Manager, identified changes in the scope of work, and cost proposals were then obtained for these changes in scope items and provided to the Construction Manager and the Program Manager for review; and

WHEREAS, Change Order #10 includes the following item:

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| 1. MEP Contract Extension | \$125,810.95 |
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The total amount of Change Order #10 is \$125,810.95; and

WHEREAS, the Construction Manager and the Program Manager believe that the change order work is necessary, the pricing is appropriate and the Contract Time will not be increased by the foregoing changes; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's M/WBE and Services Procurement Committee (the "Committee") that Eastcoast's Contract should be amended to add this scope item for an increase in the Contract Sum of \$125,810.95; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its January 4, 2018 meeting and after due deliberation, it approved the request to amend the Contract as set forth herein.

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order #10 to Eastcoast's Contract between the Board and Contractor dated December 19, 2016 as set forth above is hereby approved; and
2. The RJSCB's Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute a Change Order to the Contract that is consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB's general counsel.

Second by Board Member Brown
Approved 6-0 with Vice Chair Schmidt away

Resolution 2017-18: 128
Change Orders #8 and #9 to DiPasquale Construction, Inc. Contract (School 7)

By Board Member Benincasa

WHEREAS, the Rochester School Facilities Modernization Program Act ("the Act") established the Rochester Joint Schools Construction Board ("RJSCB" or "Board"), 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 authorizing legislation for Phase 2 of the Rochester Schools Modernization Program ("RSMP") was signed into law by the Governor of the State of New York on December 17, 2014; and

WHEREAS, the amended Act authorized up to 26 projects in Phase 2 of the RSMP including a District Wide Technology program which involves technology upgrades and infrastructure work at several of the possible projects; and

WHEREAS, for Phase 2 of the RSMP, the RJSCB intends to undertake 14 projects for the design, reconstruction, or rehabilitation of existing school buildings for their continued use by the District (collectively, the "Phase 2 Projects"), which have been further defined as Phase 2a, Phase 2b, Phase 2c and Phase 2d, plus a DWT project at each of the Phase 2 school buildings; and

WHEREAS, the Virgil I. Grissom School No. 7 ("School 7") is one of the projects included in Phase 2a of the RSMP as provided in the Phase 2 Master Plan; and

WHEREAS, the RJSCB approved the award of the general contractor contract to DiPasquale Construction, Inc. ("DCI") for the School 7 project in Phase 2a (Resolution 2016-17: 212); and

WHEREAS, the RJSCB entered into a contract with DCI (Resolution 2016-17: 212) dated May 25, 2017 (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, DCI, along with LeChase Construction (the Construction Manager), and the Program Manager, identified changes in the scope of work, and cost proposals were then obtained for these changes in scope items and provided to the Construction Manager and the Program Manager for review; and

WHEREAS, Change Order #8 includes the following item:

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| 1. Asbestos Abatement of MEP Penetrations 2nd Floors A/B | \$34,298.00 |
|--|-------------|
- The total amount of Change Order #8 is \$34,298.00; and

WHEREAS, Change Order #9 includes the following items:

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| 1. 3rd Flr. RCP Revisions | \$15,373.00 |
| 2. Structural Repair of Exterior Brick @ Gym | \$12,135.00 |
| 3. Vestibule Flooring Revision | \$5,075.00 |

The total amount of Change Order #9 is \$32,583.00; and

WHEREAS, the Construction Manager and the Program Manager believe that the change order work is necessary, the pricing is appropriate and the Contract Time will not be increased by the foregoing changes; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's M/WBE and Services Procurement Committee (the "Committee") that DCI's Contract should be amended to add these scope items for an increase in the Contract Sum of \$66,881.00; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its January 4, 2018 meeting and after due deliberation, it approved the request to amend the Contract as set forth herein.

THEREFORE, BE IT RESOLVED:

1. The proposed Change Orders to DCI's Contract between the Board and Contractor dated May 25, 2017 as set forth above are hereby approved; and
2. The RJSCB's Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute Change Orders to the Contract that are consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB's general counsel.

Second by Board Member Brown
Approved 6-0 with Vice Chair Schmidt away

Resolution 2017-18: 129
Change Orders #4 and #5 to Holdsworth Klimowski Construction Contract (Children's School of Rochester School 1/15)

By Board Member Benincasa

WHEREAS, the Rochester School Facilities Modernization Program Act ("the Act") established the Rochester Joint Schools Construction Board ("RJSCB" or "Board"), 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 authorizing legislation for Phase 2 of the Rochester Schools Modernization Program ("RSMP") was signed into law by the Governor of the State of New York on December 17, 2014; and

WHEREAS, the amended Act authorized up to 26 projects in Phase 2 of the RSMP including a District Wide Technology program which involves technology upgrades and infrastructure work at several of the possible projects; and

WHEREAS, for Phase 2 of the RSMP, the RJSCB intends to undertake 14 projects for the design, reconstruction, or rehabilitation of existing school buildings for their continued use by the District (collectively, the "Phase 2 Projects"), which have been further defined as Phase 2a, Phase 2b, Phase 2c and Phase 2d, plus a DWT project at each of the Phase 2 school buildings; and

WHEREAS, the Children's School of Rochester School 1/15 ("Children's School of Rochester") is one of the projects included in Phase 2b of the RSMP as provided in the Phase 2 Master Plan; and

WHEREAS, the RJSCB approved the award of the general construction contract to Holdsworth Klimowski Construction ("HKC") for the Children's School of Rochester project in Phase 2b (Resolution 2017-18: 26); and

WHEREAS, the RJSCB entered into a contract with HKC (Resolution 2017-18: 26) dated August 7, 2017 (the "Contract"), to perform the scope of services defined in the contract documents as the general construction contractor's scope of work; and

WHEREAS, following the execution of the Contract, HKC, along with The Pike Company, Inc. (the Construction Manager), and the Program Manager, identified changes in the scope of work, and cost proposals were then obtained for these changes in scope items and provided to the Construction Manager and the Program Manager for review; and

WHEREAS, Change Order #4 includes the following item:

1. Cubicle Curtains	\$2,728.00
2. Locker Locations	\$3,013.00
3. Site Bike Rack	\$864.00
4. Smoke Stop, North-South Corridors	\$16,799.00
5. Boiler Room Wall, Door Adds	\$9,371.00
6. Door Changes	\$5,657.00
7. Floor Cuts & Steel	\$3,883.00
8. MCWA 20x8" Tapping Sleeve & Valve	\$9,833.48
9. Revision to Sanitary Sewer Connection	\$4,985.00
10. Existing Joist Bearing at S Line	\$2,367.00
11. Infill at Roof Penthouses Following Removal	\$5,434.00

The total amount of Change Order #4 is \$64,934.48; and

WHEREAS, Change Order #5 includes the following items:

1. Gym Walls Removal and Replacement	\$32,405.00
2. Alternate Section of Gym Walls Removal	\$30,844.00
3. Refinish & Repair Gym Floor	\$19,801.00
4. Add Display Cases, Tackboard, Bench	\$25,226.00
5. Revise Location of HC Lift, add Stage Risers	\$15,353.00

The total amount of Change Order #5 is \$123,629.00; and

WHEREAS, the Construction Manager and the Program Manager believe that the change order work is necessary, the pricing is appropriate and the Contract Time will not be increased by the foregoing changes; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's M/WBE and Services Procurement Committee (the "Committee") that HKC's Contract should be amended to add these scope items for an increase in the Contract Sum of \$188,563.48; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its January 4, 2018 meeting and after due deliberation, it approved the request to amend the Contract as set forth herein.

THEREFORE, BE IT RESOLVED:

1. The proposed Change Orders to HKC's Contract between the Board and Contractor dated August 7, 2017 as set forth above are hereby approved; and
2. The RJSCB Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute Change Orders to the Contract that are consistent with this approval and in an acceptable form to the Chair upon the advice of the Program Manager and the RJSCB's general counsel.

Second by Board Member Brown
Approved 6-0 with Vice Chair Schmidt away

Resolution 2017-18: 130
Pay Requisition Summary Acceptance (December 2017)

By Board Member Benincasa

WHEREAS, the Rochester School Facilities Modernization Program Act ("School Modernization Act") established the Rochester Joint Schools Construction Board ("RJSCB" or "Board"), 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 M/WBE 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 RJSCB, at its regular monthly meeting on April 7, 2014, revised the Pay Requisition Approval Procedure (Resolution 2013-14: 257) to include discussion of the Pay Requisition Summary by the Finance Committee and certain verification activities by the Program Manager following each monthly Board meeting; and

WHEREAS, the RJSCB, at its regularly monthly meeting on January 17, 2017, revised the Pay Requisition Approval Procedure (Resolution 2016-17: 118) to add certain additional internal controls to assist the RJSCB by clarifying duties in absence of an Executive Director and by providing additional internal controls; 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 RSMP Phase 1b projects were deposited in the Trustee's account on June 6, 2013; and

WHEREAS, the COMIDA issued bond proceeds for the RSMP Phase 1c projects were deposited in the Trustee's account on February 4, 2015; and

WHEREAS, Excel Aid funding associated with the RSMP 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 order to avoid a year delay in the start of Phase 2 construction at East High School, Monroe High School, and School 15 (the "Early Start Projects"), the District has advanced funds to the RSMP for Phase 2; and

WHEREAS, it is understood by the District, the City, and the RJSCB that the funds advanced by the District would be reimbursed by the City as soon as possible through a Bond Anticipation Note ("BAN") against the City's debt limit; and

WHEREAS, the District's counsel prepared a Board of Education ("BOE") resolution to authorize the advance of the funds based on the full faith and credit of the City (BOE Resolution 2014-15: 627); and

WHEREAS, a future BAN provided by the City would reimburse the funds advanced by the District for the design work associated with the Early Start Projects, as well as provide the interim financing necessary to begin other Phase 2 project designs and to engage other professional service firms to begin Phase 2 planning and coordination work; and

WHEREAS, the closing for the City BAN took place on August 9, 2016 for the amount of \$32,000,000; and

WHEREAS, the District, the City and the RJSCB have executed a memorandum that sets forth the understanding that the District will advance funds to the RSMP for the payment of the expenses for the Early Start Projects and that the City will reimburse the District for these amounts through the BAN proceeds; and

WHEREAS, the COMIDA issued bond proceeds for the RSMP Phase 2a projects were deposited in the Trustee's account on August 2, 2017; and

WHEREAS, the City was reimbursed for its BAN from the Phase 2 bond proceeds on or about August 2, 2017; and

WHEREAS, the Program Manager, Independent Compliance Officer and RJSCB Chair have reviewed the individual pay applications from each of the consultants, contractors and suppliers for accuracy and completeness; and

WHEREAS, the Program Manager forwarded the regular monthly Pay Requisition Summary (attached to this Resolution) totaling \$128,130.06, including all invoices to be paid by the Trustee using bond proceeds and those invoices to be paid by the District using other funding, to the RJSCB Chair with copy to the full Board on December 29, 2017; and

WHEREAS, the Program Manager forwarded the Phase 2 monthly Pay Requisition Summary (attached to this Resolution) totaling \$11,586,201.77, including all invoices to be paid by the Trustee using bond proceeds and those invoices to be paid by the District using other funding, to the RJSCB Chair with copy to the full Board on December 29, 2017; and

WHEREAS, the RJSCB Chair approved the regular monthly Pay Requisition Summary and the Phase 2 monthly Pay Requisition Summary on or about December 10, 2017; and

WHEREAS, the RJSCB's Phase 1 and Phase 2 Program Managers reviewed the regular monthly Pay Requisition Summary and the Phase 2 monthly Pay Requisition Summary with the RJSCB's Finance Committee at its meeting on January 4, 2018.

THEREFORE, BE IT RESOLVED:

1. The Rochester Joint Schools Construction Board hereby accepts the regular monthly Pay Requisition Summary for the month of December 2017 in the amount stated above and the Phase 2 monthly Pay Requisition Summary for the month of December 2017 in the amount stated above and as shown in the Summary sheets attached to this Resolution.

**Second by Board Member Brown
Approved 6-0 with Vice Chair Schmidt away**

Communications

The Compliance Report from Baker Tilly is included in the Member's packets and was reviewed by ICO Brian Sanvidge.

Phase 1:

- 100% submissions for the November 2017 reporting period.
- 97.93% of all data requested has been received and approved (April 2011 through November 2017).
- Overall Workforce (EEO) Participation: Minority @ 22.82% (goal is 20%) and Women @ 7.23% (goal is 6.9%).
- Overall Business Participation: Minority @ 15.74% (goal is 15%), Women @ 7.42% (goal is 5%), Small @ 3.75% (goal is 5%) and Disadvantaged @ 2.33% (goal is 2%).
- Rochester Residents: 1 of the 8 workers for the November 2017 reporting period (or 12.50%). The average Rochester Resident workforce (construction) from inception (April 2011 through November 2017) is 27.18%.

Phase 2:

- 84.93% submissions for the November 2017 reporting period.
- 92.58% of all data requested has been received and approved (January 2016 through November 2017).
- Overall Workforce (EEO) Participation: Minority @ 35.66.18% (goal is 22%) and Women @ 8.55% (goal is 8%).
- Overall Business Participation: Minority @ 31.24% (goal is 17%), Women @ 13.50% (goal is 10%), Small @ 3.14% (goal is 3%) and Disadvantaged @ 2.24% (goal is 3%).

– Rochester Residents: 101 of the 364 workers for the November 2017 reporting period (or 27.75%).

The Phase 2 Monthly Report is included in the Board Members' packets and was reviewed by Program Director P  pin Accilien.

– Monroe:

- Phase 1c
 - SED filings to close out the 1c project anticipated for March 2018.
 - Phase 1c GC and EC contracts expected to be closed out this month.
- Phase 2a
 - Water Damage restoration work is nearing completion.
 - Finishes ongoing on all 3 floors and scheduled to complete in February / March 2018. Terrazzo restoration continues on first floor.
 - Preliminary Commissioning work is ongoing and should conclude in February 2018, except for the Chilled Water system which will follow in June / July 2018.
 - Classroom furniture being re-bid. Furniture loading is anticipated in May of 2018.
 - Substantial completion (for 2a only) anticipated in early March 2018. Certificate of Occupancy anticipated for July 2018.
 - DWT and FF&E procurement is in process. Move management coordination with building administration is ongoing.
- Phase 2b
 - Foundation work for the Addition is 90% complete, with structural steel work to commence on 8 January 2018. Completion of all foundation work expected for February 2018 pending weather.
 - Scheduling meeting held with Owners of each Prime Contractor, CM, Architect, PM, and the RJSCB Chairman to emphasize the importance of completing the entire project by early Summer 2018.
 - Baseline schedule logic being reviewed by CM and PM. Slow critical submittal review time is being addressed with the Architect. New utility laterals and site drainage delayed by the severe winter weather; will complete in March 2018.
 - Access to Community Schools Grant needed for the Bleachers and associated athletic work. Need meeting with the RCSD's Grant writing and Finance Departments.
 - Project completion is scheduled for 21 August 2018

– East:

- Primary Project schematic design ongoing.
- Construction to start in Summer 2018 and scheduled to run until 2021. Depending on logistics and how internal swing space moves occur, work at East School may continue into 2022.
- Revised design schedule milestones to re-start the project is as follows:
 - Revised Schematic Design – January 2018
 - Schematic Design Presentation to RJSCB – February 2018
 - Design Development - March 2018
 - Construction Documents - May 2018
 - Bidding – June 2018
- Design update to East EPO being scheduled

– School 16:

- Project generally on schedule and on budget. However, continuing Bond funding delays could cause failure to achieve the Substantial Completion currently scheduled for August 2018. SMART bond is still at "Expenditure Review". The next step is "Review Board" then "Approved". State Review Board meeting scheduled for April 2018.
- Gym Addition - Load bearing masonry complete. Bar Joists being installed.
- Classroom Addition – Metal stud work ongoing on 3rd, 2nd and 1st floors.
- Existing Building - Parapet and masonry restoration work ongoing. Interior steel and structural improvements to 1st floor ongoing. HVAC main ductwork in Attic and 3rd floor ongoing. Flowable fill completed in the

cafeteria. Slab-On-Grade placed. Floor self-leveling 95% complete. Boiler room steel completed. Fan room floor repairs completed.

- SMART bond has moved from “Program Review” to “Expenditure Review”. The next step is “Review Board” then “Approved”.

– School 7:

- Project is currently 4 weeks behind schedule. Special Scheduling meeting will be held with CM and Prime Contractors to review their recovery schedule and management plan.
- Masonry work at south wall of addition completed. Severe winter weather is slowing down progress. Demolition at Stage (Alternate # 1 work) is complete, except removal of two columns.
- Finishes continue on Third level. Work on Second level rotunda continues: Metal stud walls and ceiling soffits, GWB and MEP rough-ins.
- Penetrations through ACM walls now complete. Work on Level 1 penetrations will commence next week after layout.
- Temp roof on addition is complete.
- Delivery of window glazing for Rotunda is delayed. Expected on site on 20 January 2018
- Instructed CM and Contractors to tighten up temporary enclosures and winter protection efforts in order to avoid temp heat loss.
- Coordination Drawings for Level 1 were completed, signed off by Primes and sent to SEI and IBC for signoff which is expected on 3 January 2018. Layout will commence on 4 January 2018. Progress in Boiler room with all pumps and headers installed.
- Construction entrance stabilization issues addressed. No new reports from the City of sediments tracking on side streets.
- There will be no Makerspace at School 7, as this space was not identified early enough during programming, nor was it in the Master Plan requirements.

– School 1/15:

- Smoke partition closure work is finishing in Corridors; Mechanical ductwork continues
- Split Face and Ground Face CMU is up to bearing height around northern portion of the Addition.
- SWPPP inspections continue. Items needing correction need addressed.
- Schedule look ahead for the next two weeks: ISR and Revised Plans are being prepared to revisit with District personnel and SED for Building Aid. HVAC, Electrical, Plumbing rough-in work in existing building continues.
- Plumbing piping in the Crawl space area (Water, Sanitary & Storm) continues; toilet rooms in the renovation area roughed in;
- Electrical Conduit Rough in renovation areas continues;
- Light gauge metal studs progressing in existing building.

– SWW:

- Gym joists and acoustical decking installed. Roofing work halted due to the severe winter weather.
- Main Office Stud framing ongoing. Occupancy in April 2018. Classrooms and Gym completion Summer 2018.

– Dr. Freddie Thomas Learning Center:

- DFTLC Phase 2.1 - Main Office:
 - School 16 Office successfully moved into the new space during the December 2017 holiday break per schedule.
 - An additional voice/data port was requested for a “house phone” at the counter. Voice/data line being run to floor box. Received proposal from contractor and price is being negotiated. This additional work will not disrupt the main office suite.
 - Additional mail box cabinet was requested.
- DFTLC Phase 2b.2 - Mechanical Equipment Replacement:
 - Kick-off meetings held with Contractors.
 - General requirements items: bonds, insurance, submittals, etc. ongoing.

– Edison:

- Part A Project
 - Roofing Punch list work nearing completion. CM to issue deduct change order for unused allowance in roof contract.
 - Site development project in closeout phase.
- Part B project
 - Bid documents originally scheduled for 19 Dec 2017 postponed to 9 Jan 2018.
 - LaBella discovered that RCSD moved forward with replacing sanitary and storm piping in the basement that was designated as part of the construction project. Bidding documents are being revised by addendum to delete the sanitary and storm piping scope that is currently being completed by the RCSD. Bid opening is scheduled for Tuesday, 9 January 2018. Award recommendation review at RJSCB Committee meeting on 1 February 2018.
 - Construction estimate has been submitted and project is currently on budget. Base bid includes toilet rooms. The TV Studio equipment still remains an alternate.
 - Makerspace furniture returned to manufacturer after display at the Architect's office, Edison Tech, and the RSMP offices.
 - Muralist is looking to paint murals on existing retaining walls.
 - LaBella issued payment of SWPPP DEC invoice presented by RSCD Facilities.

– School 2:

- Architect (CPL) completing Construction Documents for final SED review and approval. CPL is revising documents to address new SED comments regarding code issues with new Stage at north wall of Gym Stage. CPL also working on resolving SED comments on existing exit next to Library into Courtyard not meeting codes. Re-design is ongoing and is expected for next week.
- The Construction Manager (Pike) continues to customize Div. 00 and 01 of the Front-End Specifications using RSMP Templates.
- The CM's Design Development estimate is currently within Budget with Sewer relocation, Maker-space and key Alternates, (Staff Parking, Enlarged Bus Pull off, Replacement of Classroom Ceilings, replacement of UVs in existing classrooms, Boiler Room combustion air and new AHU-1).
- Per School Principals, there is no need for a separate Gross Motor Skills room.
- Transition meetings held with previous and Current School Principals to provide status update on the School 2 project.
- Vertical UV units will be provided in classrooms at Addition only. Existing Unit Ventilators will be replaced in-kind in renovation areas.
- Smilemobile: Requested final signoff from Towing company on proposed location.

– School 4:

- Architect (CJS) issued design development documents to DiMarco Group (CM) for updating the budget estimate. CJS is moving forward with construction documents, so the design schedule can be maintained while waiting for the updated DD estimate from DiMarco.
- Construction Documents review "face to face" with SED is tentatively scheduled for 13 March 2018
- Revised ISR form still an open item with the RCSD and the Regional Associate. Clarification to the total number of students that will attend School 4 is required due to adjusting test fit to include 7 additional special education classrooms. This change will require adjustments to the calculation BAU/MCA.
- SHPPO clarification may be needed due to sill height changes.
- Study for allowing additional natural light into cafeteria impacts park tree completed and reviewed with City Forester. This issue is now closed.
- Coordinating the BAC meeting with Principal Karon Jackson and the RSMP's BOP team.

– School 6:

- Design Development documents reviewed with SED.

- The approved design is for a three-strand school, which the budget seems to support. The current school population (Abraham Lincoln School 22) appears to be a four-strand school. The district will need to align enrollment with the three-strand building at school 6.
- Phase II Soil contamination investigation work completed; report submitted; estimate being prepared (cost is predicated on DEC requirements, but in the range of \$500k to \$750k). Phase II ESA Electromagnetic survey initial findings delivered to RCSD.
- ISR and Floor Plans being updated for meeting to be held with SED, face to face.

– School 10:

- Design work is generally within budget and on schedule for SED review on 11 Jan 2018.
- Cx design review ongoing. IDC review of 90% drawings ongoing.
- Playground layout and equipment reviewed with Principal and RCSD Facilities
- CM revised estimate incorporating some design changes and higher level estimating detail shows the project is back on budget. Team is working to develop a list of alternates for consideration.
- Swing space at Marshall: SEI proposal for swing space design was approved by the RJSCB and work is ongoing. Marshal Swing Space design is being packaged with the School 10 SED progress set and Construction Documents. SWBR Feasibility Study and conceptual estimate handed off from SWBR to SEI design.

– School 30/54:

- Program verification by LaBella Associates ongoing.

– DWT:

- Continued DWT-2B design coordination with all Phase 2c design teams.
- Purchase Orders for Video at Schools 1, 7, 16, and SWW and Intrusion Detection at Schools 1, 16, SWW submitted to Day Automation on Thursday 4 Jan. Received signed P.O.s and bills-of-material from Day for Video at 7 and SWW. Other schools still pending.
- Bracket location dimension needed from RCSD’s Sheldon Cox for use at School 7. Coordinating this item with Millennium and RCSD.

– BOP:

- Instructional Series 3 graduation scheduled for 17 January 2018.
- Instructional Series 4 starting in February 2018.
- Winter 2018 edition of the RSMP newsletter nearing completion.

– IDC:

- Phase 2a Reports Received: Monroe, School 7, and School 16 - still need East (working toward SD level drawings; need 90% CD for submission).
- Phase 2b Reports Received: Monroe, SWW, School 1/15, DFTLC, and Edison.
- Phase 2c Reports: School 10 began December 2017, School 2 scheduled for January 2018, School 6 scheduled for February 2018, and School 4 scheduled for March 2018.

The M/WBE and Services Procurement Committee Report for January 4, 2018 is included in the Members Packets.

The M/WBE and Services Procurement Committee Report includes the Board Chair Report for Authorized Change Orders and is articulated below:

<u>Project</u>	<u>Contractor</u>	<u>Number</u>	<u>Amount</u>
East	Steve General	RC-01	\$ 830.42
East	Steve General	RC-02	\$ 1,304.34
School 7	DiPasquale	GC-10	\$ 19,195.00

School 7	JW Danforth	MC-04	\$ 3,063.00
School 7	MA Ferrauilo	PC-05	\$ 4,532.00
Monroe 2a	Manning Squires	GC-21	\$ 12,347.62
Monroe 2a	Manning Squires	GC-22	\$ 1,649.26
Monroe 2a	Lloyd Mechanical	PC-17	\$ 4,020.01
Monroe 2a	Eastcoast Electric	EC-11	\$ 3,759.94
SWW	MA Ferrauilo	MC-02	\$ 2,863.00
SWW	MA Ferrauilo	PC-01	\$ 5,755.00
SWW	Eastcoast	EC-01	\$ 14,318.95
DFTLC	Steve General	GC-01	\$ 8,843.71
DFTLC	JW Danforth	MC-01	\$ 4,388.62
CSR	Thurston Dudek	PC-01	\$ (2,550.00)
CSR	Concord Electric	EC-03	\$ 25,140.00

The Finance Committee Report for January 4, 2018 is included in the Members packets.

Adjournment

Approved at 5:45 pm.

Motion by Member Cruz

Second by Member Benincasa

Approved 6-0 with Vice Chair Schmidt away