

Rochester Joint Schools Construction Board
Minutes
October 17, 2016
4:30 PM

Present

Chair Allen Williams, Charles Benincasa, Ineabelle G. Cruz, Tom Richards, Vice Chair Mike Schmidt, Wayne Williams, and ICO Brian Sanvidge. Member Bob Brown was away. Also present were: Executive Director Tom Renauto, General Counsel Greg McDonald, and Program Managers Pepin Accilien and Roland Coleman from Savin and Tom Rog r from Gilbane.

Chair Williams convened the meeting at 4:32 pm.

Presentation: East

Rich Little from Cannon Design stated that the project is in the schematic design phase and that the team has been conducting meetings over the past few weeks to look at all building needs and program needs to evaluate what can fit into the Phase 2 budget and anything that will need to be pushed to Phase 3. Items for a future Phase 3 include: the pool and pool systems, gym improvements, chillers, the Collaboratorium, CTE wing renovations, Library renovations, music/theater wing, and garage renovations. The current budget of \$46M covers the addition, all classroom renovations, and roofing. Most recently, Cannon has turned the project over to the CM, Pike, so they can start estimate reconciliation.

The Board asked for a list of items that is in the Phase 2 project and a list of items that is not included in the project.

Rich Little stated that this project will not eliminate the need for ongoing building maintenance.

Presentation: School 16

John Springer, Program Manager for School 16, explained that there is only one option close to the Master Plan budget, the "existing building footprint" option (\$23.7M + \$4.2M SmartBond dollars, if/when approved by the BOE). This option renovates the existing building footprint only. The other option, which includes a new gym addition (the new gym was not included in the Master Plan) would need approximately an additional \$4M. The new gym would fulfill the needs for an Elementary School program. Both options are pending the District's allocation of SmartBond funds and the clarification that SmartBond funds are on top of the \$435M borrowing limit.

The Board asked for options for the additional money needed in order to include the new gym.

It was noted that of the additional \$4M needed, that some portion of it (maybe 50%) will be local share.

Presentation: School 7

Ted Mountain from SEI Design and Bob DiPaola, Program Manager for School 7, gave an overview of the project. The project is currently within budget. All abatement (fireproofing) is included in the project. Site work will include removal of the modular classrooms, upgrades to the field and playground, an improved drop-off area on Dewey Ave, and increasing the parking lot. There will be a new secure

entrance. On the first floor there will be a new hybrid kitchen (similar to School 12) as well as renovated Kindergarten and Prekindergarten rooms. The 2nd floor has the same classroom layout as the 1st floor, but with the library in the center and limited renovations to the gym. The addition will include new classrooms for 2nd grade and art and music rooms creating a new 2nd story space. The 3rd floor is small with 8 classrooms to be renovated and the addition of some small breakout spaces in the middle of the classroom area. Overall project concepts include a building wide HVAC system including air conditioning. The replacement of all galvanized steel plumbing will reduce the risk of lead issues. The addition of more natural light via additional windows and replacement of existing windows to match the new windows on the addition. The team is proposing an early Demo & Abatement package to be bid in December 2017 and start January 2017. The main project will be bid March 2017 for an April 2017 start.

Presentation: Monroe

Mike Ellison and Tony Borgese from CJS Architects gave an overview of the Monroe 2b program verification, the site plan, and conceptual interior plans. The campus layout included a new parking lot, a new multipurpose turf field (regulation soccer and football), 2 new tennis courts and batting cages, concessions area and a main gate with public restrooms, and a new athletics event entry. This plan does not include a baseball diamond. The conceptual 1st floor plan includes the new gymnasium (a competition court with seating for approximately 600 spectators) and locker room facilities with direct access to the new pool. Also included is a new lobby space with entrances from both the west and the east. The existing boys gymnasium would be converted to a cafeteria with new spaces for kitchen and server. The existing girls gymnasium would be renovated for 7th and 8th grade with team rooms below for players coming on and off the field, along with a new weight room, offices for the athletic staff, and storage. CJS has started forming their BAC and are currently undergoing a study for the existing School 15 façade and plans to meet with SHPO in early to mid-November. The project is currently over budget. The pool was not a part of the Master Plan and the team is working with the CM to further refine the numbers.

The Board asked for a comprehensive cost analysis.

Consent Agenda Items included the Meeting Minutes, All Resolutions, and All Communication items except for the Baker Tilly Report

Motion by Member Benincasa
Second by Member W. Williams
Approved 6-0 with Member Brown away

Approval of Minutes by Consent
Monthly Meeting held on September 12, 2016
Special Meeting held on September 29, 2016

**Resolution 2016-17: 62
Additional Moving Services – School 12**

By Board Member Benincasa

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

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

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

WHEREAS, the RJSCB approved the selection of FM Office Express ("FM"), Corrigan Moving Systems ("Corrigan"), and Clark Moving and Storage ("Clark") as the moving companies associated with the Phase 1 - Summer 2014 moves (Resolution 2013-14: 234); and

WHEREAS, the RJSCB issued a purchase order to Clark dated April 11, 2014 ("Agreement"); and

WHEREAS, Clark has submitted a proposal to the Move Manager for additional work associated with the relocation to School 12 from temporary swing space at Jefferson based on the hourly rates included with the original bid; and

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

WHEREAS, at its October 13, 2016 meeting, the MWBE and Services Procurement Committee considered the Program Manager's and Move Manager's recommendation to accept the proposal from Clark to perform the additional work in the amount of \$4,848 and it 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 to the above named firm in the amount listed above in substantially the form included in the Request for Bids 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 Board Member W. Williams
Approved 6-0 with Member Brown away**

**Resolution 2016-17: 63
FF&E Additional Costs – School 12**

By Board Member Benincasa

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

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

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

WHEREAS, the RJSCB's Program Manager, with the advice of Vargas Associates (the "Move Manager"), the RJSCB's general counsel, and the RJSCB's Independent Compliance Officer, prepared a request for bids ("Request for Bids") package for Furniture, Fixtures, and Equipment ("FF&E"); and

WHEREAS, the RJSCB awarded a portion of the School 12 FF&E to FM Resources; and

WHEREAS, following the execution of the Purchase Order, FM Resources, along with the Move Manager, and the Program Manager, identified changes in the scope of work, and cost proposals were then obtained for these changes and provided to the Move Manager and the Program Manager for review; and

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

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that FM Resources Purchase Order should be amended to add these scope items for a total of \$5,920; and

WHEREAS, at its October 13, 2016 meeting, the MWBE Procurement and Services Committee considered the recommendation of the Move Manager and the Program Manager and approved the additional purchase order to FM Resources; and

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the recommendation of the Move Manager that a supplemental Purchase Order be issued to the above named firm, in the amount specified to provide the necessary Furniture, Fixtures, and Equipment (delivered and installed at point of use) for the School 12 project in Phase 1 of the RSMP; and
2. The RJSCB Chair is hereby authorized, to execute and deliver a Purchase Order to the firm named above, in substantially the form included in the Request for Bids for the Furniture, Fixtures, and Equipment with such changes as the Chair may approve (the Chair's signature thereon being conclusive evidence of such approval) on the advice of the Program Manager and the RJSCB's general counsel.

**Second by Board Member W. Williams
Approved 6-0 with Member Brown away**

**Resolution 2016-17: 64
Amendment #28 to Vargas Associates**

By Board Member Benincasa

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

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

WHEREAS, the RJSCB issued a request for proposals dated August 9, 2011 for move management services ("Move Manager") (Resolution 2011-12: 8); and

WHEREAS, at the monthly meeting held on October 3, 2011, the RJSCB selected Vargas Associates as the finalist for Move Manager (Resolution 2011-12: 31) and subsequently entered into an agreement with Vargas Associates dated February 2, 2012, entitled "Agreement Between Owner and Consultant" (the "Agreement"); and

WHEREAS, the Agreement includes scope of work for the first five projects in Phase 1a of the Rochester Schools Modernization Program ("RSMP") (School 17, School 28, School 50, School 58, and Charlotte High School); and

WHEREAS, the RJSCB thereafter added certain additional services to the Move Manager's scope of work (Resolution 2012-13: 9, Resolution 2012-13: 49, Resolution 2012-13:118, Resolution 2012-13: 145, Resolution 2012-13: 172, Resolution 2012-13: 192, Resolution 2013-14: 8, Resolution 2013-14: 34, Resolution 2013-14: 100, Resolution 2013-14: 101, Resolution 2013-14: 160, Resolution 2013-14: 203, Resolution 2013-14: 204, Resolution 2013-14: 261, Resolution 2013-14: 287, Resolution 2013-14: 288, Resolution 2014-15: 51, Resolution 2014-15: 84, Resolution 2014-15: 150, Resolution 2014-15: 166, Resolution 2014-15: 190, Resolution 2014-15: 238, Resolution 2015-16: 20, Resolution 2015-16: 27, Resolution 2015-16: 132, Resolution 2015-16: 157, and Resolution 2015-16: 171); and

WHEREAS, the RJSCB now wishes to add additional services to the Move Manager's scope of work relating to School 12 and the Program Manager has received and reviewed a proposal for this additional work provided by the Move Manager; and

WHEREAS, based on the advice and recommendation of the Program Manager, the MWBE and Services Procurement Committee considered and discussed the proposal for additional services from the Move Manager at its October 13, 2016 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby accepts and approves the proposal from the Move Manager for additional services to the Agreement in an amount not to exceed \$6,900; 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 with Vargas Associates that is consistent with this approval and in an acceptable form to the Chair upon the advice of the RJSCB's general counsel.

**Second by Board Member W. Williams
Approved 6-0 with Member Brown away**

**Resolution 2016-17: 65
Amendment #3 to Kaizen Foodservice Planning and Design Inc. Agreement**

By Board Member Benincasa

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 Kaizen Foodservice Planning and Design Inc., ("Kaizen") as the Food Service Consultant for Phase I for the Rochester Schools Modernization Program ("RSMP") (Resolution 2010-11: 42);

WHEREAS, the RJSCB entered into an agreement with Kaizen (Resolution 2010-11: 42) dated August 5, 2011, entitled Agreement Between Owner and Consultant (the "Agreement");

WHEREAS, Kaizen has completed their respective scope of work for Phase 1 and the Program Manager has completed its reconciliation of all invoices for these services resulting in an unused balance remaining, the amount of which has been agreed to by Kaizen; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that Kaizen's Agreement should be amended to reduce the total amount by -\$30,211.70; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its October 13, 2016 meeting and after due deliberation, it approved the request to amend the Agreement;

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to Kaizen's Agreement Between Owner and Consultant dated August 10, 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 W. Williams
Approved 6-0 with Member Brown away**

**Resolution 2016-17: 66
Phase 2 Commissioning Agent Selection**

By Board Member Benincasa

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 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 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 issued a request for proposals (the “RFP”) for Commissioning Agent Services for Phase 2 Schools (Resolution 2016-17: 48); and

WHEREAS, the RJSCB’s Executive Director received three proposals as of the date and time specified in the RFP, and promptly distributed the proposals to the RJSCB members; and

WHEREAS, a selection committee made up of RJSCB representatives, the Executive Director, and the Program Manager interviewed all three of the responding firms; and

WHEREAS, the firm Erdman Anthony Engineering Services (“Erdman Anthony”) was identified as being highly qualified and fiscally responsive to the RJSCB’s Rochester Schools Modernization Program, RFP for Commissioning Agent Services;

THEREFORE, BE IT RESOLVED:

1. That the Rochester Joint Schools Construction Board hereby approves Erdman Anthony to provide Commissioning Agent Services for the schools in Phase 2 of the RSMP; and
2. The RJSCB Program Manager is hereby authorized, in the name and on behalf of the RJSCB, to negotiate an Agreement (the “Agreement”) with the 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 W. Williams
Approved 6-0 with Member Brown away**

**Resolution 2016-17: 67
Phase 2 – Design Standards Request for Proposals**

By Board Member Benincasa

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 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 a request by the District and recommendation of its Program Manager, has determined a need for a firm to provide Design Standards for the Phase 2 projects that are part of the RSMP; and

WHEREAS, the RJSCB's Program Manager has prepared a request for proposals (an "RFP") for a firm to provide Design Standards that requires the responding firms to set forth their fee proposals for hourly rates for a specific scope of work; and

WHEREAS, the MWBE and Services Procurement Committee reviewed and discussed the RFP for Design Standards at its meeting on October 13, 2016, and after due deliberation, approved the RFP for issuance;

THEREFORE, BE IT RESOLVED:

1. The Request for Proposals for Phase 2 Design Standards is approved for issuance; and
2. The MWBE and Services Procurement Committee is authorized on behalf of the RJSCB to select finalists, conduct interviews as necessary, and recommend to the RJSCB the most qualified candidate.

**Second by Board Member W. Williams
Approved 6-0 with Member Brown away**

**Resolution 2016-17: 68
Change Order #11 to Manning Squires Hennig (Monroe)**

By Board Member Benincasa

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

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

WHEREAS, the RJSCB approved the award of the general contractor contract to Manning Squires Hennig, Inc. ("Manning Squires"), for the Monroe High School project in Phase I (Resolution 2014-15: 242); and

WHEREAS, the RJSCB entered into a contract with Manning Squires (Resolution 2014-15: 242) dated June 9, 2015 (the "Contract"), to perform the scope of services defined in the contract documents as the general contractor's scope of work; and

WHEREAS, following the execution of the Contract, Manning Squires, along with the Campus 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 #11 includes the following items:

1. Protection for artwork for the amount of \$4,388
2. Additional sidewalk for the amount of \$4,507
3. Changes to door hardware for the amount of \$7,639
4. Temporary enclosure and access to penthouse for the amount of \$8,408

5. Delete work at courtyard parapets for a credit of -1,596
6. Extend gyp ceiling for the amount of \$3,462
7. Additional work related to deteriorated joist repairs for the amount of \$33,222

The Total amount of Change Order #11 is \$60,030; and

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

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that Manning Squires Hennig's Contract should be amended to add and delete these scope items for a total of \$60,030; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its October 13, 2016 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to Manning Squires Hennig's Contract between the Board and Contractor dated June 9, 2015 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 W. Williams
Approved 6-0 with Member Brown away**

**Resolution 2016-17: 69
Change Order #10 to MA Ferrauilo (Monroe)**

By Board Member Benincasa

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

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

WHEREAS, the RJSCB approved the award of the mechanical contractor contract to Michael A. Ferrauilo Plumbing and Heating Inc., ("MA Ferrauilo") for the Monroe project in Phase I (Resolution 2014-15: 242); and

WHEREAS, the RJSCB entered into a contract with MA Ferrauilo (Resolution 2014-15: 242) dated June 9, 2015 (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 Campus 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 #10 includes the following items:

1. Cut and cap existing steam line for the amount of \$2,041
2. Relocate chilled beam piping for the amount of \$7,715
3. Provide flexible connections at piping connections to all chilled beams for the amount of \$90,909

The Total amount of Change Order #10 is \$100,665; and

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

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that MA Ferrauilo's Contract should be amended to add these scope items for a total of \$100,665; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its October 13, 2016 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to Michael A. Ferrauilo Plumbing and Heating Inc.'s Contract between the Board and Contractor dated June 9, 2015 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 W. Williams
Approved 6-0 with Member Brown away**

**Resolution 2016-17: 70
Change Order on Manning Squires Hennig (Monroe) soil removal costs**

By Board Member Benincasa

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

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

WHEREAS, the RJSCB approved the award of the general contractor contract to Manning Squires Hennig, Inc. ("Manning Squires"), for the Monroe High School project in Phase I (Resolution 2014-15: 242); and

WHEREAS, the RJSCB entered into a contract with Manning Squires (Resolution 2014-15: 242) dated June 9, 2015 (the "Contract"), to perform the scope of services defined in the contract documents as the general contractor's scope of work; and

WHEREAS, following the execution of the Contract, Manning Squires submitted a claim to Campus Construction (the Construction Manager) and to the Program Manager for additional work related to soil removal and disposal at the underground tank and the coal bunker at the project; and

WHEREAS, following their review of the claim documents, the Construction Manager and the Program Manager initially disputed the claim; and

WHEREAS, through negotiations, the Executive Director and the Program Manager have been able to reduce the cost of this claim from the initial amount claimed by Manning Squires of \$168,336.31 down to \$99,900; and

WHEREAS, the RJSCB's Program Manager recommended to the MWBE and Services Procurement Committee (the "Committee") that Manning Squires' Contract should be amended to add the amount of \$99,900 in order to resolve the claim related to the soil removal at the underground storage tank and the coal bunker; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its October 13, 2016 meeting and after due deliberation, it approved the request to amend the Contract;

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to Manning Squires Hennig's Contract between the Board and Contractor dated June 9, 2015 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 W. Williams
Approved 6-0 with Member Brown away

Resolution 2016-17: 71
Pay Requisition Summary Acceptance (September 2016)

By Board Member Benincasa

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

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

WHEREAS, the RJSCB developed a pay requisition approval procedure with input from its Counsel, the MWBE and Services Procurement Committee, members of the accounting department of Rochester City School District, and the RJSCB's independent auditing firm; and

WHEREAS, the RJSCB, at its regular monthly meeting on September 12, 2011, adopted the pay requisition approval procedure (Resolution 2011-12: 23) ("Pay Requisition Approval Procedure"); and

WHEREAS, the RJSCB, at its regular monthly meeting on September 10, 2012, revised the Pay Requisition Approval Procedure (Resolution 2012-13: 37) to include the Trustee as paying agent for construction related payments; and

WHEREAS, the 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 COMIDA issued bond proceeds for the Rochester Schools Modernization Program ("RSMP") Phase 1a projects were deposited in the Trustee's account on June 20, 2012; and

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

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

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

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

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

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

WHEREAS, in 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 Phase 2 projects at Monroe High School, School 15, and East High School (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 City will be reimbursed for its BAN from the Phase 2 bond proceeds (anticipated to occur in February of 2017) following approval of the Phase 2 Master Plan by the Board of Education and approval of the first group of projects in Phase 2 by the New York State Education Department; 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, in compliance with the Pay Requisition Approval Procedure, the RJSCB's Executive Director has reviewed the individual pay applications from each of the consultants and suppliers for accuracy and completeness; and

WHEREAS, the Executive Director forwarded the regular monthly Pay Requisition Summary (attached to this Resolution) totaling \$2,037,695.14 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 Board Chair with copy to the full Board on September 28, 2016; and

WHEREAS, the Executive Director forwarded the Phase 2 monthly Pay Requisition Summary (attached to this Resolution) totaling \$641,932.89 including all invoices to be paid by the District using funds advanced by the District to the RJSCB and those invoices to be paid out of the City BAN proceeds, to the RJSCB Board Chair with copy to the full on September 28, 2016; and

WHEREAS, the RJSCB Board Chair approved the regular monthly Pay Requisition Summary and the Phase 2 monthly Pay Requisition Summary on September 29, 2016; and

WHEREAS, the RJSCB's Executive Director 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 October 13, 2016;

THEREFORE, BE IT RESOLVED:

1. The Rochester Joint Schools Construction Board hereby accepts the regular monthly Pay Requisition Summary for the month of September 2016 in the amount stated above and the Phase 2 monthly Pay Requisition Summary for the month of September 2016 in the amount stated above and as shown in the Summary sheets attached to this Resolution.

**Second by Board Member W. Williams
Approved 6-0 with Member Brown away**

**Resolution 2016-17: 72
Authorization to Bid – School 7 Abatement and Demolition (“Early Start”)**

By Board Member W. Williams

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 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 BOE approved the comprehensive Master Plan for Phase 2 in March 2016 (BOE Resolution 2015-16: 630); and

WHEREAS, SEI Design Group (“SEI”), the Architect of Record for the School 7 project in Phase 2, has presented the program verification scope of work and budget for the School 7 project to the Superintendent and Senior Cabinet; and

WHEREAS, SEI has presented the program verification scope of work and budget for the School 7 project to the Mayor and Senior Staff; and

WHEREAS, SEI has presented the program verification scope of work and budget for the School 7 project to the RJSCB on July 18, 2016 and provided an update to the RJSCB on October 17, 2016; and

WHEREAS, the Program Manager provided an update to the Superintendent and Senior Cabinet on October 25, 2016; and

WHEREAS, the Program Manager has determined that the success of the project would be greatly improved by beginning the construction as soon as possible; and

WHEREAS, the RJSCB’s Program Manager is working with SEI and the School 7 Construction Manager, LeChase Construction (“LeChase”), to prepare a request for bids for a Demolition and Abatement (“Early Start”) package for the School 7 project; and

WHEREAS, this Early Start work will be bid prior to the main scope of work, allowing the work to begin in January 2017, and continue inside the building during the inclement weather conditions throughout the winter; and

WHEREAS, the RJSCB anticipates New York State Education Department (“SED”) approval of the School 7 Early Start project by the end of December 2016; and

WHEREAS, the City Bond Anticipation Notes (“BAN”), which were sold on August 9, 2016 and provide \$32,000,000 in funding for the first projects in Phase 2, will provide the funding to pay for the Early Start work at School 7; and

WHEREAS, at the monthly RJSCB meeting held on October 17, 2016, following the review and consideration of the above recommendation from the RJSCB’s Program Manager and after due deliberation, the RJSCB agreed with the recommendation to bid an Early Start scope of work at School 7 and that the funding for the work will be paid for out of the BAN proceeds;

THEREFORE, BE IT RESOLVED:

1. That School 7’s abatement and demolition (Early Start) project will be paid for using the proceeds from City provided BAN.
2. The RJSCB, through its Program Manager, shall proceed with the issuance of a Request for Bids for the School 7 Early Start project in order to maintain the overall project schedule contingent upon approval by SED.
3. Prior to issuance of the Request for Bids, the Program Manager shall work with the RJSCB’s general counsel to further develop and finalize the Request for Bid package, including the General Conditions of the Contract and the form of Contract.
4. The MWBE and Services Procurement Committee, with the advice and recommendations of the Program Manager, is authorized on behalf of the RJSCB to review the bid responses and recommend to the RJSCB the lowest responsible bidders.

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

Communications

The Phase 1 Monthly Report is included in the Member's packets.

The Phase 2 Monthly Report is included in the Member's packets.

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

- 87.68% submissions for the August 2016 reporting period.
- 97.89% of all data requested has been received and approved (April 2011 through August 2016).
- Overall Workforce (EEO) Participation: Minority @ 22.89% (goal is 20%) and Women @ 7.24% (goal is 6.9%).
- Overall Business Participation: Minority @ 15.68% (goal is 15%), Women @ 7.43% (goal is 5%), Disadvantaged @ 2.33% (goal is 2%) and Small @ 3.76 (goal is 5%).
- Rochester Residents: 72 of the 181 workers for the July 2016 reporting period (or 39.78%). The average Rochester Resident workforce (construction) from inception (April 2011 through August 2016) is 27.38%.

The Budget reports are included in the Member's packets and were reviewed at the Finance Committee Meeting on October 13, 2016.

The M/WBE and Services Procurement Committee Report for October 13, 2016 is included in the Members packets.

The Finance Committee Report for October 13, 2016 is included in the Members packets.

Pepin Accilien described the PMs recommendation to create an early bid package for demo and abatement at School 7. This will help the schedule and the District's aid. Charlie Benincasa agreed that BAN funds could be used for this purpose. Pepin stated that there will be money in the BAN to do this work. A resolution (2016-2107: 72) was created and voted on during the meeting.

Pepin Accilien and John Springer described the building condition survey for the Maynards building and discussed their recommendation to begin a search for new office space and possibly warehouse space. Tom Richards asked for a full costs analysis.

Adjournment

Approved at 6:32 pm