

Rochester Joint Schools Construction Board

Minutes

April 10, 2017

4:30 PM

Present

Chairman Allen Williams, Vice Chair Mike Schmidt, Charles Benincasa, Bob Brown, I. Geena Cruz, Norman Jones, and ICO Brian Sanvidge. Tom Richards was away. Also present: General Counsel Greg McDonald, Program Managers Pépin Accilien and Roland Coleman from Savin, and Tom Rogér from Gilbane.

Chairman Williams convened the meeting at 4:32 pm.

Approval of Minutes

Monthly Meeting held on March 6, 2017

Motion by Member Brown

Second by Member Benincasa

Approved 6-0 with Member Richards away

Presentation: Children's School of Rochester at Martin B. Anderson

Mark Schirmer, Moody Nolan, gave an overview of the project, currently in Schematic Design, the initial BAC meeting has taken place, User Group meetings are ongoing, they are setting up a Community meeting, and they had their SED meeting late March. Mark discussed the project scope including the following: site work, building renovations and additions, and DWT.

- Site: modular classrooms will be removed, parking lot and bus loop expansion, access driveway renovation, and all utilities to be upgraded.
- Building: Secure main entrance, correction of existing corridor floor finishes throughout, addition to house Pk-1 classrooms, door replacement, and replacing all existing infrastructure for MEP and adding Fire Protection.
- DWT: Installing SMARTBoards in each classroom and providing access control and camera surveillance.

Presentation: Helen Barrett Montgomery School 50 (and the Maynard's Building)

Norm Gardner, Clark Patterson Lee, gave an overview of the playfield development portion of the School 50 project (the other being the roof replacement) comprising of demolition and site restoration.

- Building demolition includes: Maynard's building, parking areas, and abandonment/termination of the utilities.
- Site restoration includes: a baseball field (90' base path, 60'-6" pitcher's mound, grass/dirt infield, chain link fence "dugouts", two 4-row bleachers), a full size "rectangular" field (soccer, lacrosse, etc. with no permanent goals), ornamental fencing around the perimeter, and sidewalk walking path. The team is meeting with RGRTA tomorrow to discuss their remnant parcel (served by 2 curb cuts). 3 options were shown regarding the RGRTA parcel: no development, bus turn out on Clinton for the RGRTA (\$25,000), and a bus pull off lane for the RGRTA (\$40,000).

Presentation: School Without Walls Commencement Academy

Kory Hunsinger, Clark Patterson Lee, gave an overview of the BCS and general scope of the project stating that they are currently under budget and on schedule.

- Additions include: gymnasium, changing rooms, fitness classroom and studio arts and digital arts/maker space classrooms.
- Renovations include: office and staff lounge, student toilet rooms, and select classrooms.
- DWT items: PA, clocks, access control, video surveillance, classroom amplification, and SMARTBoard replacement.
- BCS items: parking lot rehabilitation, streamlined delivery, concrete sidewalk replacement, roofing and window replacements, CO detection, unit heater replacement, and water heater, booster and sump pump replacement.

Consent Agenda Items

Resolution 2016-17: 162 Amendment #6 to SEI Design Group Agreement – School 12

By Board Member Brown

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 RJSCB approved the selection of SEI Design Group (“SEI”) as the Architect for the School 12 project in Phase I (Resolution 2011-12: 39); and

WHEREAS, the RJSCB entered into an agreement with SEI (Resolution 2011-12: 39) dated November 15, 2011, entitled Agreement between Board and Architect (the “Agreement”); and

WHEREAS, SEI has completed the services for School 12 in Phase 1 and the Program Manager has completed its reconciliation of all invoices for these services resulting in an unused balance remaining in the amount of \$14,869.92; and

WHEREAS, the MWBE and Services Procurement Committee considered and discussed the Program Manager’s recommendation at its April 6, 2017 meeting to reduce SEI’s contract amount by \$14,869.92, and after due deliberation, it approved the request to amend the Agreement.

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the SEI Design Group Agreement between the Board and Architect dated November 15, 2011, as set forth above is hereby approved, reducing the total amount of the Agreement by \$14,869.92; 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 Benincasa Approved 6-0 with Member Richards away

Resolution 2016-17: 163 Amendment #29 to Vargas Associates

By Board Member Brown

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 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, Resolution 2015-16: 171, and Resolution 2016-17: 64); and

WHEREAS, the RJSCB now wishes to add additional services to the Move Manager's scope of work relating to the coordination and relocation of the warehouse at 1776 N. Clinton to 68 Nassau Street and the Program Manager has received and reviewed a proposal for this additional work provided by the Move Manager; and

WHEREAS, the unused balance of Amendment No. 26 will be used to fund the cost of the additional services making this a net zero Amendment; 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 April 6, 2017 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 \$0.00; and
2. The RJSCB's Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute an amendment to the Agreement 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 Benincasa
Approved 6-0 with Member Richards away**

**Resolution 2016-17: 164
Amendment #1 to MEH Consulting, LLC Agreement – Virgil I. Grissom School No. 7 (Phase 2a)**

By Board Member Brown

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

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

WHEREAS, the 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 ("RFP") for Environmental Monitoring Agent Services (Resolution 2016 – 2017: 30), which included work at the first projects in Phase 2a; and

WHEREAS, the RJSCB approved the selection of ME Holvey Consulting, LLC ("MEH") as the Environmental Monitoring Agent for the Virgil I. Grissom School No. 7 ("School 7") project in Phase 2a (Resolution 2016-17: 47); and

WHEREAS, the RJSCB entered into an agreement with MEH (Resolution 2016-17: 47) dated September 12, 2017, entitled Agreement Between Board and Consultant (the "Agreement"); and

WHEREAS, following the execution of the Agreement, the Program Manager requested, and cost proposals were then obtained and reviewed, for additional scopes of work at School 7; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB's MWBE and Services Procurement Committee (the "Committee") that MEH's Agreement should be amended to adjust the original not-to-exceed allowance and add additional scope items in the total amount of \$100,000.00 to Exhibit I of the Agreement and that this amount shall be treated as a not-to-exceed allowance under Section 11.1.1 of the Agreement; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its April 6, 2017 meeting, and after due deliberation, it approved the request to amend the MEH Agreement.

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the MEH Agreement between Board and Consultant dated September 12, 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 an amendment to the MEH 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 Benincasa
Approved 6-0 with Member Richards away**

**Resolution 2016-17: 165
Contract Award – Asbestos Abatement and Demolition – School 16 (Phase 2a Project)**

By Board Member Brown

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 District's Board of Education ("BOE") has approved the comprehensive Master Plan for Phase 2 (BOE Resolution 2015-16: 630); and

WHEREAS, the Superintendent has identified and confirmed the projects for Phase 2 of the RSMP for which the RSJCB has started design and planning work in advance of the New York State Education Department and New York State Comptroller's approval of the comprehensive Master Plan for Phase 2; and

WHEREAS, the John Walton Spencer School No. 16 ("School 16") is one of the projects included in Phase 2a of the RSMP as provided in the Phase 2 Master Plan; and

WHEREAS, the Program Manager determined that the success of the School 16 project would be greatly improved by beginning the construction as soon as possible; and

WHEREAS, the Program Manager worked with the Architect of Record and Construction Manager for the School 16 project to prepare a Request for Bids for an asbestos abatement and demolition package for the School 16 project; and

WHEREAS, the RJSCB authorized the release of the asbestos abatement and demolition package at its regular meeting on February 6, 2017 (Resolution 2016-17: 138); and

WHEREAS, the Program Manager received bids on March 20, 2017 per the deadline stipulated in the Request for Bids for the asbestos abatement and demolition package for School 16, and those bids were subsequently publicly opened and read aloud at the location stated in the Request for Bids; and

WHEREAS, the Program Manager, the Architect, Construction Manager and ICO have reviewed the bids, conducted de-scoping meetings of the two lowest bidders and determined that Mark Cerrone, Inc. is the lowest responsive and responsible bidder that is qualified and capable to perform the scope of work package for the Phase 2a School 16 asbestos abatement and demolition project; and

WHEREAS, at the M/WBE and Services Procurement Committee ("Committee") meeting held on April 6, 2017, following the review and consideration of the recommendations from the Program Manager, Construction Manager and ICO, and after due deliberation by the Committee, the Committee approved the contract award to:

Scope of Work	Name of Contractor	Address	Bid Amount
Abatement and Demolition	Mark Cerrone, Inc.	2368 Maryland Ave. Niagara Falls, NY 14305	\$1,777,000.00

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the above-stated recommendation and awards the contract to Mark Cerrone, Inc. in the amount of \$1,777,000.00 to provide all equipment, labor, materials, and plant necessary to execute the Asbestos Abatement and Demolition scope of work associated with the Phase 2a School 16 project.
2. The RJSCB Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute and deliver an Agreement to Mark Cerrone, Inc. in substantially the form included in the Request for Bids for the Phase 2a School 16 project, with such changes as the Chair may approve (his/her 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 Benincasa
Approved 6-0 with Member Richards away**

**Resolution 2016-17: 166
Materials Testing Services and Special Inspections RFP – 2b Projects**

By Board Member Brown

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 a Materials Testing and Special Inspections Services Firm to provide services for the Phase 2 projects that are part of the RSMP; and

WHEREAS, the RFP is limited to the following Phase 2 projects: Monroe High School (Part B), Dr. Freddie Thomas Learning Center, School Without Walls, Martin B. Anderson School 15, and Edison Technical Campus (together the "2b projects"); and

WHEREAS, the RJSCB's Program Manager has prepared a request for proposals ("RFP") for a Materials Testing and Special Inspections Services Firm that requires the responding firms to set forth their fee proposals for hourly rates and laboratory testing for a specific scope of work related to the 2b projects; and

WHEREAS, the MWBE and Services Procurement Committee reviewed and discussed the RFP for Materials Testing and Special Inspections Services at its meeting on April 6, 2017, and after due deliberation, it approved the RFP for issuance.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the RFP for Phase 2b (Monroe High School (Part B), Dr. Freddie Thomas Learning Center, School Without Walls, Martin B. Anderson School 15, and Edison Technical Campus) Materials Testing and Special Inspections Services and authorizes the Program Manager to issue the RFP on April 11, 2017; and
2. The MWBE and Services Procurement Committee is authorized, on behalf of the RJSCB, with the advice and recommendations of the Program Manager, to review the RFP responses, select finalists, conduct interviews of the finalists along with other RJSCB board members, and recommend to the RJSCB the most qualified candidates.

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

**Resolution 2016-17: 167
Environmental Monitoring and Testing Services RFP – 2b Projects**

By Board Member Brown

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 Phase 2 projects that are part of the RSMP; and

WHEREAS, the RFP is limited to the following Phase 2 projects: Monroe High School (Part B), Dr. Freddie Thomas Learning Center, School Without Walls, Martin B. Anderson School 15, and Edison Technical Campus (together the "2b projects"); and

WHEREAS, the RJSCB's Program Manager has prepared a request for proposals (an "RFP") for an Environmental Monitoring and Testing Services Firm that requires the responding firms to set forth their fee proposals for hourly rates and laboratory testing for a specific scope of work related to the 2b projects; and

WHEREAS, the MWBE and Services Procurement Committee reviewed and discussed the RFP for Environmental Monitoring and Testing Services at its meeting on April 6, 2017, and after due deliberation, it approved the RFP for issuance.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the RFP for Phase 2b (Monroe High School (Part B), Dr. Freddie Thomas Learning Center, School Without Walls, Martin B. Anderson School 15, and Edison Technical Campus) Environmental Monitoring and Testing Services and authorizes the Program Manager to issue the RFP on April 11, 2017; and
2. The MWBE and Services Procurement Committee is authorized, on behalf of the RJSCB, with the advice and recommendations of the Program Manager, to review the RFP responses, select finalists, conduct interviews of the finalists along with other RJSCB board members, and recommend to the RJSCB the most qualified candidates.

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

**Resolution 2016-17: 168
Phase 2c Construction Management Services RFP**

By Board Member Brown

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 Board of Education ("BOE") has approved the comprehensive Master Plan for Phase 2 (BOE Resolution 2015-16: 630); and

WHEREAS, the Superintendent has identified and confirmed the projects for Phase 2 of the RSMP for which the RSJCB has started design and planning work in advance of the New York State Education Department and New York State Comptroller's approval of the comprehensive Master Plan for Phase 2; and

WHEREAS, these identified projects (the "Phase 2c Projects") include: Dag Hammarskjold School 6; Dr. Walter Cooper Academy School 10; George Mather Forbes School 4; and Clara Barton School 2; and

WHEREAS, it is understood by the District, the City, and the RJSCB that the Bond Anticipation Note ("BAN") provided by the City, which closed on August 9, 2016 for the amount of \$32,000,000, will provide the funds for the design work associated with Phase 2 projects and to engage other professional service firms to begin Phase 2 planning and coordination work; and

WHEREAS, the City will be reimbursed for its BAN from the Phase 2 bond proceeds following approval of the Phase 2 Master Plan by the New York State Education Department and New York State Comptroller; and

WHEREAS, the RJSCB's Phase 2 Program Manager has prepared a request for proposals for Construction Management Services for Phase 2c Projects (the "RFP"), provided the draft of the RFP to the RJSCB for review, and it is ready to be issued; and

WHEREAS, the MWBE and Services Procurement Committee (the "Committee") reviewed the RFP to be issued for Construction Manager Services for Phase 2c Projects and approved the RFP at its April 6, 2017 meeting for forwarding to the full Board.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves the RFP for Phase 2c Construction Management Services and authorizes the Program Manager to issue the RFP on April 11, 2017; and
2. The MWBE and Services Procurement Committee is authorized, on behalf of the RJSCB, with the advice and recommendations of the Program Manager, to review the Phase 2c RFP responses, select finalists, conduct interviews of the design services finalists along with other RJSCB board members, and recommend to the RJSCB the most qualified candidates.

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

**Resolution 2016-17: 169
Schematic Design Approval and Authorization to Release Abatement and Demolition Bid Documents – Martin B. Anderson School 1/15**

By Board Member Brown

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 Martin B. Anderson School No. 1/15 ("School 1/15") is one of the projects included in Phase 2b of the RSMP as provided in the Phase 2 Master Plan; and

WHEREAS, the RJSCB issued a request for proposals for architectural services for the Phase 2b School 1/15 project (Resolution 2015-16: 158); and

WHEREAS, the RJSCB approved the selection of Moody-Nolan Architects ("Moody-Nolan" or "Architect") as the Architect for the Phase 2b School 1/15 project (Resolution 2016-17: 41); and

WHEREAS, the RJSCB entered into an agreement with Moody-Nolan (Resolution 2016-17: 41) dated September 12, 2016, entitled Agreement Between Board and Architect (the "Agreement"); and

WHEREAS, the Agreement authorized Moody-Nolan to begin the program verification and planning associated with the Phase 2b School 1/15 project; and

WHEREAS, at its regular monthly meeting on January 17, 2017, the RJSCB approved the Program Verification Documents for the Phase 2a School 16 project (Resolution 2016-17: 124); and

WHEREAS, the Program Manager recommended to the MWBE and Services Procurement Committee (the "Committee") that the Schematic Design Documents be approved and that the RJSCB authorize the release of the Demolition and Abatement bidding documents for the Phase 2b School 1/15 project; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its April 6, 2017 meeting, and after due deliberation, the Committee approved the Schematic Design Documents and the request to release the Demolition and Abatement bidding documents for the Phase 2b School 1/15 project.

THEREFORE, BE IT RESOLVED:

1. The Schematic Design Documents for the Phase 2b School 1/15 project are hereby approved;
2. The Program Manager is hereby authorized to direct the Architect for the Phase 2b School 1/15 project (Moody-Nolan) to proceed with the next phase in the design process, the Design Development Phase;
3. The RJSCB, through its Program Manager, shall proceed with the issuance of a Request for Bids for the School 1/15 Abatement and Demolition project in order to maintain the overall project schedule contingent upon approval by the New York State Education Department;
4. 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; and
5. 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 Richards away**

**Resolution 2016-17: 170
Authorization to Release Multiple Prime Contracts – Martin B. Anderson School 1/15**

By Board Member Brown

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 Martin B. Anderson School No. 1/15 ("School 1/15") is one of the projects included in Phase 2b of the RSMP as provided in the Phase 2 Master Plan; and

WHEREAS, the Program Manager is working with School 1/15 Architect and Construction Manager to prepare requests for bids for the General, Mechanical, Electrical and Plumbing prime contracts; and

WHEREAS, the Program Manager recommended to the MWBE and Services Procurement Committee (the "Committee") that the RJSCB authorize the release of the General, Mechanical, Electrical and Plumbing bidding documents for the Phase 2b School 1/15 project; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its April 6, 2017 meeting, and after due deliberation, the Committee approved the request to release the General, Mechanical, Electrical and Plumbing bidding documents for the Phase 2b School 1/15 project.

THEREFORE, BE IT RESOLVED:

1. The RJSCB, through its Program Manager, shall proceed with the issuance of a Request for Bids for the School 1/15 General, Mechanical, Electrical and Plumbing prime contracts in order to maintain the overall project schedule contingent upon approval by the New York State Education Department;
2. 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; and
3. The MWBE and Services Procurement Committee, with the advice and recommendations of the Program Manager, is authorized on behalf of the RJSCB to review the bid responses and recommend to the RJSCB the lowest responsible bidders.

Second by Board Member Benincasa

Approved 6-0 with Member Richards away

Resolution 2016-17: 171

Authorization to Release Abatement and Demolition Bid Documents – School 15 and Cafeteria Addition Work at Monroe H.S. Phase 2b

By Board Member Brown

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 James Monroe High School No. ("Monroe 2b") is one of the projects included in Phase 2b of the RSMP as provided in the Phase 2 Master Plan; and

WHEREAS, the Program Manager is working with the Monroe 2b Architect and Construction Manager to prepare requests for bids for the Demolition and Abatement contract for School 15 and Cafeteria Addition work at Monroe H.S.; and

WHEREAS, the Program Manager recommended to the MWBE and Services Procurement Committee (the "Committee") that the RJSCB authorize the release of the Demolition and Abatement bidding documents for the School 15 and Cafeteria Addition work at Monroe H.S.; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its April 6, 2017 meeting, and after due deliberation, the Committee approved the request to release the Demolition and Abatement bidding documents for the School 15 and Cafeteria Addition work at Monroe H.S.

THEREFORE, BE IT RESOLVED:

1. The RJSCB, through its Program Manager, shall proceed with the issuance of a Request for Bids for the Demolition and Abatement bidding documents for the School 15 and Cafeteria Addition work at Monroe H.S. in order to maintain the overall project schedule contingent upon approval by the New York State Education Department;
2. 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; and
3. The MWBE and Services Procurement Committee, with the advice and recommendations of the Program Manager, is authorized on behalf of the RJSCB to review the bid responses and recommend to the RJSCB the lowest responsible bidders.

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

**Resolution 2016-17: 172
Authorization to Release Multiple Prime Contracts – School Without Walls Commencement Academy**

By Board Member Brown

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 School Without Walls Commencement Academy ("School Without Walls") is one of the projects included in Phase 2b of the RSMP as provided in the Phase 2 Master Plan; and

WHEREAS, the Program Manager is working with School Without Walls Architect and Construction Manager to prepare requests for bids for the General, Mechanical, Electrical and Plumbing prime contracts; and

WHEREAS, the Program Manager recommended to the MWBE and Services Procurement Committee (the "Committee") that the RJSCB authorize the release of the General, Mechanical, Electrical and Plumbing bidding documents for the Phase 2b School Without Walls project; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its April 6, 2017 meeting, and after due deliberation, the Committee approved the request to release the General, Mechanical, Electrical and Plumbing bidding documents for the Phase 2b School Without Walls project.

THEREFORE, BE IT RESOLVED:

1. The RJSCB, through its Program Manager, shall proceed with the issuance of a Request for Bids for the School Without Walls General, Mechanical, Electrical and Plumbing prime contracts in order to maintain the overall project schedule contingent upon approval by the New York State Education Department; and
2. 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; and
3. The MWBE and Services Procurement Committee, with the advice and recommendations of the Program Manager, is authorized on behalf of the RJSCB to review the bid responses and recommend to the RJSCB the lowest responsible bidders.

Second by Board Member Benincasa

Approved 6-0 with Member Richards away

Resolution 2016-17: 173

Authorization to Release Multiple Prime Contracts – Virgil I. Grissom School No. 7

By Board Member Brown

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 2b of the RSMP as provided in the Phase 2 Master Plan; and

WHEREAS, the Program Manager is working with the School 7 Architect and Construction Manager to prepare requests for bids for the General, Mechanical, Electrical and Plumbing prime contracts; and

WHEREAS, the Program Manager recommended to the MWBE and Services Procurement Committee (the "Committee") that the RJSCB authorize the release of the General, Mechanical, Electrical and Plumbing bidding documents for the Phase 2b School 7 project; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its April 6, 2017 meeting, and after due deliberation, the Committee approved the request to release the General, Mechanical, Electrical and Plumbing bidding documents for the Phase 2b School 7 project.

THEREFORE, BE IT RESOLVED:

1. The RJSCB, through its Program Manager, shall proceed with the issuance of a Request for Bids for the School 7 General, Mechanical, Electrical and Plumbing prime contracts in order to maintain the overall project schedule contingent upon approval by the New York State Education Department; and
2. 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; and
3. The MWBE and Services Procurement Committee, with the advice and recommendations of the Program Manager, is authorized on behalf of the RJSCB to review the bid responses and recommend to the RJSCB the lowest responsible bidders.

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

**Resolution 2016-17: 174
Authorization to Release Multiple Prime Contracts – John Walton Spencer School No. 16**

By Board Member Brown

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 John Walton Spencer School No. 16 ("School 16") is one of the projects included in Phase 2b of the RSMP as provided in the Phase 2 Master Plan; and

WHEREAS, the Program Manager is working with the School 16 Architect and Construction Manager to prepare requests for bids for the Foundation and Structural Steel, General, Mechanical, Electrical and Plumbing prime contracts; and

WHEREAS, the Program Manager recommended to the MWBE and Services Procurement Committee (the "Committee") that the RJSCB authorize the release of the Foundation and Structural Steel, General, Mechanical, Electrical and Plumbing bidding documents for the Phase 2b School 16 project; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its April 6, 2017 meeting, and after due deliberation, the Committee approved the request to release the Foundation and Structural Steel, General, Mechanical, Electrical and Plumbing bidding documents for the Phase 2b School 16 project.

THEREFORE, BE IT RESOLVED:

1. The RJSCB, through its Program Manager, shall proceed with the issuance of a Request for Bids for the

School 16 Foundation and Structural Steel, General, Mechanical, Electrical and Plumbing prime contracts in order to maintain the overall project schedule contingent upon approval by the New York State Education Department; and

2. 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; and
3. The MWBE and Services Procurement Committee, with the advice and recommendations of the Program Manager, is authorized on behalf of the RJSCB to review the bid responses and recommend to the RJSCB the lowest responsible bidders.

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

**Resolution 2016-17: 175
Authorization to Bid – Summer 2017 Move**

By Board Member Brown

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 Act authorized up to 13 projects in Phase I of the Rochester Schools Modernization Program (“RSMP”), which involves the relocations of several schools into temporary “swing” space in order for the schools to continue to operate and to be fully functional during construction; and

WHEREAS, the authorizing legislation for Phase 2 of the 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 and move management consultant (Vargas Associates), has determined a need for a moving services firm to provide the labor and equipment to perform the physical moves in the summer of 2017 for all furniture and equipment that are included in and part of the RSMP; and

WHEREAS, the moves are scheduled to begin on or about May 15, 2017, and the RJSCB needs to secure its moving services as soon as possible; and

WHEREAS, the RJSCB's Program Manager and move management consultant have prepared a scope of work for moving services (“Request for Bids”), which will be used by the RJSCB to obtain bids from moving services firms using an open public bid process; and

WHEREAS, the MWBE and Services Procurement Committee (“the Committee”) discussed the Request for Bids for moving services and approved it at its meeting on April 6, 2017.

THEREFORE, BE IT RESOLVED:

1. The Request for Bids for moving services is approved for issuance by the RJSCB to obtain bids from moving service firms using an open public bid process; and
2. The 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 move services firms and recommend one or more firms to the RJSCB for award.

Second by Board Member Benincasa
Approved 6-0 with Member Richards away

Resolution 2016-17: 176
Change Order #17 to Manning Squires Hennig Contract (Monroe)

By Board Member Brown

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 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 Campus Construction Management Group 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 #17 includes the following items:

- | | | |
|----|--------------------------------|----------------|
| 1. | Concrete Removal Under Asphalt | (\$4,785.00) |
| 2. | Elevator Changes | \$6,519.00 |
| 3. | Epoxy Injection Credit | (\$101,345.00) |
| 4. | Add Roof Opening | \$4,004.00 |

The Total amount of Change Order #17 is (\$95,607.00); 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 Manning Squires’ Contract should be amended to add and delete these scope items for a total decrease in the Contract Sum of (\$95,607.00); and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its April 6, 2017 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 Benincasa
Approved 6-0 with Member Richards away

Resolution 2016-17: 177
Change Order #15 to MA Ferrauilo Contract (Monroe)

By Board Member Brown

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 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 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 #15 includes the following item:

1.	Omit HVAC at Room 129	(\$10,394.00)
2.	Basement Work Clarifications	(\$7,391.00)
3.	SBHC Work	(\$16,275.00)
4.	AHU-B-2 Storage	(\$5,894.00)
5.	Delete AHU B-1	(\$15,187.00)
6.	Fan Room 30 SA Ductwork Offsets	\$11,172.00
7.	Fan Room 27 SA Plenum Extension	\$5,525.00
8.	Radiation Deletion Floors 1&2	(\$6,590.00)
9.	Boiler Vent Skirt	\$2,506.00
10.	Omit Fire Dampers	(\$11,325.00)

The Total amount of Change Order #15 is (\$53,853.00); 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 decrease in the Contract Sum of (\$53,853.00); and

WHEREAS, the Committee considered and discussed the Program Manager’s recommendation at its April 6, 2017 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 Benincasa
Approved 6-0 with Member Richards away**

**Resolution 2016-17: 178
Change Order #10 to Eastcoast Electric, LLC (Monroe)**

By Board Member Brown

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

Rochester ("City") and the Rochester City School District ("District"), as well as a member jointly selected by the City and the District; and

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

WHEREAS, the RJSCB approved the award of the electrical contractor contract to Eastcoast Electric, LLC ("Eastcoast") for the Monroe High School project in Phase I (Resolution 2014-15: 242); and

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

WHEREAS, following the execution of the Contract, Eastcoast, along with the Campus Construction Management Group 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 items:

- | | |
|--|--------------|
| 1. Allowance for Unforeseen Conditions | \$5,630.00 |
| 2. Basement Work Clarifications | \$7,877.00 |
| 3. Credit Light Relocation | (\$2,268.00) |

The Total amount of Change Order #10 is \$11,239.00; 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 MWBE and Services Procurement Committee (the "Committee") that Eastcoast's Contract should be amended to add and delete these scope items for a total increase in the Contract Sum of \$11,239.00; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its April 6, 2017 meeting and, after due deliberation, it approved the request to amend the Contract.

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order #10 to Eastcoast'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 Benincasa
Approved 6-0 with Member Richards away**

**Resolution 2016-17: 179
Change Order #27 to Hewitt Young Electric Contract (School 12)**

By Board Member Brown

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 RJSCB approved the award of the electrical contractor contract to Hewitt Young Electric ("HYE") for the School 12 project in Phase I (Resolution 2014-15: 202); and

WHEREAS, the RJSCB entered into a contract with HYE (Resolution 2014-15: 202) dated March 17, 2015 (the "Contract"), to perform the scope of services defined in the contract documents as the electrical contractor's scope of work; and

WHEREAS, following the execution of the Contract, HYE, along with the Pike Company (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 #27 includes the following items:

1. Autodoor 107-1 Response to IB #E22 \$9,617.05

The Total amount of Change Order #27 is \$9,617.05; 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 MWBE and Services Procurement Committee (the "Committee") that HYE's Contract should be amended to add this scope item for a total increase in the Contract Sum of \$9,617.05; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its April 6, 2017 meeting and, after due deliberation, it approved the request to amend the Contract.

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to HYE's Contract between the Board and Contractor dated March 17, 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 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 Benincasa
Approved 6-0 with Member Richards away**

**Resolution 2016-17: 180
Change Orders #5 and #6 to Hewitt Young Electric Contract – District Wide Technology (1b)**

By Board Member Brown

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

WHEREAS, the RJSCB approved the award of the District Wide Technology Phase 1b contract to Hewitt Young Electric, LLC ("HYE") for the District Wide Technology Phase 1b projects in Phase I of the RSMP (Resolution 2012-13: 119); and

WHEREAS, the RJSCB subsequently entered into a contract with HYE (Resolution 2012-13: 119) dated March 12, 2013 (the "Contract"), to perform the scope of services defined in the contract documents as the District Wide Technology Phase 1b contractor's scope of work; and

WHEREAS, following the execution of the Contract, HYE, along with Millennium Strategies, the Technology Consultant, and the Program Manager, identified the need for changes to the scope of work, and cost proposals were then obtained for these scope items and provided to the Technology Consultant and the Program Manager for review; and

WHEREAS, Change Order #5 includes the following items:

1. Deleting Monroe High School and East High School Campus
From Phase 1b DWT Scope (\$453,798.93)
- The Total amount of Change Order #5 is (\$453,798.93); and

WHEREAS, Change Order #6 includes the following items:

1. Additional drops, video cameras, and moves adds changes for
The following 1b projects: School 5, School 12, Edison Campus,
and East High School Campus \$108,519.00
- The Total amount of Change Order #6 is \$108,519.00; and

WHEREAS, the Technology Consultant 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 MWBE and Services Procurement Committee (the "Committee") that HYE's Contract should be amended to add and delete these scope items for a total decrease in the Contract Sum of (\$344,279.93); and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its April 6, 2017 meeting and, after due deliberation, it approved the request to amend the Contract.

THEREFORE, BE IT RESOLVED:

1. The proposed Change Orders to HYE's Contract between the Board and Contractor dated March 12, 2013 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 the Change Orders 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 Benincasa
Approved 6-0 with Member Richards away**

**Resolution 2016-17: 181
Pay Requisition Summary Acceptance (March 2017)**

By Board Member Brown

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 City will be reimbursed for its BAN from the Phase 2 bond proceeds 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, 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 \$500,159.93, 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 March 10, 2017; and

WHEREAS, the Program Manager forwarded the Phase 2 monthly Pay Requisition Summary (attached to this Resolution) totaling \$2,791,761.63, 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 Chair with copy to the full Board on March 10, 2017; and

WHEREAS, the RJSCB Chair approved the regular monthly Pay Requisition Summary and the Phase 2 monthly Pay Requisition Summary on March 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 April 6, 2017.

THEREFORE, BE IT RESOLVED:

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

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

**Resolution 2016-17: 182
Insurance Requirements Waiver for Watts Architecture & Engineering, D.P.C.**

By Board Member Brown

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 District's Board of Education ("BOE") has approved the comprehensive Master Plan for Phase 2 (BOE Resolution 2015-16: 630); and

WHEREAS, the Superintendent has identified and confirmed the projects for Phase 2 of the RSMP for which the RSJCB has started design and planning work in advance of the New York State Education Department and New York State Comptroller's approval of the comprehensive Master Plan for Phase 2; and

WHEREAS, these identified projects (the "Phase 2b Schools") include: Monroe High School (Part B); Dr. Freddie Thomas Learning Center; School Without Walls; Martin B. Anderson School 15; and Edison Technical Campus; and

WHEREAS, for Phase 2 of the RSMP, the RJSCB established certain insurance coverage limit coverages that needed to be obtained by consultants and subconsultants working on Phase of the RSMP; and

WHEREAS, the RJSCB issued a request for proposals (the "RFP") for architectural services, renovation and addition projects for Phase 2b Schools (Resolution 2015-16: 158); and

WHEREAS, the RJSCB approved the selection of Watts Architecture & Engineering, D.P.C. ("Watts") as the Architect for the Dr. Freddie Thomas Learning Center project (Resolution 2016-17: 41); and

WHEREAS, the RJSCB entered into an agreement with Watts dated September 12, 2016, entitled Agreement between Board and Architect (the "Agreement"); and

WHEREAS, Watts has requested a waiver of the requirement for a Primary/Non-Contributory additional insured endorsement on its umbrella liability insurance policy on the basis that such coverage is not available from its insurance carrier; and

WHEREAS, the RJSCB's insurance consultant has advised that Watts' potential exposure is professional exposure that is covered under its professional liability policy and that the umbrella liability insurance policy would not be excess over the professional liability policy; and

WHEREAS, Watts has provided proof that it meets all of the other insurance requirements for the Dr. Freddie Thomas Learning Center project; and

WHEREAS, the M/WBE and Services Procurement Committee ("Committee") reviewed and discussed the waiver request at its meeting on April 6, 2017, and, after due deliberation, it approved the forwarding of the waiver request to the full Board for its consideration.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby waives the requirement that Watts obtain a Primary/Non-Contributory additional insured endorsement on its umbrella liability insurance policy for the Dr. Freddie Thomas Learning Center project.

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

**Resolution 2016-17: 183
Insurance Requirements Waiver for Building Energy Solutions, Inc.**

By Board Member Brown

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 District's Board of Education ("BOE") has approved the comprehensive Master Plan for Phase 2 (BOE Resolution 2015-16: 630); and

WHEREAS, the Superintendent has identified and confirmed the projects for Phase 2 of the RSMP for which the RSJCB has started design and planning work in advance of the New York State Education Department and New York State Comptroller's approval of the comprehensive Master Plan for Phase 2; and

WHEREAS, for Phase 2 of the RSMP, the RJSCB established certain insurance coverage limits that needed to be obtained by consultants and subconsultants working on Phase of the RSMP; and

WHEREAS, the RJSCB issued a request for proposals (the "RFP") for commissioning authority services projects for Phase 2 Schools (Resolution 2016-17: 48); and

WHEREAS, the RJSCB approved the selection of Erdman Anthony as the Commissioning Authority for the Phase 2 projects (Resolution 2016-17: 66); and

WHEREAS, the RJSCB entered into an agreement with Erdman Anthony dated October 17, 2016, entitled Agreement between Board and Architect (the "Agreement"); and

WHEREAS, in connection with the Agreement, Erdman Anthony retained Building Energy Solutions LLC ("BES") as a subconsultant for the Phase 2 projects; and

WHEREAS, BES has requested a waiver of the requirement that it carry an excess liability insurance policy for its general aggregate and auto liability insurance policies on the basis that such coverage is not warranted by the services it is providing as a subconsultant to Erdman Anthony and that the cost of said insurance is one-quarter of its total subconsulting fee for the Phase 2 projects; and

WHEREAS, BES has provided proof that it meets all of the other insurance requirements for the Phase 2 projects; and

WHEREAS, the M/WBE and Services Procurement Committee ("Committee") reviewed and discussed the waiver request at its meeting on April 6, 2017, and, after due deliberation, it approved the forwarding of the waiver request to the full Board for its consideration.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby waives the requirement that BES carry an excess liability insurance policy for its general aggregate and auto liability insurance policies for the Phase 2 projects.

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

Action Items

**Resolution 2016-17: 184
Authorization to Release Construction Bid Documents – Dr. Freddie Thomas Learning Ctr.**

By Board Member Brown

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 Dr. Freddie Thomas Learning Center ("DFTLC") is one of the projects included in Phase 2b of the RSMP as provided in the Phase 2 Master Plan; and

WHEREAS, the Program Manager is working with DFTLC Architect and Construction Manager to prepare requests for bids for the Construction bidding documents package; and

WHEREAS, the Program Manager recommended to the MWBE and Services Procurement Committee (the "Committee") that the RJSCB authorize the release of the Construction bidding documents for the Phase 2b DFTLC project; and

WHEREAS, the Committee considered and discussed the Program Manager's recommendation at its April 6, 2017 meeting, and after due deliberation, the Committee approved the request to release the Construction bidding documents for the Phase 2b DFTLC project.

THEREFORE, BE IT RESOLVED:

1. The RJSCB, through its Program Manager, shall proceed with the issuance of a Request for Bids for the DFTLC Construction prime contract in order to maintain the overall project schedule contingent upon approval by the New York State Education Department;
2. 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; and
3. The MWBE and Services Procurement Committee, with the advice and recommendations of the Program Manager, is authorized on behalf of the RJSCB to review the bid responses and recommend to the RJSCB the lowest responsible bidder.

Second by Board Member Cruz

Approved 6-0 with Member Richards away

Resolution 2016-17: 185

Amendment #10 to Gilbane Building Company Phase 1 Program Manager Agreement

By Board Member Jones

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 selected Gilbane Building Company ("Program Manager") to provide program management services to the Board in June 2010 (Resolution 2009-10: 13) and thereafter the RJSCB and the Program Manager entered into the program manager agreement dated July 1, 2010 (the "Agreement") for Phase 1 of the Rochester Schools Modernization Program ("RSMP" or "Program"); and

WHEREAS, the Program Manager has provided a proposal related to extended staff and services needed during 2017 to provide for supervision and management of the Phase 1C project at School No. 50, which includes the demolition of the Maynard's building; and

WHEREAS, due to the initiation of the roofing replacement project as School No. 50 (including the demolition of the Maynard's building) and the extended administrative support for the School No. 50 project, including accounting, document control, change order management, and project closeout, the Program Manager has requested an amendment to the Agreement to extend its staff and services during 2017 in the not-to-exceed amount of \$95,065.00; and

WHEREAS, the RJSCB at its meeting on April 10, 2017 considered and discussed the Program Manager's request to amend the Agreement to extend the Program Manager's services during 2017 to provide for supervision and management of the Phase 1C project at School No. 50, and to increase the Program Manager's Agreement amount by the not-to-exceed amount of \$95,065.00, and after due deliberation, it approved the request to amend the Agreement.

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Agreement between the RJSCB and the Program Manager dated July 1, 2010 as set forth above is hereby approved, increasing the total amount of the Agreement by the not-to-exceed amount of \$95,065.00; and
2. The RJSCB's Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute an amendment to the Agreement that is consistent with this approval and in an acceptable form to the Chair upon the advice of the RJSCB's general counsel.

Second by Board Member Brown
Approved 6-0 with Member Richards away

Communications

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

- **Monroe 2a:** Schedule has been coordinated and integrated with remaining 1c activities. According to Pike (the CM), and verified by the Gilbane PM, construction is currently on schedule. A notice of claim was filed by an employee of Lloyd Mechanical due to a step ladder fall incident – Lloyd's insurance carrier, and other carriers were notified as well.
- **Monroe 2b:** Now that SHPO has been cleared, an early site demolition package is being prepared for review with SED that includes the demolition of the existing School 15 and the Cafeteria. SD estimate reconciled with the A/E and CM. The team is progressing into the DD phase.
- **East:** Reached partial consensus with University of Rochester (UoR) on final scope of work and a swing space location acceptable to UoR. Roofing work being designed for submission to NYSED by this Friday.
- **School 7:** Demolition and abatement work continuing and on schedule. NYDOL requested additional abatement that was not anticipated (CMU walls). Main project bid packages out to bid in parallel with SED review.
- **School 16:** Early Demolition and Abatement package approved by SED. Bids received and being recommended for award to second lowest bidder. Apparent lowest bidder withdrew bid to mathematical error and inability to meet the apprenticeship requirements.
- **School 1/15:** Presentation made this evening. BAC and User Group meetings ongoing, and the Tay House Lodge road discussed at the Committee meeting last Thursday. Early demolition and abatement and site package being prepared for SED submission this week.
- **SWW:** DD reviewed with RCSD Facilities. Construction Documents are being prepared for review with SED.
- **DFTLC:** Held initial discussions with the Board at last week's Committee meetings. Reviewed and discussed the District request for BCS (CIP) work to be addressed within the current 'make ready' project w/r/t replacement of the entire cooling plant (air cooled tower and chillers). Additional documentation was provided to the Board.
- **Edison:** Program Verification approved at last month's meeting. Schematic and Design Development have begun for an early site and roofing package.
- **Procurement Status:**
 - Phase 2 - Discussed release of bid package for Moving Services this Summer;
 - Phase 2b - Discussed release of RFPs for Materials Testing and Environmental/IAQ;
 - Phase 2b - Site Security interviews conducted. Firms shortlisted for final interview;
 - Phase 2c - Discussed release of RFP for CM services;
 - Phase 2c - Architects on Board for Design Services for Phase 2c projects. Kick-off meetings held.
- **BOP:** Second cycle of the Instructional Series (module added) began February 20, 2017 with five businesses participating. Graduates from the first Series making headways into the program (i.e. School 7 CM and 2c AEs).

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

Phase 1:

- 90.57% submissions for the February 2017 reporting period.
- 98.05% of all data requested has been received and approved (April 2011 through February 2017).
- Overall Workforce (EEO) Participation: Minority @ 22.82% (goal is 20%) and Women @ 7.40% (goal is 6.9%).
- Overall Business Participation: Minority @ 15.71% (goal is 15%), Women @ 7.41% (goal is 5%), Disadvantaged @ 2.33% (goal is 2%) and Small @ 3.75% (goal is 5%).
- Rochester Residents: 12 of the 39 workers for the February 2017 reporting period (or 30.77%). The average Rochester Resident workforce (construction) from inception (April 2011 through February 2017) is 27.41%.

Phase 2:

- 14 months of data have been collected and it predominately reflects the involvement of professional service firms during the planning of Phase 2 and the Business Opportunity Program (BOP).
- 96.52% of all data requested has been received and approved (January 2016 through February 2017).
- Overall Workforce (EEO) Participation: Minority @ 38.44% (goal is 22%) and Women @ 11.32% (goal is 8%).
- Overall Business Participation: Minority @ 42.07% (goal is 17%), Women @ 14.72% (goal is 10%), Disadvantaged @ 1.08% (goal is 3%) and Small @ 1.26% (goal is 3%).
- Rochester Residents: 35 of the 142 workers for the February 2017 reporting period (or 24.65%).

The Phase 1 Budge Report is included in the Member's packets and was reviewed at the Finance Committee Meeting April 6, 2017.

The Phase 2 Budge Report is included in the Member's packets and was reviewed at the Finance Committee Meeting April 6, 2017.

The M/WBE and Services Procurement Committee Report for April 6, 2017 is included in the Members packets.

The Finance Committee Report for April 6, 2017 is included in the Members packets.

Adjournment

Approved at 6:33 pm

Motion by Member Cruz
Second by Member Brown
Approved 6-0 with Member Richards away

Chairman Williams reconvened the meeting at 6:37 pm.

Action Items

**Resolution 2016-17: 186
Amendment #1 to Watts Architecture & Engineering – Dr. Freddie Thomas Learning Center (Phase 2b)**

By Board Member Brown

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

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

WHEREAS, the 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 architectural services, renovation and addition projects for Phase 2b Schools (Resolution 2015-16: 158); and

WHEREAS, the RJSCB approved the selection of Watts Architecture & Engineering, D.P.C. (“Watts”) as the Architect for the Dr. Freddie Thomas Learning Center (“DFTLC”) project in Phase 2a (Resolution 2016-17: 41); and

WHEREAS, the RJSCB entered into an agreement with Watts (Resolution 2016-17: 41) dated September 12, 2016, entitled Agreement Between Board and Architect (the “Agreement”); and

WHEREAS, following the execution of the Agreement, the Program Manager requested, and cost proposals were then obtained and reviewed, for additional services to produce an assessment to determine the scope, budget and schedule for an expedited replacement of the chiller system at DFTLC within two to four weeks of Board’s authorization to proceed; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB that Watts’ Agreement should be amended to add this additional scope item in the total amount of \$16,398.00 to Exhibit I of the Agreement and that this amount shall be treated as a not-to-exceed allowance under Section 11.1.1 of the Agreement and that the assessment shall be delivered within two to four weeks of the Board’s authorization to proceed; and

WHEREAS, the RJSCB considered and discussed the Program Manager’s recommendation at its April 10, 2017 meeting, and after due deliberation, it approved the request to authorize the assessment and amend the Watts Agreement accordingly.

THEREFORE, BE IT RESOLVED:

1. The proposed amendment to the Watts Agreement between Board and Architect dated September 12, 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 an amendment to the Watts 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 Schmidt

Approved 6-0 with Member Richards away

Resolution 2016-17: 187

Change Orders #1 through #4 to Fibertech Environmental - School 7 Abatement/Demolition (Phase 2a)

By Board Member Jones

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 Asbestos Abatement and Demolition contract to Fibertech Environmental Services ("Fibertech") for the Virgil I. Grissom School No. 7 ("School 7") project at its regular meeting on January 17, 2017 (Resolution 2016-17: 109); and

WHEREAS, the RJSCB subsequently entered into a contract with Fibertech (Resolution 2016-17: 109) dated January 17, 2017 (the "Contract"), to perform the scope of services defined in the contract documents as the Asbestos Abatement and Demolition Contractor's scope of work; and

WHEREAS, following the execution of the Contract, Fibertech, 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 #1 includes the following item:

- | | |
|--|--------|
| 1. Time extension as a result of the weather | \$0.00 |
| The total amount of Change Order #1 is \$0.00; and | |

WHEREAS, Change Order #2 includes the following item:

- | | |
|---|------------|
| 1. Additional abatement and demolition of walls systems containing asbestos (including credit for tile removal) - RFI #14 | \$4,129.00 |
| The total amount of Change Order #2 is \$4,129.00; and | |

WHEREAS, Change Order #3 includes the following item:

- | | |
|---|-------------|
| 1. Additional abatement and demolition of walls systems containing asbestos (including credit for tile removal) - RFI #13 | \$12,450.00 |
| The total amount of Change Order #3 is \$12,450.00; and | |

WHEREAS, Change Order #4 includes the following item:

- | | |
|---|--------------|
| 1. Additional abatement and demolition of walls systems containing asbestos (including credit for tile removal) - RFI #15 | \$103,053.00 |
| The total amount of Change Order #4 is \$103,053.00; 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 be increased by ten (10) work days for this additional work; and

WHEREAS, the Program Manager thereafter recommended to the RJSCB that Fibertech's Contract should be amended to add these scope items for a total net increase in the Contract Sum of \$123,000.00 and an extension of the Contract Time of ten (10) work days; and

WHEREAS, the Board considered and discussed the Program Manager's recommendation at its April 10, 2017 meeting and after due deliberation, it approved the request to amend the Contract.

THEREFORE, BE IT RESOLVED:

1. The proposed Change Order to Fibertech Environmental Services' Contract between the Board and Contractor dated January 17, 2017 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 Change Orders 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 Cruz
Approved 6-0 with Member Richards away

Resolution 2016-17: 188
Withdrawal of Bid – Asbestos Abatement and Demolition – School 16 (Phase 2a Project)

By Board Member Brown

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 District’s Board of Education (“BOE”) has approved the comprehensive Master Plan for Phase 2 (BOE Resolution 2015-16: 630); and

WHEREAS, the Superintendent has identified and confirmed the projects for Phase 2 of the RSMP for which the RSJCB has started design and planning work in advance of the New York State Education Department and New York State Comptroller’s approval of the comprehensive Master Plan for Phase 2; and

WHEREAS, the John Walton Spencer School No. 16 (“School 16”) is one of the projects included in Phase 2a of the RSMP as provided in the Phase 2 Master Plan; and

WHEREAS, the RJSCB authorized the release of the asbestos abatement and demolition package for School 16 at its regular meeting on February 6, 2017 (Resolution 2016-17: 138); and

WHEREAS, the Program Manager received four bids on March 20, 2017 per the deadline stipulated in the Request for Bids for the asbestos abatement and demolition package for School 16, and those bids were subsequently publicly opened and read aloud at the location stated in the Request for Bids; and

WHEREAS, on March 21, 2017, the apparent low bidder, NRC Environmental Services (“NRC”), advised the Program Manager and Construction Manager that, due to a clerical error, it had submitted a mistaken bid and could not meet the requirements of the Phase 2 Diversity Plan, and therefore requested permission to withdraw its bid without penalty; and

WHEREAS, the Program Manager, Construction Manager and ICO determined that NRC’s bid did not meet the diversity and apprenticeship requirements of the Contract Documents and, as such, was non-responsive; and

WHEREAS, it was subsequently determined that the second lowest bidder, Mark Cerrone, Inc., was the lowest responsive and responsible bidder that is qualified and capable to perform the scope of work package for the Phase 2a School 16 asbestos abatement and demolition project; and

WHEREAS, under the applicable provisions of the General Municipal Law, a bidder can withdraw a bid containing an excusable mistake as defined therein; and

WHEREAS, at the RJSCB meeting held on April 10, 2017, based upon the recommendation of the Board’s general counsel, and after due deliberation by the RJSCB, the RJSCB approved NRC’s request to withdraw its bid without penalty based upon an excusable mistake and the non-responsiveness of the bid.

THEREFORE, BE IT RESOLVED:

1. The RJSCB hereby approves NRC’s request to withdraw its bid without penalty due to an excusable mistake, as well as the non-responsiveness of its bid.

**Second by Board Member Cruz
Approved 6-0 with Member Richards away**

Adjournment

Approved at 6:39 pm

Motion by Member Cruz

Second by Member Brown

Approved 5-0 with Members Jones and Richards away